



# Albemarle County

## Legislation Text

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**File #:** 18-588, **Version:** 1

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**AGENDA DATE:** 12/5/2018

**TITLE:**

ACSA201800002, Christian Aid Mission Request for Sewer Service, Public Hearing

**SUBJECT/PROPOSAL/REQUEST:** Public hearing to consider request for public sewer service to serve Christian Aid Mission Parcel on TMP 059000000023G1 located in the Samuel Miller Magisterial District.

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Graham, Benish

**PRESENTER (S):** David Benish

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** The applicant is requesting ACSA Jurisdictional Area designation for sewer service to a 12+ acre parcel. The parcel is located on the north side of Ivy Road (Rt. 250 West). Broomley Road is located on the east side of the parcel, CSX Railroad is located to the north, and Charlottesville Volvo and the Korean Community Church are on the east side of parcel. The parcel is designated Rural Area in the County's Comprehensive Plan and is located in the South Fork Rivanna River Reservoir water supply watershed. The property is zoned CO, Commercial Office and has been zoned and developed commercially since the early 1970s. The property is designated in the ACSA Jurisdictional Area for Water Service Only and is connected to public water (Attachment A).

The applicant's request (Attachment B) describes the development and uses on the parcel, and includes conditions related to the septic system. In summary, the site contains the following:

- the "office buildings" which now house the Canaan Christian Church and Koinonia Christian Church;
- a guest house that can accommodate up to 26 overnight guests;
- a building which now houses a private school (Regents School); and
- a garage building with one apartment unit.

The site is served by Four (4) septic and drainfield systems. The Virginia Department of Health (VDH) has determined that one of the three systems is failing (Attachment C). VDH has also determined that there is insufficient area on the property for a replacement drainfield due to a combination of the level of development (buildings and parking), the presence of steep slopes, and the recent deposit of soil/fill material on the property from the Broomley Road bridge replacement project. VDH has determined that the second septic system appears to be operating properly; however, its associated drainfield is located under a parking area, which is not a desirable location for a drainfield and can affect the lifespan of the system. The third system shows early signs of failing, with indications that some drainfield lines may not be accepting water. The fourth system serves the building containing the private school and is functioning adequately.

**STRATEGIC PLAN:** Infrastructure Investment. Prioritize, plan and invest in critical infrastructure that responds to past and future changes and improves the capacity to serve community needs.

**DISCUSSION:** The Community Facilities chapter of the Comprehensive Plan includes Strategy 9a regarding the provision of public water and sewer service, which states: "Continue to provide public water and sewer in jurisdictional areas." The explanatory text following Strategy 9a is provided below, and the specific criteria for the provision of public water or sewer service to the designated Rural Area is underlined.

"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.... 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."

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 will strain limited water resources and capacity and may be catalyst for growth inconsistent with the recommendations of the Comprehensive Plan.

**Health/Safety** - Based on information provided by the applicant and VDH, staff opinion is that this request meets the health and safety criteria of the policy. There is a failing septic system, and one beginning to show signs of failing. There does not appear to be viable private, on-site solution. No replacement drainfield area is available on the property. An alternative central system would likely be designed to have surface water discharge to a nearby stream, which is in a reservoir water supply watershed. The central system would need to be privately maintained and operated. The County Comprehensive Plan also discourages the use of central utility systems in the Rural Area and should be used only in "cases where use of central water or sewer systems can solve the potable water and/or public health or safety problems of existing residences. Private central water and/or private central sewer systems should be approved only after all other alternatives have been exhausted. (P.12.32)."

**Adjacency of Existing Sewer Line** - Regarding the criteria for adjacency to an existing line, the nearest ACSA gravity sewer main terminates at a manhole adjacent to Rt. 250 West at the entrance of Kirtley Lane and adjacent to the Volvo dealership, which is approximately 600 feet from the Christian Aid Mission parcel. Gravity sewer will not flow from the Christian Aid Mission property to this ACSA sewer line. This connection would require a private grinder pump to reach this public manhole and off-site easements would also be required. The adjacent Volvo dealership has connected similarly at the same location. Gravity service is preferred over pumped lines because of: 1) the greater potential for pump systems to fail due to power outages and breakdowns, and; 2) the higher level of maintenance necessary for a pumped system over the long-term life of the facility; this would be a private line and the responsibility for maintenance would be the property owner's. In 2008, the Board amended the then ASCA Jurisdictional Area conditional sewer service designation requiring the warehouse building site behind the Long Term Acute Care Hospital building (current site of the Ivy County Fire-Rescue Station) be served by gravity sewer. That amendment was approved because installing the pumped sewer line would prevent the loss of approximately 30 trees, mostly mature white pines, along the Northridge parking lot. These trees would have been removed with the installation of a gravity line.

The County has not established a specific standard for adjacency in applying this policy. In most circumstances where service is granted, the utility lines are adjacent to or on the property in question, located

on the adjacent parcel, or across the street from the property in question. There have been exceptions, including the approval of sewer service to the Café No Problem/the Galleria Restaurant site at the intersection of Rt. 250 and Three Notched Road (Rt. 240) east of Crozet, the provision of sewer service to the Whittington development on Old Lynchburg Road, and the provision of water service to the Key West Subdivision, where the distances from existing lines exceeded the distance in this request. This policy has been applied on a case-by-case basis based on the circumstances of each case.

Staff opinion regarding this request is that the best method of providing sewer service to this site to address the immediate and long term public health issues and minimize potential environmental impacts to the water supply watershed is to provide public sewer to this site.

**Level of Service Provided** - Generally, when properties located in the Rural Area are added to the ACSA Jurisdictional Area, the service provided to those properties is limited to the existing structures or uses consistent with the land use recommendations of the Comprehensive Plan. In this immediate area there is a mix of service designations. In 1984, the Board of Supervisors granted water service and conditional sewer service to parcels to the east of this site, including the properties containing the Long Term Acute Health Care, Northridge, and Moeser building sites (Tax Map 59, Parcels 23B, 23C, 23C1, and 23D), provided those sites could be served by gravity sewer. This action preceded the current policy, which was established in 1989. The adjacent Volvo dealership site was granted full sewer service in 2012. The allowance of a full service designation was based on the relatively small size of the parcel (2 acres) and the existing level of development of the site (almost fully developed with a highway oriented retail use). The Christian Aid Mission parcel is a 12+ acre parcel and has greater potential to develop more intensively under the CO, Commercial zoning. That development would be inconsistent with the recommendations of the Comprehensive Plan.

Staff recommends that the sewer service be *limited to the existing structures, except places of worship, a private school, and other uses permitted in the Rural Areas (RA) zoning district may be located in new buildings and served by public sewer*. This designation would not limit the existing uses on-site to the existing structures. New buildings containing these uses could be constructed on-site and served by public sewer. Other uses consistent with the RA zoning district could be allowed within those parcels, if the existing church and/or school use ceases, and vacates the buildings/site. This limitation would be consistent with County policies and practices and the Comprehensive Plan land use recommendations for this area, but would allow greater flexibility for existing uses to stay and expand on the site.

**BUDGET IMPACT:** If this request is approved, there will be no budget impact to the County. The property owner will bear the cost of the water connection.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the request.

**ATTACHMENTS:**

Attachment A: Map, Location, ACSA JA Designations & Comprehensive Plan Areas

Attachment B: Applicant's Request

Attachment C: VDH Denial Letter

Attachment D: Resolution