

AN ORDINANCE TO AMEND CHAPTER 14 ("WATER AND SEWER") OF THE GOOCHLAND COUNTY CODE TO AMEND ARTICLE III ("SEWAGE DISPOSAL SYSTEMS"), SECTION 14-132 ("LOCATION AND CONSTRUCTION OF SEWAGE DISPOSAL SYSTEM"), SECTION 14-133 ("MAINTENANCE OF SEWAGE DISPOSAL SYSTEM; PUMP-OUT REQUIREMENT") SECTION 14-183 ("PROMULGATION OF RULES AND REGULATIONS; PROCEDURE FOR CORRECTION OF DEFECTS AND VIOLATION; VIOLATION OF ORDERS, ETC."), SECTION 14-191.1 ("RESERVE DRAINFIELD"), SECTION 14-196 ("SAME - LOCATION"), SECTION 14-202 ("SAME - MINIMUM SEEPAGE AREA; PERCOLATION TEST"), AND TO ADOPT DIVISION 5.1 ("PRIVATE ALTERNATIVE ONSITE SEWAGE SYSTEMS"), TO INCORPORATE PROVISIONS RELATING TO THE USE OF ALTERNATIVE ONSITE SEWAGE SYSTEMS.

Board of Supervisors
Goochland County, Virginia

WHEREAS, the Board of Supervisors of Goochland County, Virginia ("Board") has the authority to adopt, in its discretion, ordinances which parallel State Codes relating to installation, regulation and inspection of alternative onsite sewage systems, pursuant to Code of Virginia § 15.2-2157(A), and has the authority to establish a uniform schedule of civil penalties for violation of such provisions, pursuant to Code of Virginia § 15.2-2157(B); and

WHEREAS, the Board has recognized a need for amending the Goochland County Code to allow for the installation of alternative onsite sewage systems on a limited basis, where an existing individual septic tank system has failed or where an existing lot can not be developed using a conventional onsite septic tank system; and

WHEREAS, the Board of Supervisors does not wish to extend the option to any new lots created by subdivision after the date of adoption of this amendment; and

WHEREAS, the Board of Supervisors has extensively researched and evaluated the advantages and dangers of using alternative onsite sewage systems; and

WHEREAS, a copy of this ordinance has been available for review by the public at the County Administration building, as required by law; and

WHEREAS, this amendment of the Goochland County Code is required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Virginia Code §15.2-2286(A)(7); and

WHEREAS, this ordinance has been duly advertised and a public hearing thereon has been held.

NOW THEREFORE, BE IT ORDAINED, that the Goochland County Code is hereby amended as follows:

1. **Chapter 14 is amended as provided in the attachment.**
2. **This amendment shall be effective immediately upon the adoption of the amendment by the Board of Supervisors of Goochland County.**
3. **Except as amended herein, all chapters, articles, sections, paragraphs and provisions of the Goochland County Code are readopted in their entirety as if set forth herein.**

Approved this _____ day of _____, 2007.

Ayes:

Nays:

Abstentions:

Absent:

BOARD OF SUPERVISORS OF
GOOCHLAND COUNTY, VIRGINIA

A copy teste:

By: _____
Gregory K. Wolfrey, Clerk

CHAPTER 14. WATER AND SEWERS.

ARTICLE III. SEWAGE DISPOSAL SYSTEMS.

DIVISION 1. GENERALLY.

Sec. 14-132. Location and construction of sewage disposal system.

Any approved method of disposal of human excrement shall be located and constructed so that it will not endanger a source of drinking water or be accessible to flies, other insects or animals.

Sec. 14-133. Maintenance of sewage disposal system; pump-out requirement.

It shall be unlawful for any owner, tenant or lessee of premises supplied with a sanitary privy, flush toilet or other approved device for the disposal of human excrement to allow it or cause it to be unsanitary. All private sewage disposal systems, and septic tank systems and alternative onsite sewage systems, shall be pumped out at least once every five (5) years, and records evidencing each pump-out shall be maintained by the owner of the premises. In addition, alternative onsite sewage systems shall have all manufacturer's recommended maintenance performed a minimum of twice per year, and records of such maintenance retained by the owner of the premises, per Sec. 14-208.3(c) of this article.

DIVISION 4. PRIVATE SYSTEMS GENERALLY.

Sec. 14-183. Promulgation of rules and regulations; procedure for correction of defects and violations; violation of orders, etc.

(a) The director of health shall establish all necessary rules, regulations, procedures and specifications for the administration of Divisions 4 through 6 of this article and the protection of the health, safety and welfare of the public.

(b) If, upon investigation, the director of health or his authorized agent shall find any violation or apparent violation of such divisions or the provisions of the permit issued under such divisions or that any septic tank system, alternative onsite sewage system, privy, closet, toilet, drainage system or any part thereof be found detrimental to life or health, the director of health shall issue ~~an~~ a notice of apparent violation or order directing the owner or occupant to abate, remove, suspend, alter, improve or otherwise correct the condition or violation as specified in his the notice or order. A copy of each such notice or order shall be provided to the Goochland County Department of Community Development.

DIVISION 5. SANITARY SEPTIC TANK SYSTEMS.

Sec. 14-191.1. Reserve drainfield.

A reserve sewage disposal site with capacity equal to or greater than the primary drainfield must be provided wholly on each lot or parcel for new construction. The reserve sewage disposal site requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the health department determines the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site. Building shall be prohibited on the area of all primary and reserved sewage disposal sites until the structure is served by public sewer or an on-site sewage treatment system which operates under a permit issued by the Virginia Department of Environmental Quality.

Sec. 14-196. Same [Specifications - Generally]—Location.

...

(c) The lot size shall be sufficient to permit proper location, installation and operation of the system, and in no case will the lot be less than twenty-five thousand (25,000) square feet in area if a well and septic tank are required or eighteen thousand (18,000) square feet if a public or central water supply is available and connection thereto is made; ~~provided that, where a lot of record on April 1, 1959, has less area than prescribed above and the owner of such lot does not own any other lot, parcel or tract adjacent thereto or where a lot is part of an officially or tentatively approved or recorded subdivision, the minimum lot areas prescribed above shall be reduced to fifteen thousand (15,000) and eleven thousand (11,000) square feet, respectively.~~

Sec. 14-202. Same--Minimum seepage area; percolation test.

...

(f) A percolation rate of ~~sixty (60)~~ one hundred twenty (120) minutes per inch or more is unsuitable for a conventional septic tank system. A specially designed system may be permitted, if feasible, subject to the approval of the state department of health ~~or any other agency whose approval is required,~~ and subject to all applicable requirements of the county. Provisions for such systems are specified in Division 5.1 (Alternative Onsite Sewage Systems). Special design shall not be construed to mean increased size of septic tank or drainfield.

DIVISION 5.1. PRIVATE ALTERNATIVE ONSITE SEWAGE SYSTEMS.

Sec. 14-208. Generally; definitions.

(a) In general, alternative onsite sewage systems (AOSS) and alternative discharging sewage systems (ADSS) are not permitted within the county. However, if special circumstances meet the restrictive criteria set forth within the sections of this division, AOSS systems may be allowed and must comply with (i) all applicable Virginia Department of Health regulations, (ii) provisions set forth in §§ 14-133, 14-191, 14-191.1, 14-193, 14-194, 14-195, 14-197, 14-198, 14-200 and 14-202, to the extent they may be made applicable, with appropriate adjustments for design features that differ from those of a sanitary septic tank system, (iii) provisions set forth in this division, and (iv) any other applicable requirements of the State and county laws.

(b) Definitions. For the purposes of this division, the following terms shall have the meanings prescribed:

1. Alternative discharging sewage system: any device or system which results in a point source discharge of treated sewage for which the Virginia Board of Health may issue a permit authorizing construction and operation when such system is regulated by the State Water Control Board pursuant to a general Virginia Pollutant Discharge Elimination System permit issued for an individual single family dwelling with flows less than or equal to 1,000 gallons per day.

2. Alternative onsite sewage system or alternative onsite system: an individual sewage treatment works that is not a conventional onsite sewage system and does not result in a point source discharge.

3. Conventional onsite sewage system or sanitary septic tank system: an individual sewage treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

4. Maintenance: performing adjustments to equipment and controls and in-kind replacement of normal wear and tear parts such as light bulbs, fuses, filters, pumps, motors, or other like components. Maintenance includes pumping the tanks or cleaning the building sewer on a periodic basis. Maintenance shall not include replacement of tanks, drainfield piping, distribution boxes, or work requiring a construction permit and installer.

5. Operator: any individual employed or contracted by any owner, who is licensed or certified under Va. Code § 54.1-2300 et seq. (Chapter 23 of Title 54.1) as being qualified to operate, monitor, and maintain an alternative onsite sewage system.

6. Sewage: water-carried and non-water-carried human excrement, kitchen, laundry, shower, bath or lavatory wastes, separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

7. Sewerage system: pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

8. Subsurface drainfield: a system installed within the soil and designed to accommodate treated sewage from a treatment works.

9. Treatment works: any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment.

Sec. 14-208.1. Location.

(a) Alternative onsite sewage systems are permitted only in the zoning districts that permit sanitary septic tank systems and must meet all county zoning and subdivision requirements.

(b) Alternative onsite sewage systems are not permitted on lots created by subdivision plat after the date of adoption of this ordinance.

(c) Alternative onsite sewage systems must comply with all Virginia Department of Health (VDH) regulations regarding site location of such systems.

(d) Alternative onsite sewage systems must comply with the requirements for individual septic systems, in regard to location, as set forth in Article III, Division 5 (Sanitary Septic Tank Systems) of this Chapter, and must comply with the requirements for individual septic systems, in regard to lot size and dimensions, as set forth in Appendix A – Zoning of the Goochland County Code.

Sec. 14-208.2. Preconditions.

(a) An alternative onsite sewage system may be permitted as a replacement in situations where an existing conventional sanitary septic tank system has failed or is malfunctioning to the extent that it is a health hazard, and the sanitary septic tank system cannot be repaired or remedied, and no replacement onsite sewage septic system is possible on an alternative drainfield site or otherwise.

(b) An alternative onsite sewage system may be permitted for a lot existing as of the date of adoption of this ordinance, if a conventional sanitary septic tank system is not possible, and the criteria of Sec. 14-208.1 are met. If all applicable requirements are met, § 14-191.1 of this chapter will apply to the extent possible.

Sec. 14-208.3. Conditions.

The following conditions must be met in addition to the provisions detailed by the State Health Department in Va. Code §§ 10.1-2117, 15.2-2157, 32.1-163, 32.1-164, 54.1-300, 54.1-2300, 54.1-2301 and 54.1-2302:

(a) Only alternative onsite sewage system designs using subsurface drainfields are permitted in the county. Above-grade discharge designs are not permitted.

(b) Only alternative onsite sewage systems that have been fully or permanently approved by the State Health Department are permitted in the county. Systems with pending or provisional State Health Department approvals are not permitted.

(c) Proof of an executed maintenance contract with a licensed operator shall be delivered to the Goochland office of the State Health Department (GHD) and to the Goochland County Department of Community Development, prior to GHD approval of a septic permit for the alternative onsite sewage system, and county issuance of a building permit. The contract shall provide for all maintenance, as defined in Sec. 14-208 of this division and as required in 14-133 of this article, and such a contract shall be maintained for the life of the system. Should a new maintenance contract be executed, a copy of such shall be delivered to GHD and Goochland County Department of Community Development within forty-five (45) days.

(d) If an alternative onsite sewage system is permissible under all applicable laws and regulations, the GHD shall permit an AOSS, and the landowner shall record an instrument in writing reflecting the permit in the land records of the Goochland County Circuit Court as notice to the public, including subsequent purchasers of the land. Proof of such recordation shall be provided to the Goochland office of the State Health

Department and the Goochland County Department of Community Development prior to inspection of the AOSS.

(e) The licensed operator shall provide to the Goochland County Department of Community Development an annual report based upon site visits as required by the maintenance contract. This is in addition to, and not a substitution for, any state requirement to file such reports on the statewide web-site reporting system.

Secs. ~~14-208~~ 14-209 — 14.215. Reserved.

Board of Supervisors
Goochland County, Virginia

RESOLUTION INITIATING ZONING ORDINANCE AMENDMENT

WHEREAS, the Board has examined the attached proposed amendment to its zoning ordinance; and

WHEREAS, for the reasons stated in the attached proposed amendment, it is the Board's desire to initiate the amendment to its zoning ordinance and refer the same to the Planning Commission; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice requires the amendment; and

WHEREAS, the Board has determined that, subject to the recommendation of the Planning Commission, public comment and hearing as required by law, and further consideration by the Board, the amendment will be in the best interests of the citizens of Goochland County.

NOW, THEREFORE, IT IS RESOLVED, pursuant to Virginia Code §§ 15.2-2286(A)(7) and 15.2-2285(B), that the attached proposed ordinance amending the Goochland County Zoning Ordinance is initiated and referred to the Planning Commission.

Approved this _____ day of _____, 2007 by the Board of Supervisors of Goochland County, Virginia.

Ayes:

Nays:

Abstentions:

Absent:

A Copy Teste:

Gregory K. Wolfrey, Clerk
Board of Supervisors of Goochland County, Virginia

AN ORDINANCE TO AMEND APPENDIX A ("ZONING") OF THE GOOCHLAND COUNTY CODE TO AMEND ARTICLE 6 ("MINOR SUBDIVISION[S]"), SECTION 2 ("PLAT REQUIREMENTS"), ARTICLE 7 ("RURAL PRESERVATION DISTRICT R-P"), SECTION 8 ("LOT AREA REQUIREMENTS"), ARTICLE 21 ("SUPPLEMENTARY REGULATIONS"), SECTION 9 (MOBILE HOMES ON FARM OPERATION") AND ARTICLE 30 ("DEFINITIONS"); AND TO AMEND APPENDIX B (SUBDIVISIONS") OF THE GOOCHLAND COUNTY CODE TO AMEND ARTICLE 6 ("MINOR SUBDIVISIONS"), SECTIONS 2 ("PLAT REQUIREMENTS") AND 3 ("REVIEW PROCESS, PLATS OFFICER"), AND ARTICLE 7 ("MAJOR SUBDIVISIONS"), SECTION 2 ("PUBLIC AND SEMIPUBLIC FACILITIES"), TO INCORPORATE PROVISIONS RELATING TO THE USE OF ALTERNATIVE ONSITE SEWAGE SYSTEMS.

Board of Supervisors
Goochland County, Virginia

WHEREAS, the Board of Supervisors of Goochland County, Virginia ("Board") has the authority to adopt, in its discretion, ordinances which parallel State Codes relating to installation, regulation and inspection of alternative onsite sewage systems, pursuant to Code of Virginia § 15.2-2157(A), and has the authority to establish a uniform schedule of civil penalties for violation of such provisions, pursuant to Code of Virginia § 15.2-2157(B); and

WHEREAS, the Board of Supervisors of Goochland County is authorized to initiate amendments to the Zoning Ordinance of Goochland County, pursuant to Code of Virginia §§ 15.2-2286(A)(7), 15.2-2285(B); and

WHEREAS, the Board has recognized a need for amending the County Code and Appendix A - Zoning Ordinance of the County Code, to allow for the installation of alternative onsite sewage systems on a limited basis, where an existing individual septic tank system has failed or where an existing lot can not be developed using a conventional onsite septic tank system; and

WHEREAS, the Board of Supervisors does not wish to extend the option to any new lots created by subdivision after the date of adoption of this amendment; and

WHEREAS, the Board of Supervisors has extensively researched and evaluated the advantages and dangers of using alternative onsite sewage systems; and

WHEREAS, a copy of this ordinance has been available for review by the public at the County Administration building, as required by law; and

WHEREAS, this amendment of the Goochland County Code and Zoning Ordinance is required to serve the public necessity, convenience, general welfare, and good zoning practice pursuant to Virginia Code §15.2-2286(A)(7); and

WHEREAS, this ordinance has been duly advertised and a public hearing thereon has been held.

NOW THEREFORE, BE IT ORDAINED, that the Goochland County Code is hereby amended as follows:

1. **Appendix A-Zoning, and Appendix B-Subdivisions are amended as provided in the attachment.**
2. **This amendment shall be effective immediately upon the adoption of the amendment by the Board of Supervisors of Goochland County.**
3. **Except as amended herein, all chapters, articles, sections, paragraphs and provisions of the Goochland County Code are readopted in their entirety as if set forth herein.**

Approved this _____ day of _____, 2007.

Ayes:

Nays:

Abstentions:

Absent:

BOARD OF SUPERVISORS OF
GOOCHLAND COUNTY, VIRGINIA

A copy teste:

By: _____
Gregory K. Wolfrey, Clerk

APPENDIX A – ZONING.

ARTICLE 6. MINOR SUBDIVISIONS.

Section 2. Plat Requirements.

2. All lots in minor subdivisions shall have the septic tanks and drainfields located on the lot.

3. The use of alternative onsite sewage systems shall not be permitted unless all applicable requirements, including without limitation the requirements of Division 5.1, Chapter 14 of the Goochland County Code, are met.

ARTICLE 7. RURAL PRESERVATION DISTRICT R-P.

Section 8. Lot area requirements.

The minimum lot area within the RP district shall be two (2) acres with a minimum of fifty (50) percent of the acreage preserved as open space/natural area for lots served by individual wells and septic tanks drainfields, or alternative onsite sewage systems (AOSS) for lots existing as of _____, 2007 [date of adoption], if permitted under Chapter 14, Division 5.1 of the Goochland County Code.

ARTICLE 21. SUPPLEMENTARY REGULATIONS

Section 9. Mobile homes on farm operation.

Notwithstanding regulations and uses set forth herein applicable to mobile homes and to mobile home parks or subdivisions, there may be placed upon a farm operation as herein defined in Agricultural, General (A-1) and Agricultural, Limited (A-2) districts one (1) mobile home for each one hundred (100) acres comprised by the farm operation but not to exceed four (4) mobile homes per farm operation subject to the following conditions:

4. *Health.* Each such mobile home shall be connected to an approved septic tank and drain field, or alternative onsite sewage system (AOSS) if permitted under Chapter 14, Division 5.1 of the Goochland County Code, and to a satisfactory water supply.

ARTICLE 30. DEFINITIONS

6.1 Alternative onsite sewage system (AOSS): An individual sewage treatment works that is not a conventional onsite sewage system and does not result in a point source discharge.

17.1 Conventional onsite sewage system or sanitary septic tank system: An individual sewage treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

83.1 Sanitary Septic tank system or conventional onsite sewage system: An individual sewage treatment works consisting of one or more septic tanks with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

APPENDIX B – SUBDIVISIONS.

ARTICLE 6. MINOR SUBDIVISIONS

...

Section 2. Plat requirements.

...

2. All lots in minor subdivisions shall have the septic tanks and drainfields or alternative onsite sewage systems located on the lot. No lot created after _____, 2007 [date of adoption] shall utilize an alternative onsite sewage system.

Section 3. Review process, plats officer.

...

(i) All minor subdivisions containing more than two (2) lots shall have soils reports for a conventional onsite sewage system prepared for individual lots by a professional licensed soil consultant. These soil reports shall be subject to the approval of the ~~county health official~~ State Health Department prior to the plat being approved by the plats officer.

ARTICLE 7. MAJOR SUBDIVISIONS.

Section 2. Public and semipublic facilities.

...

2.5 *Sanitary sewer systems.*

...

4. The use of alternative onsite sewage systems shall not be permitted after _____, 2007 [date of adoption].