

**ORDINANCE NO. 21- 17( )**

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 activity subject solely to the VESCP.

Sec. 17-208 - Fees for land disturbing activity under VSMP.

**CHAPTER 17**

**WATER PROTECTION**

**Sec. 17-207 Fees for land disturbing activity subject solely to the VESCP.**

The following fees are for any land disturbing activity subject solely to the VESCP and shall apply to the services provided by the County under this chapter. Any required fee shall be paid upon submittal of an application and prior to each reinspection. Neither the County nor the County school board shall be required to pay any fee if it is the applicant:

| <b>Land disturbing activity pertaining to single family dwelling unit</b>                              |  |
|--|--|
| Agreement in lieu of a plan if single family dwelling unit located in a residential development        | <del>\$150</del> <u>\$170</u>  |
| Agreement in lieu of a plan if single family dwelling unit not located in a residential development    | <del>\$150</del> <u>\$170</u>  |
| Plan review for a single family dwelling unit  | <del>\$150</del> <u>\$170</u>  |
| Permit and first year inspection fees for a single family dwelling unit                                | <del>\$150</del> <u>\$170</u>  |
| Annual permit renewal and inspection fees for a single family dwelling unit, starting with second year | <del>\$150</del> <u>\$170</u>  |
| Each reinspection  | <del>\$150</del> <u>\$170 for the first reinspection and \$270 for each subsequent reinspection.</u> |
| <b>Land disturbing activity pertaining to non-exempt agricultural land</b>                             |  |
| Plan review  | <del>\$150</del> <u>\$170</u> per review   |
| Permit and first year inspection fees  | <del>\$150</del> <u>\$170</u>  |
| Each reinspection  | <del>\$150</del> <u>\$170 for the first reinspection and \$270 for each subsequent reinspection.</u> |
| Annual permit renewal and inspection fees, starting with second year                                   | <del>\$150</del> <u>\$170</u>  |
| <b>All other land disturbing activity</b>  |  |
| Plan review, disturbed area less than one acre   | <del>\$150</del> <u>\$170</u> per review   |
| Permit and first year inspection fees, disturbed area less than one acre                               | <del>\$200</del> <u>\$227</u>  |
| Annual permit renewal and inspection fee, disturbed area less than one acre                            | <del>\$200</del> <u>\$227</u>  |
| Plan review, disturbed area one acre or larger   | <del>\$300</del> <u>\$340</u> per review   |

|  |   |
|--|---|
| Permit and first year inspection fees, disturbed area one acre or larger                               | \$100- <del>\$113</del> per disturbed acre <u>or fraction over an acre.</u>                                 |
| Annual permit renewal and inspection fee, disturbed area one acre or larger, starting with second year | \$100- <del>\$113</del> per disturbed acre <u>or fraction over an acre.</u>                                 |
| Each reinspection  | <del>\$250</del> <u>\$283</u> for the first reinspection and <u>\$383</u> for each subsequent reinspection. |
| Each request for partial or full release of surety   | <del>\$250</del> <u>\$283</u>   |
| Amendment to approved plan   | <del>\$200</del> <u>\$227</u> per plan review   |
| <b>Other services</b>  |   |
| Review of mitigation plan pertaining to a land disturbing activity in a stream                         | <del>\$150</del> <u>\$170</u>   |
| Variances  | <del>\$150</del> <u>\$170</u> per request   |
| <u>Stream Determination</u>  | <u>\$320</u>  |
| <u>Technology Surcharge – additional percentage of each fee in County Code § 17-207</u>                | <u>4%</u>   |

(§ 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; § 19.3-17, 2-11-98; Code 1988, §§ 7-4, 19.3-17; § 17-209, Ord. 98-A(1), 8-5-98; Ord. 98-17(1), 11-11-98; Ord. 02-17(1), 7-3-02; Ord. 08- 17(3), 8-6-08; Ord. 11-17(1), 10-5-11; § 17-207, Ord. 14-17(1), 5-7-14, effective 7-1-14)

**State law reference** – Va. Code § 62.1-44.15:54; 9VAC25-840-30.

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

Each owner seeking coverage under the general permit, each owner requesting a transfer or modification of its existing registration statement for coverage under the general permit, each owner requesting a major modification to a general permit, and each owner covered under the general permit required to maintain permit coverage shall pay a fee upon submittal of the VSMP permit application or, for the permit maintenance fee, annually, in the amounts according to the following schedule:

| Fee Type   | Permit Issuance Fee <sup>1</sup>          | <del>State Portion of Permit Issuance Fee</del> <sup>2</sup> | Transfer or Modification Fee Amount <sup>32</sup> | Permit Maintenance Fee <sup>43</sup> |
|--|---|--|---|--------------------------------------|
| Small construction activity or land clearing that is less than 1 acre/if involves construction of a sole single family detached dwelling | <del>\$290/\$209</del> <u>\$237/\$237</u> | <del>\$81/None</del>   | \$20 <u>\$23</u>                                  | \$140 <u>\$159</u>                   |

| Small construction activity or land clearing that is equal to or greater than 1 acre and less than 5 acres/ if involves construction of a sole single family detached dwelling | <del>\$2,700</del> <b>\$2,204</b> /<br><del>\$209</del> <b>\$237</b> | <del>\$756/None</del> | <del>\$200</del><br><b>\$227</b> | <del>\$1,350</del><br><b>\$1,530</b>  |
|--|--|-----------------------|----------------------------------|---|
| Large construction activity or land clearing that is equal to or greater than 5 acres and less than 10 acres   | <del>\$3,400</del> <b>\$2,775</b>                                    | <del>\$952</del>      | <del>\$250</del><br><b>\$283</b> | <del>\$1,700</del> <b>\$1,927</b>   |
| Large construction activity/land clearing that is equal to or greater than 10 acres and less than 50 acres   | <del>\$4,500</del> <b>\$3,673</b>                                    | <del>\$1,260</del>    | <del>\$300</del><br><b>\$340</b> | <del>\$2,250</del><br><b>\$2,551</b>  |
| Large construction activity/land clearing that is equal to or greater than 50 acres and less than 100 acres  | <del>\$6,100</del> <b>\$4,979</b>                                    | <del>\$1,708</del>    | <del>\$450</del> <b>\$510</b>    | <del>\$3,050</del><br><b>\$3,457</b>  |
| Large construction activity/land clearing that is equal to or greater than 100 acres not involving construction of a sole single family detached dwelling                      | <del>\$9,600</del> <b>\$7,835</b>                                    | <del>\$2,688</del>    | <del>\$700</del> <b>\$793</b>    | <del>\$4,800</del><br><b>\$5,441</b>  |
| Other services   |  |                       |                                  | Fee   |
| Each reinspection  |  |                       |                                  | <del>\$250</del> <b>\$283</b> for the first reinspection and <b>\$383</b> for each subsequent |
| Bond agreement with surety; establish, amend or replace  |  |                       |                                  | <del>\$250</del> <b>\$283</b>   |
| Each request for partial or full release of surety   |  |                       |                                  | <del>\$250</del> <b>\$283</b>   |
| Amendment to approved plan   |  |                       |                                  | <del>\$200</del> <b>\$227</b> per plan review   |
| Review of mitigation plan pertaining to a land disturbing activity in a stream   |  |                       |                                  | <del>\$150</del> <b>\$170</b>   |
| Exceptions   |  |                       |                                  | <del>\$240</del> <b>\$272</b> per request   |
| Construction record drawing; review  |  |                       |                                  | <del>\$300</del> <b>\$340</b>   |
| <u>Stream Determination</u>  |  |                       |                                  | <b>\$320</b>  |
| <u>Technology Surcharge – additional percentage of each fee in County Code § 17-208</u>  |  |                       |                                  | <b>4%</b>   |

1. The fees imposed by this column are the total fees to be paid by the owner to cover the County's costs to review a stormwater management and other required plans, VSMP registration statement review, if such a statement is required under sections 17-401(C) and 17-405(A)(1), VSMP permit issuance, general permit coverage verification, inspections, reporting and compliance associated with a land disturbing activity. Any land disturbing activity subject to the fees in this section is not subject to the separate fees under section 17-207. For any site that has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to the applicable fees required by this column. The reduced fee if the construction or land clearing involves construction of a sole single family detached dwelling applies regardless of whether the activity and the dwelling are within or outside a common plan of development or sale.

~~2. The amounts in this column are not a separate fee but reflect the portion of the fee required by column 1 that must be paid by the owner to the Virginia Department of Environmental Quality pursuant to Virginia Code § 62.1-44.15:28(A)(5)(a). These amounts are twenty eight (28) percent of the fee required by column 1.~~

~~3-2.~~ The fees imposed by this column are intended to cover the County's costs to review a request to modify or transfer registration statements from the general permit and major modifications to the general permit

that result in changes to stormwater management plans that require additional review by the County. The applicable fee shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, any modification resulting in an increase in total disturbed acreage shall pay the difference in the fee imposed by column 1 that was initially paid and the permit fee imposed by column 1 that would have applied for the modified total disturbed acreage. No fee shall be required for a minor modification.

4-3. The fees imposed by this column are an annual permit maintenance fee, and include fees imposed on expired permits that have been administratively continued. The fee, which shall be prorated in the first year, shall be paid at the time provided in section 17-209(B). With respect to the general permit, these fees shall apply until the general permit coverage is terminated.

(§ 19.3-34, 2-11-98; § 19.1-8, 9-29-77, art. II, § 3, 7-11-90; Code 1988, §§ 19.1-8, 19.3-34; § 17-310, Ord. 98-A(1), 8-5-98; Ord. 02-17(1), 7-3-02; Ord. 08-17(3), 8-6-08; Ord. 11-17(1), 10-5-11; § 17-208, Ord. 14-17(1), 5-7-14, effective 7-1-14)

State law reference – Va. Code §§ 62.1-44.15:28, 62.1-44.15:31, 62.1-44.15:34, 62.1-44.15:36; 9VAC25-870-730, 9VAC25-870-820, 9VAC25-870-825, 9VAC25-870-830.

This ordinance is effective on and after July 1, 2021.

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

\_\_\_\_\_  
Clerk, Board of County Supervisors

|                     | <u>Aye</u> | <u>Nay</u> |
|---------------------|------------|------------|
| Mr. Gallaway        | _____      | _____      |
| Ms. LaPisto-Kirtley | _____      | _____      |
| Ms. Mallek          | _____      | _____      |
| Ms. McKeel          | _____      | _____      |
| Ms. Palmer          | _____      | _____      |
| Ms. Price           | _____      | _____      |