

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

Request for a waiver, modification, variation or substitution permitted by Chapter 18

Variation to a previously approved Planned Development rezoning application plan or Code of Development

OR

Relief from a condition of approval

Provide the following

- 1 copy of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.

Provide the following

- 1 copy of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change.
- 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

FEE = 523.12

Application \$503 + Technology surcharge \$20.12

Project Name : KINDRICK FARM

Current Assigned Application Number (HS, HO, CLE, SDP, SP or ZMA) _____

Tax map and parcel(s): 03200-00-00-00100, 03200-00-00-00200

Applicant / Contact Person Tim Kendrick

Address 4394 CARRIAGE HILL City FALLOON, VA State VA Zip 22936

Daytime Phone# (434) 409-6224 Fax# () N/A Email timothy_kendrick@hotmail.com

Owner of Record Allan & Ada Kendrick Joint Trust C/O Timothy Kendrick

Address 4394 Carriage Hill Drive City Falloon, VA State VA Zip 22936

Daytime Phone# (434) 409-6224 Fax# () N/A Email timothy_kendrick@hotmail.com

County of Albemarle
Community Development Department
401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126

Revised 7/1/2021

SF. 2022 - 00018

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

APPLICATION SIGNATURE PAGE

If the person signing the application is someone other than the owner of record, then a signed copy of the "CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER" form must be provided in addition to the signing the application below. (page 3)

Owner/Applicant Must Read and Sign

By signing this application, I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner of the subject parcel(s) listed in County Records. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application, I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

TKL
Signature of Owner / Agent / Contract Purchaser

3/25/2022
Date

Timothy Kindrick
Print Name

434-409-6224
Daytime phone number of Signatory

FOR OFFICE USE ONLY APPLICATION# SE202200018 Fee Amount \$ 523.12 Date Paid 3/28/22

By who? Timothy Kindrick Receipt # 87183 Ck# 3545 By Danielle Summers

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER

This form must accompany this zoning application if the application is not signed by the owner of the property.

I certify that notice of the application for, _____
[Name of the application type & if known the assigned application #]

was provided to _____
[Name(s) of the record owners of the parcel]

the owner of record of Tax Map and Parcel Number _____

by delivering a copy of the application in the manner identified below:

Hand delivery of a copy of the application to _____
[Name of the record owner if the record owner is a person; if the owner of record is an entity, identify the recipient of the record and the recipient's title or office for that entity]

on _____
Date

Mailing a copy of the application to _____
[Name of the record owner if the record owner is a person; if the owner of record is an entity, identify the recipient of the record and the recipient's title or office for that entity]

on _____ to the following address _____
Date

[Address; written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records satisfies this requirement].

Signature of Applicant

Print Applicant Name

Date

I am requesting an exception to Albemarle County Virginia Code of Ordinances 5.1.28 - Clean Earth and inert waste fill activity in accordance with paragraph d. 1 of the ordinance as the proposed fill activity would further the agricultural use of the property.

BACKGROUND:

In 2009 my father clean cut 90 acres in order to increase the overall pasture land on the farm which has been in my family since 1737. Following the Department of Forestry best practices we left the stumps in place to decay over time in order to prevent excess erosion. In 2018 after my father passed away I entered into an extensive contract with the USDA/NRCS. This contract was designed to protect the resources of the farm as well as further the agricultural productivity of the land.

This contract (EQIP 2014 7433A7180AQ) included stream exclusion fencing, freeze proof watering systems, fertilization, seeding, weed and brush control, and hardened stream crossings amongst other things. One major area was the need to fill ditches ruts and ravines throughout the land that had been clear cut and then augment the existing soil. Once this was completed the land would be fertilized and seeded in order to add approximately 50 more acres of manageable pasture land to the farm. This improvement would be invaluable to the continued farming of this piece of land as it would allow the possibility of making hay on the land (currently it is purchased). It would allow the cattle herd to be increased by approximately 20 head basically doubling the existing herd and the implementation of rotational grazing.

In July 2021 when I finally reached this final step I was informed that a new ordinance had been implemented and I would have to apply to the county in order to be allowed to continue. As a part of this process the USDA-NRCS District Conservationist Kory Kirkland provided both telephonic and a written email (attached) outlining the project, need for and benefit to the sites existing agricultural use.

CONSERVATION PROGRAM CONTRACT

Participant: TIMOTHY K KINDRICK	Program and Contract Number: EQIP 2014 7433A7180AQ
County and State: ALBEMARLE County, VA	Subaccount: Livestock - Farmville (Area III - Farmville)
Watershed: Jacobs Run-North Fork Rivanna River	This agreement is effective on the date signed by the Natural Resources Conservation Service obligating official unless specified otherwise in the applicable Appendix and extends through 12/31/2021

1. The undersigned participants enter into this contract with the Natural Resources Conservation Service (NRCS) to implement and/or maintain specific conservation practices, as set forth in the Conservation Plan Schedule of Operations (NRCS-CPA-1155) on the property as identified on the plan map. In consideration for the implementation and/or maintenance of the practices, the NRCS will make payments to the participant(s) in the amount(s) described in the Schedule of Operations as outlined in the Appendix.
2. This agreement is comprised of this Conservation Program Contract form NRCS-CPA-1202. The NRCS-CPA-1202 Appendix and the NRCS-CPA-1155 Plan Schedule of Operations and plan map are hereby fully incorporated into this document and are binding upon the participant(s). The NRCS-CPA-1155 may be modified through execution of a Modification form (NRCS-CPA-1156) by both NRCS and the participant and becomes a part of the contract when both parties have agreed to and signed the Modification.
3. The participant(s) agree:
 - A) to implement and maintain conservation practices for the life of this agreement in compliance with the plan or schedule of operations and in accordance with the standards, specifications, and other special program criteria obtained from NRCS;
 - B) to forfeit further payments under this agreement and refund the United States, in amounts determined by NRCS, any payments received hereunder upon NRCS determination that participant(s) have violated the material terms of this agreement or accept such payment adjustments as NRCS may deem appropriate if NRCS decides that the participant's violation does not warrant termination of the agreement; and
 - C) to forfeit all rights to further payments under the agreement and refund to the United States, in amounts determined by NRCS, payments received hereunder if the subject land is transferred to a non-participant during the term of this agreement, unless the third party agrees to assume this agreement, and the NRCS consents to the modification.

4. CONTRACT PARTICIPANTS

Name, Address, Telephone TIMOTHY K KINDRICK 4394 CARRIAGE HILL DR EARLYSVILLE, VA 22936 (434) 409-6224	SSN or TAX ID if applicable *****1151 DUNS (non-individuals)
Signature <p style="text-align: center;">TIMOTHY K KINDRICK</p>	Payment Shares 100.00%
Date <p style="text-align: center;">12/21/2017</p>	
Signature required for modifications <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Signature acceptable for payments <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

5. CONTRACT OBLIGATIONS

2018	2019	2020								Total
\$30,035	\$121,978	\$24,152								\$176,165
										\$176,165

CONSERVATION PROGRAM CONTRACT

Participant: TIMOTHY K KINDRICK	Program and Contract Number: EQIP 2014 7433A7180AQ
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6. NRCS APPROVING OFFICIALS

Application Approval <p style="text-align: center;">KORY KIRKLAND</p> USDA electronic signature; manual signature not required. Date: 1/9/2018	Contract Obligation <p style="text-align: center;">KILBY MAJETTE</p> USDA electronic signature; manual signature not required. Date: 1/31/2018
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PRIVACY ACT STATEMENT

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C 522a). Furnishing this information is voluntary; however failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other state or federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

This information collection is exempted from the Paperwork Reduction Act under 16 U.S.C. 3801 note and 16 U.S.C. 3846.

NONDISCRIMINATION STATEMENT

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Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov

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**REVISION OF PLAN / SCHEDULE OF OPERATIONS
OR MODIFICATION OF A CONTRACT**

PARTICIPANT TIMOTHY K KINDRICK	COUNTY AND STATE ALBEMARLE County, VA	PROGRAM AND CONTRACT NUMBER EQIP 2014 7433A7180AQ	SUBACCOUNT Livestock - Farmville (Area III - Farmville)	
LAND UNITS OR LEGAL DESCRIPTION Farm 1643 Tract(s) 3833		ACRES 160	MODIFICATION NUMBER AND DATE 4 --- N/A	EXPIRATION DATE 12/31/2023

Contract Items 1: Water Well(642) **Practice Lifespan:** 20 years **Status:** Certified 5/29/2018

Install a well.

Fields:
Tract 3833 Fields: 2;

Contract Item	Planned Conservation Treatment	Certified Amount	Unit Cost	Cost Share Rate/Method	COMPLETION SCHEDULE AND ESTIMATED COST-SHARE OR PAYMENT BY YEAR													
					2018 \$	2019 \$	2020 \$	2021 \$	2022 \$									
1 1a	Water Well(642) HU-Drilled well for consolidated geologic sites with stable rock formations (limited casing)	320 no 320 ft	\$22.7900/ ft	PR ¹	7,293													

Notes: ¹Payment rates define the unit cost rate of compensation to be received by the participant.

Contract Items 2: Pumping Plant(533) **Practice Lifespan:** 15 years **Status:** Certified 10/10/2018

Install a pumping facility to transfer water for a need(s).

Fields:
Tract 3833 Fields: 2;

Contract Item	Planned Conservation Treatment	Certified Amount	Unit Cost	Cost Share Rate/Method	COMPLETION SCHEDULE AND ESTIMATED COST-SHARE OR PAYMENT BY YEAR													
					2018 \$	2019 \$	2020 \$	2021 \$	2022 \$									
2 2a	Pumping Plant(533) HU-Pump <= 1.5 HP	1 no 1 Ea	\$2,378 0400 / Ea	PR ¹	2,378													

Notes: ¹Payment rates define the unit cost rate of compensation to be received by the participant.

RE: [External Email]RE: Area to be impacted

Kirkland, Kory - NRCS, Louisa, VA <kory.kirkland@usda.gov>

Fri 11/5/2021 11:35 AM

To: Frank Pohl <fpohl@albemarle.org>

Cc: Bart Svoboda <bsvoboda@albemarle.org>; Kenny Thacker <kthacker3@albemarle.org>; Timothy Kindrick <timothy_kindrick@hotmail.com>

Hello Frank,

As a follow-up to our phone call and based on the map that Mr. Kindrick has provided below are some comments:

I have been working with Tim Kindrick on a multiyear project to conserve, improve, and protect the natural resources on his farm. This project promotes improved pasture condition and use, permanent/perennial vegetation, and some use exclusion on areas that are most vulnerable. Part of the project area includes the area that Mr. Kindrick has proposed to use clean fill dirt as a land treatment to improve existing condition for continued/improved agricultural use.

The predominant soil type at this location is Hayesville loam. Hayesville is generally a good productive soil, but it has limitations due to its vulnerability to surface erosion. Historically many of these soils have been limited through intensity of use. This site reflects that soil condition.

Based on existing condition (roughness, uneven grades, lack of positive drainage at highest point) I believe what Mr. Kindrick is proposing can bring benefit to the sites existing agricultural use if done properly. Mr. Kindrick and I have discussed filling and compacting (to mimic a natural soil condition), grading/shaping (to mimic the natural landscape and natural landforms), need for inputs (lime/fertilizer/living roots) to improve condition for commonly occurring agricultural commodities, and the need for mulching and seasonal/temporary cover until a permanent/perennial agricultural solution is applied.

I hope this helps. Let me know if you have any questions or need additional input.

Thank you

Kory Kirkland
USDA-NRCS
District Conservationist
540-603-3204

From: Frank Pohl <fpohl@albemarle.org>

Sent: Friday, November 5, 2021 10:43 AM

To: Kirkland, Kory - NRCS, Louisa, VA <kory.kirkland@usda.gov>

Cc: Bart Svoboda <bsvoboda@albemarle.org>; Kenny Thacker <kthacker3@albemarle.org>; Timothy Kindrick <timothy_kindrick@hotmail.com>

Subject: [External Email]RE: Area to be impacted

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Kory,

Once we receive your input in writing, we can move forward.

Selection ?

Build a Spatial Query

Select

(show all)

Select All Zoom To Clear

Parcel ID	Property Address	Owner	Total Acres
03200-00-00-00100	N/A	KINDRICK, ALLAN & ADA JOINT TRUST C/O TIMOTHY K KINDRICK	155.52
03200-00-00-00200	N/A	KINDRICK, ALLAN & ADA JOINT TRUST C/O TIMOTHY K KINDRICK	77.26

2 selected

