

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 6, 2023, at 6:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette Borgersen; and Senior Deputy Clerk, Travis Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 6:00 p.m. by the Chair, Ms. Donna Price.

Ms. Price said Albemarle County Police Officer Raymond Lilly and Lieutenant Angela Jamerson were present at the meeting to provide their services.

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Agenda Item No. 2. Pledge of Allegiance.  
Agenda Item No. 3. Moment of Silence.

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price said that she needed to move to amend the agenda because they adjourned with the certification of the closed meeting in a different room, and they were going to have some motions coming out of the closed meeting into that room but instead have deferred those to here.

Ms. Price **moved** to adopt the final agenda as amended to allow the motions to take place here at this session.

Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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Non-Agenda Item. Boards and Commissions (*deferred from work session*).  
Non-Agenda Item Vacancies and Appointments.

Ms. Price asked Mr. Andrews if there were motions from the previous closed session.

Mr. Andrews **moved** to adopt the resolution appointing Jacob Sumner as the Director of Finance/Chief Financial Officer, in the form distributed to the Board.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

**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.

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Mr. Andrews **moved** that the Board appoint the following individuals to boards, committees and commissions:

- **Reappoint** 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.
- **Reappoint** 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.
- **Appoint** Mr. Raymond Gaines to the Fire Prevention Board of Appeals with said term to expire November 21, 2028.
- **Reappoint** Mr. John Mattern to the Joint Airport Commission with said term to expire December 1, 2026.
- **Appoint** Mr. John Post to the Joint Airport Commission with said term to expire December 1, 2026.
- **Appoint** Mr. Raymond Gaines to the Local Board of Building Code Appeals with said term to expire November 21, 2028.
- **Appoint** Mr. Andrew Sallans to the Route 250 West Task Force with said term to expire September 5, 2027.
- **Reappoint** Mr. Mark Wastler to the Thomas Jefferson Water Resources Protection Foundation Board with said term to expire January 31, 2028.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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#### Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Mallek announced that Saturday, December 16, at 12 p.m., all were welcome to attend the Wreaths Across America wreath-laying ceremony at the Dogwood Vietnam Memorial. She said that the event would proceed at the County memorial on the front lawn, then on to Oakley Memorial on West Rio Road, and finally conclude at the VFW Memorial in Earlysville. She said that she looked forward to seeing everyone there.

Ms. LaPisto-Kirtley announced said that Albemarle County, as a region of central Virginia, received a certificate of recognition from the Governor making Monticello American Viticultural Area (AVA) the wine region of the year for 2023. She said that they competed against five other localities and emerged victorious among areas in the world. She read the certificate:

*"By virtue of the authority vested by the Constitution of Virginia in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:*

#### **Monticello AVA - Wine Region of the Year**

**WHEREAS**, Virginia, rich with history, is the birthplace of American wine with the practice of winemaking credited to centuries of Virginians cultivating grape vines and producing unrivaled wines – from the Jamestown settlers to the Founding Fathers to the innovators of today; and

**WHEREAS**, in 1818, Thomas Jefferson – Founding Father and third president of the United States – stated that "in nothing have the habits of the palate more decisive influence than in our relish of wines;"

**WHEREAS**, upon Thomas Jefferson's vision and inspiration of grape growing and winemaking, a superior American Viticultural Area (AVA), Monticello, was built some 200 years later on the eastern slopes and rolling countryside of the Blue Ridge Mountains in Central Virginia producing outstanding and award-winning varietals; and

**WHEREAS**, in 1984, upon the proposal of the Jeffersonian Wine Grape Grower's Society (JWGGS), the Monticello AVA was established based on its name recognition, the historical significance of its boundaries, and most importantly, its fertile geographical features; and

**WHEREAS**, surrounding the City of Charlottesville in Albemarle County, the historic wine region of Monticello is the Commonwealth's oldest AVA harvesting approximately 30 varieties of grapes most notably Cabernet Franc, Chardonnay, and Viognier; and

**WHEREAS**, today, the Monticello Wine Trail, a subset of the JWGGS, is an active association of wineries, all within 25 miles of Charlottesville, each honored to play a part in fulfilling Thomas Jefferson's dream of producing wines of state, national, and international acclaim; and

**WHEREAS**, the more than 40 wineries on the Monticello Wine Trail offer a deep historic significance and winemaking heritage, lush vineyard views of the Blue Ridge Mountains, and a people who embody the grace, grit, and experiential spirit of our Virginia wine; and

**WHEREAS**, more than two million people from around the world visit Virginia wineries each year to toast the local bounty of our region and enjoy the Commonwealth's winemaking heritage; and

**WHEREAS**, *Wine Enthusiast Magazine* is an esteemed, internationally recognized wine publication, and 2023 marks the 24<sup>th</sup> anniversary of the magazine's Wine Star Awards; and

**WHEREAS**, honoring centuries of Virginia winemaking and recognizing the high level of quality achieved by the Monticello AVA, the category of 2023 Top Wine Region has been awarded to Monticello AVA by the magazine's executive media team over four other distinguished 2023 nominees including Lambrusco, Italy; Provence, France; Swartland, South Africa; and, Victoria, Australia;

**NOW, THEREFORE, I**, Glenn Youngkin, do hereby recognize MONTICELLO AVA as **WINE REGION OF THE YEAR** in the COMMONWEALTH OF VIRGINIA, and I call this observance to the attention of all our citizens."

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Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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Agenda Item No. 7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were no speakers from the public.

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Agenda Item No. 8. Consent Agenda.

Ms. Price said that she was not aware of any amendments to the consent agenda, so the floor was open for a motion.

Ms. Mallek **moved** to approve the consent agenda.

Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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Item No. 8.1. Schedule a Public Hearing to Consider Proposed Siting Agreement for Woodridge Solar Project.

The Executive Summary forwarded to the Board states that on April 5, 2023, the Board adopted resolutions to approve the Woodridge Solar Project (SP202200015), the Woodridge Solar Substation (SP202200014), and a critical slopes special exception for the project (SE202200035). As approved, this solar-energy electrical generation facility and associated substation would produce approximately 138 megawatts, with panels encompassing approximately 650 acres.

Under Virginia Code § 15.2-2316.7, any applicant for a solar project or an energy storage project must give to the host locality written notice of the applicant's intent to locate in the locality and request a meeting. That section further requires that the applicant must meet, discuss, and negotiate a siting agreement with the locality. It also specifies that the resulting siting agreement may include financial compensation to the host locality to address certain capital needs.

In a letter dated January 19, 2023, addressed to the County Executive and the County Attorney, the applicant's counsel gave the required written notice of the applicant's intent to locate in the county and requested a meeting. The applicant's counsel subsequently provided a proposed siting agreement. Following staff review of the proposed agreement, on June 7, 2023, counsel for the applicant and the County met to discuss and negotiate a draft siting agreement (Attachment A).

The proposed siting agreement offers financial compensation to the County, as allowable under

state code, and ensures that the County receives the greater of two potential revenue streams that may result from this project. The first potential revenue from the project comes from certified pollution control equipment and facilities (such as the solar photovoltaic systems comprising this project), which are ordinarily subject to local machinery and tools taxation ("M&T Taxes"). The second, pursuant to Virginia Code § 58.12636, derives from a revenue share of up to \$1,400 per megawatt, as measured in alternating current generation capacity of the nameplate capacity of a solar facility, if a local ordinance to assess revenue share is adopted. The County has not yet adopted such a solar revenue share ordinance but may elect to do so at a later date. Pursuant to Virginia Code § 58.1-3660, if the County adopted such an ordinance, the certified pollution control equipment and facilities would be exempt from all state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia. In other words, localities ordinarily must choose between collecting standard M&T Taxes or a solar revenue share, but not both.

Under the proposed agreement, the Applicant would agree to the payment of the M&T Taxes together with voluntary annual payments supplementing the M&T Taxes. The amounts of the voluntary annual payments would result in a total annual payment equal to the greater of the M&T Taxes or what would otherwise be due under a solar revenue share ordinance, regardless of whether the County actually adopted such an ordinance.

The applicant has provided a memorandum (Attachment B) and supporting materials (Attachments B(1)-B(4)) that estimate:

- the project's solar revenue share payments (applicable only if the County adopted a solar revenue share ordinance);
- the project's real property taxes generated separately and distinctly;
- the total lifetime revenue that the project could potentially generate for the County; and- the cost of on-site improvements and other expected (positive) impacts of the project.

Revenues received through the Agreement would be considered general fund revenues, for use in the General Fund.

Staff recommends that the Board schedule a future public hearing to consider a proposed siting agreement for the Woodridge Solar project.

**By the above-recorded vote, the Board authorized the Clerk to schedule a future public hearing to consider a proposed siting agreement for the Woodridge Solar project.**

Item No. 8.2. Amended and Restated Resolution Appointing Barry Albrecht as the Director of Economic Development.

**By the above-recorded vote, the Board adopted the amended and restated resolution appointing Barry Albrecht as the Director of Economic Development.**

**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.

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Item No. 8.3. Board-to-Board, November 2023, a monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

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Agenda Item No. 9. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson said that this was not the normal County Executive's report order for tonight, but he had a couple of things he would like to engage the Board with. He said that first, he would ask Jacob Sumner, their newly appointed Chief Finance Officer, to come to the podium and take a moment to discuss his experience in the interim role he had served in as well as the few years he had spent with the organization so far. He said that he wanted to publicly thank the Board for their support this evening with the appointment of Mr. Sumner. He said they had a good reminder of the quality of work that comes out of Budget and Finance today with their work that they did with the partnership with Schools Division. He said Mr. Sumner and his team were doing great work.

Mr. Sumner thanked the Board for entrusting him with the position, calling it an honor and privilege to continue serving the County while contributing to their community as part of it. He said that the partnership with the County Executive and the County Executive Office, along with the Executive Team, that he was excited about working closely with departments and the entire department team, alongside the organizational leadership team. He said that leading the exceptional group of professionals in the Department of Finance and Budget was a thrill, and he was immensely proud of the team. He thanked everyone for the opportunity and for their time.

Mr. Gallaway congratulated Mr. Sumner, and said that sometimes appointments make very good sense, and that this was one of those. He said he could not remember a time when an interim has done things beyond just keeping things stabilized but actually moving things forward for the organization, and he thanked Mr. Sumner for that.

Ms. McKeel said that she agreed, and that they were thrilled to have him in this new role. She said that she specifically appreciated his work with Jaunt, as well as his work in the office, and the presentation to the joint boards earlier in the day.

Ms. Mallek congratulated Mr. Sumner and said that his department was the one that had contact every year with every single taxpayer in the County. She said that they counted on him to continue the excellent service for the County.

Ms. LaPisto-Kirtley said that they were thrilled to have him, and that he was the right person to have at the right time.

Mr. Andrews thanked Mr. Sumner for stepping up and doing such a great job and said that he was thrilled that Mr. Sumner was in this position.

Ms. Price said that the Board had not only worked with Mr. Sumner for the prior six months as the interim, but before that as well. She said that he had earned their trust from the very beginning, and that they were very pleased to have him in the permanent position.

Mr. Richardson thanked the Finance Department for their teamwork over the past year and their good work with other departments.

Mr. Richardson said that he would like to pivot and go to an external-facing department. He said that Mr. Barry Albrecht, who had started with them as of Monday that week, was present tonight and would be introduced. He said that he would like to recognize Trevor Henry, J.T. Newberry, and Emily Kilroy who had helped in leading the Economic Development Department. He said that they had seen some great work from their legal department in supporting them on their purchase of the property at Rivanna and also received outstanding support from Facilities and Environmental Services as well as Budget and Finance. He said that recently, Mr. Henry reported to the Board several weeks ago after his return trip from Orlando. He said that he had attended a Department of Defense conference where he worked with military and consulting personnel from D.C. for several days. He said that upon his return that they had picked the right person for this job. He invited Mr. Barry Albright to come up and introduce himself to the Board and the community.

Mr. Albrecht said that he was excited about starting this position as he arrived two weeks early. He said that while he was still unpacking and removing stickers from the furniture, he wanted to express his gratitude for adjusting the agreement or resolution to appoint him on that date. He said that it was pleasing to learn that many people at the Association of Defense Communities endorsed him, as he had some friends there and thought it was a great organization. He said that Mr. Henry did an excellent job in convincing him and sharing information about what made this position unique.

Mr. Albrecht said that he was more than excited about studying and implementing Project ENABLE, which they had done an incredible job with. He said that rarely did one see community engagement illustrated in a strategic plan like Project ENABLE. He said that one of the biggest selling points was seeing the community's spirit of cooperation, which was the foundation of successful economic development community. He said that if there were any questions, he would be more than glad to answer them. He said that his door was always open, and he was genuinely looking forward to working

with the Board, the executive leadership team, and the dedicated staff who had taken up the mantle during a time of transition.

Mr. Gallaway welcomed Mr. Albrecht and said that he was looking forward to working with him. He said that he was thrilled to hear Mr. Albrecht mention Project ENABLE, and that there had been so much happen in the County in the past 6 years relative to economic development. He said it was vital to the County's future to start to ease the tax burden through economic development.

Ms. McKeel welcomed Mr. Albrecht and said that the timing was great with the update to the Comprehensive Plan, including the economic development chapter, and that she knew he had the right expertise for the County at this time.

Ms. Mallek welcomed Mr. Albrecht and said that the official economic development mantra years before was that the university would take care of it. She said that they had a long way to go to get where they were today. She said that they could have environmental protection and jobs for their children and for adults who wanted to change careers. She said that it was a big lift, and that she knew that he could help them do better.

Ms. LaPisto-Kirtley said that they looked forward to where he would be taking the County in the future, that this was the beginning of a great partnership, and that he was the right person for the job.

Mr. Andrews thanked Mr. Albrecht for being there and said that his leadership would be very important to the economic development work.

Ms. Price thanked Mr. Henry and Mr. Newberry, as well as the staff, for the work they had done prior to Mr. Albrecht's arrival. She said that she saw a long-distance sprinter in Mr. Albrecht, and that they were all looking forward to a continuation of the work they had done and bringing it to an even higher level.

Ms. Price said that she wanted to introduce the new Deputy County Executive, Ann Wall, to the community.

Mr. Richardson said that Doug Walker retired in July, and he remained a valued citizen and community member in this community. He said that they took their time and had numerous evaluators to ensure a thorough process. He said that he would like to introduce Ms. Ann Wall, who had been appointed and was already making significant contributions during her first week.

Ms. Wall said that she was delighted to be there tonight and to be in Albemarle County. She said that she would share a little bit about herself. She stated that she grew up in Virginia and had served many years in local government, primarily in North Carolina. She said that she had various roles in organizations and cities across the state. She said that most recently, she served as city manager of the city of Greenville, a city in eastern North Carolina with approximately 100,000 residents and home to East Carolina University. She said that she held an undergraduate degree from the University of Virginia in city planning and a master's degree in public administration from the University of North Carolina at Chapel Hill. She said that she had one son who resided in North Carolina and was completing his master's degree.

Ms. Wall said that she was delighted to be there and join the organization. She said that having been a seasoned local government professional, she truly appreciated and valued public service. She said that she appreciated and valued the work that organizations like Albemarle County did and the impact they made on the lives of residents in the community. She said that it was a wonderful opportunity to be there, and she was looking forward to her work there. She said that she had received a warm welcome from both the Board of Supervisors and all the County staff. She said that the past three days had been a whirlwind for her.

The Board members separately welcomed Ms. Wall and expressed their happiness to have her join the County.

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**Agenda Item No. 10. Public Hearing: Fiscal Year 2024 Budget Amendment, Appropriations, and Official Intent to Reimburse Expenditures with Proceeds of a Borrowing:**

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year, as shown in the currently adopted budget provided. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The cumulative total of the Fiscal Year 2024 (FY 24) appropriations itemized below is \$40,613,609. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 24 Budget Amendment totals \$40,613,609.

ESTIMATED REVENUES

Local Revenues	\$	
	2,598,291	
State Revenues	\$	
	1,998,661	
Federal Revenues	\$	
	9,777,643	
Loan Proceeds	\$	
	5,300,000	
General Fund Balance	\$	
	7,484,108	
Other Fund Balances	\$	
	13,454,906	
TOTAL ESTIMATED REVENUES	\$	
	40,613,609	

ESTIMATED EXPENDITURES

General Fund		
Special Revenue Funds	\$	
School Fund	11,713,303	
Capital Funds	\$	22,577,110
TOTAL ESTIMATED EXPENDITURES	\$	1,023,196
	\$	5,300,000
	\$	40,613,609

**PROPOSED FY 2023-24 BUDGET AMENDMENT**

The budget amendment is comprised of a total of 13 separate appropriations, six of which have already been approved by the Board of Supervisors. - Three appropriations approved 10/4/2023

- Three appropriations approved 11/1/2023
- Seven appropriations requests for approval on December 6, 2023 as described in Attachment A.

This request is also for the Board's approval of a Resolution of Intent to Reimburse Expenditures Related to Capital Projects with Proceeds of a Borrowing for these projects and is contingent on the Board's approval of Appropriation #2024022. The Resolution would allow the County to use up to \$5,300,000 in borrowed proceeds to reimburse the capital budget for expenditures incurred prior to the programmed borrowing of funds for these projects.

Staff recommends the Board:

1. Conduct the public hearing and adopt the attached resolution (Attachment B) to approve the appropriations for County government projects and programs described in Attachment A, and
2. Adopt the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C).

		Attachment A
<b>Appropriation #2024017</b>		
<b>Sources:</b>	State Revenue	\$200,000
<b>Uses:</b>	Economic Development Authority	\$200,000
<b>Net Change to Appropriated Budget:</b>		<b>\$200,000</b>

**Description:**  
This request is to appropriate \$200,000 in state revenue from the Commonwealth's Development Opportunity Fund Grant through the Virginia Economic Development Partnership Authority (VEDP) to be transferred to the Economic Development Authority for payment to Agrospheres, per the performance agreement dated May 1, 2023. This grant requires an equal local match from the County, which is being provided through the County's Economic Development Investment Pool.

<b>Appropriation #2024018</b>		
<b>Sources:</b>	Federal Revenue	\$623,956
<b>Uses:</b>	Special Revenue Fund	\$623,956

**Net Change to Appropriated Budget:** **\$623,956**

**Description:**

This request is to reappropriate \$623,956 in American Rescue Plan (ARPA) State and Local Fiscal Recovery Funds (SLFRF) from the City of Charlottesville to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) for tourism recovery. The County serves as the fiscal agent for CACVB.

**Appropriation #2024019**

<b>Sources:</b>	Federal Revenue	\$9,153,687
	Local Revenue	\$22,920
<b>Uses:</b>	Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant	\$2,007,045
	Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response Program (SAFER) grant	\$7,146,642
	Opioid Settlement Fund	\$22,920

**Net Change to Appropriated Budget:** **\$9,176,607**

**Description:**

This request is to appropriate the following grant awards:

- \$2,007,045 in federal revenue for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant. This planning grant will support the completion of the Three Notched Trail Shared Use Path Master Plan, including, but not limited to, design documentation, implementation plan, alternatives analysis, public & stakeholder engagement. The programming of this grant will commence upon a signed agreement by all parties.
- This request is to appropriate \$7,146,642 for a three-year Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant to support 30 firefighter positions to provide ladder/squad staffing at the Monticello station 11 and a dedicated engine in Southern Albemarle at Scottsville station 17. Related operating expenditures not funded by the grant are already included in the current appropriated budget.
- \$12,294 from an Opioid Distributor settlement payment and a \$10,626 payment from Mallinckrodt Pharmaceuticals for the Opioid Direct Settlement fund to be used for continuation of opioid abatement programming based on eligible uses and requirements. Funds will be released based on programming proposals approved by the County Executive, consistent with prior appropriations of these revenues.

**Appropriation #2024020**

<b>Sources:</b>	Local Revenue	\$2,569,091
	State Revenue	\$103,145
	Special Revenue Funds*	\$296,824
	Capital Fund's fund balance	(\$113,177)
<b>Uses:</b>	General Fund	\$1,947,905
	School Fund	\$611,154
	Tourism Fund*	\$296,824

**Net Change to Appropriated Budget:** **\$2,559,059**

\*These portions of the appropriation are transfers between funds do not increase or decrease the total budget.

**Description:**

This request is to appropriate \$2,569,091 in additional local revenue and \$103,145 in additional State revenue to the General, Public Schools operating, and Capital Funds. The increased revenue includes:

- \$1,428,591 in consumer driven revenues (Local Sales & Use Tax, Meals Tax, and Transient Occupancy Tax) based on stronger revenue growth than anticipated since the development of the FY 24 Budget.
- \$1,140,500 in interest revenue based on stronger revenue growth than anticipated since the development of the FY 24 Budget.
- \$103,145 in state funding related to HB 599 (State Aid for Police Protection). The final County allocation from this revenue source was not confirmed by the State until after the County's FY 24 Budget was adopted.

The revenue update is recommended to be allocated according to the Board of Supervisors' Financial Management Policies for allocating shared revenues, which is as follows:

- The Capital budget receives \$113,177, which will reduce the planned use of Capital Fund's fund balance in FY 24. This funding will be available for consideration in the FY 25-29 Capital Improvement Plan development process.
- The Public Schools operating budget receives \$611,268.
- The General Fund receives the remaining \$1,947,905. This total includes amounts for the County



Government's portion of shared local tax revenues as well as local non-tax and state revenues specific to County Government operations. This funding is recommended to be used to fully implement the Classification and Compensation study and to provide a 2% salary increase in FY 24 effective January 2024.

**Appropriation #2024021**

<b>Sources:</b>	General Fund's fund balance	\$7,112,105
	Capital Fund's fund balance	\$2,653,293
	Special Revenue & other Fund's fund balance	\$9,685,441
<b>Uses:</b>	General Fund	\$9,765,398
	Special Revenue & Other Funds	\$9,685,441
<b>Net Change to Appropriated Budget:</b>		<b>\$19,450,839</b>

**Description:**

At the end of FY 23, the General Fund's fund balance is equal to a) the audited balance from the prior fiscal year (FY 22); b) plus the actual revenues during FY 23; and c) less actual expenditures during FY 23. Of that amount of General Fund's fund balance, amounts are held in reserve for:

- Policy uses: in accordance with the County's financial policies, a 10% unassigned fund balance and a 2% Budget Stabilization Reserve
- Appropriated and obligated uses: The County's FY 24 Adopted Budget and any other appropriations to date that include General Fund's fund balance as a revenue source.
- Purchase Orders: Any purchase orders that were encumbered in FY 23 and carried forward into FY 24 are administratively re-appropriated under authority in the annual Resolution of Appropriations.

The remaining amount is defined as the County's Unobligated General Fund's fund balance and any subsequent uses are approved by the Board of Supervisors. The Unobligated General Fund's fund balance includes an amount for expenses approved for FY 23 that were not completed in FY 23. In these circumstances, the County has FY 23 expenditure savings that are added to General Fund's fund balance, which are then requested for re-appropriation from the General Fund's fund balance in FY 24 to complete the expenditure.

The proposed use of the General Fund's fund balance will not reduce the County's 10% unassigned fund balance or 2% Budget Stabilization Reserve; however, it does reduce the amount of FY 23 undesignated funds that would be available for future uses.

This request is to re-appropriate General Fund's fund balance from FY 23 to FY 24 as outlined below. Additionally, this request is to re-appropriate Special Revenue and Other Funds, as outlined below.

**General Fund Re-Appropriations**

**Clerk of the Circuit Court**

- Requests the re-appropriation of \$204,834 for continuation of the project to back scan civil, criminal, and land records that will make them more accessible to the public when the physical records are placed in storage upon completion of the courthouse renovation.

**Commonwealth's Attorney**

- Requests the re-appropriation of \$12,000 for the part-time intern position that was previously funded and unable to be filled.
- Requests the re-appropriation of \$9,120 in subscription savings from attorney positions that were vacant in FY23, to cover the increased cost of Lexis Nexis subscriptions in FY24.

**Community Development Department**

- Requests the re-appropriation of \$31,188 for blighted structures and for no parking signs budgeted in FY 23 and continuing into FY 24.
- Requests the re-appropriation of \$335,383 to support implementation of Strategic Plan initiatives, which may include items prioritized by the Board of Supervisors in the CDD's work program that are one-time costs. In FY 24, Form Based Code Phase II is an example of the type of project being funded.

**County Attorney**

- Requests the re-appropriation of \$1,118 for operating expenses planned for FY 23 but incurred in FY 24.

**Executive Leadership**

- Requests the re-appropriation of \$3,694,879 to the Office of Performance and Strategic Planning for continued support of organizational efforts, including the Core Systems Modernization project and staff development and training. Funding for these efforts was not included in the FY 24 Adopted budget with the understanding that balances remaining at the end of FY 23 would be re-appropriated.

**Facilities and Environmental Services**

- Requests the re-appropriation of \$189,006 in remaining funding for the Right of Way Maintenance

Program, which did not begin until the 2nd half of FY 23, with the remaining funds to be utilized for Fall cleanup work.

Finance and Budget

- Requests the re-appropriation of \$26,000 for contract services in the Procurement and Real Estate offices budgeted in FY 23 but incurred in FY24.

Fire Rescue

- Requests the re-appropriation of \$297,361 for materials, supplies, equipment, and vehicle costs planned in FY 23 but not incurred until FY 24.

Information Technology

- Requests the re-appropriation of \$449,974 for contract services expenses budgeted in FY 23 but incurred in FY24.

Police

- Requests the re-appropriation of \$312,880 for materials, equipment, and health and medical costs planned in FY 23 and incurred in FY 24.

Sheriff

- Requests the re-appropriation of \$17,696 in program support funding from the public fingerprinting program to continue activities in FY24.
- Requests the re-appropriation of \$45,812 for vehicle equipment that was planned in FY23 but not purchased until FY 24 due to production delays.

Human Services

- Department of Social Services requests the re-appropriation of \$50,000 in funding to be provided to the Monacan Nation Park project as part of the Community Development Block Grant (CDBG) Southwood grant.
- Broadband Affordability and Accessibility Office requests the re-appropriation of \$399,719 for affordability and digital equity programming to be continued in FY24.
- Broadband Affordability and Accessibility Office requests the re-appropriation of \$10,000 for interns to provide administrative capacity on a temporary, part-time basis.
- Office of Equity and Inclusion requests the re-appropriation of \$85,000 that was previously donated in support of cultural and historical projects, and the Historic Marker Program.

Voter Registration and Elections

- Requests the re-appropriation of \$10,275 for trainings and certification classes that were budgeted in FY 23 but incurred in FY 24.

Non-Departmental

- Requests the re-appropriation of \$421,604 remaining in Climate Action Plan funding at the end of FY 23 to the Climate Action Pool.
- Request is to re-appropriate \$275,000 in Microtransit Reserve funding to cover the County's remaining match for the implementation of the Microtransit demonstration grant.
- Requests the re-appropriation of \$15,000 in funding that was to be transferred to the Economic Development Authority (EDA) in FY23 but will now be completed in FY 24 due to the timing of performance agreement milestones.
- Requests the re-appropriation of \$2,653,293 in Capital Fund's fund balance to the Public Safety operating budgets: Beginning in FY 24 public safety technology replacement costs have been moved to the General Fund operating budgets of the individual Public Safety departments, which was done after a review of technology expenditure classifications based on accounting standards. At the end of FY 23, there was a combined balance of \$2,653,293 remaining in the public safety 800MHz radio replacement, mobile data computer, patrol video camera, and technology upgrades projects in the CIP. These balances will be re-appropriated to the General Fund where future expenses will be incurred for these purchases.

**Special Revenue and Other Funds Re-appropriations**

- **Economic Development Fund:** This request to re-appropriate \$6,945,773 in the Economic Development Fund's fund balance as follows:
  - o \$6,118,005 for the Economic Development Investment Pool to support future targeted economic development initiatives. The intention is that these resources will leverage/catalyze other possible investment and will provide an immediate and accessible pool of funds for implementing initiatives that will boost business opportunity and create an improved local economy. Combined with currently appropriated funding, the total balance of the Investment Pool is \$7,618,005, with \$1,760,000 of that amount held pursuant to performance agreements previously approved by the Board of Supervisors.
  - o \$95,738 for one-time operating and temporary wages costs approved in FY 23.
  - o \$732,030 for transfers to the Economic Development Authority (EDA) Fund pursuant to performance agreements previously approved by the Board of Supervisors.
- **Plastic Bag Tax Fund:** Request the re-appropriation of \$30,347, the remaining balance in the Plastic Bag Tax Fund, for expenses specifically related to either: environmental cleanup; providing education programs designed to reduce environmental waste; mitigating pollution and litter; or providing reusable bags to recipients of Supplemental Nutrition Assistance Program

(SNAP) or Women, Infants, and Children Program (WIC) benefits.

- **Vehicle Replacement Fund:** This request is to re-appropriate \$679,398 for replacement vehicles planned in FY 23 that are anticipated to be incurred in FY 24
- This request is to appropriate the following for entities where the County serves as fiscal agent:
  - Charlottesville Albemarle Convention and Visitors Bureau (CACVB): This request is to reappropriate \$132,895 for CACVB operating costs planned in FY 23 and incurred in FY 24.
  - Economic Development Authority (EDA): This request is to re-appropriate \$1,554,161 in EDA fund balance and a transfer from the Economic Development Fund for EDA programs.
  - Emergency Communications Center: This request is to re-appropriate \$342,865 for equipment, and technology related expenses that were planned in FY 23 but will not be incurred until FY 24.

**Appropriation #2024022**

<b>Sources:</b>	Borrowed Proceeds	\$5,300,000
	Local Revenue	\$5,300,000
	Capital Fund's fund balance	(\$5,300,000)
<b>Uses:</b>	Capital Project: High School Capacity and Improvements – Center 2	\$5,300,000
<b>Net Change to Appropriated Budget:</b>		<b>\$5,300,000</b>

**Description:**

This request is to appropriate:

- \$5,300,000 in borrowed proceeds revenue for the High School Capacity and Improvements - Center 2 project. This proposed use of borrowed proceeds is within the County's Financial Management Policies for debt and adheres to the County's practices for funding the total budget for such projects with a blend of cash and borrowed proceeds revenues.

For the history of the project, per the recommendations of a facility planning study in 2017, the School Board and Board of Supervisors approved the design and construction of a High School Center in the FY 19-23 Capital Improvements Plan (CIP). The FY 20 adopted capital budget included \$30.2 million for this project. Due to the anticipated financial impacts of the COVID-19 pandemic, this project was paused. In FY 23, the project was appropriated at \$36.3 million, which included a \$2.0 million contribution from Albemarle County Public Schools (ACPS).

There have been cost increases since the budget was developed that this appropriation requests to address:

- Based on the current site selection and stakeholder feedback, additional project costs are anticipated for replacement parking at Albemarle High School, fully outfitting a culinary lab, and adding space for community partners. This scope change would add \$2,400,000 to the project budget.
- ACPS recommends adding a Data Center to the project scope, which has been an unfunded project for the last several years. By including the Data Center in the Center 2 scope, it is projected that approximately \$700,000 in cost savings can be realized than if the project was implemented separately. This scope change would add \$1,000,000 to the project budget.
- Since the budget for this project was originally developed in FY 19, there have been significant construction cost increases each year that have not been accounted for. An inflationary increase is requested for \$1,900,000.
- This request is also to appropriate \$5,300,000 in revenue received by Albemarle County Public Schools (ACPS) for the sale of Charlottesville Albemarle Technical Education Center (CATEC). This revenue will offset the planned use of Capital Fund's fund balance in FY 24 and be available for programming in the upcoming FY 25-29 CIP development process.

**Appropriation #2024023**

<b>Sources:</b>	State Revenue	\$412,042
<b>Uses:</b>	School Fund	\$412,042

Net Change to Appropriated Budget: \$412,042

**Description:**

This request is to appropriate the Public Schools' request approved by the School Board on November 9, 2023:

- This request is to appropriate \$412,042 in State revenue to the School Fund. This reflects changes per the Chapter 1, 2023 Special Session General Assembly adopted budget. The net change is primarily due to a compensation supplement increase, an increase in funding for

support positions, and a decrease in student enrollment.

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Mr. Ryan Davidson, Deputy Chief of Budget, said that the item was a public hearing to amend the FY24 budget. He said that according to the Virginia Code, a public hearing must be held before amending the budget when the total amount of funding exceeded 1% of the currently adopted budget, and that was the case tonight. He said that the amendment under discussion at this public hearing totaled \$40.7 million. He said that of that, approximately \$2.9 million had been appropriated as part of prior Board actions. He said that an additional \$37.8 million was up for consideration for tonight's approval.

Mr. Davidson said that of the \$40.7 million, 21.6% of the allocation contributed to general fund and special revenue fund reappropriations. He said that this was the standard moving forward for funding of projects or efforts that were previously started in FY23 but that would not be completed until the current fiscal year. He said that 7.1% of the \$10.6 million for grant-related funding went toward FEMA (Federal Emergency Management Agency) SAFER (Staffing for Adequate Firefighters and Emergency Response) Grants, along with \$2 million for the RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant dedicated to the Three Notch'd Trail shared multi-use path planning. He said that there was a \$5.3 million capital fund appropriation for public school-related projects. He said that was related to revenue from the sale of the CATEC (Charlottesville-Albemarle Technical Education Center) building, and also for the Center 2 project. He said that they had \$2.6 million for the FY24 mid-year revenue update.

Ms. Kristy Shifflett, Chief Operating Officer, said that implementing the Gallagher study recommendations fully was to provide their staff with a starting salary at the midpoint range of their pay scale for classified staff on their classified pay scale. She said that to achieve this, they were requesting to move staff members to that midpoint range and implement a time and seat adjustment strategy recognizing years of service in their specific positions as a compression strategy. She said that this request was being made due to numerous changes in their environment and market conditions.

Ms. Shifflett said that the state had provided a mid-year increase that would affect their competitive position, particularly in relation to UVA. She said that recent market shifts had significantly impacted their recruitment efforts, making it difficult not only to attract candidates for various positions but also to secure their acceptance once identified. She said that given their current compensation strategy and the affordability of their area, as well as increased competition from other organizations offering telework and hybrid work arrangements, they recognized the need to adjust their approach accordingly.

Ms. Shifflett said that there was a significant number of vacancies within their organization. She said they had maintained approximately 80 vacancies since July. She said that this had a significant impact on their staff. She said that the request was for the Board to approve a 2% COLA (cost-of-living adjustment) for all staff, including public safety and classified employees. She said that this was to acknowledge the fact that the 23 competitive market institutions and local governments had made shifts and adjustments. She said that many of these competing markets provided larger increases in July, and they must recognize this and remain competitive. She said that they requested the mid-year increases to take effect on January 1, and that was included in this budget amendment and appropriation.

Mr. Davidson said that staff's recommendation was that the Board adopt the resolution in Attachment B after holding a public hearing and also adopt Attachment C, which was the intent to reinforce.

Ms. McKeel said that they were continuing their classification and compensation study, the market-driven study, in order to make that particular study complete. She said that at the same time, they were also implementing a 2% COLA for all of their employees, which included both public safety and classified personnel.

Mr. Davidson said that was correct.

Ms. Price opened the public hearing and asked the Clerk if they had anyone signed up to speak for this.

The Clerk, Ms. Claudette Borgersen, said they did not.

Ms. Price, hearing no further questions from Supervisors, closed the public hearing.

Ms. Price, upon hearing no further comments from Board members, said that the floor was open for a motion.

Ms. McKeel **moved** that the Board adopt the Resolution (Attachment B) as it was presented in their meeting packet.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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**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.

APP#	Account String	Description	Amount
2024017	4-4700-91095-491095-950032-9999	SA2024017 SA2024017 VEDP Agrospheres	\$200,000.00
2024017	3-4700-91095-351000-512000-9999	SA2024017 SA2024017 VEDP Agrospheres	\$200,000.00
2024017	3-5807-82100-324000-240815-9999	SA2024017 SA2024017 VEDP Agrospheres	\$200,000.00
2024017	4-5807-82100-493000-934001-9999	SA2024017 SA2024017 VEDP Agrospheres	\$200,000.00
2024018	3-4609-73000-333000-330055-9999	SA2024018 APP2024018 Federal Revenue	\$623,956.00
2024018	4-4609-73000-481000-379300-9999	SA2024018 APP2024018 Advertising/Marketing	\$623,956.00
2024019	3-5104-33500-333000-330001-9999	SA2024019 APP2024019 GRANT REVENUE- FEDERAL	\$7,146,642.00
2024019	4-5104-33500-432000-110000-9999	SA2024019 APP2024019 Salaries-Regular	\$4,949,880.00
2024019	4-5104-33500-432000-210000-9999	SA2024019 APP2024019 FICA	\$378,665.82
2024019	4-5104-33500-432000-222110-9999	SA2024019 APP2024019 VRS Hybrid Retirement	\$782,424.72
2024019	4-5104-33500-432000-231000-9999	SA2024019 APP2024019 Health Insurance	\$947,064.03
2024019	4-5104-33500-432000-232000-9999	SA2024019 APP2024019 Dental Insurance	\$22,260.00
2024019	4-5104-33500-432000-233000-9999	SA2024019 APP2024019 HSA Contributions	\$0.00
2024019	4-5104-33500-432000-241000-9999	SA2024019 APP2024019 VRS Group Life Insurance	\$66,347.43
2024019	4-5104-33500-432000-270000-9999	SA2024019 APP2024019 Worker's Compensation	\$0.00
2024019	3-5170-81000-333000-330001-9999	SA2024019 APP2024019 GRANT REVENUE- FEDERAL	\$2,007,045.00
2024019	4-5170-81000-481000-110000-9999	SA2024019 APP2024019 Salaries-Regular	\$18,511.57
2024019	4-5170-81000-481000-210000-9999	SA2024019 APP2024019 FICA	\$1,533.43
2024019	4-5170-81000-481000-345700-9999	SA2024019 APP2024019 Other Professional & Technical Services	\$1,987,000.00
2024019	3-5811-99000-318001-189942-9999	SA2024019 APP2024019 Mallinckrodt	\$10,625.90
2024019	3-5811-99000-318001-189940-9999	SA2024019 APP2024019 Opioid Distributor	\$12,293.54
2024019	4-5811-99000-499000-999999-9999	SA2024019 APP2024019 CONTINGENCY FUNDS	\$22,919.44
2024020	3-1000-12000-312000-120100-1000	SA2024020 Sales and Use Tax	\$338,306.00
2024020	3-1000-12000-312000-121000-1000	SA2024020 Lodging Tax	\$494,706.00
2024020	3-1000-71000-351000-512034-9999	SA2024020 Lodging Tax for Tourism	\$296,824.00
2024020	3-1000-12000-312000-122000-1000	SA2024020 Meals Tax	\$230,932.00
2024020	3-1000-99000-322000-220108-9999	SA2024020 Vehicle Rental Tax	\$67,823.00
2024020	3-1000-99000-315000-150101-9999	SA2024020 Interest	\$1,140,500.00
2024020	3-1000-31100-324000-240412-9999	SA2024020 HB 599 Police Funding	\$103,145.00
2024020	4-1000-94000-499000-999908-9999	SA2024020 GF Salary adjustments	\$1,947,905.00
2024020	4-1000-99000-493000-932000-9999	SA2024020 Transfer to School Fund	\$611,154.00
2024020	4-1000-99000-493000-939101-9999	SA2024020 Transfer to CIP Ongoing	\$113,177.00
2024020	3-9010-99000-351000-512004-9999	SA2024020 Transfer from GF	\$113,177.00
2024020	3-9010-99000-352000-510100-9999	SA2024020 Fund Balance	-\$113,177.00
2024020	3-2000-62000-351000-512004-6599	SA2024020 Revenue Update - Tr from GF	\$611,154.00
2024020	4-2000-69998-461101-110000-6501	SA2024020 Revenue Update; SA2024023 Regular Salaries	\$1,023,196.00
SA2024022	3-9000-69000-315000-181109-6599	SASA2024022 SA2024022 HSC2, Sale of CATEC	\$5,300,000.00
SA2024022	3-9000-69000-352000-510100-9999	SASA2024022 SA2024022 HSC2, Sale of CATEC	-\$5,300,000.00
SA2024022	4-9000-69985-466500-800605-6307	SASA2024022 SA2024022 HSC2, Sale of CATEC	\$5,300,000.00
SA2024022	3-9000-69000-351000-512090-9002	SASA2024022 SA2024022 HSC2, Sale of CATEC	\$5,300,000.00
2024023	3-2000-62000-324000-240272-6599	SA2024023 Salary Supplement	\$412,042.00

Ms. McKeel **moved** that the Board adopt the Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment C).

Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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**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.

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Agenda Item No.11. **Public Hearing: Agricultural and Forestal Districts.** Ordinance to amend County Code Chapter 3 (Agricultural and Forestal Districts), Article 2 (Districts of Statewide Significance), Division 2 (Districts), to add land to the Kinloch Agricultural and Forestal District, as specified below:

**a) AFD 2023-01 Kinloch AFD - Addition.** The proposed ordinance would amend County Code § 3-224 (Kinloch Agricultural and Forestal District) to add Parcel ID 050000-00-00-005A0 to the district; to identify Parcel IDs 0500000-00-19A1, 05000-00-00-019B0, 05000-00-00-019C0, 06500-00-00-086B0, and 06500-01-00-08600 (each of which was created by the division of another parcel in the district) as being in the district; and to remove Parcel IDs 06500-00-00-09500 and 06500-00-00-095A0 (which were combined with another parcel in the district) from the district parcel listing.

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The Executive Summary forwarded to the Board states that localities may establish Agricultural and Forestal Districts (AFDs) under the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 et seq.). AFDs serve two primary purposes: (1) to conserve and protect agricultural and forestal lands; and (2) to develop and improve agricultural and forestal lands. Land within an AFD may not be developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior Board approval. In addition, the County may not exercise its zoning power in a way that would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Agricultural and Forestal Districts Act, unless those restrictions or regulations bear a direct relationship to public health and safety (Virginia Code § 15.2-4312).

A landowner may apply to add land to an AFD at any time (Virginia Code § 15.2-4310). Virginia Code §§ 15.2-4307 and 15.2-4309 require the Agricultural and Forestal District Advisory Committee and the Planning Commission to review such applications and report their recommendations to the Board of Supervisors, which must hold a public hearing and, by ordinance, may add land to an existing district as applied for, or with any modifications the Board of Supervisors deems appropriate.

*AFD 2023-01 Evans Kinloch AFD - Addition*

As detailed in the staff report to the Planning Commission (Attachment A), the proposed addition (Parcel 050000-00-00-005A0) contains 25.78 acres of soils recognized as important to agriculture in the Comprehensive Plan. Two dwellings exist on the parcel. Because the parcel retains three remaining development rights, it may be added to the AFD under current County policy.

The proposed ordinance (Attachment B) would also incorporate two updates:

1. identify Parcels 05000-00-00-19A1, 05000-00-00-019B0, 05000-00-00-019C0, 06500-00-00-086B0, and 06500-01-00-08600 (each of which was created by the division of another parcel in the district) as being in the district; and
2. remove Parcels 06500-00-00-09500 and 06500-00-00-095A0 (which were combined with another parcel in the district) from the district parcel listing.

Both the AFD Advisory Committee (on October 2, 2023) and Planning Commission (on November 14, 2023) reviewed the proposed addition to the Kinloch AFD and each unanimously recommended approval.

There is no budget impact.

Staff recommends that the Board conduct a public hearing and adopt the attached ordinance (Attachment B) to approve the proposed addition to the Kinloch AFD.

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Mr. Scott Clark, Conservation Program Manager, said that the item was a proposed addition to an agricultural and forestal district (AFD). He said that these districts were voluntary conservation districts formed by landowners in rural areas of the County. He said these districts existed across many rural localities throughout the state. He said that they promoted policies such as production of food and agriculture forestall products, preserving essential open spaces, supporting a strong agricultural and forestal economy, and protecting and preserving natural resources.

Mr. Clark said that the districts operated on 10-year cycles before being reviewed. He said that they primarily functioned under the County code's ordinance by limiting development for more intensive uses while the property was within the district. He said that this included prohibiting certain subdivisions, setting higher review standards for land use decisions, and affecting state takings for road improvements in areas committed to agriculture.

Mr. Clark said that the proposal was for an addition to the Kinloch District located in the northeastern part of the County. He said that the property spanned 25.78 acres and consisted of significant areas of prime and locally important soils. He said that it possessed three unused development rights, making it eligible according to the County's ordinance for inclusion in one of these conservation districts. He said the proposed addition had been considered by the Agriculture and Forestry District's Advisory Committee, who voted unanimously to recommend approval for inclusion in the Kinloch District. He said that in November, the Planning Commission also voted unanimously to recommend approval of this addition to the Kinloch District.

Ms. Mallek said that to clarify, the reduced subdivision consisted of family divisions only. She asked if there were other things as well.

Mr. Clark said that family subdivisions were the only divisions that could be made below 21 acres in a district. He said that in larger lots, there could be a 21-acre division, but each resulting piece must be at least 21 acres.

Ms. Mallek said that the family divisions had to be held for 10 years before they could be sold, so that it was a pretty significant conservation.

Mr. Scott said that most people who made the commitment tend to roll over for multiple 10-year periods, rather than being in just that one.

Ms. Price asked the Clerk if anyone was signed up for this item.

Ms. Borgersen said there was not.

Ms. Price, hearing no other questions from Supervisors, closed the public hearing, and said that the matter was back before the Board for comments or a motion.

Ms. LaPisto-Kirtley **moved** that the Board adopt the ordinance dated November 7, 2023, approving the addition to the Kinloch AFD.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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**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**

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**Article 2. Districts of Statewide Significance**

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**Division 2. Districts**

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**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)

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Agenda Item No.12. **Public Hearing: ZTA 2023-0004, STA 2023-0002, WPTA 2023-0002, BTA2023-0001, and OTA 2023-0001 - Community Development Department (CDD) Fee Restructuring.** To receive comments on proposed ordinances to consolidate Community Development Department (CDD) fees in a single new Article 5, in Chapter 1 of the Albemarle County Code. The proposed ordinances would also make non-substantive clarifications.

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The Executive Summary forwarded to the Board states that following the Board's adoption of a Resolution of Intent on March 1, 2023 (Attachment A1), Community Development Department (CDD) staff have been working with consultants The Berkley Group on proposed ordinances to restructure CDD fees. At its meeting on October 10, 2023, the Planning Commission (PC) voted 7:0 to recommend approval of ZTA 2023-004 and STA 2023-002. Though presented with all related proposed amendments (for information), the PC's review was and is limited to proposed amendments to the zoning and subdivision ordinances specifically.

Attachments A, B, and C are the PC staff report (and supporting attachments), action letter, and meeting minutes. The zoning ordinance (Chapter 18) is one of seven County Code chapters proposed for amendment as part of the proposed new consolidated CDD fee schedule in County Code Chapter 1, Article 5 (Attachments E through K).

The PC did not recommend any changes to the draft consolidated fee ordinances. Just prior to the Commission meeting and after the report was released, the Blue Ridge Home Builders Association (BRHBA), a stakeholder group, submitted a letter of support (Attachment D). After the PC meeting, CDD staff and the County Attorney's Office collaborated on additional non-substantive revisions to increase clarity and improve formatting.

Staff recommends that the Board adopt the attached County Code amendments provided in Attachments E through K.

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Mr. Dave Shifflett, Assistant Director of Administration with Community Development, said that Amelia McCulley, Special Projects Manager in Community Development, and Darren Coffey from the Berkeley Group, were present today. He said that the proposed new unified fee schedule, along with amendments to the six County code sections to accommodate the new fee schedule, were before the Board for action after public hearing.

Mr. Shifflett said that the project's purposes included listing the objectives and understanding that these amendments were an important step toward facilitating the implementation of their new community development system known as enterprise permanent licensing, or EPL. He said that EPL was the permit and application tracking platform that will replace their current system, County View.

Mr. Shifflett said that the key themes for the restructuring project have been to simplify and consolidate the fees. He said that the fees will be consolidated from 312 separate fees in six different code sections into one consolidated fee ordinance. He said that with staff's recommendation, the resulting fee schedule will contain 153 total fees, which represented a roughly 50% reduction in the number of fees currently in place. He said that the unified fee schedule can be found in Attachment E of the report.

Mr. Shifflett said that the methodology centered around their collaboration with the Berkeley Group, a Virginia-based consulting firm that specialized in assisting localities with government policies and regulations. He said that they examined their current fee schedule structure and compared it to seven peer localities within the Commonwealth. He said that the Berkeley Group recommended changes to their fee schedule based on this evaluation and best practices.

Mr. Shifflett said that the project scope did not encompass an analysis of charges for fees. He said that one of their objectives was to maintain level revenue levels. He said that this involved a thorough process that included substantial data modeling and projections, such as with single-family residential building fees. He said that the primary focus was on benchmarking and comparing their fee structures with those of other localities. He said that throughout the project, they directly engaged major stakeholders in the community through Engage Albemarle. He said that a letter of support from the Blue Ridge Home Builders Association was attached to the report as Document D.

Mr. Shifflett said that for best practices, Berkeley Group's research identified these practices as the most effective: keeping fees simple and predictable, bundling them when feasible, rounding the fees up or down, and to make the schedule easily accessible in one location. He said that they believed that the proposed new unified fee schedule in Attachment E adhered to these best practices. He said that since their last presentation before the Board on August 16, they had collaborated with Berkeley Group to develop the draft ordinances currently under consideration.

Mr. Shifflett said that they determined which were general fee guidelines, such as refunds, timing, and method of payment, and which applied to specific ordinances. He said that they expanded the document that summarized proposed changes, which they would further explain. He said that they also made several changes to formatting and terminology to reduce redundancy and improve clarity of the fees. He said that the Planning Commission unanimously recommended approval of the proposed ordinances during their public hearing on October 10.

Mr. Shifflett said that the single-family building permit fee bundling fee was applied across all types of square footages and included building plan review and the first two inspections per inspection type. He said that subsequent inspections beyond these were subject to separate reinspection fees, as well as the proposed bundled single-family fees. He said that they more closely aligned the fee with staff effort, where smaller homes were subject to a lesser fee, while bigger homes with more area to inspect had higher fees. He said that the Board may recall a fairly in-depth summary of the proposed changes at the August 16 meeting. He said that since then, staff added an explanation of proposed changes relating

to ARB (Architectural Review Board) and WPO (Water Protection Ordinance) application fees to the summary document, which was Attachment A-2.

Mr. Shifflett said that the changes were grouped into the following categories based on their staff effort: A, Board review (minor and major) and B, staff review (minor and major). He said that WPO application fees were consolidated where there was repetition. He said that in a few cases, the fee names were also restated for clarity. He said that they responded to a request from the Charlottesville Area Development Roundtable to allow full payment of the Virginia Stormwater Management Program fee instead of half upon submittal and then half when it was issued.

Ms. Price asked the County Attorney if they could consider each item in a unified public hearing.

Mr. Andy Herrick, Deputy County Attorney, said that the advertisement stated it was for a single public hearing. He said that previously, the Board had held combined public hearings on multiple ordinances.

Ms. Price confirmed that Board members would wait until all of the presentations were completed before asking questions and said they would continue with all of the presentations, then they would do one round of questions.

Mr. Shifflett said that for the first one, staff recommended that the Board approve the proposed unified fee ordinance, which was included in the staff report as Attachment E.

Mr. Shifflett said that staff recommended the Board adopt the amendments to Chapter 3 related to Agricultural and Forestal District fees, Attachment F.

Mr. Shifflett said that staff recommended the Board to adopt the amendments to Chapter 5 related to building fees, Attachment G.

Mr. Shifflett said staff recommended that the Board adopt the amendments to Chapter 7, relating to short-term rental registry fees, attached to the staff report as Attachment H.

Mr. Shifflett said staff recommended that the Board adopt the amendments to Chapter 14, relating to subdivision fees, attached to the staff report as Attachment I.

Mr. Shifflett said staff recommended that the Board adopt amendments to Chapter 17, relating to water protection fees, attached to the staff report as Attachment J.

Mr. Shifflett said staff recommended that the Board adopt the amendments to Chapter 18, relating to zoning fees, attachment K.

Ms. Price confirmed that all of the Board members had been provided all of the staff materials related to each of the seven items prior to this evening's Board meeting and this public hearing.

Ms. Mallek asked for clarification about the changes to the WPO.

Ms. Amelia McCulley, Special Projects Manager, said that there was a significant reorganization under logical headings because currently, it was divided under erosion sediment control and stormwater. She said that this was put together, and where there was overlap, it was listed as one common fee.

Mr. Andrews asked when the fees were last updated.

Mr. Shifflett said that it was November 20, 2007.

Ms. McCulley said that the amount of fees was updated in April 2021, following the Board's policy to make annual or biannual updates based on changes to staff compensation. She said that in terms of dollar amounts, that is when the most recent fee amendments were brought before the Board and adopted. She said that this was not a comprehensive fee study of what the charges should be and how much it costs for those services.

Ms. Price confirmed that that was a cost of living catch-up, and that this was a reorganization and restructuring.

Ms. McCulley said exactly.

Ms. Price opened the public hearing and asked the Board if they had anyone signed up to speak.

Ms. Borgersen said they did not.

Ms. Price, hearing no further questions from Supervisors, closed the public hearing and asked if a Supervisor desired to make a motion with regard to Attachment E.

Mr. Andrews **moved** for the Board to adopt Attachment E, the Ordinance to amend Chapter 1.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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**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 (VESCP) – Disturbed area less than one acre</b>	
Plan review and initial grading permit or each amendment	\$240
Annual Maintenance	\$230
<b>VESCP – 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

VSMP – Large construction activity or land clearing that is equal to or greater than 100 acres	
Plan Review and Permit Issuance	\$7,835
Transfer or Modification	\$795
Annual Maintenance	\$5,440
Other Services	
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):

- Calculation of fees in special circumstances.* In the following special circumstances, the fee(s) required by subsection (B) will be calculated as follows:
  - 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.
  - 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.
- 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:
  - The use applied for does not conform to the zoning prescribed for the district in which the use is situated;
  - A business license was issued by the county for the applied-for use; and
  - 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



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%

Mr. Andrews **moved** for the Board to adopt Attachment F, the Ordinance to amend Chapter 3.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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**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**

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**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.

...

**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.**

...

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.

Mr. Andrews **moved** for the Board to adopt Attachment G, the Ordinance to amend Chapter 5.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

\* \* \* \* \*

**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.

Mr. Andrews **moved** for the Board to adopt Attachment H, the Ordinance to amend Chapter 7.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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**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.

Mr. Andrews **moved** for the Board to adopt Attachment I, the Ordinance to amend Chapter 14.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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**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.

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Mr. Andrews **moved** for the Board to adopt Attachment J, the Ordinance to amend Chapter 17.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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**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.

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.

...

**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.

...

**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.

Mr. Andrews **moved** for the Board to adopt Attachment K, the Ordinance to amend Chapter 18.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

\* \* \* \* \*

**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).

...

**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.**

...

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.

...

**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.

...

**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.

Agenda Item No.13. **Public Hearing: An Ordinance Concerning Appointment Authority.** To receive public comment on its intent to adopt an ordinance to amend County Code Chapter 2, Administration, Article 9, Personnel by renumbering 2-903, Designation of the County's official safety program through 2-908, Powers of the Deferred Compensation Committee to be 2-904 through 2-909 and adding Section 2-903, Appointing authorities designated to clarify appointments made in the County's administrative services.

The Executive Summary forwarded to the Board states that throughout its history, the Albemarle County Board of Supervisors has occasionally delegated its authority to various County officers and employees to carry out essential government operations on its behalf.

To set out clearly how appointments in the County's administrative service are made, an ordinance (Attachment A) and an organizational chart (Attachment B) have been prepared by the County Attorney's Office for the Board's consideration. The attachments outline the proposed manner in which appointments shall be made.

Staff is requesting that the Board conduct a public hearing and consider the proposed ordinance and resolution to clearly outline its delegation.

There is no anticipated budget impact.

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A) and organizational chart (Attachment B).

Mr. Steve Rosenberg, County Attorney, said that Anthony Bessette, Senior Assistant County Attorney, would provide a detailed presentation. He said that initially they found it necessary to make some minor technical amendments to format the ordinance properly. He said that the Clerk had distributed these changes to them. He said that they all had in their email another version that had the changes highlighted. He said that these modifications were minor and technical, such as including a title, which was missing from the materials in their Board package.

Mr. Rosenberg said that in terms of substance, this draft that was just distributed to them was precisely the same as what they had in their Board materials. He said that their intention in presenting this ordinance to the Board for consideration was merely to codify or formalize existing practices concerning the appointment of employees in County service. He said that they were not attempting to change anything; rather, their objective was to incorporate into the County code provisions that reflected current practices.

Mr. Anthony Bessette, Senior Assistant County Attorney, said that the ordinance before them aimed to formalize current practices by incorporating them into the County Code. He said that this ordinance clarified the roles and responsibilities of the Board of Supervisors, the County Executive, and others in the appointment and hiring process. He said that the subject matter was also addressed in Virginia Code §15.2-512. He said that staff had prepared a PowerPoint presentation with just a few slides to aid their discussion.

Mr. Bessette said that §15.2-512 of the Virginia Code stated that “the Board shall appoint upon the recommendation of the county executive all officers and employees in the administrative service of the County, except as otherwise provided in § 15.2-535, and except as the Board may authorize the head of a department or office to appoint subordinates in such department or office.” He said that the ordinance before them relied on this language to establish appointment authority within the County.

Mr. Bessette said that from this language, it was evident that the Board could authorize heads of departments and offices to appoint employees in their respective departments and offices. He said that the authority to appoint heads of departments and offices could not be delegated to others in the same manner. He said that these appointments were reserved for the Board itself. He said that as a result, historically, the Board of Supervisors had authorized heads of departments and offices to appoint employees in their respective departments.

Mr. Bessette said that the proposed ordinance formalized existing practice and provided for appointments to be made as follows: The Board of Supervisors appoints the County Executive, the County Attorney, and the Clerk to the Board of Supervisors. He said that for department heads and directors of offices, the power of appointment was reserved for the Board of Supervisors consistent with state code. He said that under the proposed ordinance for such an appointment, the County Executive conducts the recruitment, interviews all candidates, and then makes a recommendation to the Board of Supervisors, who ultimately makes the appointment.

Mr. Bessette said that if there was a vacancy in one of those positions, this ordinance allowed for an interim appointment by the County Executive to serve for a period of up to six months. He said that the County Executive also appointed employees in the County Executive’s office. He said that department heads and directors of offices appointed employees in their respective departments. He said that the County Attorney appointed employees in the County Attorney’s office, and the Clerk to the Board of Supervisors appointed employees in the Clerk’s Office.

Mr. Bessette said that when a joint exercise of powers was involved, such as the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) or the Charlottesville UVA Albemarle Emergency Communications Center (ECC), their employees were appointed according to the agreements that governed those bodies.

Mr. Bessette showed a slide of an organizational chart showing lines of reporting to the County Executive and the party responsible for making appointments for certain positions. He said that what was absent from this chart were the County Attorney and the Clerk to the Board of Supervisors because they did not report through the County Executive.

Mr. Gallaway said that in the past, they had not codified this process. He said that codifying their current practices would help to standardize and advance them, providing a clear order of operation for everyone involved. He said that this was beneficial for business. He asked why they decided to codify the processes.

Mr. Bessette said this was a cleanup and review effort. He said that not having this clearly set out could raise questions about the authority of individuals in various positions. He said that this measure simply avoided any doubt.

Mr. Steve Rosenberg said that he would like to add, for edification, that the one other locality in the Commonwealth that had the county executive form of government had also codified the appointing authority, and it had been in place. He said that Prince William County was the example; it had been in their code for quite some time. He said that with the series of recent appointments of new department heads, he thought it advisable to include a similar provision in the County code.

Mr. Jeff Richardson, County Executive, said that since the establishment of the local government human resource’s function, approximately two years ago, Ms. Kristy Shifflett, Ms. Jessica Rice, and Mr. Jacob Sumner had been reviewing policies and ordinances with assistance from the legal team to ensure alignment and clarity. He said that this was part of a broader effort taking place across the organization. He said that as a result, the Board may occasionally be asked to review items on the Consent Agenda without extensive discussion.

Ms. Price asked how often the positions shown in light blue had changed over the last few years.

Mr. Richardson said that they had experienced a significant number of retirements. He said that recently, the Human Resources Department shared data indicating that approximately 50% of their workforce had been with them for less than five years. He said that this statistic highlighted numerous retirements and turnover in the past five years, some due to COVID-19 and related reasons. He said that they must continue focusing on their workforce stability efforts, which both staff and Board members were diligently working on.

Mr. Richardson said that over the last three or four years, they had witnessed turnover in Finance and Budget, Human Resources, Information Technology, Police, Economic Development, and Human Services and Social Services realignment. He said that they also experienced turnover in Equity Inclusion and mentioned the new Deputy County Executive. He said that they were scheduled to have a leadership team meeting on Friday, and they felt as though they were a new leadership team with many new members. He said that there had been a lot of turnovers and a lot of work to reach full staffing.

Ms. Price opened the public hearing and asked the Clerk if they had anyone signed up to speak on this.

Ms. Borgersen said they did not.

Ms. Price noted that there were no further questions from the Board and closed the public hearing. She said that the matter was back before the Board for comments or for a motion.

Ms. McKeel **moved** the Board adopt an ordinance to amend Chapter 2, Administration Article 9, Personnel, of the Code of the County of Albemarle, Virginia, as amended.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.  
NAYS: None.

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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.

Agenda Item No. 14. From the Board: Committee Reports and Matters Not Listed on the Agenda

Mr. Gallaway said that he wanted to thank the staff of the TJPDC (Thomas Jefferson Planning District Commission), County staff, the Planning Commission, and the members from the development community, as well as the other Board members for their work at Monday’s meeting at North Fork regarding developer incentives. He said that they 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 and two key points: the desire for tax abatement matching the duration of the affordability period and the predictability of different incentives while keeping the menu open were clearly communicated.

Ms. McKeel said that she had recently read an interesting article about changes to the Virginia Transportation Funding, specifically SMART SCALE. She said that the article provided a detailed description of the changes and nuances, which they would need to adapt to. She said she wanted to share some information she found interesting from attending the IRC (International Rescue Committee) meeting. She said that many refugees who came through the IRC were located in her district, so she felt a connection to their work.

Ms. McKeel said that refugee arrival trends from November 2022 to October 2023 saw 292 individuals in 96 cases. She said that currently, 50% of their pipeline openings for 2024 had already been filled. She said that arrivals from Afghanistan and Syria had been the most prevalent so far, and they anticipated an increase in arrivals from Latin America in 2024. She said that 50% of the cases had a connection to the United States.

Ms. McKeel said that Charlottesville was an outlier compared to other IRC offices because approximately 70% of their cases had a local connection, which she found quite interesting. She said that Charlottesville aimed to resettle 275 refugees in 2024. She said that 25% had already arrived. She said that nationally, there were 7,000 arrivals per month through December. She said that this number would increase to 10,000 starting in January. She said that expansion of arrivals from Latin America was currently focused on Colombians but was expected to include more Venezuelans later this year.

Ms. Mallek said that during her childhood and adulthood, her parents frequently traveled to various locations across Europe and the Middle East. She said that regardless of how remote these places were, she consistently encountered individuals whose relatives had connections with UVA. She said that it was not surprising that there are many people here who share a similar connection through their family members.

Ms. LaPisto-Kirtley said that she found the joint work session on Monday to be extremely productive.

Mr. Andrews said that the 5th and Avon CAC (Community Advisory Committee) met last month. He said that someone spoke about the stream restoration Biscuit Run project. He said that the master plan and restoration process were fascinating to hear about. He said that he attended the audit committee meeting, but they would hear more about that at their next meeting. He said that they had a new auditor, and he was pleased with the progress.

Agenda Item No. 15. Adjourn to December 13, 2023, 1:00 p.m. Lane Auditorium.

At 7:28 p.m., the Board adjourned its meeting to December 13, 2023, 1:00 p.m. Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date: 05/21/25
Initials: CKB