

ORDINANCE NO. 26-17 ()

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, ARTICLE I, GENERAL, ARTICLE II, ADMINISTRATION, ARTICLE IV, PROCEDURES FOR SUBMITTING REVIEWING, ACTING ON APPLICATIONS; POST-APPROVAL RIGHTS AND OBLIGATIONS, DIVISION 1. APPLICATION REQUIREMENTS, ARTICLE V, TECHNICAL CRITERIA, ARTICLE VI, STREAM BUFFERS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia that Chapter 17, Water Protection, Article I, General, Article II, Administration, Article IV, Procedures for Submitting, Reviewing, Acting on Applications; Post-Approval Rights and Obligations, Division 1, Application Requirements, Article V, Technical Criteria, Article IV, Stream Buffers is hereby reordained and amended as follows:

By Amending:

- Sec. 17-103 Applicability
- Sec. 17-205 Definitions
- Sec. 17-401 Land-disturbance permit application; form and content.
- Sec. 17-500 Erosion and sediment control plans; applicable technical criteria.
- Sec. 17-501 Applicability of other laws and regulations; time limits on applicability of approved design criteria.

By Repealing:

- Sec. 17-406 Mitigation plan if development allowed in stream buffer; form and content
- Sec. 17-600 Extent of stream buffers; retention and establishment
- Sec. 17-601 Management of stream buffer
- Sec. 17-602 Types of improvements and activities exempt from duties to retain, establish or maintain a stream buffer
- Sec. 17-603 Types of structures, improvements and activities authorized in a stream buffer
- Sec. 17-604 Types of structures, improvements and activities which may be allowed in a stream buffer by program authority

Chapter 17: Water Protection

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Article I – General

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Sec. 17-103 Applicability.

This chapter, or the applicable parts thereof, applies to:

- A. *Land-disturbing activity within the County and the Town of Scottsville.* Any land-disturbing activity within the County and within the Town of Scottsville, including that portion of the Town of Scottsville located within the County of Fluvanna, to which the VESMP applies under this chapter and under State and Federal law.

B. *Erosion impact areas.* Any land identified by the administrator as an erosion impact area within the County and the Town of Scottsville, to which the parts of this chapter pertaining to erosion and sediment control, including the requirement for the submittal and approval of an erosion and sediment control plan.

~~C. *Stream buffers.* Any area within the County and the Town of Scottsville designated as a stream buffer under this chapter.~~

~~D.C. *Permanent stormwater management facilities.* Any areas served by a public permanent stormwater management facility.~~

~~E.D. *Discharges, connections and dumping.* All activities that cause or allow to be caused direct or indirect illicit discharges, illicit connections, and the prohibited dumping of refuse and pollutants, or that negatively impede the flow capacity of the County's MS4 or State waters.~~

(Ord. [14-17\(1\)](#), 5-7-14, effective 7-1-14; [Ord. 24-17\(1\)](#), 6-5-24; [Ord. 26-17 \(\)](#), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ [62.1-44.15:27](#), [62.1-44.15:33](#), [62.1-44.15:34](#), [62.1-44.15:73](#); [9VAC25-890-40](#).

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Article II – Administration

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Sec. 17-205 – Definitions.

The following definitions apply in the administration of this chapter:

Administrator. The term "administrator" means the County Engineer.

Agreement in lieu of a plan. The term "agreement in lieu of a plan" means a written contract between the County and the owner that specifies methods that must be implemented to comply with the requirements of the VESMA in the construction of a single-family residence, in lieu of an ESM plan.

Agricultural land. The term "agricultural land" means land used for horticulture, viticulture, silviculture, or other gardening that may involve the tilling of soil for the raising of crops; the keeping of livestock and/or poultry; and/or agricultural industries or businesses, such as, but not limited to, orchards, fruit packing plants, dairies, nurseries or wayside stands.

Agricultural road. The term "agricultural road" means a road or portion of a road that is constructed exclusively for access to agricultural land and is located on or serves a lot that is not the subject of a pending or approved preliminary or final plat, initial or final site plan, zoning map amendment to a non-agricultural zoning district, or a special use permit for a use or activity not directly related to agriculture.

Amendment to approved plan. The term "amendment to approved plan" means an owner-requested change to an approved plan or to land-disturbance permit conditions.

Applicant. The term "applicant" means any person submitting an ESM plan for approval in order to obtain authorization to commence a land-disturbing activity.

Application. The term "application," as used in Article IV, means an application for a land-disturbance permit.

Best management practice (BMP). The term "best management practice" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.

A. "Nonproprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are in the public domain and are not protected by trademark or patent or copyright.

B. "Proprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are privately owned and controlled and may be protected by trademark or patent or copyright.

Board. The term "Board" means the State Water Control Board, unless the context indicates that the term refers to the board of supervisors.

Bypass. The term "bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

Certified inspector. The term "certified inspector" means an employee or agent of the County who: (i) holds a certificate of competence from the State Water Control Board in the area of project inspection; or (ii) is enrolled in the State Water Control Board's training program for project inspection and successfully completes the program within one year after enrollment.

Certified plan reviewer. The term "certified plan reviewer" means an employee or agent of the County who: (i) holds a certificate of competence from the State Water Control Board in the area of plan review; (ii) is enrolled in the State Water Control Board's training program for plan review and successfully completes the program within one year after enrollment; or (iii) is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article I (Virginia Code § [54.1-400](#) *et seq.*) of Chapter 4 of Title 54.1 of the Virginia Code, or a professional soil scientist as defined in Virginia Code § [54.1-2200](#).

Certified program administrator. The term "certified program administrator" means an employee or agent of the County who: (i) holds a certificate of competence from the State Water Control Board in the area of program administration; or (ii) is enrolled in the State Water Control Board's training program for program administration and successfully completes the program within one year after enrollment.

Channel. The term "channel" means a natural stream or manmade waterway.

Clean Water Act (CWA). The term "Clean Water Act" or "CWA" means the federal Clean Water Act (33 U.S.C. § 1251 *et seq.*), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by

Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

Common plan of development or sale. The term "common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

Construction activity. The term "construction activity" means any clearing, grading or excavation associated with large construction activity or associated with small construction activity.

~~*Contiguous nontidal wetlands.* The term "contiguous nontidal wetlands" means nontidal wetlands that lie within or adjacent to a stream channel or within the floodplain of that stream channel so that there is a hydrologic connection between the stream and the wetland, and that include impoundments of water along a natural stream channel.~~

Control measure. The term "control measure" means any best management practice (BMP) or stormwater facility, or other method used to minimize the discharge of pollutants to State waters, or otherwise restrict or alter the hydraulics of stormwater flow and discharge.

Dam. The term "dam" means a barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock or other debris.

Denuded. The term "denuded" means land that has been physically disturbed and no longer supports vegetative cover.

Department or DEQ. The terms "Department" or "DEQ" mean the Department of Environmental Quality, unless the context indicates that the term refers to a County department.

Design Standards Manual. The term "Design Standards Manual" means the manual developed and maintained by the administrator that includes, among other things, the technical criteria required under the VESMP, and best management practices.

Development. The term "development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for nonagricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of stormwater management, does not include the exclusions found in [9VAC25-875-860](#).

~~*Development area.* The term "development area" means any portion of the County designated as such in the Comprehensive Plan.~~

Dike. The term "dike" means an earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; a levee.

Discharge. The term "discharge," when used without qualification, means the discharge of a pollutant.

Discharge of a pollutant. The term "discharge of a pollutant" means any addition of any pollutant or combination of pollutants to State waters from any point source, and includes additions of pollutants into surface waters from surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by the State, the County, or

other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works; provided that this definition does not include an addition of pollutants by any indirect discharger.

Diversion. The term "diversion" means a channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.

Drainage area. The term "drainage area" means a land area, water area, or both from which runoff flows to a common point or boundary.

Environmental Protection Agency (EPA). The term "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

Erosion and sediment control plan. The term "erosion and sediment control plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan must contain all major conservation decisions and all information deemed necessary by the VESMP authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area. The term "erosion impact area" means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into State waters; provided that the area of land is not a lot or parcel of 10,000 square feet or less used for residential purposes or a shoreline where the erosion results from wave action or other coastal processes.

ESC. The term "ESC" means erosion and sediment control.

ESM plan. The term "ESM plan" means a soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.

Facility or activity. The term "facility or activity" means any point source or treatment works treating domestic sewage or any other facility or activity, including land or appurtenances thereto, that is subject to regulation under the VESMP.

Floodplain. The term "floodplain" means the area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event, and includes, but is not limited to, the floodplain designated by the Federal Emergency Management Agency on a Flood Insurance Rate Map.

General permit. The term "general permit" means a permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.

Hazardous substance. The term "hazardous substance" means any substance designated under the Code of Virginia or 40 CFR Part 116 pursuant to section 311 of the Clean Water Act.

Illicit discharge. The term "illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a separate VPDES or general permit (other than the state permit for discharges from the municipal separate storm sewer), discharges resulting from firefighting activities, and discharges identified by and in compliance with [9VAC25-875-970\(D\)\(2\)\(c\)\(3\)](#).

Inspection. The term "inspection" means an onsite review of a project's compliance with an approved ESM plan, an approved land-disturbance permit, the general permit, this Chapter, and any applicable design criteria, or an onsite review to obtain information or conduct surveys or investigations necessary for the implementation or enforcement of this chapter.

Intermittent stream. The term "intermittent stream" means a natural stream or portion of a natural stream that has a defined bed and defined banks within which water flows in response to precipitation, through near surface groundwater flow, or from springs, and which is not a perennial stream.

Land disturbance or land-disturbing activity. The term "land disturbance" or "land-disturbing activity" means a manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

Land-disturbance approval. The term "land disturbance approval" means an approval (including a land-disturbance permit) allowing a land-disturbing activity to commence issued by the VESMP authority after the requirements this chapter have been met.

Large construction activity. The term "large construction activity" means construction activity, including clearing, grading and excavation resulting in the disturbance of five acres or more of total land area; provided that the disturbance of less than five acres of total land area is a large construction activity if it is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Layout. The term "layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

Main channel. The term "main channel" means the portion of the stormwater conveyance system that contains the base flow and small frequent storm events.

Man-made. The term "man-made" means constructed by a person.

Maximum extent practicable (MEP). The term "maximum extent practicable" or "MEP" means the technology-based discharge standard for MS4s established by CWA § 402(p) and that is achieved, in part, by selecting and implementing effective structural and nonstructural best management practices (BMPs) and rejecting ineffective BMPs and replacing them with effective best management practices (BMPs). MEP is an iterative standard, that evolves over time as urban runoff management knowledge increases. As such, the County's MS4 program must continually be assessed and modified to incorporate improved programs.

Minimize. The term "minimize" means to reduce or eliminate the discharge of pollutants to the extent achievable using stormwater controls that are technologically available and economically practicable.

Mitigation plan. The term "mitigation plan" means a plan that meets the requirements of [section 17-406](#) that describes how encroachments into a stream buffer will be mitigated through runoff treatment, revegetation, the addition of extra buffer areas, or other appropriate best

management practices. A mitigation plan may be a component of a land disturbance permit or an ESM plan.

Municipal separate storm sewer. The term "municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system (MS4), including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains: (i) owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to State law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters; (ii) designed or used for collecting or conveying stormwater; (iii) that is not a combined sewer; and (iv) that is not part of a publicly owned treatment works.

Municipal separate storm sewer system (MS4). The term "municipal separate storm sewer system" or "MS4" means the same as the term "municipal separate storm sewer" is defined in Virginia Code § [62.1-44.3](#).

Natural channel design concepts. The term "natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Natural stream. The term "natural stream" means a tidal or nontidal watercourse that is part of the natural topography, that usually maintains a continuous or seasonal flow during the year, and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales are not considered natural streams; however, channels designed using natural channel design concepts may be considered natural streams.

~~*Necessary infrastructure.* The term "necessary infrastructure" means components of a site development necessary for the protection of the public health, safety, or welfare, and environmental features and they include, but are not limited to, drainage channels, structures and facilities, best management practices, access roads for emergency vehicles, and access roads in order to maintain stormwater management facilities or water dependent facilities, or both.~~

Nonpoint source pollution. The term "nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by runoff.

Nontidal wetlands. The term "nontidal wetlands" means wetlands other than tidal wetlands that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the EPA pursuant to section 404 of the Clean Water Act and its implementing regulations.

Nutrient credit. The term "nutrient credit" or "credit" means a nutrient credit certified pursuant to Virginia Code § [62.1-44.19:12](#) et seq.

Operator. The term "operator" means the owner or operator of any facility or activity subject to regulation under this Ordinance. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that

meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with an SWPPP for the site or other permit or land-disturbance permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

~~*Other rural land.* The term "other rural land" means any portion of the County that is designated Rural Area in the Comprehensive Plan but that is not within a water supply protection area.~~

Outfall. The term "outfall" means, when used in reference to municipal separate storm sewers, a point source at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances that connect segments of the same stream or other surface waters and are used to convey surface waters.

Owner. The term "owner",, means the same as that term is defined in Virginia Code § [62.1-44.3](#). For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

Peak flow rate. The term "peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

~~*Perennial stream.* The term "perennial stream" means any stream that is depicted as a continuous blue line on the most recent United States Geological Survey 7.5 minute topographic quadrangle maps (scale 1:24,000), which is determined by the program authority to be perennial following a site-specific evaluation using the guidance entitled "Determinations of Water Bodies with Perennial Flow," dated September 2003, issued by the Chesapeake Bay Local Assistance Department, or which is delineated as a perennial stream by the United States Army Corps of Engineers, the Virginia Department of Environmental Quality, or under the Virginia Water Protection program, or MS4.~~

Permittee. The term "permittee" means the person to whom the County or DEQ has issued a permit.

Person. The term "person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

Plan of development. The term "plan of development" means the process for site plan or plat review to ensure compliance with Virginia Code § [62.1-44.15:74](#) and this chapter which is required as a precedent to clearing, grading, or other land-disturbing activity on a site or the issuance of a building permit.

Plat. The term "plat" means a preliminary or final plat, or a plat for any other class of subdivision as provided in the Subdivision Ordinance.

Point of discharge. The term "point of discharge" means a location at which concentrated runoff is released.

Point source. The term "point source" means any discernible, confined, and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant. The term "pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water; provided that this term does not mean: (i) sewage from vessels; or (ii) water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well if the well is used either to facilitate production or for disposal purposes is approved by the State Water Control Board and if it determines that the injection or disposal will not result in the degradation of groundwater or surface water resources.

Pollution. The term "pollution" means the alteration of the physical, chemical or biological properties of any State waters as will or is likely to create a nuisance or render the waters: (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational (commercial, industrial) agricultural, or other reasonable uses, provided that (a) an alteration of the physical, chemical, or biological property of State waters, or a discharge or deposit of sewage, industrial wastes or other wastes to State waters by any owner that by itself is not sufficient to cause pollution, but that) in combination with such alteration of or discharge or deposit to State waters by other owners, is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into State waters; and (c) contributing to the contravention of standards of water quality duly established by the State Water Control Board, are "pollution" for the purposes of this chapter.

Pollution prevention plan. The term "pollution prevention plan" means a plan that meets the requirements of [section 17-404](#) for implementing pollution prevention measures during construction activities and that details the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. A pollution prevention plan is a component of a land-disturbance permit.

Post-development. The term "post-development" means the conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site.

Pre-development. The term "pre-development" means the conditions that exist at the time that plans for the land development activity are submitted to the authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, and similar acts), the existing conditions at the time prior to the commencement of the land-disturbing activity establish pre-development conditions.

Program. The term "program" means the Virginia Erosion and Stormwater Management Program.

Qualified personnel. The term "qualified personnel" means a person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.

Regulations. The term "regulations," when referring to State regulations, means those regulations implementing the VESMA in [9VAC25-830](#) through [9VAC25-890](#).

Runoff. The term "runoff" means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

Runoff characteristics. The term "runoff characteristics" includes maximum velocity, peak flow rate, volume, flow duration, and any other measure of the nature of the discharge.

Runoff volume. The term "runoff volume" means the volume of runoff that runs off the site from a prescribed storm event.

Sediment basin. The term "sediment basin" means a temporary impoundment built to retain sediment and debris that is formed by constructing an earthen embankment with a stone outlet.

Sewage disposal system. The term "sewage disposal system" means a sewerage system or treatment works composed of a facility or combination of facilities constructed for the transport or treatment, or both, of domestic, commercial or industrial sewage, but not including plumbing, fixtures, lateral pipes from a dwelling unit to a septic tank, lateral pipes from a dwelling unit to a publicly owned sewerage facility, or publicly owned facilities for the transport or treatment, or both, of sewage.

Site. The term "site" means the land or water area composed of one or more parcels where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

Small construction activity. The term "small construction activity" means:

A. Construction activities including clearing, grading, and excavating that results in land disturbance of equal to or greater than 10,000 square feet, and less than five acres, or a land disturbance of less than 10,000 square feet that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than 10,000 square feet and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. DEQ may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on an approved TMDL that addresses the pollutant(s) of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The

operator must certify to DEQ that the construction activity will take place, and stormwater discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis. As of the start date in Table 1 of [9VAC25-31-1020](#), all certifications submitted in support of the waiver must be submitted electronically by the owner or operator to DEQ in compliance with this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), [9VAC25-875-940](#), and Part XI ([9VAC25-31-950 et seq.](#)), of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation. Part XI of [9VAC25-31](#) is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of [9VAC25-31](#), permittees may be required to report electronically if specified by a particular permit; or

B. Any other construction activity designated by either DEQ or the EPA's regional administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.

Soil erosion. The term "soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

Soil erosion control and stormwater management plan. The term "soil erosion control and stormwater management plan," commonly referred to as the erosion control and storm water management plan, or "ESM plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to the VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and the stormwater management plan as each is described in this chapter.

Source. The term "source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants.

Stabilized. The term "stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

State. The term "State" means the Commonwealth of Virginia.

State Water Control Law. The term "State Water Control Law" means Chapter 3.1 (§ [62.1-44.2 et seq.](#)) of Title 62.1 of the Code of Virginia.

State waters. The term "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the State or within its jurisdiction, including wetlands.

Stormwater. The term "stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include runoff, snow melt runoff, and surface runoff and drainage.

Stormwater conveyance system. The term "stormwater conveyance system" means a combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity, and includes a man-made, natural, or restored stormwater conveyance system described as follows:

A. *Man-made stormwater conveyance system.* The term "man-made stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems.

B. *Natural stormwater conveyance system.* The term "natural storm water conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel.

C. *Restored stormwater conveyance system.* The term "restored stormwater conveyance system" means a stormwater conveyance system that has been designed and constructed using natural channel design concepts, and they include the main channel and the flood-prone area adjacent to the main channel.

Stormwater detention. The term "stormwater detention" means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream stormwater conveyance system.

Stormwater discharge. The term "storm water discharge" means a discharge of runoff from sites where one or more of the following are located: (i) land-disturbing activities including, but not limited to, clearing, grading, or excavation; (ii) construction materials or equipment storage or maintenance including, but not limited to, fill piles, borrow area, concrete truck washout, fueling; or (iii) other industrial stormwater directly related to the construction process including, but not limited to, concrete or asphalt batch plants.

Stormwater management facility. The term "stormwater management facility" means a control measure that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Stormwater management plan. The term "stormwater management plan" means a plan that meets the requirements of [section 17-403](#) containing information for describing methods for complying with the applicable requirements of this chapter, and that typically contains two major components: (i) measures addressing stormwater detention for water quantity and discharge characteristics impacts; and (ii) measures addressing nutrient loadings and water quality. A stormwater management plan is a component of a land-disturbance permit.

Stormwater pollution prevention plan (SWPPP). The term "stormwater pollution prevention plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of storm water discharges. An SWPPP required under the VESMP for construction activities must identify and require the implementation of control measures, and must include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

~~*Stream buffer.* The term "stream buffer" means an area of land at or near a tributary stream bank or nontidal wetland, or both, that has an intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes that may result in significant degradation to the quality of State waters.~~

~~*Streamside Management Zone.* The term "streamside management zone" means an area of reduced management activity on both sides of the banks of perennial and intermittent streams and bodies of open water where extra precaution is used in carrying out forest practices to protect bank edges and water quality.~~

Subdivision. The term "subdivision" means the same as defined in the Subdivision Ordinance.

Subdivision Ordinance. The term "Subdivision Ordinance" means the subdivision regulations of the County of Albemarle, Virginia codified in [Chapter 14](#) of the Albemarle County Code.

Surface waters. The term "surface waters" means: (i) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; (ii) all interstate waters, including interstate wetlands; (iii) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters that are or could be used by interstate or foreign travelers for recreational or other purposes; from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or that are used or could be used for industrial purposes by industries in interstate commerce; (iv) all impoundments of waters otherwise defined as surface waters under this definition; (v) tributaries of waters identified in subdivisions (i) through (iv) of this definition; and (vi) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions (i) through (v) of this definition; provided that waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act and the law, are not surface waters, and surface waters do not include prior converted cropland as determined by the EPA.

Ten-year storm. The term "ten-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten years, and which also may be expressed as an exceedance probability with a ten percent chance of being equaled or exceeded in any given year.

Total maximum daily load (TMDL). The term "total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading and a margin of safety, and which can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

Town of Scottsville. The term "Town of Scottsville" means all of that territory within the incorporated boundaries of the Town of Scottsville, Virginia, located within the County of Albemarle, Virginia and the County of Fluvanna, Virginia.

Twenty-five-year storm. The term "25-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years, and which also may be expressed as an exceedance probability with a four percent chance of being equaled or exceeded in any given year.

Upset. The term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based general permit effluent limitations because of factors beyond the reasonable control of the operator; provided that the term does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Virginia Erosion and Stormwater Management Act (VESMA). The term "Virginia Erosion and Stormwater Management Act" or "VESMA" means Article [2.3 \(62.1-44.15:24 et seq.\)](#) of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia.

Virginia Erosion and Stormwater Management Program (VESMP). The term "Virginia Erosion and Stormwater Management Program" or "VESMP" means a program established by the VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program includes such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines) technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the VESMA.

Virginia Erosion and Stormwater Management Program authority (VESMP authority). The term "Virginia Erosion and Stormwater Management Program authority," "VESMP authority," or "Program authority" means the County of Albemarle, which has been approved by DEQ to operate the VESMP. Within the boundaries of the County of Albemarle and the Town of Scottsville, the County is the VESMP authority.

Virginia Erosion and Stormwater Management Regulation (Regulation). The term "Virginia Erosion and Stormwater Management Regulation" or "Regulation" means [9VAC25-875-10 et seq.](#), as may be amended from time to time.

Virginia Stormwater BMP Clearinghouse Website. The term "Virginia Stormwater BMP Clearinghouse" means a collection that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the VESMA and associated regulations.

Virginia Pollutant Discharge Elimination System (VPDES) permit or VPDES permit. The term "Virginia Pollutant Discharge Elimination System (VPDES) permit" or "VPDES permit" means a document issued by DEQ pursuant to the State Water Control Law authorizing, under prescribed conditions) the potential or actual discharge of pollutants from a point source to surface waters.

Wasteload allocation, (WLA) or wasteload. The term "wasteload allocation," "WLA" or "wasteload" means the portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution, and is a type of water quality-based effluent limitation. The term "wasteload allocation" or "WLA" means the portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution, and is a type of water quality-based effluent limitation.

~~*Water dependent facility.* The term "water dependent facility" means a development that cannot exist outside of the stream buffer and must be located on the shoreline because of the intrinsic nature of its operation and which include, but are not limited to: (i) the intake and outfall structures of power plants) sewage treatment plants, water treatment plants, and storm sewers; (ii) public water-oriented recreation areas; and (iii) boat docks and ramps.~~

Water quality technical criteria. The term "water quality technical criteria") means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control nonpoint source pollution.

~~*Water supply protection area.* The term "water supply protection area" means those areas of land within the County that are within the watershed of a public water supply reservoir or water supply intake, and those areas consist of all land within the County that drains naturally to the~~

~~South Fork Rivanna Reservoir, Beaver Creek Reservoir, Totter Creek Reservoir, Sugar Hollow Reservoir) Ragged Mountain Reservoir, the North Fork Rivanna River intake, and to any impoundment or water supply intake designated in the future by the board of supervisors as a public water supply reservoir.~~

Watershed. The term "watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet; provided that in karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

Wetlands. The term "wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions) and which generally include swamps, marshes, bogs, and similar areas.

Written notice. The term "written notice" means a written communication from the administrator that is delivered either mailed by first class mail, personal delivery, or, if consented to by the owner in writing, in conjunction with submitting an application or otherwise, by fax or email.

Zoning Ordinance. The term "Zoning Ordinance" means the zoning regulations of the County of Albemarle, Virginia codified in [Chapter 18](#) of the Albemarle County Code.

(§ 7-2, 6-18-75, § 4, 7-9-80, 2-11-87, 3-18-92, § 19.1-5, 9-29-77, art. 1, § 2, 9-13-78, 7-11-90, 8-3-94; § 19.2-4, 6-19-91; § 19.3-5, 2-11-98; Code 1988, §§ 7-2, 19.1-5, 19.2-4, 19.3-5; § 17-104, Ord. 98-A(1), 8-5-98; Ord. [07-17\(1\)](#), 2-14-07; Ord. [08-17\(1\)](#), 2-6-08; Ord. [08-17\(3\)](#), 8-6-08; § 17-205, Ord. [14-17\(1\)](#), 5-7-14, effective 7-1-14; [Ord. 21-17\(1\)](#), 4-21-21, effective 9-1-21; [Ord. 24-17\(1\)](#), 6-5-24; [Ord. 26-17 \(\)](#); [6-17-26](#), effective 9-1-26)

State Law reference— Va. Code § [62.1-44.15:24](#), [9VAC25-875-20](#).

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Article IV – Procedure For Submitting, Reviewing And Acting On Applications; Post-Approval Rights And Obligations

Division 1. – Application Requirements

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Sec. 17-401 – Land-disturbance permit application; form and content.

Any owner whose proposed land disturbing activity is subject to this chapter must submit an application for a land disturbance permit that includes all of the following, in the form required by the administrator:

- A. *Application form.* A completed application on a form or in a format provided by the administrator, signed by the owner.
- B. *Fees.* All applicable fees required by County Code Chapter 1, Article 5 and the applicable fee form.

- C. *Registration statement.* A complete and accurate registration statement, if such a statement is required, from the operator on the official form provided by the Virginia Department of Environmental Quality in order to apply for general permit coverage. The registration statement must be signed by the owner in accordance with 9VAC25-875-940 and 9VAC25-880-70. A registration statement is not required for construction of a detached single-family dwelling within or outside of a common plan of development or sale, provided that the project complies with the requirements of the general permit.
- D. *Erosion and sediment control plan.* An erosion and sediment control plan satisfying the requirements of sections 17-402 and 17-500 or an executed agreement in lieu of an erosion and sediment control plan, if allowed by the administrator.
- E. *Stormwater management plan.* A stormwater management plan satisfying the requirements of sections 17-403 or an executed agreement in lieu of a plan, if allowed by the administrator.
- F. *Pollution prevention plan.* A pollution prevention plan satisfying the requirements of section 17-404.
- G. *Stormwater pollution prevention plan.* An SWPPP satisfying the requirements of section 17-405.
- H. *Mitigation plan.* A mitigation plan satisfying the requirements of section 18-4.23 et seq 17-406 if land disturbing activity is proposed within a stream riparian buffer, ~~under section 17-604.~~
- I. *Requested Proposed variations or exceptions.* A request proposal for any variation or exception as provided in sections 17-407 and 17-408.
- J. *Construction record drawings.* Construction record drawings if existing stormwater management facilities are used, satisfying the requirements of section 17-422.

(Ord. [14-17\(1\)](#), 5-7-14, effective 7-1-14; [Ord. 23-17\(1\)](#), 12-6-23, effective 7-1-24; [Ord. 24-A\(1\)](#), 1-10-24; [Ord. 24-17\(1\)](#), 6-5-24; Ord. 26-17 (), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § [62.1-44.15:34](#); [9VAC25-875-530](#), [9VAC25-875-920](#), [9VAC25-875-940](#), [9VAC25-880-70](#).

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~~Sec. 17-406 – Mitigation plan if development allowed in stream buffer; form and content~~
 • **~~Sec. 17-406 – Mitigation plan if development allowed in stream buffer; form and content.~~**

~~Each owner who seeks to develop in a stream buffer pursuant to [section 17-604](#) shall submit a mitigation plan that includes the following in the form required by the administrator:~~

~~A. *Elements of plan.* Except as provided in subsection (B), each mitigation plan shall contain all of the following:~~

- ~~1. *Identify impacts and specify mitigation measures.* Identify the impacts of the proposed development on water quality and lands within the stream buffer, and specify the mitigation measures that will address water quality and stream buffer impacts.~~
- ~~2. *Disturbance to land and vegetation minimized.* Ensure that, where development takes place within a stream buffer: (i) the proposed development, including the alignment and design of any stream crossing, shall be located on those portions of a site and in a manner that will be least disruptive to the natural functions of the stream buffer; (ii) no more land shall be disturbed than is necessary to allow a development that is permitted in the underlying zoning district under the applicable regulations of the Zoning Ordinance; and (iii) native vegetation shall be preserved to the fullest extent possible, consistent with the proposed development.~~
- ~~3. *Multiple stream crossings; demonstrate environmental advantage over single stream crossing.* If an owner seeks to establish more than one stream crossing as provided in [section 17-604\(C\)\(7\)](#), demonstrate that the environmental impacts from the entire road, street or driveway necessitated by a single stream crossing would be greater than the environmental impacts caused by an additional crossing and its associated road, street or driveway. For the purposes of this subsection, the environmental impacts considered by the administrator include, but are not limited to, impacts to soil, soil erosion, stormwater quantity, water quality, loss of vegetated stream buffer, impacts to stream beds and stream banks, the creation of impervious surfaces, and the disturbance of slopes of 25 percent or greater.~~
- ~~4. *Additional information.* Additional information deemed necessary by the administrator for a complete review of the plan.~~

~~B. *Building permit in lieu of satisfying requirements of subsection (A).* For any mitigation plan pertaining to the development of one single family detached dwelling, the administrator may, in his discretion, accept the building permit for the dwelling in lieu of satisfying the requirements of subsection (A).~~

~~(§ 19.3-46, 2-11-98; § 19.2-8, 6-19-91, § 8; § 19.1-13, 6-19-91, § 13; Code 1988, §§ 19.1-13, 19.2-8, 19.3-46; § 17-322, Ord. 98-A(1), 8-5-98; Ord. [08-17\(2\)](#), 5-7-08; Ord. [11-17\(1\)](#), 10-5-11; § 14-406, Ord. [14-17\(1\)](#), 5-7-14, effective 7-1-14)~~

~~**State Law reference** — Va. Code § [62.1-44.15:73](#); [9VAC25-890-40](#).~~

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Article V – Technical Criteria

Sec. 17-500 - Erosion and sediment control plans; applicable technical criteria.

Each erosion and sediment control plan must satisfy the following) as applicable:

- A. *Erosion and sediment control minimum standards.* The criteria, techniques and methods provided in [9VAC25-875-560](#).

- B. *Annual standards and specifications.* Any applicable annual standards and specifications approved by the Virginia Department of Environmental Quality.
- C. *Stormwater pollution prevention.* If the land-disturbing activity also requires a land-disturbance permit, the requirements in [9VAC25-870-54\(F\)](#) and as specified in 40 CFR 450.21.
- D. *~~Stream~~Riparian buffers.* The procedures and requirements for land-disturbing activity and development in riparian stream-buffers, as provided in Chapter 18, section 4.23 ~~section 17-600~~ *et seq.*
- E. *County design standards.* The technical criteria, including County notes and details, as provided in the Design Standards Manual.

(§ 19.3-11, 2-11-98; § 7-3, 6-18-75, § 5, 2-11-76, 4-21-76, 2-11-87, 3-18-92; § 7-4, 6-18-75, § 6, 10-22-75, 4-21-76, 11-10-76, 3-2-77, 4-17-85, 2-11-87, 12-11-87, 12-11-91, 3-18-92; Code 1988, §§ 7-3, 7-4, 19.3-11; § 17-203, Ord. 98-A(1), 8-5-98; Ord. [01-17\(1\)](#), 7-11-01; Ord. [09-17\(1\)](#), 8-5-09, effective 9-5-09; § 14-500, Ord. [14-17\(1\)](#), 5-7-14, effective 7-1-14; [Ord. 24-17\(1\)](#), 6-5-24; Ord. 26-17 (), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § [62.1-44.15:73](#); [9VAC25-875-560](#), [9VAC25-875-500](#), [9VAC25-890-40](#).

Sec. 17-501 - Applicability of other laws and regulations; time limits on applicability of approved design criteria.

Each land-disturbance permit application must satisfy the following criteria, techniques, and methods:

- A. *Land-disturbing activity that obtained general permit coverage or commenced land-disturbing activity prior to July 1, 2014.* Any land-disturbing activity that obtained general permit coverage or commenced land-disturbing activity prior to July 1, 2014 must be conducted in accordance with the technical criteria of [9VAC25-875-670](#) through [9VAC25-875-730](#). These projects remain subject to the technical criteria of [9VAC25-875-670](#) through [9VAC25-875-730](#) for an additional two general permit cycles. After that time, the portions of the project not under construction will become subject to any new technical criteria adopted by the State Water Control Board.
- B. *Land-disturbing activity that obtains initial general permit coverage on or after July 1, 2014.* Any land-disturbing activity that obtains initial general permit coverage on or after July 1, 2014 must be conducted in accordance with the technical criteria of [9VAC25-875-570](#) through [9VAC25-875-660](#), except as provided in subsection (C). These projects remain subject to the technical criteria of [9VAC25-875-570](#) through [9VAC25-875-660](#) for an additional two general permit cycles. After that time) the portions of the project not under construction will become subject to any new technical criteria adopted by the State Water Control Board.
- C. *Land-disturbing activity related to certain development approvals prior to July 1, 2012.* Any land-disturbing activity will be subject to the technical criteria of [9VAC25-875-670](#) through [9VAC25-875-730](#), provided all of the following apply:

1. *Prior qualifying approval.* A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the County to be equivalent thereto (i) was approved by the County prior to July 1, 2012; (ii) provided a layout as defined in [9VAC25-875-670](#); (iii) will comply with the technical criteria of [9VAC25-875-670](#) through [9VAC25-875-730](#); and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff.
 2. *General permit not issued.* A general permit has not been issued prior to July 1, 2014.
 3. *Land-disturbing activity not commenced.* Land-disturbing activity did not commence prior to July 1, 2014.
 4. *Duration.* Land-disturbing activities under this subsection (C) will remain subject to the technical criteria of [9VAC25-875-670](#) through [9VAC25-875-730](#) for one additional general permit cycle. After that time, the portions of the project not under construction will become subject to any new technical criteria adopted by the State Water Control Board.
- D. *Land-disturbing activity related to County, State or Federal funded projects.* County, State and Federal projects are subject to the technical criteria of [9VAC25-875-670](#) through [9VAC25-875-730](#), provided all of the following apply:
1. *Prior qualifying obligation.* There has been an obligation of County, state or federal funding, in whole or in part, prior to July 1, 2012, or DEQ has approved a stormwater management plan prior to July 1, 2012.
 2. *General permit not issued.* A general permit has not been issued prior to July 1, 2014.
 3. *Land-disturbing activity not commenced.* Land disturbance did not commence prior to July 1, 2014.
 4. *Duration.* Land-disturbing activities under this subsection (D) will remain subject to the technical criteria in [9VAC25-875-670](#) through [9VAC25-875-730](#) for one additional general permit cycle. After that time, the portions of the project not under construction will become subject to any new technical criteria adopted by the State Water Control Board.
- E. *Land-disturbing activity related where government bonds or other instruments of public debt financing issued.* In cases where government bonding or public debt financing has been issued for a project prior to July 1, 2012, the project will be subject to the technical criteria in [9VAC25-875-670](#) through [9VAC25-875-730](#).
- F. *TMDLs.* The Chesapeake Bay TMDL (Total Maximum Daily Load) as provided in [9VAC25-890-40](#) and any other local TMDLs applicable to a regulated land-disturbing activity apply to land-disturbing activities under this section.
- G. *Riparian Stream buffers.* Any land-disturbing activity under subsections (A) through (E) also must comply with the requirements for riparian stream buffers in section 18-4.23 section 17-600 et seq.

H. *Pre-existing County requirements.* Any criterion more stringent than the technical criteria set forth in subsections (A) through (F) existing prior to January 1, 2005 in either this chapter or the Design Standards Manual applies to land-disturbing activities under this section.

I. *More stringent standards.* Nothing in this section precludes an operator from constructing to a more stringent standard at the operator's discretion.

(§ 19.1-6, 9-29-77, art. II, § 1, 10-19-77, 9-13-78, 10-22-80, 7-11-90, 8-3-94; § 19.1-7, 9-29-77, art. II, § 2, 7-11-90; § 19.3-27, 2-11-98; Code 1988, §§ 19.1-6, 19.2-7, 19.3-27; § 17-303, Ord. 98-A(1), 6-17-98; § 17-500, Ord. [14-17\(1\)](#), 5-7-14, effective 7-1-14; [Ord. 24-17\(1\)](#), 6-5-24; [Ord. 26-17 \(\)](#), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ [62.1-44.15:33](#), [62.1-44.15:49](#); [9VAC25-875-480](#), [9VAC25-875-490](#), [9VAC25-875-690](#), [9VAC25-875-100](#), [9VAC25-875-970](#), [9VAC25-890-40](#).

This ordinance will be effective on and after September 1, 2026.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on June 17, 2026.

Clerk, Board of County Supervisors

	Aye	Nay
Mr. Gallaway	_____	_____
Ms. Duncan	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Mr. Missel	_____	_____
Mr. Pruitt	_____	_____