



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Proposal: ZTA 202300008 Grading Standards and Steep Slope Overlay District	Staff: William D. Fritz, AICP
Planning Commission Public Hearing: April 23, 2024	Board of Supervisors Hearing: Not Scheduled
Proposal: Change the permitted retaining wall height in the steep slopes overlay district from six feet to ten feet to match the permitted retaining wall height in all areas outside of the steep slopes overlay district. Include a provision to allow the Board of Supervisors to grant a special exception to allow retaining wall heights above 10 feet and to establish review standards for the review of any special exception.	
Factors Favorable: 1. The proposed amendments establish a single standard for retaining wall design. 2. Including a provision for a special exception will allow for the more efficient provision of public services.	Factors Unfavorable: None identified.
RECOMMENDATIONS: Staff recommends approval of the proposed amendments.	

STAFF CONTACT: William D. Fritz, AICP
PLANNING COMMISSION: April 23, 2024
BOARD OF SUPERVISORS: Not scheduled.

PROPOSAL:

Change the permitted retaining wall height in the steep slopes overlay district from six feet to ten feet to match the permitted retaining wall height in areas outside of the steep slopes overlay district. Include a provision to allow the Board of Supervisors to grant a special exception to allow retaining wall heights above ten feet and to establish review standards for the review of any special exception.

PUBLIC PURPOSE TO BE SERVED:

The current ordinance limits retaining wall height in the steep slopes overlay district to six feet and to ten feet in all areas outside of the steep slopes overlay district. The proposed revision to increase permitted retaining wall heights from six to ten feet in the steep slopes overlay district establishes a single retaining wall height in all portions of the County. This reduces confusion and establishes a single design standard.

The current ordinance has no provision for increasing retaining wall heights. The inclusion of a special exception provision, with review standards, will allow public projects to be constructed in a manner that serves the public in a more effective and efficient manner.

BACKGROUND:

The regulations for retaining walls in the steep slopes overlay district were adopted in 2014. The regulations for retaining walls County wide (outside of the steep slopes overlay district) were adopted in 2020. During the 2020 revisions the retaining wall heights were purposefully not coordinated. At the time the focus was on establishing grading standards and wall heights for activity outside of the steep slopes overlay district. A wall height of six feet was established in the steep slopes overlay district based on aesthetics. A wall height of ten feet was established outside of the steep slopes overlay district because it was consistent with sound engineering and design principles and allowed for efficient use of land. No provision was established anywhere in the ordinance that permits a modification of retaining wall height.

ANALYSIS OF THE PROPOSED ZONING TEXT AMENDMENT

Zoning Ordinance section 33.6(B) establishes factors to be reasonably considered by the Planning Commission and Board of Supervisors in the review of ZTAs. Each factor is reviewed below:

(i) the existing use and character of property

The proposed ordinance includes review criteria for a special exception. The review of a special exception will consider the use and character of the property. The change in the permitted wall height in the steep slopes overlay district is consistent with sound engineering principles.

(ii) the comprehensive plan

The existing design standards, including the ten foot wall standard outside of the steep slopes overlay district were adopted in part to address this provision of the comprehensive plan.

Chapter 4 – Natural Resources:

Objective 1: Ensure clean and abundant water resources for public health, business, healthy ecosystems, and personal enjoyment by preventing shortages and contamination.

An increase in the permitted wall height in the Steep Slopes Overlay District is consistent with this provision. During the review of any special exception the impact on natural resources can be evaluated. On a case-by-case review, approval of special exceptions may serve to protect natural resources.

(iii) the suitability of property for various uses

Inclusion of a provision for a special exception will allow for consideration of the suitability of property for the specific use proposed. Evaluation of the impacts of granting, or not granting, the special exception may be considered. Increasing the permitted wall height in the steep slopes overlay district does not represent an adverse impact on the resources in the steep slopes overlay district.

(iv) the trends of growth or change

Providing a single retaining wall height in all areas of the County serves to ease design standards slightly, which permits more efficient use of the development areas. Allowing for a special exception allows for public projects that serve the community to be installed more effectively.

(v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies

The special exception provision allows for consideration of the requirements of the community to be considered. Increasing the permitted wall height in the steep slopes overlay district allows for more efficient use of the development areas.

(vi) the transportation requirements of the community

The review criteria for a special exception are designed to consider the need to provide public transportation improvements. Current regulations do not allow for increased wall heights. Due to the linear nature of transportation improvements compliance with the wall heights may require realignment of the transportation improvement or increased acquisition of right of way or easements. This redesign may reduce the effectiveness of the transportation improvement or substantially increase the cost of the improvement.

(vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services

Like transportation improvements these improvements may be limited to specific areas or linear corridors. The ability to grant special exceptions may serve to facilitate the provision of these services.

(viii) the conservation of natural resources

The review of special exceptions will consider the impact on natural resources. By allowing special exceptions natural resources may be protected by allowing increased wall heights. Increased wall heights in the steep slopes overlay district may serve to reduce the number of walls required for development.

(ix) the preservation of flood plains

Retaining walls are not commonly found within flood plains. No impact on flood plains is expected.

(x) the protection of life and property from impounding structure failures

No impact on impounding structures is expected.

(xi) the preservation of agricultural and forestal land

Retaining walls are not typically associated with agricultural or forestal land. No impact on these resources is expected.

(xii) the conservation of properties and their values

The review of special exceptions to increase retaining wall heights may take into consideration the impact on properties and their values. Increasing the permitted wall height in the steep slopes overlay district does not impact property values negatively.

(xiii) the encouragement of the most appropriate use of land throughout the County

Special exceptions by their very nature are intended to be approved when they permit the most appropriate use of land compared to complying with requirements of the ordinance. Increasing the permitted wall height in the steep slopes overlay district may permit increased use of development area land. This increase is achieved by potentially eliminating land area consumption needed for stair stepping required by a limitation of a six foot wall.

(xiv) equity

The proposed amendments provide for a common wall height throughout the County. Inclusion of a special exception provision will allow for modifications to be approved if the modification is in the public interest.

Strategic Plan:

Infrastructure & Placemaking - Invest in infrastructure and amenities that create connection, opportunity, and well-being.

This ordinance will be reviewed by the three (3) criteria previously established by the Board for amendments:

Administration/Review Process:

Establishing a single wall height throughout the County slightly eases the administration of the ordinance. The ordinance does create an option for requesting a special exception. These requests will require review.

Housing Affordability:

This ordinance does not impact housing affordability.

Implications to Staffing/Staffing Costs:

No change in staffing or staffing costs are anticipated with this amendment.

SUMMARY

Staff finds the following factors favorable to this request:

1. The proposed amendments establish a single standard for retaining wall design.
2. Including a provision for a special exception will allow for the more efficient provision of public services.

Staff finds the following factors unfavorable to this request:

No unfavorable factors have been identified.

ATTACHMENT

Attach 1 – [ZTA2023-08 Grading Standards Steep Slopes Overlay District - Proposed Ordinance](#)