

ATTACHMENT C

STAFF ANALYSIS

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BOARD OF SUPERVISORS:

May 6, 2026

PROJECT:

SE-2026-00001 – Iglesia del Dios Pentecostal Fuente de Salvación

PARCEL ID:

04700-00-00-00100

SE-2026-00001 – Iglesia del Dios Pentecostal Fuente de Salvación

Critical Slopes Special Exception

PROPOSAL

The applicant is requesting a special exception to allow the disturbance of approximately 0.326 acres (14,201 square feet) of critical slopes (slopes greater than 25%) in association with the establishment of a religious assembly use with assembly of not more than 200 persons. The applicant's request and proposed plans are provided in Attachment A. Also associated with this application is a request (ACSA-2026-00001) to amend the Albemarle County Service Authority Jurisdictional Area (ACSAJA) to allow water and sewer service to the religious assembly use.

Religious assembly uses in the Rural Areas (RA) zoning district of less than 200 persons are allowed by-right and no site development plan is required for those uses. However, they are subject to Water Protection Ordinance requirements and the supplemental regulations in County Code § 18-5.1.64. Those regulations require structures for the use to meet Rural Area primary structure setbacks of 75' from the front property line with Proffitt Road and Laurel Cove Road, and 25' side setbacks. Parking areas are subject to an increased setback of 125' to all property lines not under the same ownership. The resulting building envelope to satisfy the minimum parking setbacks is illustrated on the applicant's concept plan. (Attachment A).

CHARACTER OF THE AREA

The subject property is approximately 7.367 acres with an existing private residence and accessory structures to remain. The property is located on the east side of Proffitt Road across from Baker-Butler Elementary School and a 29-lot residential subdivision named Chesterfield. The property is zoned Rural Areas and located in the Rural Area of the Comprehensive Plan. The property generally slopes towards the south and east property lines and portions of the property contain mature wooded areas. The property contains fragmented critical slopes (slopes of 25% or greater) across the majority of the property. There are no stream buffers or flood plain located on the property. However, at the southern end of the property are two spring boxes upstream of a required stream buffer on properties located to the south. (Attachment B-Location Map).

BACKGROUND

Staff visited the subject property on March 9, 2026, and observed approximately one acre of recently cleared area in the vicinity of the proposed building for religious assembly. This area contained mature trees and areas of critical slopes. A stop-work order was issued to the property owner on March 12, 2026. The property owner installed stabilization measures to the cleared area while their application for a critical slope waiver continues to be processed.

ANALYSIS OF SPECIAL EXCEPTION REQUEST

County Code § 18-4.2.5(a) allows for the disturbance of critical slopes only if the findings in subsection (a)(3) are made. The procedure and criteria for evaluation of the special exception are contained in County Code § 18-4.2.5(a) and the findings of the County Engineer have been incorporated. The following is staff's analysis (indented) in response to each ordinance requirement (*in italics*):

1. Request. A developer or subdivider requesting a modification or waiver shall file a written request in accordance with [section 32.3.5](#) 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,

The applicant's request (Attachment A) contains all explanations required by [County Code § 18-4.2.5\(a\)\(1\)](#). The site does not contain a building envelope outside of critical slopes that would satisfy the 125' parking setback requirements of County Code § 18-5.1.64.

2. Consideration of recommendation; determination by county engineer. In reviewing a request for a modification or waiver, the Board of Supervisors 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 Board of Supervisors 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.

The parcel is not within the Flood Hazard Overlay District or a water supply protection area but as noted the site contains spring boxes and critical slopes connected to a larger system of slopes within a stream buffer on nearby properties to the south. The County Engineer has reviewed the proposal to evaluate the potential for soil erosion, sedimentation and water pollution associated with disturbing slopes greater than 25 percent.

Completely avoiding impacts to these critical slopes would make the project infeasible, and any disturbance inherently carries more risk than leaving the slopes undisturbed. Therefore, if the project is approved, staff recommends that the applicant implement enhanced erosion and sediment control measures at a level 50% above standard requirements. This could include increasing the storage volume of sediment traps or basins by 50 percent and using super silt fence in place of standard silt fence around the project perimeter. Staff believes that, with these enhanced measures in place, the

resulting impacts can be effectively mitigated and risk to downstream properties can be reduced. The applicant would be required to submit and obtain approval of a Water Protection Ordinance application (also known as an Erosion and Stormwater Management application), when this condition could be verified. Engineering staff will verify the application complies with the current provisions of the Commonwealth of Virginia Erosion and Stormwater Management Handbook and Chapter 17, Water Protection Ordinance, of the County Code, and that it includes the enhanced measures.

3. *Findings. The Board of Supervisors may grant a modification or waiver under this subsection (a) 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;*

Planning Staff and the County Engineer have reviewed the purposes of “this chapter” (the Zoning Ordinance) contained in Albemarle County Code § 18-1.4. The application meets this criterion for granting a modification or waiver. Section 4.2.5(4) authorizes the Board to impose conditions deemed necessary to protect the public health, safety or welfare and to insure that the development will be consistent with the intent and purposes of [Section 4.2](#).

With the recommended conditions, the application of the regulations limiting disturbance of critical slopes does not conflict with the purposes stated in the ordinance and would not cause harm to public health, safety, or welfare.

This project would require VESMP (erosion and stormwater management) permitting and bonding. County inspections and bonding would ensure that siltation is controlled during construction. Post construction, the areas would be stabilized and stormwater management systems would be installed and required to be maintained. This project is not located within a reservoir watershed.

The proposed use is exempt from a site plan, but the condition to submit a landscape plan will ensure the areas previously cleared and the post-developed site overall promotes public health, safety, and 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;*

The project would meet all requirements of State and local regulations for the disturbance of soils. These provisions would satisfy the intent and purpose of the ordinance to at least an equivalent degree, according to the County Engineer. The application meets this criterion for granting a modification or waiver as presented by comparison of the narrative exhibits C, D, E.

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

A strict application of the regulations would not prevent the use of the property, which contains an existing single-family residence. The application does not meet this criterion for granting a modification or waiver. However, staff believe that prohibiting the disturbance of critical slopes as presented would prohibit the construction of the proposed use.

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.

Approving the waiver allows the proposal to meet increased setback requirements to adjacent residential areas, as required by the increased 125' parking setback in the ordinance. The application meets this criterion for granting a modification or waiver.

RECOMMENDATION:

Staff finds that the applicant's proposed disturbance of critical slopes meets several of the criteria set forth in County Code §18-4.2.5(a)(3), allowing the Board to grant a modification or waiver. Based on the analysis of the request, staff recommends approval of the request to disturb critical slopes in general accord with the applicant's plan submitted with Attachment A, subject to the following conditions:

1. The critical slopes disturbance must be in general accord with the "Conceptual Site Plan, Exhibit C" prepared by Waterstreet Studios, dated March 30, 2026, except as may be modified in order to meet the requirements of the County's Water Protection Ordinance, as determined by the County Engineer.
2. The VESMP plan must provide erosion and sediment control measures that exceed State standards by at least 50%, to the satisfaction of the County Engineer.
3. Prior to approval of the VESMP (erosion and stormwater management) plan, the applicant must obtain approval for a landscape plan that complies with County Code §18-32.7.9.