

ORDINANCE NO. 23-14()

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**

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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.**; ~~provided that neither the county nor the county school board is required to pay any fee if it is the applicant. Except as provided in said Article, payment must be in the form of cash or a check payable to the "County of Albemarle."~~

~~A. Preliminary plat:~~

~~1. If subject to review by the agent:~~

~~a. Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: \$296.00.~~

~~b. 1 or more lots: \$1,360.00.~~

~~2. Reinstatement of review: \$615.00.~~

~~3. A fee must accompany each filing of a version of a preliminary plat.~~

~~B. Final plat:~~

~~1. If subject to review by the agent:~~

~~a. Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: \$639.00.~~

~~b. 1 to 9 lots: \$1,183.00.~~

~~c. 10 to 19 lots: \$1,301.00.~~

~~d. 20 or more lots: \$1,455.00.~~

~~2. Condominium plat: \$119.00.~~

~~3. Reinstatement of review: \$615.00.~~

~~C. Other subdivision plats:~~

~~1. Plat for a rural subdivision, family subdivision, or resubdivision: \$817.00.~~

~~2. Plat for a boundary line adjustment: \$237.00.~~

- ~~3. Plat creating one or more special lots and one residue lot: \$105.00.~~
- ~~4. Plat for subdivision following final site plan approval:
 - ~~a. 1 to 9 lots: \$1,183.00~~
 - ~~b. 10 to 19 lots: \$1,301.00~~
 - ~~c. 20 or more lots: \$1,455.00~~~~
- ~~D. Easement plat or plats, per easement:
 - ~~1. Easement plat(s) without a deed: \$580.00.~~
 - ~~2. Easement plat(s) with a deed: \$899.00.~~
 - ~~3. Easement plat(s) required with a site plan: \$237.00.~~
 - ~~4. Easement plat(s) amending a previously approved easement plat(s): \$237.00.~~~~
- ~~E. Streets:
 - ~~1. Public road plans: \$296.00 for each review of a submitted plan, including reviews of revisions after plan approval.~~
 - ~~2. Private road plans: \$473.00 for each review of a submitted plan, including reviews of revisions after plan approval.~~
 - ~~3. Authorization for one or more private streets within a subdivision filed separately from a subdivision application: \$792.00.~~
 - ~~4. Variation to or exception from one or more street standards before approval of a preliminary plat under section 14-203.1: \$639.00.~~
 - ~~5. Variation to or exception from curb and/or gutter requirements before approval of a preliminary plat under section 14-203.1: \$639.00.~~
 - ~~6. Variation to or exception from street interconnection requirements before approval of a preliminary plat under section 14-203.1: \$639.00.~~
 - ~~7. If required to construct a street, the subdivider shall pay to the county a fee equal to the cost of the inspection of the construction of any such street. These fees shall be paid prior to completion of all necessary inspections and shall be deemed a part of the cost of construction of the street for purposes of section 14-435(B).~~~~
- ~~F. Bonds:
 - ~~1. Bond estimate request for subdivision improvements: \$296.00.~~
 - ~~2. Bonding inspection for a plat or bond reduction: \$296.00.~~~~
- ~~G. Groundwater assessment information required by section 14-308.1:
 - ~~1. Tier 1 assessment under section 17-1001: \$59.00.~~
 - ~~2. Tier 2 assessment under section 17-1002: \$391.00.~~
 - ~~3. Tier 3 assessment under section 17-1003: \$603.00.~~
 - ~~4. Tier 4 assessment under section 17-1004: \$1,302.00.~~~~
- ~~H. Other matters subject to review:
 - ~~1. Variation or exception under section 14-203.1 before approval of a final plat, not provided for under subsections (E)(4), (5), or (6): \$982.00.~~
 - ~~2. Variation or exception under section 14-203.1 after approval of a final plat, not provided for under subsections (E)(4), (5), or (6): \$982.00.~~
 - ~~3. Relief from plat conditions imposed by the commission prior to the date of adoption of this chapter: \$461.00.~~~~

~~4. Appeal of a plat decision to the board of supervisors: \$319.00.~~

~~5. Extension of a plat approval: \$142.00.~~

~~6. Vacation of a plat or part thereof: \$284.00.~~

~~7. Dam break inundation zones; administrative fee as required by section 14-441: One percent of the total amount of payment required by section 14-441 or \$1,101.00, whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).~~

~~8. Technology surcharge ? 4% of each fee in subsections (A) through (H)(7) above.~~

~~I. Notices as required by section 14-218:~~

~~1. Preparing and mailing or delivering up to 50 notices: \$237.00.~~

~~2. Preparing and mailing or delivering, per notice more than 50: \$1.19 plus the actual cost of first class postage.~~

(§ 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)

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

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Sec. 14-435 - Agreement and surety.

Any subdivider who does not complete all required improvements as provided in this chapter ~~shall~~ **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 ~~shall~~ **must** provide a surety to guarantee the completion of the improvements, as follows:

A. Form of the agreement. The agreement accompanying the surety ~~shall~~ **must** be on a form prepared by the county attorney and any proposed amendment to the agreement ~~shall be is~~ subject to review and approval by the county attorney.

B. Type of surety permitted and amount. The subdivider ~~shall~~ **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 ~~shall be subject to being acceptable to the county engineer, shall be in a form and have the substance approved by the county attorney, and shall be is~~ subject to review and approval **as to form and substance** by the **county engineer and the** county attorney.

C. Estimate. The subdivider ~~shall~~ **must** submit a request for an estimate of the surety amount to the county engineer. The county engineer ~~shall~~ **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 section 14-203, inflation, and potential damage to existing streets or utilities, which ~~shall~~ 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 ~~shall~~ will not terminate the agreement accompanying the surety instrument.

E. Surety ~~shall~~ 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)

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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 ~~shall~~ 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. ~~not to exceed one percent of the total amount of payment required or \$1,000.00, whichever is less.~~ Any payments ~~shall~~ 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 ~~shall~~ 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)

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

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. Andrews	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Price	_____	_____