

ACTIONS		
Board of Supervisors Meeting of December 6, 2023		
		December 7, 2023
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> <li>The meeting was called to order at 6:00 p.m., by the Chair, Ms. Price. All BOS members were present. Also, present were Jeff Richardson, Steve Rosenberg, Claudette Borgersen, and Travis Morris.</li> </ul>		<a href="#">Link to Video</a>
4. Adoption of Final Agenda. <ul style="list-style-type: none"> <li>Requested that the Board amend the final agenda to allow motions coming out of closed meeting to occur after the adoption of the final agenda.</li> <li>By a vote of 6:0, <b>ADOPTED</b> the final agenda as amended.</li> </ul>		
<b>Non-Agenda:</b> Resolution Appointing Chief Financial Officer. <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution appointing Jacob Sumner as the County's Director of Finance/Chief Financial Officer, effective retroactively to December 2, 2023.</li> </ul>	Clerk: Forward copy of signed resolution to Human Resources, Finance and Budget, and County Attorney's office. (Attachment 1)	
<b>Non-Agenda:</b> Boards and Commissions.           a. Vacancies and Appointments. <ul style="list-style-type: none"> <li><b>REAPPOINTED</b>, Mr. Jay Pun to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) Executive Board as the Food or Beverage representative with said term to expire December 31, 2025.</li> <li><b>REAPPOINTED</b>, Mr. Russ Cronberg to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) Executive Board as the Accommodations representative with said term to expire December 31, 2025.</li> <li><b>APPOINTED</b>, Mr. Raymond Gaines to the Fire Prevention Board of Appeals with said term to expire November 21, 2028.</li> <li><b>REAPPOINTED</b>, Mr. John Mattern to the Joint Airport Commission with said term to expire December 1, 2026.</li> <li><b>APPOINTED</b>, Mr. John Post to the Joint Airport Commission with said term to expire December 1, 2026.</li> <li><b>APPOINTED</b>, Mr. Raymond Gaines to the Local Board of Building Code Appeals with said term to expire November 21, 2028.</li> <li><b>APPOINTED</b>, Mr. Andrew Sallans to the Route 250 West Task Force with said term to expire September 5, 2027.</li> <li><b>REAPPOINTED</b>, Mr. Mark Wastler to the Thomas Jefferson Water Resources Protection Foundation Board with said term to expire January 31, 2028.</li> </ul>	Clerk: Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	
5. Brief Announcements by Board Members. <u>Ann Mallek:</u> <ul style="list-style-type: none"> <li>Announced that all were welcome to attend the Wreaths Across America wreath-laying ceremony at the Dogwood Vietnam Memorial on Saturday, December 16, at 12 p.m., and that the event would proceed at the County memorial on the front lawn, then onto Oakley Memorial on West Rio Road, and finally conclude at the VFW Memorial in Earlysville.</li> </ul> <u>Bea LaPisto-Kirtley:</u>		

	<ul style="list-style-type: none"> <li>Announced that Albemarle County received a certificate of recognition from the Governor for the Monticello American Viticultural Area (AVA) winning the wine region of the year for 2023. She said that they competed against five other regions around the world and emerged victorious.</li> </ul>		
6.	Proclamations and Recognitions. <ul style="list-style-type: none"> <li>There were none.</li> </ul>		
7.	From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or that are Pending Before the Board. <ul style="list-style-type: none"> <li>There were none.</li> </ul>		
8.1	Schedule a Public Hearing to Consider Proposed Siting Agreement for Woodridge Solar Project. <ul style="list-style-type: none"> <li><b>SCHEDULED</b> a public hearing to consider a proposed siting agreement for the Woodridge Solar project.</li> </ul>	Clerk: Schedule on agenda and advertise in the Daily Progress when ready.	
8.2	Amended and Restated Resolution Appointing Barry Albrecht as the Director of Economic Development. <ul style="list-style-type: none"> <li><b>ADOPTED</b> Amended Resolution.</li> </ul>	Clerk: Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachment 2)	
9.	From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> <ul style="list-style-type: none"> <li>Introduced the following new appointees:             <ul style="list-style-type: none"> <li>Jacob Sumner, Director of Finance/Chief Financial Officer; and</li> <li>Barry Albrecht, Director of Economic Development; and</li> <li>Ann Wall, Deputy County Executive.</li> </ul> </li> </ul>		
10.	<b><u>Pb. Hrg.: Fiscal Year 2024 Budget Amendment, Appropriations, and Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.</u></b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution to approve appropriations #2024017; #2024018; #2024019; #2024020; #2024021; and #2024022 and #2024023 for County government projects and programs.</li> <li>By a vote of 6:0, <b>ADOPTED</b> Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.</li> </ul>	Clerk: Forward copy of signed resolutions to Finance and Budget, and County Attorney's office. (Attachments 3 and 4)	
11.	<b><u>Pb. Hrg.: Agricultural and Forestal Districts.</u></b> <b><u>a. AFD 2023-01 Kinloch AFD - Addition.</u></b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> ordinance to approve the proposed addition to the Kinloch AFD.</li> </ul>	Clerk: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 5)	
12.	<b><u>Pb. Hrg.: ZTA 2023-0004, STA 2023-0002, WPTA 2023-0002, BTA2023-0001, and OTA 2023-0001 – Community Development Department (CDD) Fee Restructuring.</u></b> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> Ordinance No 23-1(1).</li> <li>By a vote of 6:0, <b>ADOPTED</b> Ordinance No 23-3(3).</li> <li>By a vote of 6:0, <b>ADOPTED</b> Ordinance No 23-5(1).</li> <li>By a vote of 6:0, <b>ADOPTED</b> Ordinance No 23-7(2).</li> <li>By a vote of 6:0, <b>ADOPTED</b> Ordinance No 23-14(1).</li> <li>By a vote of 6:0, <b>ADOPTED</b> Ordinance No 23-17(1).</li> </ul>	Clerk: Forward copy of signed ordinances to Community Development and County Attorney's office. (Attachments 6-12)	

<ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> Ordinance No 23-18(3).</li> </ul>		
13. <b><u>Pb. Hrg.: An Ordinance Concerning Appointment Authority.</u></b> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> ordinance as amended.</li> </ul>	<u>Clerk:</u> Forward copy of signed ordinance to Human Resources and County Attorney's office. (Attachment 13)	
14. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ned Gallaway:</u> <ul style="list-style-type: none"> <li>• Commented that the Board left the joint work session at North Fork with a clear timeline for a recommendation to be presented to the Planning Commission and to the Board.</li> </ul> <u>Diantha McKeel:</u> <ul style="list-style-type: none"> <li>• Mentioned that she had recently read an interesting article about Virginia transportation funding, specifically Smart Scale, that detailed changes and nuances to which the County would need to adapt.</li> <li>• Share information from a recent IRC meeting she had attended.</li> </ul> <u>Bea LaPisto-Kirtley:</u> <ul style="list-style-type: none"> <li>• Commented on the joint meeting held the previous Monday.</li> </ul> <u>Jim Andrews</u> <ul style="list-style-type: none"> <li>• Commented that at the recent 5th and Avon Community Advisory Committee meeting information was presented on the Biscuit Run stream restoration project.</li> <li>• Mentioned that he had recently attended the audit committee meeting and the Board would receive information at their next gathering.</li> </ul>		
19. Adjourn to December 13, 2023, 1:00 p.m., Lane Auditorium. <ul style="list-style-type: none"> <li>• The meeting was adjourned at 7:28 p.m.</li> </ul>		

ckb/tom

Attachment 1 – Resolution Appointing Jacob Sumner as the Director of Finance/Chief Financial Officer  
Attachment 2 – Amended and Restated Resolution Appointing Barry Albrecht as Economic Development Director  
Attachment 3 – Resolution to Approve Additional FY 2024 Appropriations  
Attachment 4 – Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing  
Attachment 5 – Ordinance No. 23-3(1)  
Attachment 6 – Ordinance No. 23-1(1)  
Attachment 7 – Ordinance No. 23-3(3)  
Attachment 8 – Ordinance No. 23-5(1)  
Attachment 9 – Ordinance No. 23-7(2)  
Attachment 10 – Ordinance No. 23-14(1)  
Attachment 11 – Ordinance No. 23-17(1)  
Attachment 12 – Ordinance No. 23-18(3)  
Attachment 13 – Ordinance No. 23-2(4)

**RESOLUTION  
APPOINTING JACOB SUMNER AS THE  
DIRECTOR OF FINANCE/CHIEF FINANCIAL OFFICER**

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

1. upon the recommendation of the County Executive, Jacob Sumner ("Sumner") is hereby appointed the Director of Finance/Chief Financial Officer for the County of Albemarle, Virginia effective retroactively to December 2, 2023, pursuant to Virginia Code § 15.2-512;
2. Sumner will serve as Director of Finance/Chief Financial Officer at the pleasure of the Board and for an indefinite term pursuant to Virginia Code § 15.2-513;
3. during the term of Sumner's appointment, he will serve as the head of the County's Department of Finance and Budget;
4. in such capacity, Sumner will have all those powers and duties of a Director of Finance or Chief Financial Officer set forth in Virginia Code §§ 15.2-519 through 525, and in other sections of the Code of Virginia (1950), as amended, those powers and duties delegated or imposed by the Albemarle County Code and by duly adopted motions, resolutions, or ordinances of the Board, and those powers and duties as otherwise provided by general law, except to the extent that the Board has designated other persons to perform specific tasks including, but not limited to, assessing property for taxation and acting as the County's purchasing agent; and
5. Sumner will act under the supervision of the County Executive.

**AMENDED AND RESTATED RESOLUTION  
APPOINTING BARRY ALBRECHT AS THE  
DIRECTOR OF ECONOMIC DEVELOPMENT**

**WHEREAS**, on November 15, 2023, the Board of Supervisors of the County of Albemarle, Virginia ("Board"), upon the recommendation of the County Executive, adopted a resolution appointing Barry Albrecht ("Albrecht") as the Director of Economic Development for the County of Albemarle, Virginia, effective as of December 18, 2023; and

**WHEREAS**, Albrecht is now available to commence service on December 4, 2023, and the County Executive recommends that his appointment be made effective as of such date; and

**WHEREAS**, the Board desires to adopt this Amended and Restated Resolution to provide for Albrecht's appointment as of December 4, 2023;

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

1. upon the recommendation of the County Executive, Barry Albrecht is hereby appointed the Director of Economic Development for the County of Albemarle, Virginia, pursuant to Virginia Code § 15.2-512;
2. this appointment will be effective retroactively to December 4, 2023;
3. Albrecht will serve as Director of Economic Development at the pleasure of the Board and for an indefinite term pursuant to Virginia Code § 15.2-513;
4. Albrecht will serve as the head of the County's Office of Economic Development;
5. Albrecht will act under the supervision of the County Executive; and
6. This resolution supersedes the resolution adopted by the Board on November 15, 2023.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2024 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That the FY 24 Budget is amended to increase it by \$40,613,609;
- 2) That Appropriations #2024017; #2024018; #2024019; #2024020; #2024021; #2024022; and #202423 are approved;
- 3) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2024.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE  
EXPENDITURES WITH PROCEEDS OF A BORROWING**

**WHEREAS**, the Board of Supervisors of Albemarle County, Virginia (the "Borrower") has or intends to acquire, construct and equip various capital improvement projects described in the Borrower's Capital Improvement Program (as it may be amended from time to time), including but not limited to projects undertaken for the following governmental and public purpose categories: (a) County administration, (b) judicial, (c) parks, recreation and cultural, (d) community development, (e) public safety, (f) public works, (g) schools, (h) transportation, (i) water resources and (j) solid waste (collectively, the "Project"); and

**WHEREAS**, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

**NOW, THEREFORE, BE IT RESOLVED** by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$5,300,000.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This Resolution shall take effect immediately upon its passage.

**ORDINANCE NO. 23-3(1)**

AN ORDINANCE TO AMEND CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE 2, 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 2, Districts of Statewide Significance Division 2, Districts, is hereby reordained and amended as follows:

**By Amending:**

Sec. 3-224 Kinloch Agricultural and Forestal District

**Chapter 3. Agricultural and Forestal Districts**

...

**Article 2. Districts of Statewide Significance**

...

**Division 2. Districts**

...

**Sec. 3-224 Kinloch Agricultural and Forestal District.**

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

- A. *Date created.* The district was created on September 3, 1986.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
  - 1. Tax map 49: parcels 5C, 6A1.
  - 2. Tax map 50: parcels 5A, 13, 19A1, 19B, 19C.
  - 3. Tax map 65: parcels 7, 7A, 8, 84A, 86B, 89, 90, 91, 91A, 92, 93A, 93A1, 94, 94A, 94B, 94C, 100, 121.
  - 4. Tax map 65, section 1: parcel 86.
  - 5. Tax map 66: parcels 2, 3C, 3G, 32, 32D, 32E, 34 (Albemarle County portion only), 34B.
- C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to November 12, 2024.

(11-17-93; 10-12-94; Code 1988, § 2.1-4(f); § 3-220, Ord. 98-A(1), 8-5-98; Ord. 00-3(3), 9-13-00; Ord. 04-3(3), 11-3-04; Ord. 09-3(5), 12-9-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14; § 3-224, Ord. 18-3(1), 11-7-18, Ord. 23-3(1), 12-6-23)



**ORDINANCE NO. 23-1(1)**

AN ORDINANCE TO AMEND CHAPTER 1, GENERAL PROVISIONS, ARTICLE 5, FEE SCHEDULE, 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 1, General Provisions, Article 5, Fee Schedule is hereby reordained and amended as follows:

**By Adding:**

Sec. 1-500 General Provisions  
 Sec. 1-501 Building Fees  
 Sec. 1-502 Subdivision Fees  
 Sec. 1-503 Water Protection Fees  
 Sec. 1-504 Zoning Fees  
 Sec. 1-505 Miscellaneous Fees

**Chapter 1. General Provisions**  
**ARTICLE 5**  
**Fee Schedule**

**Sec. 1-500 – General Provisions**

This Article establishes the fees charged for various activities throughout several chapters of the Albemarle County Code, pursuant to the authority provided by Virginia Code §§ 15.2-2241, 15.2-2286, 62.1-44.15, 36-98.3, and 36-105 and by Chapter 3 (Agricultural and Forestal Districts), Chapter 5 (Building Regulations), Chapter 7 (Health and Safety), Chapter 14 (Subdivision of Land), Chapter 17 (Water Protection), and Chapter 18 (Zoning) of the Albemarle County Code.

- A. *Fee Waived.* Any fee provided in this Article will be waived on all applications made by Albemarle County or the Albemarle County School Board.
- B. *Mode of payment.* Each fee provided in this Article must be paid by means acceptable to the County of Albemarle.
- C. *Timing of Payment.* Unless otherwise specified:
  - 1. All required fees must be paid in full at the time of application submission.
  - 2. No application will be considered or complete until all required fees have been paid in full.
- D. *Refund of Fees.* Except as provided in County Code § 1-501, sixty-five percent (65%) of an application fee may be refunded upon written request if an application is withdrawn both (i) within 10 days of submittal and (ii) prior to the sending of notices or legal advertisement regarding the application.

**Sec. 1-501 – Building Fees**

**A- Rules Applicable to Building Fees.** Any refunds of fees imposed under subsection (B) will be made as provided in 13VAC5-63-70.

**B- Building Fee Amounts**

Each of the following applications, permits, or activities is subject to the following fee(s):

Building - Alteration/Repairs of Structures in All Use Groups	\$0.20 per sq. ft. Minimum fee \$90
Building - Commercial Plan Review	\$0.04 up to 5,000 sq. ft plus \$0.03 per sq. ft. over 5,000. Minimum fee \$15
Building - Commercial Swimming Pool	\$360
Building - Commercial Temporary Certificate of Occupancy (Each 30 Days)	\$150
Building - Elevators, Escalators and Lifts	\$285
Building - Mobile/Prefabricated Homes	\$55
Building - New Commercial (including additions)	\$0.24 up to 5,000 sq. ft plus \$0.17 per sq. ft. over 5,000. Minimum fee \$90
Building - New Single-Family Residential (less than 1,500 sq. ft.)	\$500
Building - New Single-Family Residential (1,501 - 2,500 sq. ft.)	\$1,000

Building - New Single-Family Residential (2,501 - 3,500 sq. ft.)	\$1,500
Building - New Single-Family Residential (3,501 - 4,500 sq. ft.)	\$2,000
Building - New Single-Family Residential (4,501 - 7,500 sq. ft.)	\$3,000
Building - New Single-Family Residential (greater than 7,500 sq. ft.)	\$4,000
Building - Paint Spraying Booths	\$30
Building - Residential Accessory Structure (attached garages, detached garages, sheds, decks, and porches 10 sq. ft. or larger)	\$0.18 per square foot, calculated on gross finished square footage. The minimum fee is \$35
Building - Residential Plan Review	\$0.05 per sq. ft. Minimum fee \$10
Building - Tents and Residential Swimming Pools, Hot Tubs, or Spas	\$60
Building - Demolition Permit	\$110
Electric - Alarm Systems	\$0.04 per sq. ft. Minimum fee \$90
Electric - Commercial Plan Review	\$0.01 per sq. ft. Minimum fee \$15
Electric - Early Service	\$70
Electric - Mobile/Prefabricated Homes, Fuel Dispensing Pumps, Residential Accessory Structures, Service Change, Swimming Pool, Hot Tub, or Spa	\$35
Electric - Residential Plan Review	\$0.05 per sq. ft. Minimum fee \$10
Electric - Signs	\$55
Electric - Mobile/Prefabricated Homes, Fuel Dispensing Pumps, Residential Accessory Structures, Service Change, Swimming Pool, Hot Tub, or Spa (bonding and wiring separate fees)	\$35
Electric - Temporary Service	\$110
Electric- Additions/Alterations/Repairs	\$0.04 per sq. ft. Minimum fee \$90
Mechanical - Above Ground Tanks	\$120
Mechanical - Additions/Alterations/Repairs	\$0.04 per sq. ft. Minimum fee \$90
Mechanical - Commercial Plan Review	\$0.01 per sq. ft. Minimum fee \$15
Mechanical - Furnace/Woodstove/Gas Log System	\$75
Mechanical - Gas/Oil Lines	\$40
Mechanical - Range Hoods	\$30
Mechanical - Hood Suppression Systems, Mobile/Prefabricated Homes	\$35
Mechanical - New Commercial (including additions to existing)	\$0.04 per sq. ft. Minimum fee \$90
Mechanical - Residential Plan Review	\$0.05 per sq. ft. Minimum fee \$10
Mechanical - Underground Tanks	\$200
Other - Addition or Change in Contractor After Permit Is Issued	\$35
Other - Administrative Fee for Working Without A Permit	\$250
Other - Change of Building Occupancy Classification	\$175
Other - Code Modification Request (No Refund Allowed)	\$250
Other - Elevator Certificate	\$100 per elevator
Other - Group Home/Daycare/Adult Care Form, With No Inspection	\$75
Other - Permit Extension Request	\$75

Other - Permits, and Plan Amendments	\$35
Plumbing - Additions/Alteration/Repairs	\$10 per fixture Minimum fee \$90
Plumbing - Commercial Plan Review	\$1.80 per fixture; \$15 minimum
Plumbing - Mobile/Prefabricated Homes	\$35
Plumbing - Commercial (including additions)	\$10 per fixture Minimum fee \$90
Plumbing - Residential Accessory Structures	\$35
Plumbing - Residential Plan Review	\$0.05 per sq. ft. Minimum fee \$10
Plumbing - Sewer Laterals (unless the lines are included as part of a permit)	\$30
Plumbing - Water Lines (unless the lines are included as part of a permit)	\$30
Plumbing- Fire Suppression Systems (Sprinkler)	\$0.95 each head. Minimum fee \$90. Plus, plan review fee \$0.02 per sq. ft. Minimum fee \$75
Inspections - Building (Regular Re-inspections) for each inspection performed after the second inspection of such work.	\$100
Inspections - Building Special Inspections (Unique structures such as bridges and towers, determined by Building Official)	\$100 per hour
Zoning - Inspection (each, preliminary or final)	\$25

#### **Sec. 1-502 – Subdivision Fees**

Each of the following applications, permits, or activities is subject to the following fee(s):

Bond Agreement with Surety - Establish, Amend, Replace, Reduce, or Release a Bond	\$285
Easement plat required with site plan or plat amendment	\$235
Easements - Plat(s) With A Deed	\$900
Easements - Plat(s) Without A Deed	\$580
Required Notice – Per notice	\$235 base fee (at time of application) plus the actual cost of first-class postage and advertisement, once determined.
Streets - Authorization for One Or More Private Streets Within a Subdivision	\$790
Private Road Plans	\$475
Public Road Plans	\$295
Streets - Waiver or Variation to Requirements	\$640
Subdivision - 1 or more Special Lots, Boundary Line Adjustment	\$235
Subdivision - Additional Fee for Dam Break Inundation Zones	1% of total amount of payment required or \$1,000, whichever is less
Subdivision - Extension of Plat Approval	\$140
Subdivision - 2 Lots and Family Subdivision	\$815
Preliminary or Final Subdivision (each) - 3 or more lots	\$1,300
Subdivision - Vacation of a Plat or Part Thereof	\$285
Subdivision - Variation or Exception	\$980

#### **Sec. 1-503 – Water Protection Fees**

**A – Rules Applicable to Water Protection Fees.** The following rules apply to the fees imposed under subsection (B):

1. Virginia Stormwater Management Program (VSMP): Payment of fees.
  - a) Transfer or modification. Each owner required to pay the transfer or modification fee as provided in this Article, must pay the fee upon submittal of the application to transfer or modify.
  - b) Annual maintenance fee. Each owner must pay the maintenance fee annually to the County until a notice of termination is effective. The maintenance fee will be billed in arrears and is due by April 1 of each year. On the first April 1 after the land disturbing activity has begun, this fee will be prorated on a monthly basis, and the full fee will be due by April 1 of each year thereafter. The final fee will be prorated on a monthly basis based on the date of permit termination.
2. *Use of Water Protection fees.* The fees imposed under subsection (B) will be used solely to carry out the County's responsibilities under the Virginia Stormwater Management Act, the Erosion and Sediment Control Law, the applicable regulations in 9VAC25-830 through 9VAC25-890, and any other applicable standards and specifications
3. *Late payments.* Any late payment will be subject to interest at the underpayment rate provided in Virginia Code § 58.1-15 and will be calculated on a monthly basis at the applicable periodic rate. A ten percent late payment fee will be charged to any account more than 90 days past due.
4. *Remedies.* The County may pursue any remedies provided by State law to collect any past due amount. In addition, the County or the program administrator may pursue the remedies provided in County Code §§ 17-900 *et seq.*, including revocation of any approval.

## **B – Water Protection Fee Amounts**

Each of the following applications, permits, or activities is subject to the following fee(s):

Bond Agreement with Surety - Establish, Amend, Replace, Reduce, or Release a Bond	\$285
<b>Virginia Erosion and Sediment Control Program (VЕСP) – Disturbed area less than one acre</b>	
Plan review and initial grading permit or each amendment	\$240
Annual Maintenance	\$230
<b>VЕСP – Disturbed area one acre up to 5 acres</b>	
Plan review and initial grading permit or each amendment	\$565
Annual Maintenance	\$340
<b>Single Family (SF) – Land disturbing activity pertaining to a sole single family detached dwelling (including within a common plan of development) with less than 5 acres of land disturbance</b>	
Plan review and initial grading permit and first year annual maintenance fees or each amendment	\$235
Annual Maintenance, starting with the second year	\$235
<b>Virginia Stormwater Management Program (VSMP) – Small construction activity or land clearing that is less than 10,000 sf within a common plan of development or is equal to or greater than 10,000 sf and less than 1 acre</b>	
Plan Review and Permit Issuance	\$235
Transfer or Modification	\$120
Annual Maintenance	\$160
<b>VSMP – Small construction activity or land clearing that is equal to or greater than 1 acre and less than 5 acres</b>	
Plan Review and Permit Issuance	\$2,205
Transfer or Modification	\$225

Annual Maintenance	\$1,530
<b>VSMP – Large construction activity or land clearing that is equal to or greater than 5 acres and less than 10 acres</b>	
Plan Review and Permit Issuance	\$2,775
Transfer or Modification	\$285
Annual Maintenance	\$1,925
<b>VSMP – Large construction activity or land clearing that is equal to or greater than 10 acres and less than 50 acres</b>	
Plan Review and Permit Issuance	\$3,675
Transfer or Modification	\$340
Annual Maintenance	\$2,550
<b>VSMP – Large construction activity or land clearing that is equal to or greater than 50 acres and less than 100 acres</b>	
Plan Review and Permit Issuance	\$4,980
Transfer or Modification	\$510
Annual Maintenance	\$3,460
<b>VSMP – Large construction activity or land clearing that is equal to or greater than 100 acres</b>	
Plan Review and Permit Issuance	\$7,835
Transfer or Modification	\$795
Annual Maintenance	\$5,440
<b>Other Services</b>	
Amendment to Approved Plan (VSMP)	\$225 per review
Construction record drawings review	\$340
Exception (VSMP)	\$270 each
Re-inspection pertaining to a single-family dwelling	\$170 for the first and \$270 for each subsequent reinspection
Re-inspection not pertaining to a single-family dwelling	\$285 for the first and \$385 for each subsequent reinspection
Review of mitigation plan pertaining to a land disturbing activity in a stream buffer	\$170
Stream Determination	\$320
Variation (VESCP)	\$170 each

#### **Sec. 1-504 – Zoning Fees**

**A – Rules Applicable to Zoning Fees.** The following rules apply to the fees imposed under subsection (B):

1. *Calculation of fees in special circumstances.* In the following special circumstances, the fee(s) required by subsection (B) will be calculated as follows:
  - a. *Simultaneous review of special use permit for outdoor display and sales and supporting initial site plan.* The applicant must pay the fee for the special use permit, but not the fee for the initial site plan for outdoor display and sales, when simultaneous review of both the special use permit application and a supporting initial site plan is required.
  - b. *Multiple special use permits to establish a single use.* If multiple special use permits are required to establish a single use, the applicant must pay only the largest single fee for a special use permit for all of the special use permit applications.
2. *Pre-existing use fee waiver.* If an applicant applies for a special use permit, the applicable fee will be waived provided that the following conditions are met:

- a. The use applied for does not conform to the zoning prescribed for the district in which the use is situated;
- b. A business license was issued by the county for the applied-for use; and
- c. The holder of the business license has operated continuously in the same location for at least 15 years and has paid all real estate, business license, and personal property taxes related to the use.

## B – Zoning Fee Amounts

Each of the following applications, permits, or activities is subject to the following fee(s):

Architectural Review Board (ARB) - Minor Board review (Building permits, major amendment)	\$700
ARB - Minor Staff Review of County Wide Certificates of Appropriateness (Fencing, Equipment, Lighting)	\$265
ARB - Major Staff Review of County-wide certificate of appropriateness (CWCA) (Additions to ARB-approved buildings, Building permits (per review), Minor amendments, Personal Wireless Service Facilities, structures 750 ft or more from EC not taller than 5 stories or located behind a structure that fronts the EC, Other CWCA)	\$540
ARB - Major Board review (Conceptual plan; advisory review; preliminary, initial or final site plan)	\$1,185
Entrance Corridor - Resubmittal of Any Sign	\$65
Entrance Corridor - Review of any Sign	\$130
Bond Agreement with Surety - Establish, Amend, Replace, Reduce, or Release a Bond	\$285
Board of Zoning Appeals - Variance and Special Use Permit	\$590
Floodplain - Floodplain Impact Plan Review or Letter of Map Amendment (LOMA) (topographic plan with floodplain model)	\$355
Floodplain - Letter of Map Change review (topographic plan only)	\$175
Groundwater Assessment - Tier I	\$60
Groundwater Assessment - Tier II	\$390
Groundwater Assessment - Tier III	\$605
Groundwater Assessment - Tier IV	\$1,300
Zoning Determination	\$220
Required Notice (per notice)	\$235 base fee (at time of application) plus the actual cost of first-class postage and advertisement, once determined
Sign Permits – Architectural Review Board not required (Temporary Signs)	\$30
Sign Permits – Architectural Review Board required	\$140
Site Development Plan - Additional Fee for Dam Break Inundation Zones	1% of total amount of payment required or \$1,000, whichever is less
Site Development Plan - Initial Site Plan, Final Site Plan, Major Amendment and Exception to Drawing Site Plan	\$1,775
Site Development Plan - Letter of Revision	\$120
Site Development Plan - Preapplication Plan and Minor Amendment	\$590
Special Exception	\$980
Tier II Personal Wireless Service Facility	\$2,155

Site Development Plan - Variation or Exception Under County Code § 18-32.3.5	\$980
Special Use Permit Minor – Home occupation, class B and Day care center	\$1,185
Special Use Permit - Farmer's Market	\$130
Special Use Permit – All Other Special Use Permits and SUP Amendment (fee includes application and first resubmittal)	\$2,365
Special Use Permit - Deferral of Scheduled Public Hearing at Applicant's Request	the actual cost of first- class postage and advertisement, as applicable
Special Use Permit - Telecommunications, Solar	\$2,365
Special Use Permit - For each Resubmittal after the First	\$590
Zoning Clearance - Home Occupations	\$30
Zoning Clearance - All other uses	\$60
Zoning Clearance - Homestay	\$120
Zoning Clearance - Temporary fundraising activity	No Charge
Zoning Map Amendment - Amendment Pertaining to Proffers which Do Not Affect Use or Density	\$505 application fee plus \$235 notice base fee (at time of application) plus the additional cost of first-class postage and advertisement, once determined.
Zoning Map Amendment - Deferral of Scheduled Public Hearing at Applicant's Request	the actual cost of first- class postage and advertisement, as applicable.
Zoning Map Amendment – Resubmittal and Reapplication of a withdrawn application	\$1,480
Zoning Map Amendment - (Fee includes initial application and first resubmittal)	\$2,960

#### **Sec. 1-505 – Miscellaneous Fees**

Each of the following applications, permits, or activities is subject to the following fee(s):

Appeal – Board of Building Appeals	\$350
Appeal – Board of Supervisors	\$350
Appeal – Board of Zoning Appeals	\$350
Appeal – County Engineer Determination	\$350
ACSJA - Amend Service Authority Jurisdictional Area	\$130
Agricultural and Forest District – Withdrawal from Local or State District	\$250
Short Term Rental Registry	\$30
Technology Surcharge - Additional Fee charged as a percentage of each fee <i>(Does not apply to required notices in County Code Chapters 14 and 18, State Permit Issuance Fee, and Dam Break Inundation Zone)</i>	4%

**ORDINANCE NO. 23-3(3)**

AN ORDINANCE TO AMEND CHAPTER 3, AGRICULTURAL AND FORESTAL 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 is hereby reordained and amended as follows:

**By Amending:**

Sec. 3-201 Creating a district  
 Sec. 3-205 Withdrawing land from a district  
 Sec. 3-206 Fees  
 Sec. 3-301 Creating a district  
 Sec. 3-305 Withdrawing land from a district

**By Removing:**

Sec. 3-306 Fees

**CHAPTER 3 AGRICULTURAL AND FORESTAL DISTRICTS****Article 3. Districts of Statewide Significance****Division 1. Procedure**

...

**Sec. 3-201 – Creating a district.**

Each district shall be created as follows:

1. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to create a district to the Director. The application must be made on a form developed and provided by the Director and must be signed by each landowner whose land is proposed to be included in the district. Each submitted application must include maps, aerial photographs, or both, as may be required by the Director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the Director.

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**Sec. 3-205 – Withdrawing land from a district.**

D. *Withdrawal in the discretion of the Board of Supervisors.* At any time after the district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as follows:

1. *Filing a written request.* The landowner must file a written request for withdrawal with the Director of Planning. The request must identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review stated in subsection (D)(2). The landowner must pay the fee required by County Code Chapter 1, Article 5 when the request is filed.

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**Sec. 3-206 - Fees.**

A landowner must pay a fee to withdraw land from a district as follows:

- A. *Amount.* The amount of the fees are as provided in County Code Chapter 1, Article 5.

(§ 2.1-2; 6-8-83, § 3-5; 12-16-87, 12-11-91, 7-1-92; Code 1988, § 2.1-2; § 3-206, Ord. 98-A(1), 8-5-98; Ord. 18-3(1), 11-7-18; Ord. 23-3(3), 12-6-23)

State Law reference— Va. Code § 15.2-4303.



**Article 3. Districts of Local Importance**  
**Division 1. Procedure**

**Sec. 3-301 - Creating a district.**

Each agricultural and forestal district of local significance shall be created as follows:

- A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to create a district to the Director. The application must be made on a form developed and provided by the Director and must be signed by each landowner whose land is proposed to be included in the district. Each submitted application must include maps, aerial photographs, or both, as may be required by the Director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the Director.

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**Sec. 3-305 – Withdrawing land from a district.**

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- D. *Withdrawal in the discretion of the Board of Supervisors.* At any time after a district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as provided herein:

1. *Filing written request.* The owner must file a written request for withdrawal with the Director of Planning. The request must identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review set forth in subsection (D)(2). The landowner must pay the fee required by County Code Chapter 1, Article 5.

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(9-15-93; Code 1988, § 2.1.1-4; § 3-306, Ord. 98-A(1), 8-5-98; Ord. 18-3(1) , 11-7-18; Ord. 23-3(3), 12-6-23)

State Law reference— Va. Code § 15.2-4403.

**ORDINANCE NO. 23-5(1)**

AN ORDINANCE TO AMEND CHAPTER 5, BUILDING REGULATIONS, ARTICLE 2, FEES 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 5, Building Regulations, Article 2, Fees is hereby reordained and amended as follows:

**By Amending:**

Sec. 5-200	Permit and inspection fees, generally
Sec. 5-201	Fees for building permits
Sec. 5-202	Fees for electrical permits
Sec. 5-203	Fees for plumbing permits
Sec. 5-204	Fees for mechanical permits
Sec. 5-206	Fees for demolition permits
Sec. 5-207	Fees for zoning inspections
Sec. 5-208	Fees for other building services; and technology surcharge

**By Removing:**

Sec. 5-209	Refunds
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**Chapter 5. Building Regulations**  
**Article 2. Fees**

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**Sec. 5-200 - Permit and inspection fees, generally.**

An owner or other person must pay the fees for a permit or inspection required by the Building Code or this chapter as follows:

- A. *Basis for fee.* Any fee paid is to reimburse, in whole or in part, the Department of Community Development's cost to review plans, issue permits, and conduct up to one reinspection of work performed pursuant to a permit.
- B. *Amount.* The amount of the fees are as provided in County Code Chapter 1, Article 5.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-200, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 18-5(1), 3-14-18; Ord. 23-5(1), 12-6-23)

State Law reference— Va. Code § 36-105.

**Sec. 5-201 - Fees for building permits.**

The fees for building permits are as provided in County Code Chapter 1, Article 5.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-201, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18; Ord. 21-5(1), 4-21-21, effective 7-1-21; Ord. 23-5(1), 12-6-23)

State Law reference— Va. Code § 36-105.

**Sec. 5-202 - Fees for electrical permits.**

The fees for electrical permits are as provided in County Code Chapter 1, Article 5.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-202, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18; Ord. 21-5(1), 4-21-21, effective 7-1-21; Ord. 23-5(1), 12-6-23)

State Law reference— Va. Code § 36-105.

**Sec. 5-203 - Fees for plumbing permits.**

The fees for plumbing permits are as provided in County Code Chapter 1, Article 5.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-203, Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15; Ord. 18-5(1), 3-14-18; Ord. 21-5(1), 4-21-21, effective 7-1-21; Ord. 23-5(1), 12-6-23)

State Law reference— Va. Code § 36-105.

**Sec. 5-204 - Fees for mechanical permits.**

The fees for mechanical permits are as provided in County Code Chapter 1, Article 5.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-204, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21; Ord. 23-5(1), 12-6-23)

State Law reference— Va. Code § 36-105.

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**Sec. 5-206 - Fees for demolition permits.**

The fee for each demolition permit is as provided in County Code Chapter 1, Article 5.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-206, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21; Ord. 23-5(1), 12-6-23)

State Law reference— Va. Code § 36-105.

**Sec. 5-207 - Fees for zoning inspections.**

The fees for inspections to determine compliance with the zoning ordinance are as provided in County Code Chapter 1, Article 5.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-207, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21; Ord. 23-5(1), 12-6-23)

State Law reference— Va. Code § 36-105.

**Sec. 5-208 - Fees for other building services; and technology surcharge.**

The fees for other building services are as provided in County Code Chapter 1, Article 5.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-208, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21; Ord. 23-5(1), 12-6-23)

State Law reference— Va. Code § 36-105.

**ORDINANCE NO. 23-7(2)**

AN ORDINANCE TO AMEND CHAPTER 7, HEALTH AND SAFETY, ARTICLE 6, SHORT-TERM RENTAL REGISTRY 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 6, Short-Term Rental Registry is hereby reordained and amended as follows:

**By Amending:**

Sec. 7-602      Registration

**Chapter 7. Health and Safety  
Article 6. Short-Term Rental Registry**

...

**Sec. 7-602 - Registration.**

A. *Annual registration.* Each operator must register annually with the County's Department of Community Development, and provide at least the operator's complete name and the address of each property in the County offered for short-term rental by the operator.

B. *Annual fee.* Each registration is subject to a required fee in an amount as provided in County Code Chapter 1, Article 5, to cover the actual costs of establishing and maintaining the registry.

C. *Exemptions from registration.* Registration is not required if the operator is exempted from registration under Virginia Code § 15.2-983(B)(2).

(§ 7-602; Ord. 19-7(1), 8-7-19; Ord. 23-7(2), 12-6-23)

State Law reference— Va. Code § 15.2-983.

**ORDINANCE NO. 23-14(1)**

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND 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 is hereby reordained and amended as follows:

**By Amending:**

Sec. 14-203 Fees  
 Sec. 14-435 Agreement and Surety  
 Sec. 14-441 Dam break inundation zones; prerequisite to development

**Chapter 14. Subdivision of Land**  
**Article II. Administration and Procedure**  
**Division 1. Administration**

...

**Sec. 14-203 - Fees.**

Upon the submittal of a plat or other application, each subdivider must pay any applicable fees provided in County Code Chapter 1, Article 5.

(§ 3, 8-28-74; 11-10-76; 3-2-77; 12-14-77; 12-1-82; 4-17-85; 6-7-89; 12-11-91; § 18-43, 9-5-96; § 14-203, Ord. 98-A(1), 8-5-98; Ord. 99-14(1), 6-16-99; Ord. 02-14(2), 7-3-02; Ord. 04-14(1), adopted 12-8-04, effective 2-8-05; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(1), 5-13-09, effective 10-1-09; Ord. 11-14(1), 6-1-11; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 15-14(1), adopted 10-14-15, effective 11-1-15; Ord. 21-14(1), 4-21-21, effective 7-1-21; Ord. 23-14(1), 12-6-23)

State Law reference— Va. Code § 15.2-2241(9).

...

**Sec. 14-435 - Agreement and surety.**

Any subdivider who does not complete all required improvements as provided in this chapter must, prior to approval of a final plat, enter into an agreement with the county to complete the construction and installation of all improvements required by this chapter within a period of time agreed to by the parties, and must provide a surety to guarantee the completion of the improvements, as follows:

- A. Form of the agreement. The agreement accompanying the surety must be on a form prepared by the county attorney and any proposed amendment to the agreement is subject to review and approval by the county attorney.
- B. Type of surety permitted and amount. The subdivider must furnish to the agent a certified check, official check, bond with surety, letter of credit, or collaterally assign funds in a manner satisfactory to the county attorney (collectively, the "surety instrument"), in an amount sufficient for and conditioned upon the completion of the construction and installation of the improvements, as determined under subsection (C). Any proposed surety instrument is subject to review and approval as to form and substance by the county engineer and the county attorney.
- C. Estimate. The subdivider must submit a request for an estimate of the surety amount to the county engineer. The county engineer will prepare a cost estimate of all improvements, based upon unit prices for new public or private sector construction in the county, and a reasonable allowance for estimated administrative costs, including inspection and bonding fees required by County Code Chapter 1, Article 5, inflation, and potential damage to existing streets or utilities, which may not exceed ten percent of the estimated construction costs.
- D. Use of surety. The county may make use of monies guaranteed by the surety instrument if either: (i) the subdivider fails to timely renew the bond with surety, letter of credit, or the collaterally assigned funds; or (ii) the county engineer, in his discretion, determines that any of the improvements have not been completed in a timely manner and the completion of the improvements is deemed necessary to protect the public health, safety or general welfare. The county's use of the monies guaranteed by the surety instrument will not terminate the agreement accompanying the surety instrument.
- E. Surety will not be required for a private street authorized under section 14-232(B)(1), 14-232(B)(2), 14-233(A)(2) or 14-233(B)(2).

(§ 3, 8-28-74; 12-15-82; § 18-19, 9-5-96; § 14-413, Ord. 98-A(1), 8-5-98; § 14-435, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 23-14(1), 12-6-23)

...

**Sec. 14-441 - Dam break inundation zones; prerequisite to development.**

Following the completion of the engineering studies in accordance with Virginia Code § 15.2-2243.1(A) and the determination by the Virginia Department of Conservation and Recreation that the subdivider's plan of development would change the spillway design flood standards of the impounding structure, before any development within a dam break inundation zone:

- A. *Payment for portion of necessary upgrades.* The subdivider must pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the subdivision, together with an administrative fee as provided in County Code Chapter 1, Article 5. Any payments must be made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority pursuant to Virginia Code § 10.1-603.19:1. "Necessary upgrades" do not include costs associated with routine operation, maintenance, and repair, nor do they include repairs or upgrades to the impounding structure not made necessary by the proposed subdivision.; or
- B. *Redesign the subdivision.* The subdivider must amend the plat so that it does not alter the spillway design flood standard required of the impounding structure.

(Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 23-14(1), 12-6-23)

State Law reference— Va. Code §§ 10.1-606.3, 15.2-2243.1.

**ORDINANCE NO. 23-17(1)**

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION 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 is hereby reordained and amended as follows:

**By Amending:**

- Sec. 17-207 Fees for land disturbing activities subject solely to the VESCP
- Sec. 17-208 Fees for land disturbing activities under VSMP
- Sec. 17-209 Fees; payment
- Sec. 17-401 VSMP permit application; form and content
- Sec. 17-402 Erosion and sediment control plans, and agreements in lieu of a plan; form and content
- Sec. 17-422 Construction record drawing; submittal
- Sec. 17-423 Release of surety
- Sec. 17-1005 Fees

**By Removing:**

- Sec. 17-210 Fees; incomplete and late payments

**Chapter 17. Water Protection**  
**Article II. Submittal, Review and Action**

...

**Sec. 17-207 - Fees for land disturbing activities.**

Fees for any land disturbing activity subject solely to the VESCP are as provided in County Code Chapter 1, Article 5.

**Sec. 17-208 - Fees for land disturbing activities under VSMP.**

Fees for any VSMP permit application are as provided in County Code Chapter 1, Article 5.

**Sec. 17-209 Fees; payment.**

Each owner must pay the fees as provided in County Code Chapter 1, Article 5.

**Chapter 17. Water Protection**  
**Article IV. Procedure for Submitting, Reviewing and Acting on Applications; Post-Approval Rights and Obligations**

...

**Sec. 17-401 - VSMP permit application; form and content.**

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

- A. *Application form.* A completed application on an application form 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 9VAC25-870-370 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.
- E. *Stormwater management plan.* A stormwater management plan satisfying the requirements of sections 17-403 or an executed agreement in lieu of a stormwater management plan.
- F. *Pollution prevention plan.* A pollution prevention plan satisfying the requirements of section 17-404.
- G. *Stormwater pollution prevention plan.* A stormwater pollution prevention plan satisfying the requirements of section 17-405.

- H. *Mitigation plan*. A mitigation plan satisfying the requirements of section 17-406 if land disturbing activity is proposed within a stream buffer under section 17-604.
- I. *Requested variations or exceptions*. A request 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)

State Law reference— Va. Code § 62.1-44.15:34; 9VAC25-870-59, 9VAC25-870-370, 9VAC25-880-70.

...

**Sec. 17-402 - Erosion and sediment control plans, and agreements in lieu of a plan; form and content.**

Any owner whose proposed land disturbing activity is subject to the VSMP, or is subject solely to the VESCP, must submit an erosion and sediment control plan for review that includes the following, in the form required by the administrator:

- A. *Application form*. A completed application on an application form provided by the administrator, if the land disturbing activity is subject only to the VESCP and a VSMP permit is not required.
- B. *Fee*. The fee required by County Code Chapter 1, Article 5, if the land disturbing activity is subject only to the VESCP, and a VSMP permit is not required.
- C. *Elements of plan*. Except as provided in subsection (D), an erosion and sediment control plan that contains all of the following elements:
  - 1. *Temporary and permanent controls*. The specifications for temporary and permanent controls of soil erosion and sedimentation in such detail as the administrator deems to be reasonably adequate, considering the nature and extent of the proposed land disturbing activity, implementing appropriate erosion and sediment control best management practices and satisfying the requirements of 9VAC25-880-70, Part II(A)(2). All control measures required by the plan must be designed and installed in accordance with good engineering practices.
  - 2. *Maintenance responsibilities*. A statement describing the maintenance responsibilities of the owner to ensure that the land disturbing activity will satisfy the purposes and requirements of this chapter.
  - 3. *Technical criteria*. The technical criteria required by section 17-500.
  - 4. *Identification of land disturber*. Identify the person holding a certificate of competence required by Virginia Code § 62.1-44.15:54, who will be in charge of and responsible for carrying out the land disturbing activity.
  - 5. *Additional information*. Additional information required by the administrator as determined to be necessary for a complete review of the plan.
  - 6. *Certification*. A certification on a form provided by the administrator and signed by the owner stating that all requirements of the approved plan will be complied with.
- D. *Agreement in lieu of a plan*. Notwithstanding subsection (C), if the land disturbing activity is for the purpose of establishing or modifying a single family dwelling unit, the administrator may allow an agreement in lieu of a plan for the land disturbing activity required for constructing the dwelling; provided:
  - 1. *Eligibility*. The single family dwelling unit is on an individual lot of one acre or less which is not subject to an active erosion and sediment control plan or is not part of a common plan of development or sale. Additionally, the following requirements apply:
    - a. An agreement in lieu of a plan must be accompanied by a Critical Resources Plan.
    - b. Land disturbance associated with diverting, restoring or otherwise disturbing the channel of a stream or where there is a probability of sediment being deposited into state waters or on to adjacent properties is not eligible and requires an erosion and sediment control plan.
  - 2. *Other factors to be considered by administrator*. In determining whether to allow an agreement in lieu of a plan under this section, the administrator will consider the potential threat to water quality and to adjacent land resulting from the land disturbing activity, and whether the land disturbing activity is within the mountain overlay district identified in the Comprehensive Plan. The administrator, at its sole discretion, may require additional information or may not accept an agreement in lieu of a plan where necessary to protect downstream properties or the environment.
  - 3. *Contents and form of the agreement in lieu of a plan*. The contents of any agreement in lieu of a plan will be established by the administrator, and they must: (i)



be sufficient to ensure that the purposes and requirements of the VESCP, including the requirements of 9VAC25-880-70 , Part II(A)(2) are satisfied; and (ii) identify the person in charge of and responsible for carrying out the land disturbing activity and holding a valid certificate of competence for that task. The form of the agreement is subject to review and approval by the County attorney.

4. *Effect of agreement in administration of the VESCP.* Except as provided in subsection (C) and section 17-500 pertaining to the content and technical criteria applicable to erosion and sediment control plans, all other references in this chapter to an erosion and sediment control plan include an agreement in lieu of a plan, and the County and the owner will have all of the rights, responsibilities and remedies set forth in this chapter as though the agreement in lieu of a plan was an erosion and sediment control plan.

(§ 17-203: § 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) (§ 17-205: § 7-4, 6-18-75, § 6, 10-22-75, 4-21-76, 11-10-76, 3-2-77, 4-17-85, 2-11-87, 12-11-91, 3-18-92; § 19.3-13, 2-11-98; Code 1988, §§ 7-4, 19.3-13; § 17-205, Ord. 98-A(1), 8-5-98; Ord. 01-17(1), 7-11-01; § 17-402, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21; Ord. 23-17(1), 12-6-23)

State Law reference— Va. Code § 62.1-44.15:55; 9VAC25-840-60, 9VAC25-870-400, 9VAC25-880-70, 9VAC25-890-40.

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#### **Sec. 17-422 - Construction record drawing; submittal.**

When construction of any permanent stormwater management facility is completed, a construction record drawing for the permanent stormwater management facility ~~shall~~ must be submitted for review and action as follows:

- A. *Submittal of drawing to the administrator.* Each construction record drawing must be submitted by the owner to the administrator.
- B. *Fee.* The applicable fee for review and action on the construction record drawing required by County Code Chapter 1, Article 5, must be paid when the drawing is submitted.
- C. *Form and style.* The construction record drawing must satisfy the minimum requirements of the form and style of a construction record drawing as provided in the Design Standards Manual.
- D. *Signature and certification.* The construction record drawing must be appropriately sealed and signed by a professional registered in the State, certifying that the stormwater management facility has been constructed in accordance with the approved plan.
- E. *Required measurements and calculations.* If the construction record drawing shows any changes from the approved plan, including changes to any features of the facility, including, but not limited to, outlet structures, elevations, available volumes, plantings, spillways, and materials, the owner must also submit all as-built measurements and calculations necessary to demonstrate compliance with all applicable regulations. Any other technical requirements of the construction record drawing will be as provided in the Design Standards Manual.
- F. *Determination of completeness, review and action.* The procedure for the review and action on a construction record drawing will be as provided in sections 17-409 and 17-410, as applicable, provided that the failure of the administrator to act within any time provided in those sections may not be deemed to be approval of the construction record drawing.
- G. *Required amendments.* If the as-built stormwater management facility does not comply with all applicable regulations, the owner must make all required changes to the facility in order to comply with the regulations and the administrator may require that the approved stormwater management plan be amended as provided in section 17-417(A).

(Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 23-17(1), 12-6-23)

State Law reference— 9VAC25-870-55.

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#### **Sec. 17-423 - Release of surety.**

Any surety required by this chapter will be released as follows:

- A. *Partial release.* In order for any surety to be partially released:
  - 1. *Request by owner.* The owner must submit a statement to the administrator on a form provided by the administrator that adequate stabilization of the land disturbing activity has been achieved, and pay the fee for a partial release required by County Code Chapter 1, Article 5.

2. *Response by administrator.* Within 30 days after receipt of the statement required by subsection (A)(1), the administrator will provide written notice to the owner that responds to the request in one of the following ways: (i) grant the partial release, if an inspection of the project by a certified inspector confirms that the requirements for partial release are satisfied; or (ii) inform the owner that an inspection of the project by a certified inspector confirms that the requirements for partial release are not satisfied and identify any specified defects, deficiencies or further conservation action required.
  3. *Release.* If the administrator grants the partial release as provided in subsection (A)(2), the surety will be partially released within 60 days after receipt of the request required by subsection (A)(1). The amount of the release will be based upon the percentage of stabilization accomplished determined by the inspection.
- B. *Full release.* In order for any surety to be fully released:
1. *Request by owner.* The owner must submit a statement to the administrator on a form provided by the administrator and pay the fee for a full release required by County Code Chapter 1, Article 5. For any surety required in conjunction with an erosion and sediment control plan, the owner must state that adequate permanent stabilization of the land disturbing activity has been achieved. For any surety required in conjunction with a VSMP permit, the owner must state that the requirements of the permit have been satisfied.
  2. *Response by administrator.* Within 30 days after receipt of the statement required by subsection (B)(1), the administrator will provide written notice to the owner that responds to the request in one of the following ways: (i) grant the full release, if an inspection of the project by a certified inspector confirms that the requirements for full release are satisfied; or (ii) inform the owner that an inspection of the project by a certified inspector confirms that the requirements for full release are not satisfied and identify any specified defects, deficiencies or further conservation action required.
  3. *Release.* If the administrator grants the full release as provided in subsection (B)(2), the surety will be fully released within 60 days after receipt of the request required by subsection (B)(1).
- C. *Maintenance.* Prior to the release of the performance security or bond, the developer must either (1) transfer the maintenance responsibilities of the stormwater management facilities to a Property Owners Association or (2) provide the County with a maintenance security.
1. Requirements for Transfer of Maintenance Responsibilities to the Property Owners Association (POA). To transfer the maintenance responsibilities of stormwater management facilities to a Property Owners Association, a developer must:
    - i. Submit acceptable record drawings.
    - ii. Obtain an acceptable final inspection of the stormwater management facility by the County.
    - iii. Transfer the necessary property to the POA.
    - iv. Organize and hold a meeting attended by the developer, the County and members of the POA; and provide evidence to the County that each member of the POA was provided prior notice of the meeting. The meeting must be held at a place and time convenient for members of the POA.
    - v. Provide a copy of the recorded documents establishing the Property Owners Association to the County.
    - vi. Provide the County with evidence that the Property Owners Association is funded. Minimum funding will be based on the following schedule:
      - 1—20 lots = \$1,000.00
      - 21—50 lots = \$1,500.00
      - 51 and over = \$1,500.00 + \$30.00 per lot over 50
  2. Requirements for Posting Maintenance Security.
    - i. The County will require a maintenance guaranty in the amount of 20 percent of the construction costs of the stormwater management facility.
    - ii. The maintenance security must contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.
    - iii. If the County takes such action upon such failure by the permittee, the County may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.

D. The maintenance agreement and security will be the responsibility of the permittee or owner until such time as the permittee or owner provides the County with the necessary requirements for Transfer of Maintenance Responsibilities to the Property Owners Association as outlined above in subsection (C)(1).

(§ 17-207: § 7-5, 6-18-75, § 7, 2-11-76, 4-21-76, 6-2-76, 7-9-80, 7-8-81, 2-11-87, 3-18-92; § 19.3-15, 2-11-98; Code 1988, §§ 7-5, 19.3-15; § 17-207, Ord. 98-A(1), 8-5-98; Ord. 09-17(1), 8-5-09, effective 9-5-09) (§ 17-306: § 19.1-7, 9-29-77, art. II, § 2, 7-11-90; § 19.3-30, 2-11-98; Code 1988, §§ 19.1-7, 19.3-30; § 17-306, Ord. 98-A(1), 8-5-98; Ord. 09-17(1), 8-5-09, effective 9-5-09; § 17-423, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21; Ord. 23-17(1), 12-6-23)

State Law reference— Va. Code §§ 62.1-44.15:34; 62.1-44.15:57.

## **Chapter 17. Water Protection**

### **Article X. Groundwater Assessments**

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#### **Sec. 17-1005 - Fees.**

Each owner seeking approval of a tier assessment required by this article must pay a fee as provided by Albemarle County Code Chapter 1, Article 5.

(§ 17-405, Ord. 04-17(1), 12-8-04, effective 2-8-05; § 17-1005, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 23-17(1), 12-6-23)

State Law reference— Va. Code §§ 15.2-2241(9), 36-98.

**ORDINANCE NO. 23-18(3)****AN ORDINANCE TO AMEND CHAPTER 18, ZONING 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 is hereby reordained and amended as follows:

**By Amending:**

- Sec. 3.1 Definitions
- Sec. 4.15.5 Permanent signs for which a sign permit is required; signs exempt from obtaining a sign permit
- Sec. 30.6.6 Submittal, review and action on application; preliminary review
- Sec. 30.6.7 Submittal, review and action on application; final review
- Sec. 32.3.4 Fees
- Sec. 32.8.2 Agreement and surety
- Sec. 32.8.6 Dam break inundation zones; prerequisite to development
- Sec. 33.4 Uniform Requirements for Owner Initiation of Zoning Map Amendments and Special Use Permits
- Sec. 34.3 Appeals of orders, requirements, decisions, and determinations to the board of zoning appeals
- Sec. 34.4 Variances
- Sec. 34.6 Interpreting a district map
- Sec. 35.1 Fees

**By Removing:**

- Sec. 35.2 Calculation of fees in special circumstances
- Sec. 35.3 Mode and timing for paying fees
- Sec. 35.4 Fee refunds
- Sec. 35.5 Pre-existing use fee waiver

**Chapter 18. Zoning**  
**Article I. General Provisions**

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**Sec. 3.1 - Definitions**

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*Building permit.* "Building permit" means a permit issued by the building official under the Building Code that is subject to the fees stated in County Code Chapter 1, Article 5.

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**Chapter 18. Zoning**  
**Article II. Basic Regulations**

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**Sec. 4.15.5 – Permanent signs for which a sign permit is required; signs exempt from obtaining a sign permit.**

Each permanent sign is subject to the following:

- a. *Signs required to obtain sign permit.* Except for those signs identified in subsection (b), a sign permit must be obtained for each sign prior to its erection, alteration, replacement, or relocation to ensure that it complies with any applicable requirements of this section 4.15, as provided herein:

- 1. *Application.* An application for a sign permit must be submitted to the department of community development, together with payment of the fee required for the application pursuant to County Code Chapter 1, Article 5. A complete application consists of the following:

- a. A fully completed application form, provided to the applicant by the zoning administrator;
- b. A schematic legibly drawn to scale and sufficiently detailed showing the proposed location and dimensions of the sign; and
- c. Any plans, specifications and details pertaining to, among other things, the sign materials, the methods of illumination, methods of support, components, and the condition and age of the sign, as determined by the zoning administrator to be necessary for the review of the application.

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**Chapter 18. Zoning**  
**Article III. District Regulations**

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**Sec. 30.6.6 - Submittal, review and action on application; preliminary review.**

Applications for preliminary review under section 30.6 are subject to the following:

- a. *Applications.* An application for preliminary review must contain a completed county-provided application form and supplemental information required by the director of planning (the "application"). The application may be filed with the department of community development by the owner, the owner's agent, or a contract purchaser with the owner's written consent (the "applicant"). Eight collated copies of the application and all other information required by the application form for a preliminary review must be filed. The application must be accompanied by the fee required by County Code Chapter 1, Article 5, at the time of its filing.

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**Sec. 30.6.7 – Submittal, review and action on application; final review.**

Applications for final review under section 30.6 are subject to the following:

- a. *Applications.* An application for final review must contain a completed county-provided application form and supplemental information required by the director of planning (the "application"). The application may be filed by the owner, the owner's agent, or a contract purchaser with the owner's written consent (the "applicant"), with the department of community development. Eight collated copies of the application and all other information required by the application form for a final review must be filed. The application must be accompanied by the fee required by County Code Chapter 1, Article 5 at the time of its filing.

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**Chapter 18. Zoning**  
**Article IV. Procedure**

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**Sec. 32.3.4 - Fees.**

The developer must pay the applicable fees as provided in County Code Chapter 1, Article 5.

(§ 32.3.4, Ord. 12-18(6), 10-3-12, effective 1-1-13 (§ 32.3.9, 5-5-82; § 32.6.6, 12-10-80; Ord. 23-18(3), 12-6-23)

State Law reference— Va. Code § 15.2-2241 (9).

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**Sec. 32.8.2 – Agreement and surety.**

Any developer who does not complete all required improvements as provided in section 32.8.1 must, prior to approval of a final site plan, enter into an agreement with the county to complete the construction and installation of all improvements required by section 32.7 within a period of time agreed to by the parties, and must provide a surety to guarantee the completion of the improvements, as follows:

- a. *Form of the agreement.* The agreement accompanying the surety must be on a form prepared by the county attorney and any proposed amendment to the agreement is subject to review and approval by the county attorney.
- b. *Type of surety permitted and amount.* The developer must furnish to the agent a certified check, official check, bond with surety, letter of credit, or collaterally assign funds in a manner satisfactory to the county attorney (collectively, the "surety instrument"), in an amount sufficient for and conditioned upon the completion of the construction and installation of the improvements, as determined under subsection (b). Any proposed surety instrument is subject to review and approval as to form and substance by the county engineer and the county attorney.
- c. *Estimate.* The developer must submit a request for an estimate of the surety amount to the county engineer. The county engineer will prepare a cost estimate of all improvements, based upon unit prices for new public or private sector construction in the county, and a reasonable allowance for estimated administrative costs, including inspection fees provided in County Code Chapter 1, Article 5, inflation, and potential damage to existing streets or utilities, which may not exceed ten percent of the estimated construction costs.
- d. *Use of surety.* The county may make use of monies guaranteed by the surety instrument if either: (i) the developer fails to timely renew the bond with surety, letter of credit, or the collaterally assigned funds; or (ii) the county engineer, in his discretion, determines that any of the improvements have not been completed in a timely manner and the completion of the improvements is deemed necessary to protect the public health, safety or general welfare.

The county's use of the monies guaranteed by the surety instrument will not terminate the agreement accompanying the surety instrument.

(§ 32.8.2, Ord. 12-18(6), 10-3-12, effective 1-1-13 (§ 32.3.7, 5-1-87; § 32.5.2, 12-10-80; Ord. 23-18(3), 12-6-23)

State Law reference— Va. Code §§ 15.2-2241 (5), 15.2-2241 (9), 15.2-2255.

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**Sec. 32.8.6 - Dam break inundation zones; prerequisite to development.**

Following the completion of the engineering studies in accordance with Virginia Code § 15.2-2243.1 (A) and the determination by the Virginia Department of Conservation and Recreation that the developer's plan of development would change the spillway design flood standards of the impounding structure, before any development within a dam break inundation zone:

- a. *Payment for portion of necessary upgrades.* The developer must pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the development, together with an administrative fee as provided in County Code Chapter 1, Article 5. Any payments must be made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority pursuant to Virginia Code § 10.1-603.19:1. "Necessary upgrades" do not include costs associated with routine operation, maintenance, and repair, nor do they include repairs or upgrades to the impounding structure not made necessary by the proposed development; or
- b. *Redesign the development.* The developer must amend the site plan so that it does not alter the spillway design flood standards required of the impounding structure.

(Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 23-18(3), 12-6-23)

State Law reference— Va. Code §§ 10.1-606.3, 15.2-2243.1.

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**Sec. 33.4 – Uniform Requirements for Owner Initiation of Zoning Map Amendments and Special Use Permits.**

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**H. When an application is determined to be complete; effect.**

1. When the Agent determines that the applicant has submitted all required information, the Agent will determine the application to be complete. On that date (or ten days after the first application deadline following receipt of the application, if the Agent fails to make a timely determination on the completeness of the application), the application is deemed referred to the Commission for the purpose of calculating the time in which action must be taken pursuant to subsection (O), except as provided in subsection (H)(3).
2. *Notification of Applicant.* The Agent will notify the applicant by letter or by e-mail when the application has been determined to be complete.
  - a. *Notice to other owners of application for zoning map amendment to amend existing proffers.* Within ten days after an application for a zoning map amendment seeking to amend existing proffers is determined to be complete, written notice of the proposed amendment will be provided to each owner subject to the same proffers, as required by Virginia Code §§ 15.2-2204(H) and 15.2-2302.
  - b. *Notice to owner of application for special use permit filed by easement holder or electric cooperative when application determined to be complete.* Within ten days after an application for a special use permit filed by an easement holder is determined to be complete, written notice of the proposed special use permit will be provided to each owner of the property for which the special use permit is sought, as required by Virginia Code § 15.2-2204(H).
  - c. *Notice of completed applications to holders of open-space or conservation easements.* For zoning map amendments or special use permits pertaining to a parcel subject to an open-space easement or a conservation easement, the Agent will provide written notice within ten days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice will be sent by first class mail. The notice will inform the recipient that the application has been filed and describe the nature of the application. An action on an application will not be invalidated solely because of a failure to timely mail this notice.
3. *Paying fees.* The applicant must pay the fees required in County Code Chapter 1, Article 5 when the application is determined to be complete or if the Agent fails to make a timely determination on the completeness of the application. The application will not be reviewed, and any time by which action must be taken by the Commission or the Board of Supervisors does not begin, until the applicant pays the fees. An application is void if the applicant fails to pay the fees either (a) within ten days of the notice that the application is determined to be

complete or (b) within 20 days after the first application deadline following receipt of the application, if the Agent fails to make a timely determination on the completeness of the application. The application is determined to be complete for the purpose of calculating the time in which action must be taken pursuant to subsection (O) only after the required fees have been paid.

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#### **Sec. 34.3 - Appeals of orders, requirements, decisions, and determinations to the board of zoning appeals.**

An appeal from any order, requirement, decision or determination made by an administrative officer, and an appeal from any decision of the zoning administrator, in the administration or enforcement of Virginia Code §§ 15.2-2280 through 15.2-2316.2 and this chapter (collectively, a "decision"), exclusive of any decision made under section 32, will be considered by the board of zoning appeals (the "board") as follows:

- a. Standing to appeal. An appeal to the board may be taken by any person aggrieved or by any county officer, department, board or bureau affected by any decision of the zoning administrator or an administrative officer.
- b. Time in which to appeal decision. Any appeal shall be received by the zoning administrator and the board within 30 days after the date of the decision; provided that any appeal of a notice of violation involving temporary or seasonal commercial uses, parking commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations, shall be received by the zoning administrator and the board within ten days after the date of the decision. The date of the decision shall be the date of the letter or written notice, provided that the time in which to appeal an order or a notice of violation shall not commence unless and until the recipient is provided the notice required by section 36.2(d).
- c. Form of the appeal. Any appeal shall be in writing and shall state the grounds for the appeal.
- d. Where appeal must be submitted. An appeal must be submitted to the zoning administrator and to the board. An appeal received by the county's department of community development is deemed to have been received by both the zoning administrator and the board.
- e. Payment of fees. The submitted appeal must be accompanied by the applicable fee required in County Code Chapter 1, Article 5. An appeal is not deemed to have been received until the required fee is paid.

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#### **Sec. 34.4 - Variances.**

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- e. *Payment of fees.* When an application is determined to be complete, the applicant must pay the fee required in County Code Chapter 1, Article 5 before the application is further processed.

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#### **Sec. 34.5 – Special use permits.**

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- e. *Payment of fees.* When an application is determined to be complete, the applicant must pay the fee required in County Code Chapter 1, Article 5 before the application is further processed.

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#### **Sec. 34.6 – Interpreting a district map.**

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- e. *Payment of fees.* When an application is determined to be complete, the applicant must pay the fee required in County Code Chapter 1, Article 5 before the application is further processed.

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#### **Sec. 35.1 - Fees.**

Each applicant must pay any applicable fees provided in County Code Chapter 1, Article 5, provided that neither the county nor the county school board is required to pay any fee if it is the applicant. (§ 35.1: Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7) , adopted 8-4-10, effective 1-1-11; Ord. 11-18(1) , 1-12-11; Ord. 11-18(7) , 6-1-11; 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(7) , 12-4-13, effective 1-1-14; Ord. 14-18(1) , 3-5-14; Ord. 14-18(2) , 3-5-14; Ord. 15-18(8) , adopted 10-14-15, effective 11-1-15; Ord. 16-18(4) , 4-6-16; Ord. 18-18(5) , 11-7-18; Ord 19-18(3), 6-5-19; Ord. 19-18(6) , 8-7-19; Ord. 21-18(2) , 4-21-21, effective 7-1-21; Ord. 23-18(3), 12-6-23)

State Law reference— Va. Code §§ 15.2-2286 (A)(6), 15.2-2241 (9), 15.2-2243.1.

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**ORDINANCE NO. 23-2(4)**

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE 9, PERSONNEL 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 9, Personnel, is hereby amended as follows:

**By Renumbering:**

Sections 2-903 through 2-908 of the County Code as Sections 2-904 through 2-909.

**By Adding:**

Sec. 2-903      Appointing authorities designated

**Sec. 2-903 Appointing authorities designated.**

## A. Definitions

The term "appointing authority" means the person or body authorized by this ordinance to make appointments in the County's administrative service.

The term "Chief Financial Officer" includes the Director of Finance.

## B. The County's appointing authorities are as follows:

1. The Board of Supervisors shall appoint the County Executive, the County Attorney, and the Clerk to the Board of Supervisors.
2. The Board of Supervisors shall appoint the directors of offices and department heads (including the Chief Financial Officer), upon the recommendation of the County Executive, who shall conduct the recruitment and interviews of all candidates for appointment. If there is a vacancy in any such position, the County Executive may appoint an interim director or department head to serve for a period not to exceed six months.
3. The County Executive shall appoint employees in the County Executive's Office.
4. Department heads and the directors of offices shall appoint employees in their respective department or office.
5. The County Attorney shall appoint employees in the County Attorney's Office.
6. The Clerk to the Board of Supervisors shall appoint employees in the Clerk's Office.

- C. The appointing authority for employees and officers serving in administrative service pursuant to a joint exercise of powers under Va. Code § 15.2-1300 *et seq.* shall be as provided by agreement.
- D. For any position not addressed in subsection B or C, the Board of Supervisors shall remain the appointing authority.
- E. The appointment of County officers and employees shall comply with the County's Human Resources Policies.