

ACTIONS Board of Supervisors Meeting of June 17, 2026		
		June 18, 2026
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. The meeting was called to order at 3:00 p.m. by the Chair, Mr. Gallaway. All BOS members were present except for Mike Pruitt and Bea LaPisto-Kirtley, who participated remotely. Also present were Trevor Henry, Ann Wall, Andy Herrick, Claudette Borgersen, and Travis Morris.		Link to Video
Motion to permit Supervisor LaPisto-Kirtley, who was traveling on personal business, to participate remotely from Dulles, Virginia, in accordance with applicable Board Rules of Procedure, rule number 8.B.1.d, enacted pursuant to the Freedom of Information Act passed by a vote of 4:0.		
4. Adoption of Final Agenda. ADDED a Proposed Request for an SCC Public Hearing on Dominion Energy's Charlottesville-Gordonsville 230kV Rebuild Project. MOVED Proposed Request for an SCC Public Hearing on Dominion Energy's Charlottesville-Gordonsville 230kV Rebuild Project discussion early on the agenda. ADDED a discussion Regarding Implementing HB1072. - By a vote of 5:0, ADOPTED the final agenda as amended.		
20.c Proposed Request for an SCC Public Hearing on Dominion Energy's Charlottesville-Gordonsville 230kV Rebuild Project. Motion for the Chair to work with the County Attorney to file a legal pleading with the SCC on behalf of the County requesting that they hold a public hearing in Albemarle; and for the County to participate passed by a vote of 5:0.	<u>County Attorney:</u> Proceed as discussed.	
5. Brief Announcements by Board Members. <u>Ann Mallek:</u> - Thanked Barbara Barrett for her 9 years of service as a parent representative on the Region Ten Community Service Board. - Announced that the Albemarle Amateur Radio Club would be participating in the American Radio Relay League's (ARRL) Annual National Field Day from 2:00 p.m. on June 27 to 2:00 p.m. June 28 at the Earlysville Volunteer Fire Department and encouraged community members to attend. - Announced the White Hall District 4th of July parades: - July 4 at 10:00 a.m. starting at Earlysville Forest Drive. - July 4 at 5:00 p.m. starting at the Crozet Elementary School and sponsored by the Crozet volunteer fire dept. with fireworks later at the Kings family vineyards. - July 5 at 4:00 p.m. starting at the Church of Brethren and sponsored by the Free Union Homemakers. <u>Ned Gallaway:</u> - Mentioned that he had received notice from		

	VDOT that the mini roundabout at Greenbrier and Hillsdale would be installed with construction starting on June 22, 2026. - Commented that the General Assembly needs to put the intraparty politics aside because if there was not a budget adopted by July 1, it would be a catastrophe for local governments and school boards. <u>Bea LaPisto-Kirtley:</u> - Announced the Key West 4th of July Parade.		
6.	Proclamations and Recognitions. a. Resolution Recognizing Charles Ridgeway "Ridge" Schuyler III. By a vote of 5:0, ADOPTED resolution and presented to Ridge Schuyler.	(Attachment 1)	
7.	From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board. There were none.		
8.1	Proposed Amendment to the 1997 UVA / County / Charlottesville Ground Lease Agreement for the Emergency Communications Center (ECC). ADOPTED resolution authorizing the County Executive to execute the agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.	<u>Clerk:</u> Forward copy of signed resolution to FES, and County Attorney's office. (Attachment 2) <u>County Attorney:</u> Provide Clerk with copy of fully executed agreement. (Attachment 3)	
8.2	Resolutions of Intent to Address Changes in the Code of Virginia for Solar Facilities, Parking Requirements, Battery Energy Storage Systems, Manufactured Housing, Wireless Facilities, Affordable Housing and Project Review Timelines. ADOPTED the following Resolutions of Intent: a. Resolution of Intent Zoning Text Amendment Energy Facilities; b. Resolution of Intent Zoning Text Amendment Parking Regulations; c. Resolution of Intent Zoning Text Amendment Battery Energy Storage Systems; d. Resolution of Intent Zoning Text Amendment Manufacture Housing; e. Resolution of Intent Zoning Text Amendment Manufacture Housing nonconformities; f. Resolution of Intent Zoning Text Amendment Temporary Wireless Facilities; g. Resolution of Intent Zoning Text Amendment Religious and other Nonprofit Housing; h. Resolution of Intent Zoning Text Amendment Site Plan Review Timelines; i. Resolution of Intent Subdivision Text Amendment Subdivision Review Timelines	<u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 4-12)	
8.3	Resolution to Support SMART SCALE Applications. ADOPTED Resolution to Support SMART SCALE Project Applications in Albemarle County.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 13)	
8.4	SE-2026-00012 1652 State Farm Boulevard Special Exception. ADOPTED Resolution to approve a special exception to allow more than 4,000 square feet of gross floor area for Laboratories/Research and	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 14)	

Development/Experimental Testing.		
9.	Proposed Project for the Albemarle Housing Investment Fund. By a vote of 5:0, AUTHORIZED staff to move forward with appropriate noticing requirements for the ordinance and to bring it back as an action item.	<u>Clerk</u>: Schedule on a future agenda and advertise in the Daily Progress. <u>Housing</u>: Proceed as approved.
20.	From the Board: Committee Reports and Matters Not Listed on the Agenda. a. Other Matters. <u>Sally Duncan</u>: - Reported on a Special Meeting of Charlottesville Albemarle Regional Transit Authority (CARTA). She mentioned that the VA Breeze bus was up and running and would be adding routes to DC for the 4th of July fireworks. - Report on her tour of the VIA Center for Neurodevelopment. <u>Ann Mallek</u>: - Mentioned the re-opening of Birdwood. - Commented on the recent Crozet Community Advisory Committee where they discussed how to get back to the short-term priorities in the Crozet Master Plan, specifically the inventorying of the NOAH's (Naturally Occurring Affordable Housing) and inventorying sidewalk gaps to make more informed decisions. - Mentioned that on Monday night she had attended a meeting regarding clean fill. <u>Fred Missel</u>: - Reported on a tour he took of the Foothills Children's Advocacy Center. <u>Ned Gallaway</u>: - Reported on the Thomas Jefferson Planning District Commission meeting where they passed a resolution to endorse the Smart Scale applications and honored outgoing Chair Keith Smith for his extended years of service. He noted the new chair was Michael Payne from the City of Charlottesville, the new Vice Chair was Manning Woodward of Louisa, and he was appointed as treasurer. - Reported on the Chamber Public Policy Committee meeting, which is now a formal committee of the Chamber. - Mentioned his attendance at Go Virginia Region 9 meeting. b. Discussion Regarding Implementing HB1072. Held.	
	Note: Supervisor LaPisto-Kirtley left the meeting at 4:33 p.m.	
10.	Closed Meeting. - At 4:33 p.m., the Board went into closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia: - under subsection (1), to discuss and consider the appointment of the Director of Community Development.	
11.	Certify Closed Meeting. At 6:00 p.m., the Board reconvened into an open meeting and certified the closed meeting by a vote of 4:0.	

	Non-Agenda. Resolution Appointing Director of Community Development. By a vote of 4:0, ADOPTED resolution appointing Bart J. Svoboda as Director of Community Development.	<u>Clerk:</u> Forward copy of signed resolution to Human Resources, Community Development, and County Attorney's office. (Attachment 15)	
12.	From the County Executive: Report on Matters Not Listed on the Agenda. <u>Abbey Stumpf:</u> Presented the June Progress Albemarle report.		
13.	Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings). <u>Claude Convisser</u>, spoke regarding fossil fuels and low barrier shelters, and the pay increase for Board of Supervisors members. - Mat Miller, Samuel Miller, spoke regarding utilizing Biscuit Run as a county fair location.		
14.	<u>Pb. Hrg.: Public Hearing to Consider the Adoption of an Ordinance to Join the Virginia Municipal Investment Trust.</u> By a vote of 4:0, ADOPTED ordinance to authorize participation in the VA MINT and AUTHORIZED the Chief Financial Officer to sign the Trust Joinder and VA MINT shareholder account application.	<u>Clerk:</u> Forward copy of signed ordinance to Finance and Budget and County Attorney's office. (Attachment 16) <u>Finance and Budget:</u> Provide Clerk with copy of fully executed Agreement. (Attachment 17)	
15.	<u>Pb. Hrg.: Public Hearing for a Compensation Increase for Board of Supervisors Members.</u> By a vote of 4:0, ADOPTED ordinance.	<u>Clerk:</u> Forward copy of signed ordinance to Human Resources and County Attorney's office. (Attachment 18)	
16.	<u>Pb. Hrg.: Public Hearing for a Compensation Increase for Planning Commission and Other Appointed Boards.</u> By a vote of 4:0, ADOPTED ordinance.	<u>Clerk:</u> Forward copy of signed ordinance to Human Resources and County Attorney's office. (Attachment 19)	
17.	<u>Pb. Hrg.: 26-3(1) – Agricultural and Forestal Districts.</u> By a vote of 4:0, ADOPTED ordinance to withdraw a 7.5-acre portion of 103-2B from the Lanark AFD.	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 20)	
18.	<u>Pb. Hrg.: 26-3(2) – Agricultural and Forestal Districts.</u> <u>AFD 2026-02 Green Mountain District Addition.</u> <u>AFD 2026-03 Chalk Mountain District Addition.</u> - By a vote of 4:0, ADOPTED ordinance to approve the Green Mountain and Chalk Mountain District Additions.	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 21)	
19.	<u>Pb. Hrg.: ZTA202300006, WPTA202300003, STA202300003, OTA202400002 Riparian Buffer Protection Standards.</u> By a vote of 4:0, ADOPTED ordinances included as Attachments D, E, F, and G, with the change to draft section 4.23.7(A) recommended by staff.	<u>Clerk:</u> Forward copy of signed ordinances to Community Development and County Attorney's office. (Attachments 22-25)	
20.	From the Board: Committee Reports and Matters Not Listed on the Agenda. Moved earlier on the agenda.		
21.	Adjourn to July 15, 2026, 1:00 p.m. Lane Auditorium. The meeting was adjourned at 8:41 p.m.		

ckb/tom

Attachment 1 – Resolution Recognizing Charles Ridgeway “Ridge” Schuyler III Upon His Retirement
Attachment 2 – Resolution Authorizing Execution of Amendment to Ground Lease for ECC Premises
Attachment 3 – Draft Amendment to the Charlottesville-UVA Albemarle Emergency Communications Center

Ground Lease Agreement

- Attachment 4 – Resolution Intent Zoning Text Amendment Energy Facilities
- Attachment 5 – Resolution of Intent Zoning Text Amendment Parking Regulations
- Attachment 6 – Resolution of Intent Zoning Text Amendment Battery Energy Storage Systems
- Attachment 7 – Resolution of Intent Zoning Text Amendment Manufactured Housing
- Attachment 8 – Resolution of Intent Zoning Text Amendment Manufactured Housing Nonconformities
- Attachment 9 – Resolution of Intent Zoning Text Amendment Temporary Wireless Facilities
- Attachment 10 – Resolution of Intent Zoning Text Amendment Religious and Other Nonprofit Housing
- Attachment 11 – Resolution of Intent Zoning Text Amendment Site Plan Review Timelines
- Attachment 12 – Resolution of Intent Subdivision Text Amendment Subdivision Review Timelines
- Attachment 13 – Resolution to Support Smart Scale Project Applications in Albemarle County
- Attachment 14 – Resolution to Approve SE-2026-00012 1652 State Farm Boulevard Special Exception
- Attachment 15 – Resolution Appointing Bart J. Svoboda as Director of Community Development
- Attachment 16 – Ordinance No. 26-A(5)
- Attachment 17 – VA MINT Trust Agreement and Trust Joinder
- Attachment 18 – Ordinance No. 26-2(1)
- Attachment 19 – Ordinance No. 26-2(2)
- Attachment 20 – Ordinance No. 26-3(1)
- Attachment 21 – Ordinance No. 26-3(2)
- Attachment 22 – Ordinance No. 26-7(1)
- Attachment 23 – Ordinance No. 26-14(1)
- Attachment 24 – Ordinance No. 26-17(1)
- Attachment 25 – Ordinance No. 26-18(1)

**Resolution
Recognizing Charles Ridgeway “Ridge” Schuyler III Upon His Retirement**

- WHEREAS,** Charles Ridgeway “Ridge” Schuyler III has dedicated his career to advancing economic opportunity and strengthening communities through innovative, collaborative approaches; and
- WHEREAS,** as Dean of Student Support & Community Partnerships and Director of Network2Work at Piedmont Virginia Community College, Ridge has provided visionary leadership in addressing systemic barriers to employment and creating pathways to family-sustaining careers; and
- WHEREAS,** Ridge led the development of a coordinated, community-wide approach that brings together employers, service providers, and trusted community members to support individuals seeking meaningful and lasting employment; and
- WHEREAS,** the Network2Work model, pioneered under Ridge’s leadership, has demonstrated measurable and transformative impact, with nearly 70 percent of participants securing employment and achieving significant wage growth, thereby enhancing economic mobility for individuals and families across the region; and
- WHEREAS,** throughout his distinguished career, including service on Capitol Hill, Ridge has exemplified a deep commitment to public service, cross-sector collaboration, and the well-being of the community;
- NOW, THEREFORE, BE IT RESOLVED,** that we, the Albemarle County Board of Supervisors do hereby honor, commend, and express sincere gratitude to Charles Ridgeway “Ridge” Schuyler III for his outstanding service, leadership, and lasting contributions to the community.

Signed this 17th day of June 2026.

**RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO GROUND LEASE FOR
EMERGENCY COMMUNICATIONS CENTER PREMISES**

WHEREAS, the City of Charlottesville (the "City"), the County of Albemarle (the "County", and, together with the City, "Tenant"), and the Rector and Visitors of the University of Virginia ("Landlord") entered into a Ground Lease in 1997 for the operation of the Charlottesville-UVA-Albemarle Emergency Communications Center (the "ECC") located in the County at 2306 Ivy Road, Charlottesville, Virginia; and

WHEREAS, a Modular Unit, located at 2304 Ivy Road, has been added to the leased Premises for use by the ECC; and

WHEREAS, the Modular Unit constitutes part of the Premises and an Improvement and will be used, operated, insured and maintained by the Tenant pursuant to the Ground Lease; and

WHEREAS, all other terms and conditions of the Ground Lease applicable to the Premises and Improvements will apply to the Modular Unit and to Tenant's use and occupancy. Title to the Modular Unit will remain vested in Landlord; and

WHEREAS, under the terms of the 1997 Agreement, both the City and County must consent to and execute this Amendment to the Ground Lease; and

WHEREAS, the Board of Supervisors of the County of Albemarle finds that executing the Amendment to the Ground Lease serves a public purpose by improving the function of the ECC;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the Amendment to the Ground Lease, once approved by the County Attorney as to form and substance.



Office of the Architect
Real Estate and Leasing Services

May 19, 2026

By Email

The City of Charlottesville

The County of Albemarle, Virginia

Re: Ground Lease Agreement among The Rector and Visitors of the University of Virginia ("Landlord"), the City of Charlottesville, Virginia ("City"), and the County of Albemarle, Virginia ("County", and, together with the City, "Tenant"), dated October 3rd, 1997 (UVA Lease Number 207-L0131), with respect to certain real property described therein and currently designated as County of Albemarle Tax map Parcel number 060000000030F0 (the "Ground Lease")

Capitalized terms used but not defined in this letter shall have the meaning set forth in the Ground Lease. Landlord has installed within the Premises a modular unit located at 2304 Ivy Road, Charlottesville, VA 22903, as described in greater detail in the Exhibits attached hereto (the "Modular Unit").

The Modular Unit constitutes part of the Premises and an Improvement and will be used, operated, insured and maintained by Tenant pursuant to the Ground Lease. All other terms and conditions of the Ground Lease applicable to the Premises and Improvements will apply to the Modular Unit and to Tenant's use and occupancy thereof. Title to the Modular Unit will remain vested in Landlord. Tenant accepts the Modular Unit in its current condition, without any representation or warranty from Landlord.

Please sign below to signify your agreement to the above. This letter agreement shall be effective as of the date of the last signature below.

LANDLORD:

THE RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA

By: _____

Name:

Title:

Date:

Exhibits: A Modular Unit Description
 B Modular Unit Plans
 C Site/Location Map

O'Neil Hall | 445 Rugby Road - PO Box 400884 | Charlottesville, VA 22304-4227

realestate@virginia.edu | realestate.virginia.edu

ECC Ground Lease – Modular Unit

May 19, 2026

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Reviewed and Approved
As to Legal Form and Sufficiency:

By: _____
Richard Naddeo
Senior Assistant University Counsel and
Associate University Counsel

Date: _____

Seen and Agreed:

CHARLOTTESVILLE-UVA-ALBEMARLE COUNTY EMERGENCY COMMUNICATIONS CENTER

TENANT:

THE CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
Name:
Title:
Date:

Approved as to form:
Sau Chan – Deputy City Attorney

THE COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Name:
Title:
Date:

Exhibit A

Modular Unit Description

- One (1) modular unit described as:
UPD Modular Annex, Facility #0623, 36' x 60' modular police station to include block, level anchor on abs pads, vinyl skirt, ramps and decks
- Manufacturer: Boxx Modular, installation Faulconer
- Serial Number(s): W.O.#2880913 P053374
- Size/Configuration: 36' x 60' (see attached plans)
- Current Location: 2304 Ivy Road, Charlottesville, VA 22903.

ECC Ground Lease – Modular Unit
May 19, 2026
Exhibit A

Exhibit B
Modular Unit Plans
(attached)

ECC Ground Lease – Modular Unit
May 19, 2026
Exhibit B

Exhibit C
Site/Location Map
(attached)

ECC Ground Lease – Modular Unit
May 19, 2026
Exhibit C

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
ENERGY FACILITIES**

WHEREAS, the County's authority to regulate energy facilities has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-5.1.66, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
PARKING REGULATIONS**

WHEREAS, the County's authority to regulate parking has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-4.12, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
BATTERY ENERGY STORAGE SYSTEMS**

WHEREAS, the County's authority to regulate battery energy storage systems has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §§18-3, 18-4.22, 18-5.1.66 and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
MANUFACTURED HOUSING**

WHEREAS, the County's authority to regulate manufactured housing has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §§18-2.4, 18-3.1, 18-5.1.21, 18-10.2, 18-11.2, 18-12.2, 18-13.2, 18-14.2, 18-15.2, 18-16.2, 18-17.2, 18-18.2, 18-19.2, 18-20.2, 18-20C.6, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
MANUFACTURED HOUSING NONCONFORMITIES**

WHEREAS, the County's authority to regulate nonconforming manufactured housing has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-6.2 and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
TEMPORARY WIRELESS FACILITIES**

WHEREAS, the County's authority to regulate temporary wireless facilities has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §§ 18-3, 18-4, 18-5.1.40 and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
RELIGIOUS AND OTHER NONPROFIT HOUSING**

WHEREAS, the County's authority to regulate religious and other nonprofit housing has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-4 and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
SITE PLAN REVIEW TIMELINES**

WHEREAS, the review timelines for subdivisions and site plans were amended by the Virginia General Assembly in 2025; and

WHEREAS, the *Albemarle County Code* includes review timelines that are inconsistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-32.4, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION OF INTENT
SUBDIVISION TEXT AMENDMENT
SUBDIVISION REVIEW TIMELINES**

WHEREAS, the review timelines for subdivisions and site plans were amended by the Virginia General Assembly in 2025; and

WHEREAS, the *Albemarle County Code* includes review timelines that are inconsistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §§14-22214-230, and any other section(s) of the Subdivision Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION TO SUPPORT SMART SCALE PROJECT APPLICATIONS
IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires to submit applications for transportation projects to be funded through the SMART SCALE Program in the Fiscal Year 28-33 Six-Year Improvement Plan; and

WHEREAS, the County of Albemarle also desires the Charlottesville-Albemarle Metropolitan Planning Organization to submit applications for transportation projects located within Albemarle County, to be funded through the SMART SCALE Program in the Fiscal Year 28-33 Six-Year Improvement Plan; and

WHEREAS, these applications are requesting funds to implement the following projects:

Albemarle County:

1. Barracks Road SB Right Turn Lane at US 29/250 Bypass
2. US 250 and Old Trail Drive Intersection Improvements
3. US 250 / Rte 601 Roundabout Corridor Improvements
4. US 250 / Rte 601 / Canterbury Intersection Improvements

Charlottesville-Albemarle Metropolitan Planning District Commission

5. US 29 NB/US 250 EB Ramp Extension/Barracks Road Off-Ramp
6. I-64 – 5th St Interchange Improvements
7. US 29/250 SB Off-Ramp Extension to Old Ivy Rd
8. Old Ivy Rd On-Ramp/Leonard Sandridge Rd Off-Ramp Aux. Lane

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the SMART SCALE applications for funding for the above-listed projects on behalf of Albemarle County.

**RESOLUTION TO APPROVE SE-2026-00012
1652 STATE FARM BOULEVARD SPECIAL EXCEPTION**

WHEREAS, upon consideration of the staff reports prepared for SE-2026-00012 1652 State Farm Boulevard and the attachments thereto, including staff's supporting analysis, any comments received, the relevant factors in *Albemarle County Code* §§ 18-24.2.1 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would:

1. Be consistent with the goals and objectives of the comprehensive plan;
2. Be consistent with the scale and character of nearby commercial uses;
3. Be consistent with the purpose and intent of Albemarle County Code § 18-25A.2.1(1) Planned Development - Mixed Commercial – PD-MC; and
4. Does not adversely affect surrounding commercial and office structures;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception for SE 2026-00012 1652 State Farm Boulevard on Parcel 07800-00-00-06100 to allow a Laboratories/Research and Development/Experimental Testing use of more than 4,000 square feet of the gross floor area of the existing structure, limited to 4,900 square feet of gross floor area.

**RESOLUTION APPOINTING BART J. SVOBODA
AS DIRECTOR OF COMMUNITY DEVELOPMENT**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia ("Board") that:

1. Upon the recommendation of the County Executive, Bart J. Svoboda ("Mr. Svoboda") is hereby appointed the Director of Community Development for the County of Albemarle, Virginia, pursuant to *Virginia Code* § 15.2-512, effective June 18, 2026;
2. Mr. Svoboda will serve as Director of Community Development at the pleasure of the Board and for an indefinite term pursuant to *Virginia Code* § 15.2-513;
3. Mr. Svoboda will have the powers and duties authorized by State and County laws; and
4. Mr. Svoboda will act under the supervision of the County Executive.

ORDINANCE NO. 26-A(5)**AN ORDINANCE TO APPROVE PARTICIPATION IN THE VIRGINIA MUNICIPAL INVESTMENT TRUST FUND FOR THE PURPOSE OF INVESTING MONEYS BELONGING TO OR WITHIN THE COUNTY OF ALBEMARLE, VIRGINIA'S CONTROL, OTHER THAN SINKING FUNDS, IN CERTAIN AUTHORIZED INVESTMENTS IN ACCORDANCE WITH VIRGINIA CODE SECTION 2.2-4501.**

WHEREAS, Virginia Code Section 15.2-1500 provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary to carry out the functions of the government; and

WHEREAS, Virginia Code Section 2.2-4501 provides that all municipal corporations and other political subdivisions may invest any and all moneys belonging to them or within their control, other than sinking funds, in certain authorized investments; and

WHEREAS, Virginia Code Section 15.2-1300 provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority pursuant to agreements with one another for joint action pursuant to the provisions of that section; and

WHEREAS, any two or more political subdivisions may enter into agreements with one another for joint action pursuant to the provisions of Section 15.2-1300 of the Virginia Code provided that the participating political subdivisions shall approve such agreement before the agreement may enter into force; and

WHEREAS, the City of Danville, Virginia and the County of Henry, Virginia have determined to jointly establish and participate in the Virginia Municipal Investment Trust Fund (the "Trust Fund") for each such locality; and

WHEREAS, the Board of Supervisors of the County of Albemarle, Virginia has determined that it is in the best interests of the County of Albemarle, Virginia to become a participating locality in the Trust Fund; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that:

1. The Board of Supervisors of the County of Albemarle shall participate in the Trust Fund for the purpose of investing moneys determined to derive the most benefit from this investment strategy, belonging to it or within its control, other than sinking funds, in certain authorized investments in accordance with Virginia Code Section 2.2-4501, which Trust Fund has been established and shall operate as set forth in the Virginia Municipal Investment Trust Fund Agreement (the "Agreement").

2. The Board of Supervisors of the County of Albemarle become a "Participating Political Subdivision" in the Trust Fund, as further defined in the Agreement.

3. The Board of Supervisors of the County of Albemarle hereby designates the Chief Financial Officer of the County of Albemarle to serve as the trustee of the County of Albemarle with respect to the Trust Fund, to determine what funds under the control of the Chief Financial Officer control shall be invested in the Trust Fund and to perform the responsibilities of the "Chief Investment Officer," as described in the Agreement, on behalf of the County of Albemarle (locality).

4. The Board of Supervisors of the County of Albemarle hereby authorizes the Chief Financial Officer to execute and deliver the Joint Exercise of Powers Agreement for Participating Political Subdivisions Virginia Municipal Investment Trust ("Joint Exercise of Powers Agreement").

5. This ordinance shall be in force and effect upon its adoption or passage.

**TRUST JOINDER AGREEMENT
FOR PARTICIPATING POLITICAL SUBDIVISIONS
VIRGINIA MUNICIPAL INVESTMENT TRUST**

THIS TRUST JOINDER AGREEMENT is made by and between the Chief Financial Officer of the County of Albemarle, Virginia (herein referred to as the “Chief Financial Officer”), the County of Albemarle, Virginia (herein referred to as the “Participating Political Subdivision”), and the Board of Trustees (herein collectively referred to as the “Trustees”) of the Virginia Municipal Investment Trust (herein referred to as “VA MINT”).

WITNESSETH:

WHEREAS, the governing body of the Participating Political Subdivision desires to participate in a trust for the purpose of investing monies belonging to or within its control, other than sinking funds, in investments authorized under Section 2.2-4501 of the Virginia Code; and

WHEREAS, the governing body of the Participating Political Subdivision has adopted an ordinance and/or resolution (a certified copy of which is attached hereto as Exhibit A) to authorize, or has otherwise taken action required by law or rule to authorize and approve, participation in VA MINT and has designated the Chief Financial Officer to serve as the trustee of the Participating Political Subdivision with respect to VA MINT and to determine what funds under the Chief Financial Officer’s control shall be invested in VA MINT, and has authorized the Chief Financial Officer to enter into this Trust Joinder Agreement; and

WHEREAS, VA MINT, in accordance with the terms of the Virginia Municipal Investment Trust Fund Agreement (the “Agreement”), provides administrative, custodial and investment services to the Participating Political Subdivisions in VA MINT; and

WHEREAS, the Chief Financial Officer, upon the authorization of the governing body of the County of Albemarle, Virginia, desires to submit this Trust Joinder Agreement to the Trustees to enable the County of Albemarle, Virginia, to become a Participating Political Subdivision in VA MINT and a party to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements flowing to each of the parties hereto, it is agreed as follows:

1. Pursuant to the Board of Trustees’ acceptance of this Trust Joinder Agreement, the County of Albemarle, Virginia, is a Participating Political Subdivision in VA MINT, as provided in the Agreement, and the Chief Financial Officer is authorized to enter into this Trust Joinder Agreement, and to represent and vote the beneficial interest of County of Albemarle, Virginia, in VA MINT in accordance with the Agreement.

2. Capitalized terms not otherwise defined in this Trust Joinder Agreement have the meaning given to them under the Agreement.

3. The Chief Financial Officer shall cause appropriations designated by the Participating Political Subdivision for deposit in VA MINT to be deposited into a depository designated by the Trustees.

4. The Chief Financial Officer shall timely remit, or timely approve the remittance of, administrative fees as may be due and payable by the Participating Political Subdivision under the Agreement into a depository designated by the Trustees.

5. The Participating Political Subdivision shall have no right, title or interest in or to any specific assets of VA MINT, but shall have an undivided beneficial interest in VA MINT; however, there shall be a specific accounting of assets allocable to the Participating Political Subdivision.

6. The Chief Financial Officer shall provide to the Administrator designated by the Trustees all relevant information reasonably requested by the Administrator for the administration of the Participating Political Subdivision's investment, and shall promptly update all such information. The Chief Financial Officer shall certify said information to be correct to the best of his/her knowledge, and the Trustees and the Administrator shall have the right to rely on the accuracy of said information in performing their contractual responsibilities.

7. VA MINT shall provide administrative, custodial and investment services to the Participating Political Subdivision in accordance with the Agreement.

8. The Trustees and the Administrator, in accordance with the Agreement and the policies and procedures established by the Trustees, shall periodically report Trust activities to the Participating Political Subdivision on a timely basis.

9. The Chief Financial Officer and the Participating Political Subdivision agree to abide by and be bound by the terms, duties, rights and obligations as set forth in the Agreement, as may be amended by the Trustees, which is attached hereto and is made a part of this Trust Joinder Agreement.

10. The Chief Financial Officer, in fulfillment of his/her duties as the trustee of the Participating Political Subdivision, retains the services of the Investment Manager or Managers selected by the Trustees pursuant to the Agreement.

11. The term of this Trust Joinder Agreement shall be indefinite. The Chief Financial Officer may terminate this Trust Joinder Agreement on behalf of the Participating Political Subdivision by giving notice in writing to the Trustees. Termination shall be governed by the provisions of the Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Chief Financial Officer has caused this Trust Joinder Agreement to be executed this 25 day of June, 2026.

JACOB SUMNER

CHIEF FINANCIAL OFFICER OF

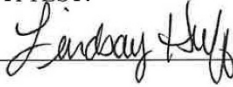
THE COUNTY OF ALBEMARLE, VIRGINIA



Chief Financial Officer

County of Albemarle, Virginia

ATTEST:



* * * *

ACCEPTANCE:

VIRGINIA MUNICIPAL INVESTMENT
TRUST

By: _____

Signed by:



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ORDINANCE NO. 26-2(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 2, BOARD OF SUPERVISORS, 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 2, Administration, Article 2, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 2-202 Compensation of the Board of Supervisors.

Chapter 2. Administration**Article 2. Board of Supervisors****Sec. 2-202 Compensation of the Board of Supervisors.**

The Board of Supervisors' compensation is as follows:

- A. *Salary.* The salary of each member is \$21,221 per year, effective July 1, 2026.
- B. *Stipend for the chair.* In addition to the salary, the chair shall receive an annual stipend of \$1,929.
- C. *Stipend for the vice-chair.* In addition to the salary, the vice-chair shall receive a stipend of \$643, per year.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; § 2-202, Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17; Ord. 18-2(2), 4-11-18; Ord. 18-2(3), 6-13-18; Ord. 19-2(1), 6-5-19; Ord. 21-2(1), 6-16-21, Ord 22-2(1), 6-1-22, effective 7-1-22; Ord. 23-2(3), 5-3-23, effective 7-1-23; Ord. 24-2(), 6-12-24, effective 7-1-24; Ord. 25-2(1), 6-18-25, effective 7-1-25; Ord. 26-2(), 6-17-26, effective 7-1-26.

State law reference -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

This ordinance is effective on and after July 1, 2026.

ORDINANCE NO. 26-2(2)

AN ORDINANCE TO ADOPT AND REORDAIN CHAPTER 2, ADMINISTRATION 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 2, Administration, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

Sec. 2-401 Composition, appointment, terms, and compensation.
 Sec. 2-905 Identified appointed boards; compensation and reimbursement.

CHAPTER 2. ADMINISTRATION**ARTICLE 2****Sec. 2-401 Composition, appointment, terms, and compensation.**

The composition of the Planning Commission and the appointment, terms, and compensation of its members are as follows:

- A. *Composition.* The Planning Commission is composed of eight members, seven of whom are voting members and one of whom is a non-voting member.
- B. *Qualifications.* All members of the Planning Commission shall be County residents and qualified by knowledge and experience to make decisions on questions of community growth and development. Members are not required to be residents of the magisterial district represented by the member of the Board of Supervisors who nominated them. At least one-half of the members shall be owners of real property.
- C. *Nomination and appointment.* Each member of the Planning Commission is appointed by the Board of Supervisors. Before being appointed by the Board, each member of the Planning Commission is nominated as follows:
 - 1. *Voting members.* Of the seven voting members, one is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district, and one is nominated to serve at-large.
 - 2. *Non-voting member.* The non-voting member is nominated by the President of the University of Virginia.
- D. *Terms.* The terms served by members of the Planning Commission are as follows:
 - 1. *Voting members, other than at-large member.* The voting members, other than the at-large member, are appointed for four-year terms. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.
 - 2. *Voting member, at-large.* The at-large member is appointed for a two-year term, and is appointed each even-numbered year following County elections for the Board of Supervisors.
 - 3. *Non-voting member.* The non-voting member is appointed for a one-year term.
- E. *Compensation and Expense Reimbursement.*
 - 1. *Compensation.* Each voting member of the Planning Commission shall be paid \$8,074 per year, to be paid in monthly installments. The chair of the Planning Commission shall be paid an additional \$1,576 per year, to be paid in monthly installments.
 - 2. *Reimbursement for travel and related expenses.* Each voting member of the Planning Commission shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

- F. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.
- G. *Holdover until successor appointed.* Any member of the Planning Commission whose term has expired shall continue as a member until the Board of Supervisors re-appoints the member or appoints a successor.

(4-21-66, § 1; 2-15-68, § 1; 1-16-69; 10-16-69; 1-21-71; 7-19-73; 4-17-75; 1-15-76; 4-21-76; 1-3-77; 5-2-79; 2-13-80; 12-10-80; 2-10-82; 6-13-84; 11-14-84; 3-12-86; 9-10-86; Ord. of 8-1-90; Code 1988, § 2-4; § 2-401, Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00; Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 24-2(2), 8-7-24; Ord. 25-2(), 6-18-25, effective 7-1-25; Ord 26-2(), 6-17-26, effective 7-1-26

State law reference(s)—Va. Code § 15.2-2212.

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CHAPTER 2. ADMINISTRATION

ARTICLE 9

Sec. 2-905 Identified appointed boards; compensation and reimbursement.

The duly appointed members of the boards identified in this section shall be compensated and entitled to reimbursement for their travel and related expenses as follows:

- A. *Eligible boards.* Each member of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals is entitled to compensation and reimbursement as provided in subsections (B) and (C).
- B. *Compensation to attend meetings.* Each member shall be paid \$90 for each regular and special meeting attended, provided that any member of the Board of Supervisors and any County employee appointed to a board shall not be compensated for attending meetings.
- C. *Reimbursement for travel and related expenses.* Each member shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

((§ 2-1105: 6-20-74; 3-20-75; 10-16-75; 10-10-84; 4-13-88; Ord. of 8-1-90; Ord. of 7-17-91; Ord. of 12-11-91; Code 1988, § 15-2; Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00); (§ 2-1106: 6-20-74; 3-20-75; 1-15-76; 4-21-76; 10-10-84; 4-13-88; Ord. of 8-1-90; Code 1988, § 15-3; Ord. 98-A(1), 8-5-98); (§ 2-1107: 6-2-74; 3-20-75; 10-10-84; Ord. of 8-1-90; Code 1988, § 15-4; Ord. 98-A(1), 8-5-98); § 2-904, Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 24-2(2), 8-7-24; Ord. 25-2(), 6-18-25, effective 7-1-25); Ord 26-2(), 6-17-26, effective 7-1-26.

State law reference(s)—Va. Code § 15.2-514.

This ordinance is effective on and after July 1, 2026.

ORDINANCE NO. 26-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-225 Lanark Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS**ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE****DIVISION 2. DISTRICTS****Sec. 3-225 Lanark Agricultural and Forestal District.**

The district known as the "Lanark Agricultural and Forestal District" was created and continues as follows:

A. Date created. The district was created on April 20, 1988.

B. Lands within the district. The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 90: parcels 12, 14A.
2. Tax map 92: parcel 64C.
3. Tax map 102: parcels 33, 35, 35A, 35B, 35C.
4. Tax map 103: parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1J, 1K, 1L, 1M, 2A, 2B_(part), 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part).

C. Review. The district is reviewed once every ten years and will next be reviewed prior to September 18, 2029.

(Code 1988, § 2.1-4(k); § 3-221, Ord. 98-A(1), 8-5-98; [Ord. 98-3\(1\)](#), 9-9-98; [Ord. 99-3\(2\)](#), 2-10-99; [Ord. 99-3\(5\)](#), 10-6-99; [Ord. 08-3\(1\)](#), 7-9-08; Ord. 09-3(4), 12-2-09; [Ord. 15-3\(1\)](#), 12-2-15; § 3-225, [Ord. 18-3\(1\)](#), 11-7-18; [Ord. 19-3\(2\)](#), 9-18-19; Ord. 26-3(2); 6-17-26)

ORDINANCE NO. 26-3(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-212 Chalk Mountain Agricultural and Forestal District
 Sec. 3-217 Green Mountain Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS**ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE****DIVISION 2. DISTRICTS****Sec. 3-212 Chalk Mountain Agricultural and Forestal District.**

The district known as the "Chalk Mountain Agricultural and Forestal District" was created and continues as follows:

A. *Date created.* The district was created on September 6, 1989.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 97: parcels 2, 21A1, 21B, 21B1, 21C, 21D, 22, 22A, 22B, 27.
2. Tax map 98: parcels 1G (part), 4, 11, 12, 13, 14.
3. Tax map 99: parcel 30.

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to December 18, 2029.

(Code 1988, § 2.1-4(r); § 3-211, Ord. 98-A(1), 8-5-98; [Ord. 99-3\(5\)](#), 10-6-99; [Ord. 00-3\(1\)](#), 4-19-00; Ord. 09-3(4), 12-2-09, [Ord. 12-3\(1\)](#), 7-11-12; § 3-212, [Ord. 18-3\(1\)](#), 11-7-18; [Ord. 19-3\(3\)](#), 12-18-19; Ord. 26-3(1), 6-17-26)

Sec. 3-217 Green Mountain Agricultural and Forestal District.

The district known as the "Green Mountain Agricultural and Forestal District" was created and continues as follows:

A. *Date created.* The district was created on December 2, 2015.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 120: parcels 15A, 15B, 16C (part), 18A, 18A1, 20.
2. Tax map 121: parcel 2.
3. Tax map 128: parcel 1.

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to December 3, 2035.

(§ 3-213.6, [Ord. 15-3\(1\)](#), 12-2-15; § 3-217, [Ord. 18-3\(1\)](#), 11-7-18; [Ord. No. 25-3\(3\)](#), 12-3-25; Ord. 26-3(1), 6-17-26)

ORDINANCE NO. 26-7(1)

AN ORDINANCE TO AMEND CHAPTER 7, HEALTH AND SAFETY, ARTICLE 5, NUISANCES, DIVISION 1, UNCONTROLLED VEGETATION, 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 7, Health and Safety, Article 5, Nuisances is hereby reordained and amended as follows:

By Amending:

Sec. 7-503 Exemptions

Chapter 7: Health and Safety

. . .

Article 5. Nuisances
Division 1. Uncontrolled Vegetation

Sec. 7-503 Exemptions.

This division does not apply in:

- A. The corporate limits of the Town of Scottsville.
- B. The Monticello Historic zoning district.
- C. The Rural Areas zoning district.
- D. Areas used for pastures, that are under cultivation, are forested, or are within utility transmission easements.
- E. Areas where the vegetative growth is regulated under State or federal laws or programs.
- F. Any riparian buffer required by the County Code or protected under a permanent conservation or open-space easement.
- G. Areas landscaped pursuant to an approved plan of natural landscaping, provided that the natural landscaping: (i) does not encroach within a minimum of five feet from any developed areas, roads, or buildings; and (ii) includes and maintains at least 80 percent native plants by area coverage; and further provided that the approved plan includes a plan to identify and manage native plant material as well as a plan to manage and eliminate noxious weeds.
- H. Property designated through an approved zoning or subdivision plat as open space, green space, conservation area, or preservation area and that is intended to remain in its natural state.
- I. Public park lands.
- J. Stormwater management facilities such as detention ponds.

(Ord. [09-7\(2\)](#), 9-2-09; Ord. [15-7\(1\)](#), 5-6-15; Ord. [20-7\(1\)](#), 3-18-20, effective 5-1-20; Ord. 26-7(1), 6-17-26, effective 9-1-26)

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

ORDINANCE NO. 26-14(1)

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE II, ADMINISTRATION AND PROCEDURE, DIVISION 5, PROCEDURES FOR THE APPROVAL OF PRIVATE STREETS, SHARED DRIVEWAYS AND ALLEYS, ARTICLE III, SUBDIVISION PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED, DIVISION 1, PLAT REQUIREMENTS, ARTICLE IV, ON-SITE IMPROVEMENTS AND DESIGN, DIVISION 1, LOTS AND BLOCKS, DIVISION 2, STREETS AND ALLEYS, DIVISION 3, WATER, SEWERS AND OTHER IMPROVEMENTS 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 14, Subdivision of Land, Article II, Administration and Procedure, Division 5, Procedures for Approval of Private Streets, Shared Driveways and Alleys, Article III, Subdivision Plat Requirements, Article IV, On-Site Improvements and Design, Division 1, Lots and Blocks, Division 2, Streets and Alleys, Division 3, Water, Sewers and Other Improvements is hereby reordained and amended as follows:

By Amending:

Sec. 14-234	Procedures to authorize private street and related matters
Sec. 14-302	Contents of preliminary plat
Sec. 14-307	Stream crossings
Sec. 14-404	Lot location to allow access from lot onto street or shared driveway
Sec. 14-409	Coordination and extension of streets
Sec. 14-410	Standards for all streets and alleys
Sec. 14-422	Sidewalks and planting strips

Chapter 14: Subdivision of Land

. . .

Article II. Administration and Procedure**Division 5. Procedures for the Approval of Private Streets, Shared Driveways and Alleys**

. . .

Sec. 14-234 Procedures to authorize private street and related matters.

Proposals under [sections 14-232](#) and [14-233](#) shall be submitted, processed and acted upon as follows:

- A. A subdivider must submit a proposal in writing to the agent at the time of the submittal of the preliminary plat or may, within the development areas, submit the written request prior to submittal of a preliminary plat or with an application to rezone the land.

1. The proposal must state the reasons and justifications for the proposal, and must particularly address one or more applicable bases for granting the proposal as identified in [sections 14-232](#) or [14-233](#), and each of the five findings identified in paragraph (C) required to be made.

(a) The request must include: (i) a map of the subdivision having contour intervals of not greater than 20 feet showing the horizontal alignment; (ii) field-run profiles and typical cross-sections of the proposed streets; (iii) the maximum number of lots to be served by each private street; and (iv) documentation explaining how the perpetual maintenance of the private street including, within the development areas, the curb, curb and gutter, sidewalks, and planting strip landscaping will be funded, and identifying the person or entity that will be responsible for maintaining the improvements. The county engineer may waive the requirement for the field-run profile in the case of an existing street or where deemed appropriate due to topography, or if the topographic map is based on aerial or field collected data with a contour interval accuracy of five vertical feet or better. A request under [section 14-232\(A\)\(1\)](#) must include earthwork computations demonstrating significant degradation.

(b) If the proposal is made prior to submittal of a preliminary plat or with an application to rezone the land, it also must include: (i) a justification for the proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations

of streams, riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; (vii) proposed private street profiles; and (viii) the maximum number of lots to be served.

(8-28-74; § 18-36, 9-5-96; § 14-234, Ord. 98-A(1), 8-5-98; § 14-233 (part); Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 22-14(1), 2-16-22, Ord. 26-14(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § 15.2-2242(3).

. . .

Article III Subdivision Plat Requirements and Documents to be Submitted

Division 1. Plat Requirements

. . .

Sec. 14-302 Contents of preliminary plat.

A preliminary plat must contain the following information:

A. A preliminary plat must contain the following information, which must be included in order for a preliminary plat to be deemed complete under [section 14-218](#):

1. *Name of subdivision.* The title under which the subdivision is proposed to be recorded. The title shall not duplicate or be a homonym of an existing or reserved subdivision name within the County, the City of Charlottesville, or the Town of Scottsville, except if the subdivision is an extension of an existing subdivision.
2. *Vicinity map.* A map at a scale of one inch equal to 2,000 feet showing the property and its relationship with adjoining land and streets, its relationship with landmarks in the area and, if the subdivision is a phased subdivision, all other phases of the subdivision for which a final plat has been approved, in detail adequate to describe the location of the property without field review.
3. *Existing or platted streets.* The location, width and names of all existing or platted streets and all other rights-of-way.
4. *Private easements.* The location and dimensions of all existing and proposed private easements. Existing easements shall be labeled with the deed book and page number and the name of the owner of record.
5. *Public easements.* The location and dimensions of all existing and proposed public easements outside of a street right-of-way. Existing easements shall be labeled with the deed book and page number and the name of the public owner of record. Proposed easements shall be labeled as "dedicated to public use."
6. *Alleys and shared driveways.* The location and dimensions of all easements for alleys and shared driveways.
7. *Existing and departing lot lines.* If the property consists of more than one existing lot, then the identification of the existing lots and their outlines, which shall be indicated by dashed lines; and, the location of departing lot lines of abutting lots.
8. *Proposed lots.* The number, approximate dimensions, and area of each proposed lot.
9. *Building sites on proposed lots.* The location, area and dimensions of a building site on each proposed lot complying with the requirements of section 18-4.2. The plat shall also contain the following note: "Parcel [letter or number] and the residue of Tax Map/Parcel [numbers] each contain a building site that complies with [section 4.2.1](#) of the Albemarle County Zoning Ordinance."
10. *Right of further division of proposed lots.* The number of lots, as assigned by the subdivider, into which each proposed lot may be further divided by right pursuant to section 18-10.3.1, if applicable. The plat shall also contain the following note: "Parcel [letter or number] is assigned [number] development rights and may/may not be further divided and when further divided these rights shall not comprise more than [number] acres. The residue of Tax Map/Parcel [numbers] is retaining [number] development rights and when further divided it

shall not consist of more than [number] acres." Development rights need not be assigned to a special lot.

11. *Instrument creating property proposed for subdivision.* The deed book and page number of the instrument whereby the property was created, as recorded in the office of the clerk of the circuit court of the county.
 12. *Topography.* Existing topography at the time of plat submittal at up to 20 percent slope, with a contour interval that is not greater than the interval on aerial topography available from the county. The source of topography, including survey date and name of the licensed professional; or a statement that topography data provided by the county was used. Proposed grading, with a contour interval equal to the intervals of the existing topography, supplemented where necessary by spot elevations; areas of the site where existing slopes are steep slopes. Existing topography for the entire site with sufficient offsite topography to describe prominent and pertinent offsite features and physical characteristics, but in no case less than 50 feet outside of the site unless otherwise approved by the agent. For property in the rural areas zoning district, the proposed grading shall show all grading on each proposed lot, including access, clearing and all other lot improvements.
 13. *Proposed facilities.* The location of proposed water and sewer lines and related improvements; proposed drainage and stormwater management facilities and related improvements.
 14. *Land to be dedicated in fee or reserved.* The location, acreage, and current owner of all land intended to be dedicated in fee or reserved for public use, or to be reserved in a deed for the common use of lot owners in the subdivision.
 15. *Identification of all owners and certain interest holders.* The names and addresses of each owner of record and holders of any easements affecting the property.
 16. *Dam break inundation zones.* The limits of a dam break inundation zone.
- B. A preliminary plat must also contain the following information, provided that the preliminary plat is not incomplete for purposes of [section 14-218](#) if it does not include this information in the initial plat submittal:
1. *General information.* The date of drawing, including the date of the last revision, the number of sheets, the north point, and the scale. If true north is used, the method of determination shall be shown.
 2. *Name of plat preparer.* The name of the person who prepared the plat.
 3. *Public areas, facilities or uses.* The location of all areas shown in the comprehensive plan as proposed sites for public areas, facilities or uses, as described in Virginia Code § [15.2-2232](#), which are located wholly or in part within the property.
 4. *Places of burial.* The location of any grave, object or structure marking a place of burial located on the property.
 5. *Zoning classification.* The zoning classification of the property, including all applicable zoning overlay districts, proffers, special use permits and variances.
 6. *Tax map and parcel number.* The County tax map and parcel number of the property.
 7. *Reservoir watershed; agricultural-forestal district.* A notation as to whether the land is within an Albemarle County and/or City of Charlottesville water supply watershed or an agricultural-forestal district.
 8. *Yards.* The location of all yards required by this chapter and the zoning ordinance, which may be shown graphically or described in a note on the plat.
 9. *Floodplain and related information.* If [section 30.3](#), flood hazard overlay district, applies to any portion of the site, United States Geological Survey vertical datum shall be shown and/or correlated to plat topography and show existing and proposed ground elevations. The boundaries of the flood hazard overlay district, the base flood elevation on the site, the elevation of the lowest floor, including any basement, and for any structures to be flood-

proofed as required by [section 30.3](#), the elevation to which the structures will be flood-proofed.

10. *Riparian buffers*. The location of riparian buffers required by the zoning ordinance, with the following note: "The riparian buffer(s) shown hereon must be managed in accordance with the applicable standards of Albemarle County Code."

(8-28-74; 2-4-81; § [18-5\(2\)](#) 9-5-96; § 14-302, Ord. 98-A(1), 8-5-98; Ord. [05-14\(1\)](#), 4-20-05, effective 6-20-05; Ord. [08-14\(1\)](#), 2-6-08; Ord. [11-14\(1\)](#), 6-1-11; Ord. [13-14\(1\)](#), 12-4-13, effective 1-1-14; Ord. [14-14\(1\)](#), 3-5-14; Ord. [14-14\(2\)](#), 3-5-14; Ord. 26-14 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ [15.2-2241\(1\)](#), [15.2-2258](#), [15.2-2262](#).

Federal law reference—44 CFR § 60.3(b)(3).

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Article III Subdivision Plat Requirements and Documents to be Submitted

Division 2. Documents and Information to be Submitted with Preliminary or Final Plat

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Sec. 14-307 - Stream crossings.

If any lot within the subdivision would be served by a street or driveway crossing a perennial or intermittent stream, the subdivider must submit with each preliminary plat or, if none, with each final plat, the information required to show that the stream crossing would satisfy the requirements of section 18-4.23.

(Ord. [05-14\(1\)](#), 4-20-05, effective 6-20-05; Ord. [13-14\(1\)](#), 12-4-13, effective 1-1-14; Ord. 26-14 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ [62.1-44.15:73](#).

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Article IV On-Site Improvements and Design

Division 1. Lots and Blocks

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Sec. 14-404 - Lot location to allow access from lot onto street or shared driveway.

Each lot within a subdivision shall be located as follows:

- A. *Single point of access required*. Each lot, other than a corner lot within the development areas, shall have reasonable access to the building site from only one street, shared driveway or alley established at the same time as the subdivision; provided that, if the subdivision is in the rural areas, each lot created from the subsequent division of any lot within the subdivision shall enter only onto such street(s) established at the same time as the original subdivision and shall have no immediate access onto any other public street.
- B. *Conditions when single point of access not required*. Notwithstanding subsection (A), a lot may be located so that it has reasonable access to the building site from a public street abutting the subdivision if: (i) the agent approves a variation or exception under subsection (D) and [section 14-203.1](#); (ii) the subdivider obtains an entrance permit from the Virginia Department of Transportation for the access; (iii) the entrance complies with the design standards set forth in [sections 14-410\(F\)](#) and [14-410\(G\)](#); and (iv) the subdivider demonstrates to the agent prior to approval of the final plat that the variation or exception does not violate any covenants to be recorded for the subdivision.
- C. *Lots exempt from requirements of subsections (A) and (B)*. The requirements of subsections (A) and (B) shall not apply to the subdivision of a parcel where two or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.

D. *Standards for variation or exception*—Subsection (A) may be varied or excepted by the agent as provided in section 14-203.1. A proposal for a variation or exception may be made prior to or with submittal of a preliminary or final plat, as follows:

1. *Information to be submitted.* A proposal must include a justification for the variation or exception and a conceptual plan. The conceptual plan must: (i) be drawn at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property or an alternative scale approved by the agent; (ii) show the topography of the property at the best interval available from the County including delineation of proposed building sites; (iii) show the locations of streams, riparian buffers, steep slopes, floodplains, and known wetlands; and (v) show the proposed layout of lots, location of existing features such as buildings, fences, drainfields, existing driveways or other access ways, or other significant features.
2. *Consideration.* In reviewing a proposal for a variation or exception and determining whether the findings provided in section 14-203.1 can be made, the agent will consider whether: (i) installing a single point of access would substantially impact environmental resources such as streams, riparian buffers, steep slopes, and floodplain; (ii) construction of a single point of access would substantially impact features existing on the property prior to October 14, 2009; (iii) granting the variation or exception would contribute to maintaining an agricultural or forestal use of the property; and (iv) granting the a variation or exception would facilitate development of areas identified in the open space plan as containing significant resources.

E. *Terms defined.* For purposes of this section, the term "reasonable access" means a location for a driveway or, if a driveway location is not provided, a location for a suitable foot path from the parking spaces required by the zoning ordinance to the building site; the term "within the subdivision" means within the exterior boundary lines of the lands being divided.

((§ 14-500(C): (§ 18-29(part), 8-28-74; 9-5-96)(§ 18-34(part), 8-28-74; 9-5-96);§§ 18-29, 18-34; § 14-500; Ord. 98-A1, 8-5-98; Ord. 02-14(1), 2-6-02) (§ 14-505: (§ 18-36 (part): 8-38-74; 9-5-96)(§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; 9-5-96); §§ 18-36, 18-39; § 14-505, Ord. 98-A(1), 8-5-98); §§ 14-500(C), 14-505; § 14-404, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09; Ord. 10-14(1), 2-10-10; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14, Ord. 26-14 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ 15.2-2241(5), 15.2-2242(1).

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Article IV On-Site Improvements and Design

Division 2. Streets and Alleys

Sec. 14-409 Coordination and extension of streets.

Public streets within the development areas must be coordinated and extended as follows:

- A. *Coordination.* All public streets within a subdivision must be coordinated as to location, width, grades and drainage with other public streets, as follows: (i) by coordinating with existing or planned streets within the general area of the subdivision, including but not limited to existing or future adjacent subdivisions, or subdivisions contiguous to such adjacent subdivisions; and (ii) by continuing the public streets to planned, existing, or platted streets into adjoining areas by dedication or reservation of right of way adequate to accommodate continuation of the streets.
- B. *Extension.* All public streets within a subdivision must be extended and constructed to the abutting property lines to provide vehicular and pedestrian interconnections to future development on adjoining lands, terminating within the subdivision with a temporary turnaround. The arrangement of the public streets must provide adequate access to adjoining lands within the subdivision where necessary to provide for the orderly development of the County including, but not limited to, reserving temporary construction easements of sufficient area to accommodate the future completion of the street when the adjoining lands are developed.
- C. *Variation or exception by commission of coordination requirement.* The requirements of subsection (A) may be varied or excepted by the commission as provided in section 14-203.1. A proposal for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:

1. *Information to be submitted.* If such a proposal is made, it must include: (i) a justification for the proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of the nearest development and rural area boundaries, and the maximum number of lots proposed in the subdivision.
 2. *Consideration.* In reviewing a proposal for a variation or exception under section 14-203.1, the commission will consider: (i) the engineering requirements for coordination and connection; (ii) whether the need for coordination and connection outweighs the impacts on environmental resources such as streams, riparian buffers, steep slopes, and floodplain; (iii) whether the street would and should be extended into the rural areas; (iv) whether there is an alternative street connection from another location in the subdivision that is preferable because of design, traffic flow, or the promotion of the goals of the comprehensive plan, including the neighborhood model, and the applicable neighborhood master plan; and (v) whether the variation or exception would enable a different principle of the neighborhood model to be satisfied to a greater extent so that the overall goals of the neighborhood model are more fully achieved.
- D. *Variation or exception by agent of extension requirement.* The requirements of subsection (B) may be varied or excepted by the agent as provided in section 14-203.1. A proposal for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
1. *Information to be submitted.* If such a proposal is made, it must include: (i) a justification for the proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) identification of the location of the nearest development and rural area boundaries and the maximum number of lots proposed in the subdivision.
 2. *Consideration.* In reviewing a proposal for a variation or exception under section 14-203.1, the agent will consider whether: (i) extending the street to the abutting property line would require offsite easements; (ii) the need for the extension outweighs the impacts on environmental resources such as streams, riparian buffers, steep slopes, and floodplain; (iii) alternative connections to the abutting lands from a different location would provide a better connection; (iv) the subdivider would contribute to the cost to complete the extension to the abutting property line when the adjoining lands are developed, and how; and (v) the street would be extended into the rural areas.
 3. *Requirements if variation or exception granted.* If the agent grants the variation or exception: (i) the public street must be constructed past the point at which the primary structures on the lots abutting the street would rely on the finished grade for landscaping and other improvements, but in no case less than 30 feet beyond the curb line or ditch line on those lots; (ii) the subdivider must dedicate the required right of way to the abutting property line, along with all easements required to allow the street connection to be constructed in the future; (iii) the required easements must prohibit any improvements being established therein; (iv) the subdivider must provide a surety guarantee or an escrow of funds for its share of the cost to complete the extension if determined by the agent to be necessary; the type of surety guarantee or the escrow must be acceptable to the County Engineer and be approved by the County Attorney; and (v) the agent may require that the subdivider install and maintain a sign at the end of the constructed portion of the street stating that the street is a future through street, and that the sign is maintained until the County grants final approval of extending the street to the abutting property.

State law reference(s)—Va. Code §§ 15.2-2241(2), (4), 15.2-2242(1).

Sec. 14-410 Standards for all streets and alleys

The following minimum design standards apply to all streets and alleys within a subdivision:

- A. *Layout.* Each street must be configured, to the extent practicable, to conform to the natural topography, to minimize the disturbance of steep slopes and natural drainage areas, and to provide vehicular and pedestrian interconnections within the subdivision and existing or future development on adjoining lands, as provided in section 14-409.
- B. *Angle of intersection.* An angle of intersection of not less than 80 degrees is acceptable; however, a perpendicular intersection, where practical, is preferred. The County Engineer may grant an exception to this requirement for a private street in accord with American Association of State Highway and Transportation Officials guidelines.
- C. *Temporary turnarounds.* Streets more than 300 feet in length from an intersection, or proposed to serve more than four dwelling units that terminate temporarily must be provided with a temporary turnaround meeting American Association of State Highway and Transportation Officials guidelines. The temporary turnaround must be extended to the abutting property line unless a waiver is granted as provided in section 14-409(D). The temporary turnaround must exist until the street extensions are accepted into the secondary system of state highways.
- D. *Alleys.* Alleys with a right-of-way or easement width of not less than 20 feet may be provided in the rear or side of all commercial, industrial, and residential lots. The design specifications must be determined by the County Engineer, subject to the following: (i) the alley design must allow emergency services vehicles such as police cars and ambulances to use the alley; and (ii) an alley need not be designed to accommodate the largest emergency services vehicles, except that if firetrucks do not have adequate access to one or more lots from a street, the County Engineer must require that the alley be designed to accommodate firetrucks. The agent may authorize an alley to be established with a right-of-way or easement width of less than 20 feet if the County Engineer determines that the proposed design incorporates features that assure public safety and welfare. The County Engineer will consider the provision of adequate access to required onsite parking and/or garages, unimpeded vehicular circulation along the alley, an adequate clear zone along the alley, and other safety issues deemed appropriate for the conditions. Alley rights-of-way may either be established as privately held fee simple interests or as privately held easements.
- E. *Reserved or spite strips.* Reserved or spite strips restricting access from adjoining lands to an existing or future street or alley are not be permitted; provided that nothing herein may prohibit areas for scenic planting and landscaping where adequate access to the adjoining lands is otherwise available.
- F. *Principal means of access to subdivision.* The principal means of access to a subdivision must be either a public street or a private street. The principal means of access must conform, in the case of a public street, to Virginia Department of Transportation standards, or, in the case of a private street, to the standards of the County as set forth in section 14-412, throughout the street's length, including any distance between the boundary of the subdivision and any existing public street. If discharge water of a 25-year storm could be reasonably anticipated to inundate, block, destroy or otherwise obstruct a principal means of access to a residential subdivision, the following will also apply:
 - 1. The principal means of access must be designed and constructed so as to provide unobstructed access at the time of flooding; and/or
 - 2. An alternative means of access which is not subject to inundation, blockage, destruction or obstruction, and which is accessible from each lot within the subdivision must be constructed.
- G. *Drainage.* Adequate drainage control must be provided for streets by installing culverts under streets; side, lead, or outlet ditches; catch basins; curb inlets; or any other devices, including piping, as determined to be necessary by the County Engineer. All of these improvements must meet the standards of the County or, in the event no County standards exist, Virginia Department of Transportation standards.

- H. *Curb, curb and gutter, sidewalks and planting strips.* In the development areas, streets must be constructed with curb or curb and gutter, sidewalks and planting strips. Sidewalks and planting strips must be designed and constructed in compliance with section 14-422.
- I. *Variation of or exception to requirement for curb or curb and gutter.* The requirement for curb or curb and gutter may be varied or excepted by the commission as provided in section 14-203.1. A proposal for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
1. *Information to be submitted.* If such a proposal is made, it must include: (i) a justification for the proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the maximum number of lots to be served by the rural cross-section street, the location of the nearest development and rural area boundaries, and a cross-section of existing streets to which the proposed subdivision streets would be extended, if any.
 2. *Consideration.* In reviewing a request for a variation or exception under section 14-203.1 to allow a rural cross-section (no curb and no curb and gutter) instead, the commission may consider: (i) the number of lots in the subdivision and the types of lots to be served; (ii) the length of the street; (iii) whether the proposed street(s) or street extension connects into an existing system of streets constructed to a rural cross-section; (iv) the proximity of the subdivision and the street to the boundaries of the development and rural areas; (v) whether the street terminates in the neighborhood or at the edge of the development area or is otherwise expected to provide interconnections to abutting lands; (vi) whether a rural cross-section in the development areas furthers the goals of the comprehensive plan, with particular emphasis on the neighborhood model and the applicable neighborhood master plan; (vii) whether the use of a rural cross-section would enable a different principle of the neighborhood model to be more fully implemented; and (viii) whether the proposed density of the subdivision is consistent with the density recommended in the land use plan section of the comprehensive plan.

((§ 18-37: 8-28-74; 3-29-78; 11-2(1)179; 9-5-96)(§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; 9-5-96); §§ 18-37, 18-39; § 14-512, Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02, § 14-410, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14; Ord. 26-14(1), 6-17-26, effective 9-1-26)

State law reference(s)—Va. Code §§ 15.2-2241(4), 15.2-2242(1), 15.2-2242(3).

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Article IV On-Site Improvements and Design **Division 3. Water, Sewers and Other Improvements**

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Sec. 14-422 Sidewalks and planting strips.

Sidewalks and planting strips shall be provided as follows:

- A. *Requirement.* Sidewalks and planting strips for street trees and other vegetation must be established on both sides of each new street within a subdivision creating lots for single family detached and single family attached dwellings in the development areas.
- B. *Sidewalk design.* Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. The agent may allow privately maintained sidewalks to be a ten-foot multi-use asphalt path in unique circumstances such as a path leading to a school or major employment center. The asphalt path generally shall run parallel to the street and shall be constructed to a

standard deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare.

- C. Sidewalk ownership. Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be dedicated to public use. Each sidewalk proposed to be privately maintained shall be conveyed to a homeowners association for ownership and maintenance. The agent may require that a sidewalk proposed by the subdivider to be privately maintained instead be dedicated to public use if the agent determines there is a need for the sidewalks to be publicly owned and maintained.
- D. Planting strip design. Each planting strip shall be a minimum of six feet in width except that the minimum width may be less in areas of transition between rural cross-section and urban cross-section streets. On an urban cross-section street, the planting strip shall be located between the curb and the sidewalk. The planting strip shall be located between the paved travelway and the sidewalk.
- E. Variation of or exception to sidewalk requirements. The requirements for sidewalks may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
 - 1. Information to be submitted. If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of any existing pedestrian network in the area, whether it is publicly or privately maintained, descriptions by widths and surfaces of the pedestrian ways within the existing pedestrian network, a proposed alternative profile and the intended ownership and maintenance.
 - 2. Consideration. In reviewing a request to vary or except the requirement for sidewalks, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood; (iii) sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street; (iv) the sidewalks reasonably can connect into an existing or future pedestrian system in the area; (v) the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit; (vi) an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider; (vii) the sidewalks would be publicly or privately maintained; (viii) the waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (ix) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.
- F. Variation of or exception to planting strip requirements. The requirements for planting strips may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
 - 1. Information to be submitted. If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable.

2. Consideration. In reviewing a request to vary or except any requirement for planting strips, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a sidewalk variation or exception has been granted; (iii) reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (iv) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

(8-28-74; 5-10-77; 10-19-77; § 38-39, 9-5-96; § 14-422, Ord. 98-A(1), 8-5-98, § 14-525; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14; Ord. 26-14 (1), 6-17-26, effective 9-1-26)

State law reference(s)—Va. Code §§ 15.2-2241(5), 15.2-2242(1).

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

ORDINANCE NO. 26-17 (1)

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. *Permanent stormwater management facilities.* Any areas served by a public permanent stormwater management facility.
- 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 (1), 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.

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](#).

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.

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.

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).

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.

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 heated 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.

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 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.

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. I, § 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 (1); 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 riparian buffer.
- I. *Proposed variations or exceptions.* A 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 (1), 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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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. *Riparian buffers.* The procedures and requirements for land-disturbing activity and development in riparian buffers, as provided in Chapter 18, section 4.23 *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 (1), 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 buffers.* Any land-disturbing activity under subsections (A) through (E) also must comply with the requirements for riparian buffers in section 18-4.23 *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 (1), 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.

ORDINANCE NO. 26-18 (1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, ARTICLE III, DISTRICT REGULATIONS, 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 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, Article III, District Regulations, is hereby reordained and amended as follows:

By Amending:

Sec. 18-3.1	Definitions
Sec. 18-4.2	Critical slopes
Sec. 18-4.19	Setbacks and setbacks in residential districts
Sec. 18-4.20	Setbacks and setbacks in conventional commercial and industrial districts
Sec. 18-5.1.28	Clean earth and inert waste fill activity
Sec. 18-5.1.44	Farm worker housing
Sec. 18-20C.8	Building standards
Sec. 18-30.7.4	Permitted uses
Sec 18-30.3.11	Permitted and prohibited uses and structures

By Adding:

Sec. 18-4.23	Riparian Buffer Protection Standards
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Chapter 18: Zoning

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Article I – General Provisions

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Section 3 – Definitions

Sec. 3.1 Definitions

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Conservation area. The term "conservation area" means an area identified on a plan submitted for approval which contains cultural assets or natural features such as non-tidal wetlands, floodplain, slopes identified in the open space element of the comprehensive plan, or streams and riparian buffers, within which only limited disturbance or development is allowed. Uses allowed in conservation areas include, but are not limited to, utilities, greenways, pedestrian paths, streets, and stormwater management facilities, where, in the opinion of the County Engineer, no other location is reasonably available and when these improvements have the least impact possible on the environmental features of the area.

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Contiguous nontidal wetlands. "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 which include impoundments of water along a natural stream channel.

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Development. "Development," as used in regulations pertaining to dam break inundation zones, means one or more lots developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more dwelling units, but does not include any lot or lots that will be principally devoted to agricultural production. For purposes of floodplain management and riparian buffer protection standards, "development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development area. "Development area" means any portion of the County designated as such in the Comprehensive Plan.

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Intermittent stream. "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 that is not a perennial stream.

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Mitigation plan. "Mitigation plan" means a plan to address, avoid, reduce, repair, and/or minimize riparian impacts, and that meets the requirements of Section 4.23.9.

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Natural stream. "Natural stream" means a tidal or nontidal watercourse that both: (i) is part of the natural topography, (ii) usually maintains a continuous or seasonal flow during the year, and (iii) 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. Channels designed using natural channel design concepts may be considered natural streams.

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Ordinary high-water mark. "Ordinary high-water mark" means that line established by fluctuations of water and indicated by physical characteristics such as (i) a clear, natural line impressed on the bank shelving; (ii) changes in the character of soil; (iii) destruction of terrestrial vegetation; (iv) the presence of litter and debris; or (v) other appropriate means that consider the characteristics of the surrounding areas.

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Perennial stream. "Perennial stream" means any stream that is: (i) depicted as a continuous blue line on the most recent United States Geological Survey 7.5 minute topographic quadrangle maps (scale 1:24,000), (ii) determined by the Riparian Buffer Administrator to be perennial following a site-specific evaluation using the guidance entitled "Determinations of Water Bodies with Perennial Flow," dated September 2003, or latest revision, issued by the Virginia Department of Environmental Quality, or (iii) 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.

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Riparian Buffer. "Riparian buffer" means the area extending from any applicable waterbody or wetlands as further defined in section 4.23.4.

Riparian Buffer Administrator. "Riparian Buffer Administrator" means the County Engineer or their designee, who has all necessary powers and authority to administer section 4.23.

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Silvicultural activity. Any forest management activity as defined in Virginia Code section 10.1-1181.1.

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Streamside management zone. "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.

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Supportive infrastructure. "Supportive infrastructure" means structures or improvements needed to protect public health, safety, or welfare, and environmental features. They include but are not limited to drainage channels, structures and facilities, best management practices, and access roads used by emergency vehicles or for maintaining stormwater management facilities or water-dependent facilities.

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Water-dependent facility. "Water-dependent facility" means facilities a development that cannot exist outside of the flood hazard overlay district or riparian buffer, and must be located on the shoreline water or water's edge 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.

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Watershed. "Watershed" means a defined land area where all the surface water drains from a river, stream, or karst system to the same outlet point, such as a river, stream, or sinkhole in karst areas.

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Water supply protection area. "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.

(§ 3.1: 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; [Ord. 01-18\(9\)](#), 10-17-01; [Ord. 02-18\(2\)](#), 2-6-02; [Ord. 02-18\(5\)](#), 7-3-02; [Ord. 02-18\(7\)](#), 10-9-02; [Ord. 03-18\(1\)](#), 2-5-03; [Ord. 03-18\(2\)](#), 3-19-03; [Ord. 04-18\(2\)](#), 10-13-04; 05-18(2), 2-2-05; [Ord. 05-18\(7\)](#), 6-8-05; [Ord. 05-18\(8\)](#), 7-13-05; [Ord. 06-18\(2\)](#), 12-13-06; [Ord. 07-18\(1\)](#), 7-11-07; [Ord. 07-18\(2\)](#), 10-3-07; [Ord. 08-18\(3\)](#), 6-11-08; [Ord. 08-18\(4\)](#), 6-11-08; [Ord. 08-18\(6\)](#), 11-12-08; [Ord. 08-18\(7\)](#), 11-12-08; [Ord. 09-18\(3\)](#), 7-1-09; [Ord. 09-18\(5\)](#), 7-1-09; 09-18(8), 8-5-09; [Ord. 09-18\(9\)](#), 10-14-09; [Ord. 09-18\(10\)](#), 12-2-09; [Ord. 09-18\(11\)](#), 12-10-09; Ord. 10-18(3), 5-5-10; [Ord. 10-18\(4\)](#), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; [Ord. 11-18\(5\)](#), 6-1-11; [Ord. 11-18\(6\)](#), 6-1-11; [Ord. 12-18\(3\)](#), 6-6-12; [Ord. 12-18\(4\)](#), 7-11-12; [Ord. 12-18\(6\)](#), 10-3-12, effective 1-1-13; [Ord. 12-18\(7\)](#), 12-5-12, effective 4-1-13; [Ord. 13-18\(1\)](#), 4-3-13; [Ord. 13-18\(2\)](#), 4-3-13; [Ord. 13-18\(3\)](#), 5-8-13; [Ord. 13-18\(5\)](#), 9-11-13; [Ord. 13-18\(6\)](#), 11-13-13, effective 1-1-14; [Ord. 13-18\(7\)](#), 12-4-13, effective 1-1-14; [Ord. 14-18\(2\)](#), 3-5-14; [Ord. 14-18\(4\)](#), 11-12-14; [Ord. 15-18\(1\)](#), 2-11-15; [Ord. 15-18\(2\)](#), 4-8-15; [Ord. 15-18\(4\)](#), 6-3-15; [Ord. 15-18\(5\)](#), 7-8-15; [Ord. 15-18\(10\)](#), 12-9-15; [Ord. 16-18\(1\)](#), 3-2-16; [Ord. 16-18\(7\)](#), 12-14-16; [Ord. 17-18\(1\)](#), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 17-18(5), 10-11-17; [Ord. 18-18\(1\)](#), 1-10-18; [Ord. 18-18\(4\)](#), 10-3-18; Ord. 19-18(3), 6-5-19) (§ 4.15.03: 12-10-80; 7-8-92, § 4.15.03, [Ord. 01-18\(3\)](#), 5-9-01; [Ord. 05-18\(4\)](#), 3-16-05; [Ord. 10-18\(1\)](#), 1-13-10; [Ord. 10-18\(3\)](#), 5-5-10; [Ord. 10-18\(5\)](#), 5-12-10; [Ord. 11-18\(1\)](#), 1-12-11; [Ord. 12-18\(2\)](#), 3-14-12; [Ord. 14-18\(3\)](#), 6-4-14; [Ord. 15-18\(3\)](#), 5-6-15; § 4.15.3; [Ord. 15-18\(11\)](#), 12-9-15; Ord. 17-18(4), 8-9-17) (§ 4.17.3: Ord. 98-18(1), 8-12-98; [Ord. 01-18\(8\)](#), 10-17-01; [Ord. 17-18\(5\)](#), 10-11-17) (§ 4.18.2: Ord. 00-18(3), 6-14-00; [Ord. 13-18\(4\)](#), 9-4-13) (§ 10.3.3.1: § 20-10.3.3.1, 11-8-89; § 18-10.3.3.1, Ord. 98-A(1), 8-5-98; [Ord. 01-18\(6\)](#), 10-3-01) (§ 30.2.4: § 30.2.4, 12-10-80) (§ 30.3.5: § 30.3.02.1 (part), 12-10-80; 6-10-87; [Ord. 05-18\(1\)](#), 1-5-05, effective 2-5-05; § 30.3.5; [Ord. 14-18\(1\)](#), 3-5-14; [Ord. 17-18\(4\)](#), 8-9-17); § 3.1, [Ord. 19-18\(3\)](#), 6-5-19; [Ord. 19-18\(6\)](#), 8-7-19; [Ord. 20-18\(2\)](#), 9-2-20; [Ord. 20-18\(3\)](#), 9-16-20; [Ord. 21-18\(3\)](#), 6-2-21; [Ord. 22-18\(2\)](#), 4-6-22; [Ord. 22-18\(1\)](#), 8-3-22; [Ord. 23-18\(3\)](#), 12-6-23; [Ord. 24-A\(1\)](#), 1-10-24, effective 7-1-24; [Ord. 24-18\(3\)](#), 9-4-24; [Ord. 25-18\(1\)](#), 4-2-25; [Ord. 24-18\(1\)](#), 9-17-24; [Ord. 25-18\(2\)](#), 7-16-2025; Ord. 26-18 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § [15.2-2286\(A\)\(4\)](#).

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Article II -- Basic Regulations

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Section 4 - General Regulations

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Sec. 4.2 – Critical slopes and water protection.

The provisions in this section through [section 4.2.5](#) implement the comprehensive plan by protecting and conserving steep hillsides together with public drinking water supplies and flood plain areas because of the increased potential for soil erosion, sedimentation, water pollution and sewage disposal problems associated with the disturbance of critical slopes. The disturbance of critical slopes may result in: rapid and/or large-scale movement of soil and rock; excessive stormwater run-off; siltation of natural and man-made bodies of water; loss of aesthetic resource; and in the event of onsite sewage system failure, a greater travel distance of septic effluent, all of which constitute potential dangers to the public health, safety and/or welfare. The regulations in [sections 4.2.1](#), [4.2.2](#), [4.2.3](#) and [4.2.4](#) are intended to direct building and onsite sewage system locations to terrain more suitable to development and to discourage development on critical slopes, and to supplement other regulations regarding the protection of public water supplies and encroachment of development into flood plains.

Each request to waive or modify any requirement of [sections 4.2.1](#), [4.2.2](#), [4.2.3](#) or [4.2.4](#) under [section 4.2.5](#) shall be by special exception under [section 33.5](#).

(§ 20-4.2, 12-10-80; 11-15-89; § 18-4.2, Ord. 98-A(1), 8-5-98; [Ord. 12-18\(4\)](#), 7-11-12; [Ord. 21-18\(5\)](#), 12-1-21; Ord. 26-18 (1), 6-17-26, effective 9-1-26)

Sec. 4.2.1 – Building site required.

No lot other than a special lot may have less than one building site, subject to the following:

- a. *Composition of building site.* A building site must be composed of a contiguous area of land and may not contain any area of land that is: (i) in critical or preserved slopes; (ii) within the Flood Hazard Overlay District; (iii) within any riparian buffer subject to Section 4.23; or (iv) under water during normal hydrological conditions.
- b. *Special exception.* Notwithstanding section 4.2.5, any requirement of section 4.2.1(a) may be waived or modified by special exception under section 33.5 upon the board of supervisors' consideration of whether the parcel has an unusual size, topography, shape, location or other unusual physical condition.

(§ 20-4.2.1, 12-10-80; 11-11-87; 9-9-92; § 18-4.2.1, Ord. 98-A(1), 8-5-98; [Ord. 11-18\(6\)](#), 6-1-11; [Ord. 12-18\(4\)](#), 7-11-12; [Ord. 14-18\(2\)](#), 3-5-14; Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ [15.2-2280](#), [15.2-2286\(A\)](#)(3)

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Sec. 4.19 - Setbacks and setbacks in residential districts.

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1. Whether a site is an infill or non-infill development, and the minimum and maximum setback, will be determined by the zoning administrator as an official determination provided to the owner.
2. Any minimum setback and any minimum building separation for a side yard, may be reduced by special exception.
3. The maximum front setback for a non-infill development is the depth necessary to avoid existing utilities, significant existing vegetation, steep slopes, perennial and intermittent streams, riparian buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple buildings on the same lot and prevailing development patterns. On any parcel with multiple main buildings, at least one main building must meet the maximum setback.

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([Ord. 15-18\(4\)](#), 6-3-15; [Ord. 16-18\(1\)](#), 3-2-16; [Ord. 17-18\(4\)](#), 8-9-17; [Ord. 19-18\(5\)](#), 7-17-19; Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § [15.2-2280](#).

Sec. 4.20 - Setbacks and setbacks in conventional commercial and industrial districts.

Setbacks and setbacks must be as follows:

- a. *Conventional commercial districts.* The following provisions apply within the C-1, CO, and HC districts:

. . .

1. The maximum front setback is the depth necessary to avoid existing utilities, significant existing vegetation, steep slopes, perennial and intermittent streams, riparian buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple buildings on the same lot and prevailing development patterns. On any parcel with multiple main buildings, at least one main building must meet the maximum setback.

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([Ord. 15-18\(4\)](#), 6-3-15; [Ord. 16-18\(1\)](#), 3-2-16; [Ord. 17-18\(4\)](#), 8-9-17, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § [15.2-2280](#).

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Sec. 4.23 – Riparian Buffer Protection Standards

Sec. 4.23.1 – Intent

- A. *Purpose.* These riparian buffer standards are adopted pursuant to the State Water Control Law (Virginia Code § 62.1-44.2 et seq.) to:

1. Protect existing high-quality state waters;
2. Restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
3. Safeguard the waters of the Commonwealth from pollution;
4. Prevent any increase in pollution;
5. Maintain and improve riparian habitat to include preservation of mature trees or planting of trees or native vegetation as a water quality protection tool;
6. Reduce existing pollution; and
7. Promote water resource conservation to provide for the health, safety, and welfare of the present and future residents of Albemarle County and the Commonwealth of Virginia.

B. *Additional Intent.* These standards also:

1. Limit development and land disturbance next to surface watercourses and contiguous nontidal wetlands; and
2. Encourage preservation of native vegetation to:
 - a. Protect public and private water supplies;
 - b. Trap sediment and other pollutants in runoff;
 - c. Stabilize stream and river banks;
 - d. Protect fish and wildlife habitat;
 - e. Reduce storm and flood impacts; and
 - f. Preserve scenic and recreational resources.

(§18-4.23.1, Ord. 26-18(), 6-17-26, effective 9-1-26)

State Law reference—Va. Code §§ 62.1-44.2, 62.1-44.15:72, 62.1-44.15:73, 62.1-44.15:75, 9VAC25-830-120

Sec. 4.23.2 – Applicability

- A. *Relationship to other regulations.* Section 4.23 supersedes any less-restrictive County regulations. If a riparian buffer overlaps the Flood Hazard Overlay District, the more restrictive provisions of section 30.3 apply.
- B. *Pre-existing uses and improvements.* Any lawful use or improvement (other than buildings or structures) existing on the effective date of this section that does not comply with section 4.23 is deemed nonconforming and may continue subject to the nonconforming provisions of section 6.2; provided that any expansion, intensification, or relocation within a riparian buffer must comply with sections 4.23.6 and 4.23.9.
- C. *Buildings and structures.* Any building or structure lawfully existing on February 11, 1998 may remain. Repair and in-kind replacement following casualty are permitted. Expansion or enlargement within the riparian buffer requires approval by the Riparian Buffer Administrator under section 4.23.8 and must comply sections 4.23.6, and 6.3, and section 30.3 where applicable.

(§18-4.23.2, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code § 15.2-2307, 9VAC25-830-150

Sec. 4.23.3 – Authority, Powers, and Duties of Riparian Buffer Administrator

- A. *Designation.* The County Engineer, or designee, is the Riparian Buffer Administrator.
- B. *Power and duties.* The Riparian Buffer Administrator has all necessary authority to administer section 4.23, including but not limited to:
 1. Interpret and make site-specific determinations of riparian buffer boundaries and stream designations under section 4.23.5;
 2. Determine whether structures, improvements, and activities are permitted under section 4.23.7 or eligible for authorization under section 4.23.8;
 3. Require surveys, delineations, and studies reasonably necessary to administer section 4.23;

4. Maintain and update the County's Geographic Information System (GIS) layer to reflect approved site-specific determinations;
5. Enforce section 4.23 in coordination with the Zoning Administrator, including issuance of notices of violation; and
6. Require, review, and approve mitigation plans and surety under section 4.23.9.

C. *Appeals.* Appeals of an official determination under section 4.23 must be filed in accordance with section 34.

(§18-4.23.3, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code §§ 62.1-44.15:73, 62.1-44.15:75, 62.1-44.15:76

Sec. 4.23.4 – Boundaries – General

A. *Mapping.* The County's GIS layer depicts approximate riparian buffer locations and is advisory only. Site-specific adjustments occur as set forth in section 4.23.5.

B. *Defined boundaries.* Riparian buffers extend landward from any perennial or intermittent stream, pond, lake, or contiguous nontidal wetland to the farther of the following:

1. *Development Areas (outside any water supply protection area).* 100 feet measured horizontally from the top bank of any perennial stream and its contiguous nontidal wetlands, on each side
2. *Development Areas (within a water supply protection area).* The greater of:
 - a. 100 feet measured horizontally from the top bank of any perennial or intermittent stream and its contiguous nontidal wetlands, on each side; or
 - b. the limits of the Flood Hazard Overlay District;
3. *Public water-supply impoundments.* 200 feet landward of the Flood Hazard Overlay District limits surrounding the impoundment, measured horizontally; or
4. *All other locations.* The greater of:
 - a. 100 feet measured horizontally from the top of the bank; or
 - b. the limits of the Flood Hazard Overlay District.

C. *Measurement.*

1. Distances from a stream are measured horizontally from the top of the bank.
2. Distances from a pond, lake, or contiguous nontidal wetlands are measured horizontally from the ordinary high-water mark.
3. Prior clearing, grading, or encroachments do not reduce the required riparian buffer width.

(§18-4.23.4, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code §§ 62.1-44.15:73, 62.1-44.15:75, 62.1-44.15:76; 9 VAC25-830-140; 9VAC25-890-40;

4.23.5 – Site-Specific Determinations of Riparian Buffers

A. *Development applications:* Each application, plan, or permit proposing development must include either:

1. A site-specific survey of riparian buffer boundaries, applying the standards in the Engineering Design Standards Manual (DSM) and as required pursuant to subsection D; or
2. A certified statement with supporting basis (topography, hydrology, mapping) that no riparian buffer is present.

The Riparian Buffer Administrator may require the applicant to provide a site-specific survey, regardless of whether the County's GIS mapping depicts a riparian buffer or of any statement made under subsection A(2).

- B. *Optional boundary determinations.* An applicant may request a review and confirmation of riparian buffer boundaries at any time by submitting a site-specific survey to the Riparian Buffer Administrator.
- C. *Exemption.* The Riparian Buffer Administrator may exempt building permit applications for single-family detached residences in the Rural Areas (RA) zoning district from a site-specific survey if no disturbance within a riparian buffer is proposed.
- D. *Survey standards.* Site-specific surveys must be prepared and sealed by a Virginia-licensed engineer, land surveyor, landscape architect, or a certified scientist, or wetland delineator, and must delineate:
 1. Perennial and intermittent streams;
 2. Contiguous nontidal wetlands;
 3. Flood Hazard Overlay District limits; and
 4. Riparian buffer boundaries pursuant to section 4.23.4.

Field verification may be required.

(§18-4.23.5, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code § 62.1-44.15:76; 9VAC25-830-120

Sec. 4.23.6 – General Performance Standards

- A. *Landcovers.* Landcover changes within riparian buffers must conform to the Permitted Landcover Change Matrix in the DSM. Increases in impervious area are prohibited except as expressly permitted under sections 4.23.7 or 4.23.8.
- B. *Buffer management.* Except as authorized by sections 4.23.7 or 4.23.8, riparian buffers must be managed as follows:
 1. Native vegetation within the riparian buffer must not be disturbed or removed;
 2. Buffers must be maintained in as natural a condition as possible; and
 3. The preferred vegetative cover is a native forest with ground cover, shrub/understory, and tree canopy layers.
- C. *Replanting after cessation or conversion.* When an activity permitted under sections 4.23.7 (A) or 4.23.7 (B) ceases or is converted to a non-permitted use, buffer vegetation must be installed at densities specified in the DSM, consistent with the current Virginia Department of Conservation and Recreation's (VDCR) Riparian Buffers Modification and Mitigation Guidance Manual.
- D. *Performance standards.* Any use, development, or redevelopment within a riparian buffer must meet the following performance standards:
 1. No more land may be disturbed than is necessary to provide for the proposed use or development;

2. Native vegetation must be preserved to the maximum extent practicable, consistent with the proposed use or development;
 3. Impervious cover must be the minimum necessary for the proposed use or development;
 4. Comply with all applicable County requirements for land-disturbing activity;
 5. Be designed and constructed to minimize erosion;
- E. *Common areas in subdivisions or developments.* Lots should not include riparian buffers; however the Riparian Buffer Administrator may allow buffers on lots only if a permanent easement or recorded covenant ensures preservation consistent with section 4.23 et seq.
- F. *Signage.* For subdivisions creating lots or construction requiring a site plan (other than properties used for bona fide agricultural and/or silvicultural activities), the developer must install signage marking the landward boundary of the buffer at locations and with text specified in the DSM. Signs must be installed upon final stabilization of disturbed areas and in accordance with the DSM.
- G. *Prohibited practices.* Fertilization or herbicide application within the buffer is prohibited except for invasive-species control approved under section 4.23.7(K).

(§18-4.23.6, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code §§ 62.1-44.15:69, 62.1-44.15:73, 62.1-44.15:75, 9VAC25-830-130

Sec. 4.23.7 – Permitted Structures, Improvements, and Activities

The following are permitted within riparian buffers and must follow the performance standards in section 4.23.6 (C), and obtain all required Federal, State and County permits:

- A. *Agriculture.* Bona fide agricultural activities, excluding:
1. Roads not exempt under section 17-300 (D); and
 2. New agricultural structures located within 100 feet of the top bank of any perennial or intermittent stream or its contiguous wetland.
- B. *Silviculture.* Silvicultural activities only when conducted in compliance with the Virginia Department of Forestry's "Best Management Practices for Water Quality", including the establishment of Streamside Management Zones.
- C. *Utilities and transportation.* The construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and accessory structures constructed by the Virginia Department of Transportation (VDOT), if they comply with:
1. The Virginia Erosion and Stormwater Management Act and its regulations;
 2. An approved soil erosion and stormwater management plan; or
 3. Local water quality protection standards that are at least as stringent as state requirements.
- D. *Local utility lines.* The construction, installation, and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned, permitted, or both, by a local government or regional service authority if:
1. To the degree possible, such utilities and facilities are located outside of the riparian buffer; and
 2. No more land is disturbed than is necessary to provide for the proposed utility installation; and
 3. All such construction, installation, and maintenance of such utilities and facilities must comply with all applicable County, state and federal permits and designed and conducted in a manner that protects water quality.

- E. *Water-dependent structures or facilities.* Permitted only when:
1. All non-water dependent components are outside the buffer;
 2. There is only a single point of access; and
 3. The disturbance is limited to only what is necessary to build and access the water-dependent structure or facility.
- F. *Passive recreation.* Educational signs and kiosks, and pervious trails, paths, or boardwalks following the current VDCR Riparian Buffers Modification and Mitigation Guidance Manual, and DSM guidance. Paths serving individual lots must not exceed four feet in width except as necessary to meet ADA accessibility or emergency-services requirements.
- G. *Historic and archaeological activities.* Permitted with prior approval by the Riparian Buffer Administrator and the Zoning Administrator.
- H. *Buffer restoration and replacement.* Permitted only when:
1. A plan or narrative is approved by the Riparian Buffer Administrator.
 2. Mature trees are preserved when possible. Any vegetation that is removed must be replaced with native vegetation that provides the same level of water quality or better quality protection and is consistent with the DSM. Trees or other vegetation that is removed must be:
 - a. Replaced with native vegetation that is appropriate to site conditions and is equally effective in reducing runoff, preventing erosion, and filtering nonpoint source pollution; and
 - b. Replanted in a way that maximizes the buffer's function and protects water quality.
 3. Permitted replacement and restoration activities include:
 - a. Reestablishing buffers after agricultural or silvicultural land is changed to a land use other than bona fide agricultural or silvicultural activities;
 - b. Restoring vegetation where forestry or agricultural best management practices recommend removing and replacing vegetation to maintain a healthy buffer;
 - c. Replanting vegetation that was removed for a sightline, access path or for woodlot management; and
 - d. Replacing vegetation that was removed illegally or removed beyond what was authorized.
- I. *Native vegetation planting.* Planting of native trees, shrubs, or other vegetation consistent with the DSM.
- J. *Minor installations.* Installation of fences, sign posts, and poles (telephone, electric, or other kinds of posts or poles).
- K. *Limited vegetation removal.* Removal of the following types of vegetation:
1. Dead, diseased or dying trees or shrubbery;
 2. Noxious weeds or invasive plant species, to include but not be limited to Johnson grass, kudzu, and multiflora rose; or
 3. Vegetation posing an imminent threat to buildings or public health or safety.

Upon demand by the Riparian Buffer Administrator, the landowner must provide evidence that removed vegetation qualified as one of the types identified above. The Riparian Buffer Administrator may require a mitigation plan and plantings as set forth in section 4.23.9 if it is determined the vegetation removed does not meet the criteria of this section.

(§18-4.23.7, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code §§ 62.1-44.15:69, 62.1-44.15:72, 62.1-44.15:73; 9VAC25-830-140, 9VAC25-830-150

Sec. 4.23.8 Structures, Improvements, and Activities Subject to Approval by the Riparian Buffer Administrator

- A. *Conditions of authorization.* The Riparian Buffer Administrator may authorize structures, improvements, and activities listed in section 4.23.8 (B) if:
1. A mitigation plan is approved under section 4.23.9;
 2. The structure, improvement or activity complies with section 4.23.6 (D);
 3. All required Federal, State and local permits are obtained; and
 4. The structure, improvement or activity complies with all other applicable law.
- B. *Authorized structures, improvements and activities.*
1. *Temporary erosion and sediment control measures.* Temporary erosion and sediment control measures within the landward (outer) 50 horizontal feet of the riparian buffer if the Riparian Buffer Administrator determines:
 - a. Such measures are located outside the riparian buffer as much as practical;
 - b. Disturbance of the riparian buffer are minimized; and
 - c. The disturbed area of the riparian buffer will be restored after the measures are removed pursuant to an approved mitigation plan.
 2. *Supportive infrastructure.* Necessary supportive infrastructure located within the landward (outer) 50 feet of the riparian buffer that is:
 - a. Necessary to allow reasonable use of the lot as set forth in Section 4.23.8 (B)(8); or
 - b. Located along an intermittent stream within both a water supply protection area and a development area.
 3. *Environmental restoration projects.* Environmental restoration projects approved by the County, a soil and water conservation district, or another authorized public agency.
 4. *Stream crossings.* Stream crossings for roads, streets, or driveways, and related sidewalks, utilities, and drainage facilities if it meets the requirements of the DSM. In order to ensure that the encroachment into or across the riparian buffer is minimized, on or after May 7, 2008, it is presumed that one stream crossing is adequate to serve the lot(s) existing on that date and all lots created on and after that date. The Riparian Buffer Administrator will only allow one stream crossing to serve all lots, unless additional crossings are determined to be necessary as set forth in under Section 4.23.8 (B)(5).
 5. *Additional stream crossings.* If the Riparian Buffer Administrator determines that a riparian buffer would prohibit access to a lot, and such access is necessary for the lot to be used and developed as permitted in the underlying zoning district and under the applicable regulations of Chapter 14, then an additional stream crossing may be authorized.
 6. *Agricultural roads included within a plan of development.* Agricultural roads that are included within a plan of development as set forth in section 17-300 (D).
 7. *Water and sewer facilities or sewage systems.* On lots of record lawfully existing prior to February 11, 1998 when:

- a. Activities in the riparian buffer are limited to the construction, installation, and maintenance of those facilities or systems; and
 - b. The Riparian Buffer Administrator determines that the riparian buffer would prohibit the practicable development of those facilities or systems.
- 8. *Single building site on pre-existing lots.* On lots of record lawfully existing prior to February 11, 1998, the development of a single building site may be allowed when:
 - a. The riparian buffer would eliminate a building site;
 - b. The lot has no building site outside of the riparian buffer;
 - c. The underlying zoning district would permit redevelopment; and
 - d. Impervious areas and disturbances are minimized.
- 9. *Flood control or stormwater management facilities.* Flood control or stormwater management facilities serving multiple developments or a watershed area if:
 - a. Best management practices are used to collect or treat runoff;
 - b. It complies with the Virginia Stormwater Management Act and all applicable County ordinances;
 - c. The Riparian Buffer Administrator determines the location within the riparian buffer is necessary for flood or stormwater control and impacts to the riparian buffer are minimized;
 - d. The facility is no larger than necessary for effective flood control or stormwater treatment; and
 - e. It is part of a County-approved comprehensive stormwater management plan.
- 10. *Stormwater management outfalls.* All such outfalls must be designed in accordance with the DSM.
- 11. *Passive recreation and facilities with limited impervious surfaces.* Passive recreation access and facilities with impervious surfaces that are designed in accordance with the current VDCR's Riparian Buffers Modification & Mitigation Guidance Manual.
- 12. *Public uses.* All such public uses as defined in section 3.1.

(§18-4.23.8, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference-Va. Code § 62.1-44.15:73; 9VAC25-830-140, 9VAC25-890-40

Sec. 4.23.9—Mitigation Plan: Form, Standards, Content, Surety

- A. *Form.* Mitigation plans must meet the requirements of this sections and the DSM, in a format approved by the Riparian Buffer Administrator. For the development of a once single-family detached dwelling, the Riparian Buffer Administrator may accept the mitigation information with the building permit.
- B. *Standards.*
 - 1. Riparian buffers must be established or restored in accordance with section 4.23.6 and the DSM.
 - 2. *Replanting and maintenance.* If any portion of a riparian buffer is disturbed or removed, or if property zoned Rural Areas is subdivided or converted to establish a primary residential use, vegetation must be planted and maintained as follows:
 - a. *Planting ratio.* Vegetation must be replanted at a ratio of two square feet of restored riparian buffer for every one square foot of riparian buffer that was disturbed (2:1 ratio).

- b. *Vegetation.* Only native species listed in the DSM may be used. Riparian buffer vegetation must be planted, established and maintained as specified in the DSM.
 - c. *Mitigation bond.* The Riparian Buffer Administrator may require the owner post a mitigation bond until the plants are established.
- 3. *Multiple stream crossings.* If more than one stream crossing is requested, the applicant must demonstrate:
 - a. The proposed crossing is necessary for reasonable use of the lot under section 4.23.8 (B)(2)(a); or
 - b. A single crossing would cause greater environmental impacts than adding another crossing. Qualifying environmental impacts include:
 - (i) impacts to soil;
 - (ii) soil erosion;
 - (iii) stormwater runoff;
 - (iv) water quality;
 - (v) loss of vegetated riparian buffer;
 - (vi) impacts to stream beds or banks;
 - (vii) additional impervious surfaces; and
 - (viii) the disturbance of slopes of 25 percent or greater
- C. *Content.* Each mitigation plan must identify how the proposed development will affect water quality and riparian buffers, describe proposed mitigation measures, and include any additional information required by the Riparian Buffer Administrator.
- D. *Surety.* When the Riparian Buffer Administrator requires a mitigation plan to have financial surety, the owner must provide it as follows:
 - 1. *Purpose for surety; type of surety.* The owner must provide a surety to guarantee the mitigation plan is completed as approved. Acceptable forms of surety include a cash escrow, certified or official check, bond with surety, letter of credit or assigned collateral funds. Surety must be provided in a form approved by the County Attorney and acceptable to the Riparian Buffer Administrator.
 - 2. *Estimate.* The owner must request an estimate of the surety amount from the Riparian Buffer Administrator. The Administrator will calculate the total cost to implement and maintain the mitigation plan, including up to 25 percent for administrative costs.
 - 3. *Use of surety.* The County may make use of monies guaranteed by the surety instrument if either: (i) the owner fails to timely renew or maintain the bond with surety, letter of credit, or assigned funds; or (ii) the Riparian Buffer Administrator determines after written notice, that the owner has failed to start, complete or maintain the approved mitigation plan.
 - 4. *Right to collect shortfall.* If the County must implement, complete or maintain the approved mitigation plan because the owner failed to do so, and the cost to the County is higher than the amount of surety held, the County may collect the difference from the owner.
 - 5. *Release of surety.* The surety may be released as follows:
 - a. *Partial release.* In order for any surety to be partially released:
 - b. *Owner's request.* The owner must certify that the mitigation requirements have been completed as required and pay the required fee specified in County Code Chapter 1, Article 5.
 - c. *Riparian Buffer Administrator's review.* Within 30 days of receiving the certification, the Riparian Buffer Administrator will inspect the site and either: (i) approve the partial release, if those requirements are satisfied; or (ii) inform the owner that the requirements are not met, identifying any defects, deficiencies or further required mitigation.

- d. *Release.* If the Riparian Buffer Administrator grants the partial release the surety will be partially released within 60 days of receiving the owner's request. The amount released will correspond to the percentage of mitigation successfully completed as determined by the inspection.
- e. *Full release.* In order for any surety to be fully released:
 - i. *Owner's request.* The owner must pay the fee for required by County Code Chapter 1, Article 5 and certify that the mitigation plan has been fully satisfied as required.
 - ii. *Riparian Buffer Administrator's review.* Within 30 days of receiving the certification, the Riparian Buffer Administrator will either: a) approve the full release, if an inspection confirms the requirements are satisfied; or b) inform the owner that the requirements are not satisfied and specify any defects, deficiencies, or further required mitigation.
 - iii. *Release.* If full release is approved, the County will release the surety within 60 days after receiving the owner's request.

(§18-4.23.9, Ord. 26-18(1), 6-17-26, effective 9-1-26)

Sec. 4.23.10 Special exceptions

- A. *Scope.* Waiver(s) or modification(s) of sections 4.23.6, 4.23.7 and 4.23.8 may be authorized only by the special exception(s) specifically provided in this section.
- B. *Procedure.* The Board of Supervisors may grant special exception(s) only after notice to abutting parcel owners.
- C. *Submission requirements.* The Riparian Buffer Administrator may require the applicant to submit a water quality impact assessment or other necessary information for the review of the application.
- D. *Findings.* Among other relevant factors, in granting a riparian buffer special exception, the Board of Supervisors may consider whether:
 - 1. The requested exception to the criteria is the minimum necessary to afford relief;
 - 2. Granting the exception will not confer upon the applicant any special privileges denied by this section to other property owners similarly situated in the vicinity;
 - 3. The exception is in harmony with the purpose and intent of this section and is not of substantial detriment to water quality;
 - 4. The exception request is not based upon conditions or circumstances that are self-created or self-imposed;
 - 5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the exception request from causing a degradation of water quality; and
 - 6. Other findings, as appropriate and required by the Board are met.
- E. *Conditions and surety.* The Board may impose conditions to the granting of any special exception it deems necessary in the public interest and protection of water quality. To ensure compliance with the conditions, a performance bond may be required.

(§18-4.23.10, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—9VAC25-830-150

Section 5 - Supplementary Regulations

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Sec. 5.1.28. – Clean earth and inert waste fill activity

- A. Each clean earth fill activity or inert waste fill activity not established and operated in conjunction with a permitted use under [section 30.4](#) of this chapter or established and operated in conjunction with an approved site plan or subdivision are subject to the following requirements:
 1. Each active fill area must be shaped and sloped so that no undrained pockets or stagnant pools of water are created to the maximum extent reasonably practicable as determined by the program authority. All undrained pockets and stagnant pools of water resulting from drainage must be treated as required by the Virginia Department of Health to eliminate breeding places for mosquitoes and other insects. Slope may not exceed 3:1. The height of fill may not exceed eight feet above natural grade.
 2. No fill area may be located either (a) within the flood hazard overlay district, except as authorized by [section 30.3](#) and section 4.23 of this Chapter, (b) in any riparian buffer area as defined by section 4.23 of this Chapter or on any hydric soils as identified by the United States Department of Agriculture.

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(§ 5.1.28, 7-6-83; [Ord. 01-18\(6\)](#), 10-3-01; [Ord. 02-18\(5\)](#), 7-3-02; [Ord. 20-18\(3\)](#), 9-16-20; Ord. 26-18(1), 6-17-26, effective 9-1-26)

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Sec. 5.1.44-Farm worker housing.

Each farm worker housing facility is subject to the following provisions:

- A. *Concept plan to be submitted with application for farm worker housing.* Before applying for the first building permit for a farm worker housing, Class A, facility, or in addition to any other information required to be submitted for a farm worker housing, Class B, special use permit, the applicant ~~shall~~ must submit a concept plan meeting the requirements of section 5.1.44(b).
- B. *Contents of concept plan.* The concept plan must show the following: (i) the boundary lines of the farm (may be shown on an inset map if necessary); (ii) the location and general layout of the proposed structures at a scale of not more than one inch equals 40 feet; (iii) vehicular access, travelways and parking for the facility; (iv) topography (with a contour interval of no greater than ten feet); (v) critical slopes; (vi) streams, riparian buffers and floodplains; (vii) source(s) of water for fire suppression; (viii) building setback lines as provided in subsection 5.1.44(g) below; and (ix) outdoor lighting. The concept plan must also include a written description of each structure's construction and materials used, and the number of persons to be housed in the farm worker housing facility.

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([Ord. 06-18\(2\)](#), 12-13-06; [Ord. 12-18\(4\)](#), 7-11-12; Ord. 26-18(1), 6-17-26, effective 9-1-26)

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Article III – District Regulations

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Section 20C – Rio29 Form-Based Code Overlay District-Rio29 FBC District

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Sec. 20C.8 – Building standards.

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- C. *Modifications to building standards.* The Agent may grant modifications to building standards as listed below, provided that the resulting building and site design still meets the purpose and intent of this section.
 1. *Reduction of ground floor height.* The Agent may approve a reduction in ground floor height where a temporary false floor or drop ceiling is constructed to allow ground floor residential uses,

consistent with [section 20C.6](#), provided that a future conversion to commercial uses could comply with this section.

2. *Block length.* The Agent may approve modifications to required block lengths for the following:
- To accommodate street connection(s) to existing or planned adjacent street(s);
 - To accommodate a requirement of VDOT or the Department of Fire Rescue;
 - To avoid a natural feature such as a riparian buffer or preserved slopes;
 - To avoid a planned or existing civic space;
 - To allow future streets to align with existing travel ways, private streets, or parcel lines within or adjacent to the site;
 - To avoid or accommodate existing utilities; or
 - To allow smaller block sizes for drive aisles or counterflow streets along through corridors.

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(§ 18-20C.8, [Ord. 21-18\(4\)](#), 9-1-21; Ord. 26-18(1), 6-17-26, effective 9-1-26)

. . .

Section 30 – Overlay Districts

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Sec. 30.3 – Flood hazard overlay district – FH

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Sec. 30.3.11 – Permitted and prohibited uses and structures.

The uses and structures permitted by right and by special use permit, and the uses and structures expressly prohibited, in the flood hazard overlay district are as follows:

. . .

Stream Crossings and Grading Activities*		
Stream crossings for a driveway serving only one single-family dwelling and pedestrian trails, including, but not limited to, pedestrian and multi-use paths that are within county-owned or operated parks and greenways, and any footbridges necessary to cross tributary streams, watercourses and swales, that: (i) meet the applicable requirements of sections 18-4.23.9 and 18-4.23.8 ; (ii) demonstrate, in a floodplain impact plan, to the floodplain administrator's satisfaction, that construction of the crossing will have no impact on the elevations or limits of the floodplain; and (iii) will serve one dwelling unit that could not be accessed by any other means.	BR	BR

. . .

((§ 30.3.04, 12-10-80); (§ 30.3.05, 12-10-80); (§ 30.3.05.1, 12-10-80); (§ 30.3.05.1.1, 12-10-80, 7-1-81, 5-12-93; Ord. 98-18(2), 9-16-98; Ord. 04-18(2), 10-13-04; [Ord. 09-18\(2\)](#), 5-13-09); (§ 30.3.05.1.2, 12-10-80; [Ord. 05-18\(1\)](#), 1-5-05, effective 2-5-05); (§ 30.3.05.2, 12-10-80); (§ 30.3.05.2.1, 12-10-80, 4-28-82, Ord. 98-18(2), 9-16-98; [Ord. 04-18\(2\)](#), 10-13-04); (§ 30.3.05.2.2, 12-10-80); § 30.3.11, [Ord. 14-18\(1\)](#), 3-5-14; [Ord. 17-18\(4\)](#), 8-9-17; [Ord. 19-18\(3\)](#), 6-5-19; Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § [15.2-2280](#).

Federal law reference—44 CFR § 60.1(d).

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Sec. 30.7 – Steep slopes overlay district

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Sec. 30.7.4 – Permitted uses.

The following uses and structures are permitted by right or by special use permit on managed or preserved slopes, provided that the land disturbing activity to establish the use or structure complies with design standards in [section 30.7.5](#) and all other applicable requirements of the Code:

- a. *Managed slopes.* The uses permitted by right and by special use permit on managed slopes are as follows, subject to the applicable requirements of this chapter:
 1. *By right.* The uses permitted by right in the underlying district shall be permitted by right on managed slopes.
 2. *By special use permit.* The uses permitted by special use permit in the underlying district shall be permitted by special use permit on managed slopes.
- b. *Preserved slopes.* The uses permitted by right and by special use permit on preserved slopes are as follows, subject to the applicable requirements of this chapter:
 1. *By right.* The uses permitted by right on preserved slopes are the following:
 - a. *Existing single-family dwelling unit.* Any single-family detached or single-family attached dwelling unit that was lawfully in existence prior to March 5, 2014 may be expanded, enlarged, extended, modified or reconstructed. For the purposes of this subsection, the term "lawfully in existence" includes, but is not limited to, any single-family detached or single-family attached dwelling unit for which a building permit was issued prior to March 5, 2014; provided that the building permit has not expired.
 - b. *Existing lot of record; first single-family detached dwelling unit.* Any lot ~~which~~ that was a lawful lot of record on March 5, 2014 may establish the first single-family detached dwelling unit on the lot; provided the lot does not contain adequate land area outside of the preserved slopes to locate the dwelling unit. For the purposes of this subsection, the term "lawful lot of record" includes any lot shown on a subdivision plat approved prior to March 5, 2014; provided that the plat is still valid.
 - c. *Necessary public facilities.* Public facilities necessary to allow the use of the lot, provided that the lot does not contain adequate land area outside of the preserved slopes to locate the public facilities and one or more of the following exist: (i) the land disturbing activity avoids impacts on other protected resources such as riparian buffers or floodplain; (ii) the alignment of the public facilities is consistent with the alignment of public facilities depicted or described in the comprehensive plan; (iii) the disturbance is necessary to provide interconnection required by the Code or the applicable regulations of other public entities; or (iv) prohibiting the facilities from being located on preserved slopes will cause an unnecessary hardship. To the extent that public facilities are established on preserved slopes, the preserved slopes should be preserved to the maximum extent practicable consistent with the intent and purpose of this overlay district.

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(§ 30.7.4; [Ord. 14-18\(2\)](#), 3-5-14; Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ [15.2-2280](#)(1), (2), [15.2-2286](#)(A)(4).

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