

<p style="text-align: center;"><b>ACTIONS</b>  <b>Board of Supervisors Meeting of April 21, 2021</b></p>		
		April 22, 2021
<u><b>AGENDA ITEM/ACTION</b></u>	<u><b>ASSIGNMENT</b></u>	<u><b>VIDEO</b></u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 1:00 p.m. by the Chair, Mr. Gallaway. All BOS members were present. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris.</li> </ul>		<a href="#">Link to video</a>
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> <li><b>ADDED</b> proclamation recognizing Fair Housing Month to item #6.</li> <li><b>ADDED</b> discussion of Legislative Agenda Timing and the Addition of Speed Cameras to item #19.</li> <li>By a vote of 6:0, <b>ADOPTED</b> final agenda as amended.</li> </ul>		
<p>5. Brief Announcements by Board Members.</p> <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> <li>Announced that the town of Scottsville would soon be receiving a DMV Select office.</li> <li>Commented that 13 months ago, there had been 75 total deaths and 4,200 total cases from the COVID-19 pandemic and that today there are over 33 million cases with over 580,000 deaths; 25 million have recovered, with roughly a 2% death rate from the pandemic. She reminded community members that they still need to remain vigilant.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Commented that the previous week, DMV 2 Go made its twice-a-year visit at North Fork Research Park and would be later be returning to the northern part of the County.</li> <li>Announced that 37<sup>th</sup> Crozet Arts and Crafts Festival will be outdoors from May 8<sup>th</sup> and May 9<sup>th</sup> and that 500 people were allowed to attend.</li> <li>Congratulated the FES department on their report highlighting the steps taken toward weatherization and reduced utility consumption.</li> <li>Commented that her set of minutes were from September 18, 2019 where many community members came to talk about their support for working towards improving climate change.</li> </ul> <p><u>Ms. Palmer:</u></p> <ul style="list-style-type: none"> <li>Announced that the e-Waste collection at Ivy MUC would be Saturday from 9:00 p.m. to 3:00 p.m. and that registration is required and could be done on the Rivanna Solid Waste Authority website.</li> <li>Announced that spring household hazardous waste collection would be Friday, April 30<sup>th</sup>. She said registration is not required, and the times are on the website.</li> <li>Announced that on Saturday, May 1<sup>st</sup>, from 9:00a.m. to 2:00 p.m., is commercial household</li> </ul>		



		<u>County Attorney:</u> Provide Clerk with copy of fully executed agreement. (Attachment 8)
8.5	Resolution to accept road(s) in the Sparrow Hill Subdivision into the State Secondary System of Highways. • <b>ADOPTED</b> Resolution.	<u>Clerk:</u> Forward copy of signed resolution to Community Development. (Attachment 9)
8.6	SE202000027 Special Exception for Proposed Antenna Array at an Existing Wireless Facility (1066 Goodwin Farm Lane). • <b>ADOPTED</b> Resolution approving the special exception with the following condition: 1. No antenna authorized by this special exception may project more than four (4) feet from the face of the monopole to the farthest point of the back of the antenna.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)
9.	Update on Completion of Courts Project Programming Phase. • By a vote of 6:0, <b>ACCEPTED</b> staff's recommendation to approve the programs as a basis of design and <b>AUTHORIZED</b> staff to proceed to the schematic design phase.	<u>FES:</u> Proceed as approved.
	<b>Recess.</b> The Board recessed at 3:29 p.m., and reconvened at 3:37 p.m.	
10.	Amendment to WillowTree Performance Agreements. a. Amendment to WillowTree Virginia Jobs Investment Program Match Grant Funding Agreement. • By a vote of 6:0, <b>ADOPTED</b> Resolution to approve the Amended VJIP Match Grant Funding Agreement and to authorize the County Executive to sign the Amended Agreement on behalf of Albemarle County once it has been approved as to substance and form by the County Attorney. b. Amendment to WillowTree Commonwealth's Development Opportunity Fund Match Performance Agreement. • By a vote of 6:0, <b>ADOPTED</b> Resolution to approve the First Amendment to the Commonwealth's Development Opportunity Fund Match Performance Agreement, and to authorize the County Executive to sign the Amended Agreement on behalf of Albemarle County once it has been approved as to substance and form by the County Attorney.	<u>Clerk:</u> Forward copy of signed resolution to Economic Development and County Attorney's office. (Attachment 11)  <u>County Attorney:</u> Provide Clerk with fully executed copy of agreement. (Attachment 12)  <u>Clerk:</u> Forward copy of signed resolution to Economic Development and County Attorney's office. (Attachment 13)  <u>County Attorney:</u> Provide Clerk with copy of fully executed agreement. (Attachment 14)
11.	<b>Presentation:</b> Rivanna Water and Sewer Authority (RWSA) Quarterly Report. • <b>RECEIVED.</b>	
12.	<b>Presentation:</b> Albemarle County Service Authority (ACSA) Quarterly Report. • <b>RECEIVED.</b>	
13.	Closed Meeting. • At 4:26 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (6), to discuss and consider the investment of public funds in a volunteer fire company where bargaining and negotiation is	

<p>involved and where, if made public initially, the financial interest of the County would be adversely affected; and</p> <ul style="list-style-type: none"> <li>• Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation of the Board against the Scottsville Volunteer Rescue Squad, and a separate action brought by Virginia companies challenging a decision of the Board, where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board in both cases; and</li> <li>• Under Subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to a volunteer fire company.</li> </ul>		
<p>14. Certified Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 6:03 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>		
<p>15. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> <li>• <u>Judy Schlusell,</u></li> <li>• <u>Kent Schlusell,</u></li> </ul>		
<p>16. <b><u>Pb. Hrg.: SP202000007 Rappahannock Electric Cooperative.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> Resolution to approve SP202000007.</li> </ul>	<p>Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 15)</p>	
<p>17. <b><u>Pb. Hrg.: WPTA 2021-00002 Water Protection Ordinance Regarding Stream Buffer Regulations. Advertised as Stream Health Initiative - Phase 1a WPO Revisions.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> the proposed ordinance except for the redefinition of "agricultural road", with a delayed effective date of September 1, 2021 for the revised ordinance.</li> </ul>	<p>Clerk: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 16)</p>	
<p>18. <b><u>Pb. Hrg.: Community Development Department Fees.</u></b></p> <ol style="list-style-type: none"> <li>1. <b><u>BTA 2021-0001.</u></b> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> ordinance to amend County Code Chapter 5 – Building Regulations.</li> </ul> </li> <li>2. <b><u>STA 2021-00001 Fees.</u></b> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> ordinance to amend County Code Chapter 14 – Subdivision of Land with changing the wording of transaction to fee pertaining to technology.</li> </ul> </li> <li>3. <b><u>WPTA 2021-0001.</u></b> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> ordinance to amend County Code Chapter 17 – Water Protection.</li> </ul> </li> <li>4. <b><u>ZTA 2021-00001 Fees.</u></b> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> ordinance to amend County Code Chapter 18 – Zoning.</li> </ul> </li> </ol>	<p>Clerk: Forward copy of signed ordinances to Community Development and County Attorney's office. (Attachments 17-20)</p>	
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ol style="list-style-type: none"> <li>a. Legislative Agenda Timing and the Addition of Speed Cameras.</li> </ol> <ul style="list-style-type: none"> <li>• <b>DISCUSSED.</b></li> </ul>		

<p><u>Donna Price:</u></p> <ul style="list-style-type: none"> <li>Complimented Albemarle County staff for the tremendous work that they have done under very difficult circumstances during the pandemic. She commented that she would like to see some sort of analysis done on the best way to achieve the best efficiencies possible.</li> </ul> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> <li>Commented that she would like staff to begin thinking about the Board's zoom meetings and outreach to the community which really has improved under zoom.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Commented on an image that Mr. O'Connell circulates showing that a penny of money buys a gallon and a pint of water, so regarding the CIP and increasing costs that Albemarle County water has been so cheap for so many generations and the Board needs to emphasize that.</li> </ul>		
<p>20. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> <li>Presented the County Executive's monthly report.</li> </ul>		
<p>21. Adjourn to April 28, 2020, 6:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).</p> <ul style="list-style-type: none"> <li>The meeting was adjourned at 9:17 p.m.</li> </ul>		

ckb/tom

Attachment 1 – Proclamation Celebrating Arab American Heritage Month

Attachment 2 – Proclamation Supporting the Goals of Sexual Assault Awareness Month

Attachment 3 – Proclamation – Fair Housing Month

Attachment 4 – Resolution to Approve Additional FY 2021 Appropriations

Attachment 5 – Resolution to Approve the Fire and Rescue Mutual Aid Agreement Between the County of Albemarle and the County of Louisa

Attachment 6 – Draft Mutual Aid Agreement

Attachment 7 – Resolution for the Board of Supervisors of the County of Albemarle to Endorse the Berkmar to Lewis and Clark Connector Revenue Sharing Project and to Approve a Project Administration Agreement

Attachment 8 – Draft Berkmar to Lewis and Clark Connector Revenue Sharing Project Agreement

Attachment 9 – VDOT Resolution – Sparrow Hill Subdivision

Attachment 10 – Resolution to Approve SE202000027 for Proposed Antenna Array at an Existing Wireless Facility (1066 Goodwin Farm Lane)

Attachment 11 – Resolution to Approve the Amendment to the VJIP Match Grant Funding Agreement between the County, the Economic Development Authority, and WillowTree, Inc

Attachment 12 – Draft Amende VJIP Match Funding Agreement

Attachment 13 – Resolution to Approve the Amendment to the Commonwealth's Development Opportunity Fund Match Performance Agreement between the County, the Economic Development Authority, and WillowTree, Inc.

Attachment 14 – Proposed First Amendment to the Commonwealth's Development Opportunity Fund Match Performance Agreement

Attachment 15 – Resolution to Approve SP 202000007 Rappahannock Electric Cooperative

Attachment 16 – Ordinance No. 21-17(1)

Attachment 17 – Ordinance No. 21-5(1)

Attachment 18 – Ordinance No. 21-14(1)

Attachment 19 – Ordinance No. 21-17(2)

Attachment 20 – Ordinance No. 21-18(2)

**ATTACHMENT 1**

**Proclamation Celebrating Arab American Heritage Month**

- WHEREAS,** the National Arab American Heritage Month is recognized in April and is a time for celebrating the history, contributions, and cultures of the diverse population of Arab Americans; and
- WHEREAS,** Arab American men and women have played an important role in shaping, advancing, and enriching the fabric of Albemarle County and our nation by making immense contributions to all areas of life including government, business, arts and sciences, medicine, law enforcement, technology, and the military; and
- WHEREAS,** Arab American issues, such as civil rights abuses, harmful stereotyping, and bullying must be combatted in the forms of education and awareness; and
- WHEREAS,** Arab Americans join all Americans in the desire to see a peaceful and diverse society, where every individual is treated equally and feels safe.
- NOW, THEREFORE, BE IT RESOLVED,** that we, the Albemarle County Board of Supervisors, honor and celebrate Arab American Heritage Month and continue to affirm our commitment to an inclusive Albemarle County.

Signed this 21st day of April 2021.

**Proclamation Supporting the Goals of Sexual Assault Awareness Month**

**WHEREAS,** Sexual Assault Awareness Month was commemorated nationally for the first time in April 2001 in order to raise awareness and support prevention of sexual assault, harassment, and abuse; and

**WHEREAS,** sexual assault does not discriminate on any basis and can affect any individual in the United States, including children, people with disabilities, people of color, men, immigrants, students on school and college campuses, youth in the juvenile justice system, undocumented persons, LGBTQIA individuals, those who serve in the Armed Forces, and others; and

**WHEREAS,** the local branch of the Sexual Assault Resource Agency (SARA) serves the residents of Albemarle County and the surrounding areas and provides free services to all survivors regardless of race, gender, sexual orientation, gender expression or identity, age, economic status, education, parenthood, physical and/or mental abilities, national origin, immigration/documentation status or any other status, reaching **550 survivors and 6,000-8,000 students each year;**

**NOW, THEREFORE, BE IT RESOLVED,** that we, the Albemarle County Board of Supervisors, do hereby affirm our commitment to raise awareness within residents of Albemarle County about sexual violence, including how to recognize it, prevent it, and how to support survivors; and we further commit to elevating the voices, leadership, and needs of historically and currently disenfranchised and underserved communities in the effort to eliminate sexual violence and support all survivors.

Signed this 21st day of April 2021.

**PROCLAMATION  
FAIR HOUSING MONTH**

**WHEREAS,** The Fair Housing Act, enacted on April 11, 1968, enshrined into federal law the goal of eliminating racial segregation and ending housing discrimination in the United States; and

**WHEREAS,** The Fair Housing Act prohibits discrimination in housing based on race, color, religion, sex, familial status, national origin, and disability, and commits recipients of federal funding to affirmatively further fair housing in their communities; and

**WHEREAS,** Albemarle County is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

**WHEREAS,** Our social fabric, the economy, health, and environment are strengthened in diverse, inclusive communities; and

**WHEREAS,** More than fifty years after the passage of the Fair Housing Act, discrimination persists, and many communities remain segregated and acts of housing discrimination and barriers to equal housing opportunity are repugnant to a common sense of decency and fairness.

**NOW, THEREFORE, BE IT PROCLAIMED** that that we, the Albemarle County Board of Supervisors do hereby declare the month of April 2021 as

**Fair Housing Month**

in Albemarle County as an inclusive community committed to fair housing, and to promoting appropriate activities by private and public entities to provide and advocate for equal housing opportunities for all residents and prospective residents of Albemarle County.

**Signed this 21st day of April 2021.**



**RESOLUTION TO APPROVE  
ADDITIONAL FY 2021 APPROPRIATIONS**

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

- 1) That Appropriations #2021060 and #2021061 are approved;
- 2) 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, 2021.

**RESOLUTION TO APPROVE THE FIRE AND RESCUE  
MUTUAL AID AGREEMENT BETWEEN THE COUNTY OF ALBEMARLE  
AND THE COUNTY OF LOUISA**

**WHEREAS**, the Board finds it is in the best interest of the County to enter into a Mutual Aid Agreement with the County of Louisa to continue the fire and rescue assistance provided between the Counties of Albemarle and Louisa.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Mutual Aid Agreement between the County of Albemarle and the County of Louisa, and authorizes the County Executive to execute the Agreement on behalf of the County once it is approved as to form and substance by the County Attorney.

# **MUTUAL AID AGREEMENT**

## **COUNTY OF LOUISA and COUNTY OF ALBEMARLE**

THIS MUTUAL AID AGREEMENT (“the Agreement”) is entered into \_\_\_\_\_, 2021, by the County of Louisa, a political subdivision of the Commonwealth of Virginia, and the County of Albemarle, a political subdivision of the Commonwealth of Virginia (collectively sometimes “the parties”).

WHEREAS, it is deemed to be mutually beneficial to both parties to enter into this Agreement concerning mutual aid with regard to the provision of firefighting and emergency medical services by the parties; and

WHEREAS, the parties desire that the terms and conditions of provision of services be established.

NOW, THEREFORE, for and in consideration of the mutual benefits to be derived by the parties from this Agreement, the parties agree to the following:

1. The parties will endeavor to provide each other firefighting and emergency medical services, along with disaster response assistance, to include use of available emergency shelters, within their respective capabilities available at the time a request for service is made.
2. Nothing in this Agreement shall be intended, interpreted, or construed to compel or require either party to respond to a request for service from the other party when the services of the party to whom the request is being made are already needed or are in use at the time the request is made, nor shall any such request compel or require the party to whom the request was made to continue to provide service to the other party when its resources are needed to meet its own responsibilities.
3. The parties recognize that they are both fully capable of providing the services which are the subject of this Agreement within their respective boundaries, under normal circumstances, and that this Agreement is for use only in limited circumstances involving extraordinary demands on resources of either party.

4. Neither party shall be liable to the other for any loss, damage, personal injury, or death, including claims of contribution or indemnity, resulting from the performance of this Agreement including but not limited to acts or omissions which occur (1) during joint emergency response activities or (2) while in transit to or from an emergency response scene.
5. Each party shall be responsible for its own personnel, including expenses related to salary, benefits and workers' compensation and other claims. When a party responds to a request for assistance pursuant to this Agreement, its personnel shall not become employees of the party making such request for purposes of the Workers' Compensation Act, or for any other purpose.
6. Neither party shall be obligated to reimburse the other for costs incurred pursuant to this Agreement.
7. Either party requiring assistance pursuant to this Agreement shall make a request to the dispatch center of the other party.
8. Notwithstanding anything to the contrary contained in this Agreement, nothing in this Agreement is intended or shall be construed to require either party to indemnify or save or hold harmless the other party, including its officers, agents, and employees, from any liability for any act or omission occurring during or in connection with the performance of this Agreement.
9. Nothing contained in this Agreement shall confer any right upon any person other than the parties to this Agreement. This Agreement is entered into solely for the benefit of the parties named in this Agreement.
10. This Agreement supersedes any previous mutual aid agreements between the parties.
11. This Agreement shall be in effect until terminated. The Agreement may be amended in writing, signed by an authorized representative of each party, and may be terminated at any time by either party giving thirty (30) days written notice to the other party.
12. This Agreement is for use by the parties to address the occasional need for additional resources, including personnel and equipment. In the event of a local or other emergency declared pursuant to applicable laws, including Title 44 of the

Virginia Code, procedures shall be used which conform to requirements of those laws and related regulations and funding requirements.

13. Any notice required by this Agreement shall be deemed effective if given by receipted mail or delivery service, to the names and at the addresses given below; provided that change of address shall be effective if given in accordance with this paragraph.

County of Louisa: Chief Administrative Officer  
Louisa County  
P. O. Box 160  
Louisa, Virginia 23093  
(540) 967-3491 Fax (540) 967-3498

County of Albemarle: County Executive  
Albemarle County  
401 McIntire Road  
Charlottesville, Virginia 22902  
(434) 296-5841 Fax (434) 296-5800

The signatures of the authorized representatives of the parties are set out below in acknowledgement of this Agreement.

**COUNTY OF LOUISA**

Approved as to form: By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
\_\_\_\_\_

**COUNTY OF ALBEMARLE**

Approved as to form: By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
\_\_\_\_\_

**A RESOLUTION FOR THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA  
TO ENDORSE THE BERKMAR TO LEWIS AND CLARK CONNECTOR REVENUE SHARING PROJECT  
AND TO APPROVE A PROJECT ADMINISTRATION AGREEMENT**

**WHEREAS**, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project in the County of Albemarle, Virginia.

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Albemarle, Virginia requests the Commonwealth Transportation Board to establish a revenue-sharing project for the construction of the Berkmar to Lewis and Clark Connector.

**BE IT FURTHER RESOLVED THAT** the County of Albemarle, Virginia hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with the project financial documents, subject to appropriation.

**BE IT FURTHER RESOLVED THAT** the County of Albemarle, Virginia hereby agrees to enter into a project administration agreement with VDOT and provide the necessary oversight to ensure the project is developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the project.

**BE IT FURTHER RESOLVED THAT**, if the County of Albemarle, Virginia subsequently elects to cancel the project, the County of Albemarle, Virginia hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The County of Albemarle, Virginia also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

**BE IT FURTHER RESOLVED THAT** the Board of Supervisors of Albemarle County, Virginia hereby grants authority for the County Executive to execute the Project Administration Agreement, as well as other documents necessary for the approved project.

**-VDOT ADMINISTERED – LOCALLY FUNDED-  
PROJECT ADMINISTRATION AGREEMENT**

Project Number	UPC	Local Government
9999-104-R98	116905	Albemarle County

THIS AGREEMENT, is hereby made and executed the date of the last signature set forth below, by and between the COUNTY OF ALBEMARLE, VIRGINIA, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT. The DEPARTMENT and the LOCALITY are collectively referred to as the “Parties”.

WITNESSETH

WHEREAS, the LOCALITY has expressed its desire to have the DEPARTMENT administer the work as described in Appendix B, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds as shown in Appendix A have all been allocated by the LOCALITY to finance the Project; and

WHEREAS, the LOCALITY has requested that the DEPARTMENT design and construct this project in accordance with the scope of work described in Appendix B, and the DEPARTMENT has agreed to perform such work; and

WHEREAS, both parties have concurred in the DEPARTMENT's administration of the project identified in this Agreement and its associated Appendices A and B in accordance with applicable federal, state, and local law and regulations; and

WHEREAS, the LOCALITY's governing body has, by resolution, which is attached hereto, authorized its designee to execute this Agreement; and

WHEREAS, Section 33.2-338 of the Code of Virginia authorizes both the DEPARTMENT and the LOCALITY to enter into this Agreement;

NOW THEREFORE, in consideration of the premises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

A. The DEPARTMENT shall:

1. Complete said work as identified in Appendix B, advancing such diligently, and all work shall be completed in accordance with the schedule established by both parties.
2. Perform or have performed, and remit all payments for, all preliminary engineering, right-of-way acquisition, construction, contract administration, and inspection services activities for the project(s) as required.

3. Provide a summary of project expenditures to the LOCALITY for charges of actual DEPARTMENT cost.
  4. Notify the LOCALITY of additional project expenses resulting from unanticipated circumstances and provide detailed estimates of additional costs associated with those circumstances. The DEPARTMENT will make all efforts to contact the LOCALITY prior to performing those activities.
  5. Return any unexpended funds to the LOCALITY no later than 90 days after the project(s) have been completed and final expenses have been paid in full.
- B. The LOCALITY shall:
1. Provide funds to the DEPARTMENT for Right-of-Way (ROW) no less than 90 days prior to the start of ROW and for Construction (CN) no less than 90 days prior to advertisement as shown in the Appendix A.
  2. Accept responsibility for any additional project costs resulting from unforeseeable circumstances, but only after concurrence of the LOCALITY and modification of this Agreement.
- C. Funding by the LOCALITY shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.
- D. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
- E. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such



agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- F. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
- G. Should funding be insufficient and LOCALITY funds be unavailable, both parties will review all available options for moving the project forward, including but not limited to, halting work until additional funds are allocated, revising the project scope to conform to available funds, or cancelling the project.
- H. Should the project be cancelled as a result of the lack of funding by the LOCALITY, the LOCALITY shall be responsible for any costs, claims and liabilities associated with the early termination of any construction contract(s) issued pursuant to this agreement.
- I. This Agreement may be terminated by either party upon 60 days advance written notice. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT subject to the limitations established in this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors and assigns.

THIS AGREEMENT may be modified in writing upon mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed by their duly authorized signatures below, acknowledging and agreeing that any digital signature affixed hereto shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature.

**COUNTY OF ALBEMARLE, VIRGINIA:**

---

Digital Signature

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:**

---

Chief of Policy  
Commonwealth of Virginia  
Department of Transportation

Digital Signature

**Attachments**

Appendix A - UPC 116905

Appendix B - UPC 166905

## Appendix B

**Project Number:** 9999-104-R98 (UPC 116905 ) **Locality:** Albemarle County

Project Scope	
<b>Work Description:</b>	<b>Design and construct connector road from Berkmar Road Extended to Airport Road.</b>
<b>From:</b>	<b>Rte. 1721 – Timberwood Blvd</b>
<b>To:</b>	<b>Rte. 649 – Airport Road</b>
Locality Project Manager Contact Info: Kevin McDermott <a href="mailto:kmcdermott@albemarle.org">kmcdermott@albemarle.org</a> 434-296-5841 Department Project Coordinator Contact Info: Michael Jacobs <a href="mailto:mike.jacobs@vdot.virginia.gov">mike.jacobs@vdot.virginia.gov</a> 540-829-7502	

Detailed Scope of Services
Design and construct 0.41 miles of new roadway from intersection Rte. 1721 (Timberwood Blvd.) and Berkmar Road Extended to intersection of Innovation Drive and Rte. 649 (Airport Road). The proposed project will consist of 2 travel lanes (and turn lanes) with sidewalk and bicycle facilities. Typical section will include curb and gutter with drainage system and will address stormwater management. Acquisition of right way will be required and utilities relocated to accommodate the proposed construction.

This attachment is certified and made an official attachment to this document by the parties of this agreement

LPA Digital Signature - Authorized Locality Official

Cooley Gregory txb64758  
Digitally signed by Cooley Gregory txb64758  
DN: CN=Cooley Gregory txb64758,  
OU=VDOT, OU=End-Users, OU=COV-Users,  
DC=gov, DC=virginia, DC=gov  
Date: 2021.03.26 16:04:09-0400  
VDOT District - Authorized Digital Signature

**VDOT Administered, Locally Funded Appendix A**

Project Number: 9999-002-R98 UPC: 116905 CFDA# N/A Locality: Albemarle County Date: 3/18/2021

Project Location ZIP+4: 22911-5616	Locality DUNS #066022047	Locality Address (incl ZIP+4): 401 McIntire Road Charlottesville, VA 22902-4501
------------------------------------	--------------------------	---

Project Narrative					
Work Description	New Roadway with bicycle and pedestrian accommodations to continue Berkmar Dr to Airport Rd where a roundabout will be constructed to connect to Innovation Dr/Lewis and Clark Drive.				
From:	Rte. 1721 (Timberwood Blvd)				
To:	Rte. 649 (Airport Road)				
Locality Project Manager Contact info:	Kevin McDermott	kmcdermott@albemarle.org	434-296-5841		
Department Project Manager Contact Info:	Michael Jacobs	mike.jacobs@vdot.virginia.gov	540-829-7502		

Project Estimates					
Phase	Estimated Project Costs	Estimated Start Date (month/day/year)	Estimated End Date (month/day/year)	Total Number of Months per Phase	
Preliminary Engineering	\$946,120				
Right of Way & Utilities	\$1,811,580				
Construction	\$8,338,500				
Total Estimated Cost	\$11,096,200				

Project Cost					
Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	
Preliminary Engineering	\$946,120	State Funds	0%	\$0	
				\$0	
Total PE	\$946,120			\$0	
Right of Way & Utilities	\$1,342,106	State Funds	0%	\$0	
	\$469,474	Revenue Sharing	50%	\$234,737	
				\$0	
Total RW	\$1,811,580			\$234,737	
Construction	\$6,898,690	Revenue Sharing	50%	\$3,449,345	
	\$1,439,810	Local Funds	100%	\$1,439,810	
				\$0	
Total CN	\$8,338,500			\$4,889,155	
Total Estimated Cost	\$11,096,200			\$5,123,892	

Total Maximum Reimbursement / Payment by Locality to VDOT	\$5,123,892
---	-------------

Project Financing					
Revenue Sharing State Match	Revenue Sharing Local Match	State Funds	Local Funds		Aggregate Allocations
\$3,684,082	\$3,684,082	\$2,288,226	\$1,439,810		\$11,096,200

Payment Schedule			
FY 2024	FY 2025		
\$234,737	\$4,889,155		

Program and Project Specific Funding Requirements	
<ul style="list-style-type: none"> <li>This is a limited funds project. The locality shall be responsible for any additional funding in excess of \$5,972,308.</li> <li>All local funds included on this appendix have been formally committed by the local government's board or council resolution subject to appropriation.</li> <li>VDOT has billed the LOCALITY \$0 for this project as of March 10, 2021.</li> <li>VDOT has received \$0 from the LOCALITY for this project as of March 10, 2021.</li> <li>The locality will be billed their estimated locality RW phase share cost of \$234,737 after the project scoping phase is complete for the estimated RW costs.</li> <li>The locality will be billed their estimated locality CN phase share cost of \$4,889,155 (RS Local \$3,449,345 + \$1,439,810 Local Funds) prior to advertisement for the estimated CN costs.</li> </ul>	

This attachment is certified and made an official attachment to this document by the parties to this agreement

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Typed or printed name of person signing

Revised: February 1, 2019

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 21<sup>st</sup> day of April 2021, adopted the following resolution:

### R E S O L U T I O N

WHEREAS, the street(s) in **Sparrow Hill Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 21, 2021**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Sparrow Hill Subdivision**, as described on the attached Additions Form AM-4.3 dated **April 21, 2021**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

\* \* \* \* \*

### Report of Changes in the Secondary System of State Highways

Project/Subdivision: Sparrow Hill Subdivision

Addition - New subdivision street §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
1878	Sparrow Hill Lane	Rt 1879, McKinley Lane	0.02 Miles East to CDS	0.02	2	DB 5087: PG 716-720	36
1878	Sparrow Hill Lane	Rt 250, Rockfish Gap Turnpike	0.19 Miles North to Rt 1879, McKinley Lane	0.19	2	DB 5087: PG 716-720	36
1879	McKinley Lane	Rt 1878, Sparrow Hill Lane	0.14 Miles South to CDS	0.14	2	DB 5087: PG 716-720	36

**RESOLUTION TO APPROVE SE202000027 FOR  
PROPOSED ANTENNA ARRAY AT AN EXISTING WIRELESS FACILITY  
(1066 GOODWIN FARM LANE)**

**BE IT RESOLVED** that, upon consideration of the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.40 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to modify the requirements of County Code § 18-5.1.40(b)(2)(c) for SE2020-00027, subject to the condition attached hereto.

\* \* \* \* \*

**SE2020-00027 Proposed Antenna Array at an Existing Wireless Facility  
(1066 Goodwin Farm Lane) Special Exception Condition**

1. No antenna authorized by this special exception may project more than four (4) feet from the face of the monopole to the farthest point of the back of the antenna.

**RESOLUTION TO APPROVE THE AMENDMENT TO THE VJIP MATCH GRANT FUNDING  
AGREEMENT BETWEEN THE COUNTY, THE ECONOMIC DEVELOPMENT AUTHORITY, AND  
WILLOWTREE, INC.**

**WHEREAS**, WillowTree, Inc. is participating in the Virginia Jobs Investment Program New Jobs Program (hereinafter "VJIP") with the Commonwealth of Virginia, and the County and the EDA entered an agreement dated September 18, 2018, with WillowTree, Inc. to provide certain match grants upon terms and conditions with an expiration date of March 1, 2021, and allowing for a mutually agreed upon extension; and

**WHEREAS**, the Commonwealth of Virginia agreed to extend the term of its VJIP agreement with WillowTree Inc. because of the COVID-19 pandemic and resulting state and local emergency/disaster declarations; and

**WHEREAS**, the Board of Supervisors finds it is in the best interest of the County to amend the VJIP Match Grant Funding Agreement with WillowTree, Inc. to remain eligible for the match grant funding from the County and the EDA.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Amendment to the VJIP Match Grant Funding Agreement and authorizes the County Executive to execute the Amended Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

**THIS AMENDMENT TO AGREEMENT** is made and entered into on the \_\_\_\_ day of April, 2021, by and among the **COUNTY OF ALBEMARLE, VIRGINIA** (hereinafter “the County”), a political subdivision of the Commonwealth of Virginia, **WILLOWTREE, INC.** (hereinafter “the Company”), a Virginia corporation, and the **ALBEMARLE COUNTY ECONOMIC DEVELOPMENT AUTHORITY** (hereinafter “the EDA”), a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

**WHEREAS**, the Company is participating in the Virginia Jobs Investment Program New Jobs Program (hereinafter “VJIP”) with the Commonwealth of Virginia wherein the VJIP agreed to provide the Company with one thousand dollars (\$1,000.00) for every new full-time job created by the Company that is filled for ninety (90) consecutive days in order to reduce the Company’s human resources costs; and

**WHEREAS**, the Commonwealth of Virginia agreed to extend the term of the agreement to \_\_\_\_\_ upon the Company’s request because of the COVID-19 pandemic and resulting state and local emergency/disaster declarations; and

**WHEREAS**, the County and the EDA entered an agreement dated September 18, 2018, with the Company to provide certain match grants upon terms and conditions with an expiration date of March 1, 2021, and allowing for a mutually agreed upon extension; and

**WHEREAS**, the stimulation of the additional tax revenue and economic activity to be generated by the Company’s creation of new full-time jobs remains a valid public purpose for the expenditure of public funds and is the animating purpose of the EOF Grant and the EDA Match.

**NOW THEREFORE**, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

**Section 1. Amendment of Section 4.** The parties agree the Agreement shall be in effect from March 1, 2018, until April 9, 2022. The parties may extend the term of this Agreement for one (1) calendar year upon written amendment signed by each party agreeing to be bound.

**Section 2. Incorporation of Agreement dated September 18, 2018.** All other terms, conditions, and obligations of the Agreement dated September 18, 2018, other than Section 4, a true copy of which is attached, are incorporated fully herein and made a part of this Amended Agreement.

[Signature Page Follows]



IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

**COUNTY OF ALBEMARLE, VIRGINIA**

By: \_\_\_\_\_  
Jeffrey Richardson, County Executive

Date: \_\_\_\_\_

**ECONOMIC DEVELOPMENT AUTHORITY  
OF ALBEMARLE COUNTY, VIRGINIA**

By: \_\_\_\_\_  
Donald W. Long, Chair

Date: \_\_\_\_\_

**WILLOWTREE, INC.**

By: \_\_\_\_\_  
Tobias Dengel, CEO

Date: \_\_\_\_\_

**RESOLUTION TO APPROVE THE AMENDMENT TO THE  
COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND MATCH PERFORMANCE AGREEMENT  
BETWEEN THE COUNTY, THE ECONOMIC DEVELOPMENT AUTHORITY, AND WILLOWTREE, INC.**

**WHEREAS**, WillowTree, Inc., received a grant from the Commonwealth of Virginia pursuant to the Commonwealth's Development Opportunity Fund Performance Agreement dated September 18, 2018; and

**WHEREAS**, the County and the Economic Development Authority entered a Performance Agreement dated September 18, 2018 with WillowTree, Inc. to provide certain match grants to the Commonwealth's Development Opportunity Fund Performance Agreement upon terms and conditions; and

**WHEREAS**, the occurrence of the COVID-19 pandemic and resulting disaster declarations have made it impossible for the Company to achieve the required Workforce Location Commitment targets through no fault of its own; and

**WHEREAS**, the Board of Supervisors finds that it is in the best interest of the County to amend the Workforce Location Commitment to accommodate legal, regulatory, and safety requirements resulting from the pandemics and disaster declarations in order for WillowTree, Inc., to remain eligible for the match grant funding from the County and the EDA.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby approves the Amendment to Commonwealth's Development Opportunity Fund Match Performance Agreement and authorizes the County Executive to execute the Amended Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

Revised 2 April 2021

**FIRST AMENDMENT TO PERFORMANCE AGREEMENT**

**THIS FIRST AMENDMENT TO PERFORMANCE AGREEMENT** is made and entered into on the \_\_\_\_ day of April, 2021, by and among the **COUNTY OF ALBEMARLE, VIRGINIA** (hereinafter “the County”), a political subdivision of the Commonwealth of Virginia, **WILLOWTREE, INC.** (hereinafter “the Company”), a Virginia corporation, and the **ALBEMARLE COUNTY ECONOMIC DEVELOPMENT AUTHORITY** (hereinafter “the Authority”), a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

**WHEREAS**, the Company received a grant from the Commonwealth of Virginia pursuant to the Commonwealth’s Development Opportunity Fund Performance Agreement dated September 18, 2018; and

**WHEREAS**, the County and the Authority entered a Performance Agreement dated September 18, 2018, with the Company to provide certain match grants to the Commonwealth’s Development Opportunity Fund Performance Agreement upon terms and conditions; and

**WHEREAS**, the occurrence of the COVID-19 pandemic and resulting disaster declarations have made it impossible for the Company to achieve the Workforce Location Commitment through no fault of its own; and

**WHEREAS**, the Company has undertaken legal obligations related to the size of its leasehold and duration of tenancy that greatly exceed those required by the Performance Agreement with the County and the Authority and remains committed to attaining the original Workforce Location conditions when the effects of the pandemic recede, legal restrictions are lifted, and prudence and workplace safety best practices permit; and

**WHEREAS**, the Company remains committed to supporting and creating economic vitality to the Broadway Street corridor by maintaining a significant workforce and its worldwide headquarters in Albemarle County;

**WHEREAS**, the County and the Authority recognize that the stimulation of additional tax revenue has been realized and the continued expected increase in economic activity remain valid public purposes for the expenditure of public funds and continue as the animating purpose of the Commonwealth’s Development Opportunity Fund Performance Agreement and the Performance Agreement with the County and the Authority.

**NOW THEREFORE**, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this First Amendment to Performance Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

**Section 1. Amendment of Section 1; Lease Obligation.** The parties agree the Company began leasing and occupying the Property as July 1, 2020. The Lease Obligation shall continue for at least five (5) years from that date. All other terms and conditions related to the Lease Obligation remain unchanged and in full force and effect.

**Section 2. Amendment of Section 1; Workforce Location Commitment.** The parties agree the Company will satisfy the Workforce Location Commitment under the following circumstances:

- a. **Workforce Residency Requirement:** For the years 2020, 2021, and 2022, at least seventy-five percent (75%) of the Company's full-time Virginia employees must reside in one of the following Virginia localities: Albemarle, Buckingham, Fluvanna, Greene, Nelson, or Charlottesville;
- b. **Certification of Workforce Residency:** Prior to the County or the EDA making any match grant payment under the Agreement, as amended herein, the Company's CEO or CFO must attest in writing by February 28<sup>th</sup> of each year (May 28, 2021, for year 2020) to the County's Department of Finance and Budget, the percentage of full-time Virginia employees residing in the noted jurisdictions as of the last day of the prior calendar year and must provide the numbers forming the basis of the calculation. Grant payments will not be made until the County receives the attestation; and
- c. **Workforce Onsite Location Requirement:** For the year 2022, in addition to the Workforce Residency Requirement, at least fifty (50%) percent of the Company's full-time Virginia employees must be assigned to work at the Property as their designated home office. In the years 2023 and 2024, at least seventy-five percent (75%) or 270, whichever is lower, of its full-time Virginia employees must be assigned to work at the Property as their designated home office; and
- d. **Certification of Workforce Onsite Location Requirement:** For years 2022, 2023, and 2024, before the County or the EDA disburses any match grant payment under the Agreement, as amended herein, the Company's CEO or CFO must attest in writing by February 28<sup>th</sup> of each year to the County's Department of Finance and Budget, the percentage of full-time Virginia employees assigned to work at the Property as their designated home office as of the last day of the prior calendar year and must provide the numbers forming the basis of the calculation. Grant payments will not be made until the County receives the attestation.

- e. **Administrative Extension:** The County Executive may extend the Workforce Residency Requirement from year to year if legal, public health, and liability restrictions related to the COVID-19 pandemic continue to prevent the Company from locating a sufficient number of employees at Property or the Company can demonstrate that employee health, safety, and welfare and best employment practices militate against from locating a sufficient number of employees at the Property. In deciding whether to extend the Workforce Residency Requirement, the County Executive must consider and weigh heavily officially published guidance from the United States Center for Disease Control and the United States Occupational Safety and Health Administration.

**Section 3. Payment Schedule:** Upon the Company's satisfaction of terms and conditions, the County and the Authority will disburse to the Company the Real Estate and BPOL tax refund grants in one annual payment as follows:

- a. 2020 Tax Payments: County payment to Authority due by June 30, 2021. Authority payment to the Company due within thirty days after receipt.
- b. 2021 Tax Payments: County payment to Authority due by June 30, 2022. Authority payment to the Company due within thirty days after receipt.
- c. 2022 Tax Payments: County payment to Authority due by June 30, 2023. Authority payment to the Company due within thirty days after receipt.
- d. 2023 Tax Payments: County payment to Authority due by June 30, 2024. Authority payment to the Company due within thirty days after receipt.
- e. 2024 Tax Payments and Final Payment: County payment to Authority due by June 30, 2025. Authority payment to the Company due within thirty days after receipt.

**Section 4. Incorporation:** All other terms, conditions, and obligations of the Performance Agreement dated September 18, 2018, a true copy of which is attached, are incorporated fully herein and made a part of this Amendment to Performance Agreement.

[Signature Page Follows]

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date first written above.

**COUNTY OF ALBEMARLE, VIRGINIA**

By: \_\_\_\_\_  
Jeffrey Richardson, County Executive

Date: \_\_\_\_\_

**ECONOMIC DEVELOPMENT  
AUTHORITY OF ALBEMARLE COUNTY,  
VIRGINIA**

By: \_\_\_\_\_  
Donald D. Long, Chair

Date: \_\_\_\_\_

**WILLOWTREE, INC.**

By: \_\_\_\_\_  
Tobias Dengel, CEO

Date: \_\_\_\_\_

Approved to Form & Substance:

\_\_\_\_\_  
Albemarle County Attorney

**RESOLUTION TO APPROVE SP 202000007  
RAPPAHANNOCK ELECTRIC COOPERATIVE**

**NOW, BE IT RESOLVED** that, upon consideration of the staff report prepared for SP 202000007 and all of its attachments, the information presented at the public hearing, any comments received, and the factors relevant to the special use permit in Albemarle County Code §§ 18-5.1.12, 18-10.10.2(6), 18-26.2(a), and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 202000007, subject to the conditions attached hereto.

\* \* \* \* \*

**SP 202000007 Rappahannock Electric Cooperative Special Use Permit Conditions**

1. Development must be in general accord, as determined by the Director of Planning and the Zoning Administrator, with the conceptual plan titled "Proposed 75' R/W Easement" shown on the plan titled "Rappahannock Electric Cooperative Transmission Line Improvement - Special Use Permit Plans SP2020-00007," prepared by Alan Franklin, PE, LLC, and dated February 18, 2020. At a minimum, to be in general accord with the conceptual plan:
  - Supporting structures for the electrical transmission lines must remain within the "Existing 40' R/W Easement", as shown on the plan.
  - All pole extensions added to the existing poles must be similar in color to the existing poles.

Minor modifications to the plan that do not conflict with the above elements may be made to ensure compliance with the Zoning Ordinance.
2. Vegetation within the "Proposed 75' R/W Easement" must be managed according to an Integrated Vegetation Management Plan in general accord with the draft plan titled "Integrated Vegetation Management Plan to Accompany SUP 2020-00007", dated December 11, 2020. Vegetation must include the following target vegetation types:
  - Native Virginia meadows, low growing shrub landscapes, and pollinator-friendly native species by suppressing forest succession, and
  - Lower-growing trees, grasses, wildflowers, and other vegetation compatible with safety needs and regulations.

**ORDINANCE NO. 21-17(1)**

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

By Amending:

- Sec. 17-201 Designation of program administrator; powers and duties; express designations
- Sec. 17-205 Definitions
- Sec. 17-209 Fees; payment
- Sec. 17-301 Land disturbing activities exempt from the VESCP
- Sec. 17-303 Land disturbing activities exempt from the VSMP
- Sec. 17-402 Erosion and sediment control plans, and agreements in lieu of a plan; form and content
- Sec. 17-414 Agreement with surety
- Sec. 17-423 Release of surety
- Sec. 17-603 Types of structures, improvements and activities authorized in a stream buffer
- Sec. 17-604 Types of structures, improvements and activities which may be allowed in a stream buffer by program authority

**Chapter 17. Water Protection Ordinance****Article II. Administration****17-201 Designation of program administrator; powers and duties; express designations.**

The County Engineer is hereby designated the program administrator (the administrator") for the purpose of administering this chapter. The administrator has the powers and duties to administer and enforce the VESCP and the VSMP, and to exercise all powers and perform those duties of the program authority as provided in this chapter. In addition, the following officers and employees are hereby designated specific tasks in order to assist the administrator in administering this chapter:

- A. *Plan reviewers and inspectors.* County employees qualified under section 17-202 and under State law are designated to act as certified plan reviewers and certified inspectors under the VESCP and the VSMP.
- B. *Administrator for post-construction stormwater management facilities and best management practices.* The director of the County's Department of Facilities and Environmental Services is hereby designated to administer the VSMP for post-construction stormwater management facilities and best management practices.
- C. *Administrator for the County's MS4 permit and MS4 program plan.* The director of the County's Department of Facilities and Environmental Services is hereby designated as the administrator of the County's MS4 permit in order to ensure compliance therewith, and to develop and administer the County's MS4 program plan.

(Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21)

**State law reference** – Va. Code §§ 62.1-44.15:27, 62.1-44.15:54.

**17-205 Definitions.**

*Agricultural land.* The term "agricultural land" means land used for horticulture, viticulture, silviculture or other gardening which may involve the tilling of soil for the raising of crops; the keeping of livestock and/or poultry; and/or agricultural industries or businesses, such as, but not limited to, orchards, fruit packing plants, dairies, nurseries or wayside stands.



*Agricultural road.* The term “agricultural road” means a road or portion of a road that is constructed exclusively for access to agricultural land and is located on or serves a lot which is not the subject of a pending or approved preliminary or final plat, initial or final site plan, zoning map amendment to a non-agricultural zoning district, or a special use permit for a use or activity not directly related to agriculture.

*Best management practice (BMP).* The term “best management practice” or “BMP” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems, and includes both structural and nonstructural practices described as follows:

- A. *Structural best management practice.* Structural best management practices include storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as biofilters, grassed swales, sand filters and filter strips; infiltration practices such as infiltration basins and infiltration trenches; and any post-construction BMP listed in the Virginia Stormwater BMP Clearinghouse Website (<https://swbmp.vwrrc.vt.edu/>).
- B. *Nonstructural best management practice.* Nonstructural best management practices are preventative actions that involve management and source controls such as: (i) policies and regulations that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (ii) policies or regulations that encourage infill development in higher density urban areas, and areas with existing infrastructure; (iii) education programs for developers and the public about project designs and maintenance activities that minimize water quality impacts; and (iv) measures such as minimizing the percentage of impervious area after development and minimizing directly connected impervious areas; and (v) forest and open space.

*Forest and open space.* The term “forest and open space” means land that is protected to meet water quality requirements.

*Land disturbance or land disturbing activity.* The term “land disturbance” or “land disturbing activity” means: (i) for purposes of the VESCP, any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the State, including, but not limited to, clearing, grading, excavating, transporting, and filling of land, but does not include those land disturbing activities exempt under section 17-301; and (2) for purposes of the VSMP, a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, filling, or excavation, but does not include those land disturbing activities that are exempt under Virginia Code § 62.1-44.15:34 and section 17-303.

*Streamside Management Zone.* The term “streamside management zone” means an area of reduced management activity on both sides of the banks of perennial and intermittent streams and bodies of open water where extra precaution is used in carrying out forest practices to protect bank edges and water quality.

*Water supply protection area.* The term “water supply protection area” means those areas of land within the County that are within the watershed of a public water supply reservoir or water supply intake, and those areas shall consist of all land within the County that drains naturally to the South Fork Rivanna Reservoir, Beaver Creek Reservoir, Totter Creek Reservoir, Sugar Hollow Reservoir, Ragged Mountain Reservoir, the North Fork Rivanna River intake, and to any impoundment or water supply intake designated in the future by the board of supervisors as a public water supply reservoir.

(§ 7-2, 6-18-75, § 4, 7-9-80, 2-11-87, 3-18-92, § 19.1-5, 9-29-77, art. I, § 2, 9-13-78, 7-11-90, 8-3-94; § 19.2-4, 6-19-91; § 19.3-5, 2-11-98; Code 1988, §§ 7-2, 19.1-5, 19.2-4, 19.3-5; § 17-104, Ord. 98-A(1), 8-5-98; Ord. 07-17(1), 2-14-07; Ord. 08-17(1), 2-6-08; Ord. 08-17(3), 8-6-08; § 17-205, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21)

**State law reference** – Va. Code §§ 62.1-44.15:24, 62.1-44.15:51; 9VAC25-840-10, 9VAC25-870-10.

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

Each owner shall pay the fees imposed by sections 17-207 and 17-208 as follows:

- A. *Form.* Each fee shall be in the form of cash or a check payable to the “County of Albemarle” or may be paid through the County online payment system.
- B. *When payment to be made.* Payments shall be made as follows:
  - 1. *VESCP.* Each owner seeking approval of an erosion and sediment control plan shall pay all applicable fees upon submittal of the application.
  - 2. *VSMP; permit issuance.* Each owner required to pay the permit issuance fee shall pay one-half of the applicable total fee required by column 1 of the table in section 17-208 upon submittal of the application, and the remaining one-half shall be paid prior to issuance of coverage under the general permit.
  - 3. *VSMP; transfer or modification.* Each owner required to pay the transfer or modification fee required by column 3 of the table in section 17-208 shall pay the fee upon submittal of the application to transfer or modify.
  - 4. *VSMP; annual maintenance fee.* Each owner required to pay the general permit coverage maintenance fee required by column 4 of the table in section 17-208 must pay the 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.
- C. *Required information to be included with VSMP permit application payments.* Each owner shall submit the following information with the fee payment, or submit a completed Virginia Department of Environmental Quality permit application fee form:
  - 1. Applicant name, address, and daytime phone number.
  - 2. The name of the facility or activity and its location.
  - 3. The type of general permit applied for.
  - 4. Whether the application is for a new general permit issuance, general permit reissuance, general permit maintenance, or general permit modification.
  - 5. The amount of fee submitted.
  - 6. The existing general permit number, if applicable.
  - 7. Other information as required by the administrator.
- D. *Use of fees.* The County’s portion of the fees imposed under sections 17-207 and 17-208 shall 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, this chapter and any other applicable standards and specifications.

(Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21)

**State law reference** – Va. Code §§ 62.1-44.15:36, 62.1-44.15:54; 9VAC25-840-30, 9 VAC25-870-700, 9VAC25-870-750, 9VAC25-870-760, 9VAC25-870-780, 9VAC25-870-820.

## **Article III. Applicability of the VSCP and the VSMP**

**to a land disturbing activity or a site condition**

**Sec. 17-301 Land disturbing activities exempt from the VESCP.**

The following land disturbing activities are exempt from the VESCP:

- A. *Minor residential-related activities.* Minor residential-related land disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work.
- B. *Connections.* Individual service connections.
- C. *Public utility lines.* Installing, maintaining, or repairing any underground public utility lines when the activity occurs on an existing hard surfaced road, street, or sidewalk, provided that the land disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced.
- D. *Conventional onsite sewage systems.* Septic tank lines or drainage fields for a conventional onsite sewage system unless they are included in an overall plan for land disturbing activity related to constructing the building to be served by the system.
- E. *Mining, oil and gas operations and projects.* Permitted surface or deep mining operations and projects, and oil and gas operations and projects conducted pursuant to Title 45.1 of the Virginia Code.
- F. *Agricultural, horticultural, and forestal activities.* Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, the construction of agricultural roads unless and until a plan of development is submitted and the road is no longer exempt as provided in section 17-300(D), or as additionally set forth by the State Water Control Board in regulations; provided that this exemption shall not apply to the harvesting of forest crops unless the area on which the harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Virginia Code § 10.1-1100 *et seq.*) of Title 10.1 of the Virginia Code or is converted to bona fide agricultural or improved pasture use as described in Virginia Code § 10.1-1163(B), and harvesting is conducted in compliance with the water quality protection procedures established by the Virginia Department of Forestry in its "Virginia's Forestry Best Management Practices for Water Quality," including the implementation of Streamside Management Zones (SMZ).
- G. *Agricultural engineering operations.* Agricultural engineering operations including, but not limited to, constructing terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (Virginia Code § 10.1-604 *et seq.*), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation.
- H. *Railroad improvements.* Repairing or rebuilding the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.
- I. *Posts and poles.* Installing fence and sign posts or telephone and electric poles and other kinds of posts or poles.
- J. *Emergency work.* Emergency work to protect life, limb, or property, and emergency repairs; provided that if the land disturbing activity would have required an approved erosion and sediment control plan if the activity was not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the County.

(§ 7-3, 6-18-75, § 5, 2-11-76, 4-21-76, 2-11-87, 3-18-92; § 19.3-8, 2-11-98; Code 1988, §§ 7-3, 19.3-8; § 17-200, Ord. 98-A(1), 8-5-98; Ord. 08-17(1), 2-6-08; § 17-301, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21)

**State law reference** – Va. Code § 62.1-44.15:51.

**Sec. 17-303 Land disturbing activities exempt from the VSMP.**

The following land disturbing activities are exempt from the VSMP requirements of this chapter, unless otherwise required by federal law:

- A. *Mining, oil and gas operations and projects.* Permitted surface or deep mining operations and projects, and oil and gas operations and projects conducted pursuant to Title 45.1 of the Virginia Code.
- B. *Agricultural, horticultural, and forestal activities.* Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Water Control Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Virginia Code § 10.1-1100 *et seq.*) of Title 10.1 of the Virginia Code or is converted to bona fide agricultural or improved pasture use as described in Virginia Code § 10.1-1163(B) and harvesting is conducted in compliance with the water quality protection procedures established by the Virginia Department of Forestry in its “Virginia’s Forestry Best Management Practices for Water Quality,” including the implementation of Streamside Management Zones (SMZ).
- C. *Single-family residences.* Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures.
- D. *Land disturbance of less than 10,000 square feet.* Land disturbing activities that disturb less than ten thousand (10,000) square feet of land area except for land disturbing activities that are part of a larger common plan of development or sale that is ten thousand (10,000) square feet or greater of disturbance.
- E. *Discharges.* Discharges to a sanitary sewer or a combined sewer system.
- F. *Reclamation of abandoned property.* Activities under a State or Federal reclamation program to return an abandoned property to an agricultural or open land use.
- G. *Project maintenance.* Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection.
- H. *Emergencies.* Conducting land disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In a public emergency, the owner shall advise the administrator of the disturbance within seven (7) days after commencing the land disturbing activity, and compliance with the administrative requirements of this chapter to obtain approval of a VSMP permit is required within thirty (30) days after commencing the land disturbing activity.

(§ 19.1-6, 9-29-77, art. II, § 1, 10-19-77, 9-13-78, 10-22-80, 7-11-90, 8-3-94; § 19.2-5, 6-19-91, § 5; § 19.3-24, 2-11-98; Code 1988, §§ 19.1-6, 19.2-5, 19.3-24; § 17-300, Ord. 98-A(1), 8-5-98; Ord. 07-17(1), 2-14-07; § 17-303, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21)

**State law reference** – Va. Code §§ 62.1-44.15:24, 62.1-44.15:34.

#### **Article IV. Procedure for submitting, reviewing and acting on Applications; post-approval rights and obligations**

##### **Division 1. Application requirements**

**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, shall 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 section 17-207, 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 shall 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 shall 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 (1) 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 shall 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 shall be established by the administrator, and they shall: (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 shall be 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 shall include an agreement in lieu of a plan, and the County and the owner shall have all of the rights, responsibilities and remedies set forth in this chapter as though the agreement in lieu of a plan was an erosion and sediment control plan.

(§ 17-203: § 19.3-11, 2-11-98; § 7-3, 6-18-75, § 5, 2-11-76, 4-21-76, 2-11-87, 3-18-92; § 7-4, 6-18-75, § 6, 10-22-75, 4-21-76, 11-10-76, 3-2-77, 4-17-85, 2-11-87, 12-11-87, 12-11-91, 3-18-92; Code 1988, §§ 7-3, 7-4, 19.3-11; § 17-203, Ord. 98-A(1), 8-5-98; Ord. 01-17(1), 7-11-01; Ord. 09-17(1), 8-5-09, effective 9-5-09) (§ 17-205: § 7-4, 6-18-75, § 6, 10-22-75, 4-21-76, 11-10-76, 3-2-77, 4-17-85, 2-11-87, 12-11-91, 3-18-92; § 19.3-13, 2-11-98; Code 1988, §§ 7-4, 19.3-13; § 17-205, Ord. 98-A(1), 8-5-98; Ord. 01-17(1), 7-11-01; § 17-402, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21)

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

### **Division 3. Required Agreements as Prerequisites to Approval; Surety and Maintenance**

#### **Sec. 17-414 Agreement with surety.**

Any agreement with surety required by this chapter shall be provided by the owner as a prerequisite to any land disturbance activity, as follows:

- A. *Purpose for agreement.* The owner shall enter into an agreement with the County to take all appropriate measures required by the approved plan or as a condition of the land disturbance permit (collectively, the “conservation actions”).
- B. *Form of the agreement.* The agreement accompanying the surety shall be on a form prepared by the County attorney and any proposed amendment to the agreement shall be subject to review and approval by the County attorney.
- C. *Purpose for surety; type of surety permitted amount.* The owner shall provide a surety to guarantee that the conservation actions will be taken and satisfied. The applicant shall furnish to the administrator a cash escrow, 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 satisfactory performance of all conservation actions. Any proposed surety instrument shall be subject to being acceptable to the administrator, shall be in a form and have the substance approved by the County attorney, and shall be subject to review and approval by the County attorney.
- D. *Estimate.* The owner shall submit a request for an estimate of the surety amount to the administrator. The administrator shall prepare an estimate of the total estimated cost to initiate and maintain appropriate all conservation actions based on the unit price for new public or private sector construction in the County and a reasonable allowance for estimated administrative costs and inflation, which shall not exceed twenty-five (25) percent of the estimated cost of the conservation actions.

- E. *Use of surety.* The County may make use of monies guaranteed by the surety instrument if either: (i) the owner fails to timely renew the bond with surety, letter of credit, or the collaterally assigned funds; or (ii) the administrator, in his discretion, determines that the owner, after written notice, failed within the time specified in the notice to initiate, maintain or complete appropriate conservation actions required by the approved plan or by a condition of the permit.
- F. *Right to collect shortfall.* If the County takes a conservation action because the owner failed to do so, the County may collect from the owner the difference if the amount of the reasonable cost of the conservation action exceeds the amount of the security held.
- G. *Release of surety.* The surety shall be released as provided in section 17-423.

(§ 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; § 17-414, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21)

**State law reference –** Va. Code §§ 62.1-44.15:34, 62.1-44.15:57; 9VAC25-870-104.

#### **Division 4. Post-approval rights and obligations**

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

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

- A. *Partial release.* In order for any surety to be partially released:
1. *Request by owner.* The owner shall 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 sections 17-207 or 17-208, or both.
  2. *Response by administrator.* Within thirty (30) days after receipt of the statement required by subsection (A)(1), the administrator shall 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 shall be partially release within sixty (60) days after receipt of the request required by subsection (A)(1). The amount of the release shall 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 shall submit a statement to the administrator on a form provided by the administrator and pay the fee for a full release required by sections 17-207 or 17-208, or both. For any surety required in conjunction with an erosion and sediment control plan, the owner shall 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 shall state that the requirements of the permit have been satisfied.
  2. *Response by administrator.* Within thirty (30) days after receipt of the statement required by subsection (B)(1), the administrator shall 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 shall be fully released within sixty (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  
21-50 lots = \$1,500  
51 and over = \$1500 + \$30 per lot over 50
  2. Requirements for Posting Maintenance Security.
    - i. The County will require a maintenance guaranty in the amount of twenty (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.
    - iv. 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)

**State law reference** – Va. Code §§ 62.1-44.15:34; 62.1-44.15:57.

## **Article VI. Stream buffers**

### **Sec. 17-603 Types of structures, improvements and activities authorized in a stream buffer.**

If otherwise authorized by the applicable regulations of the Zoning Ordinance, the following types of structures, control measures and activities shall be allowed in a stream buffer, provided that the requirements of this section are satisfied:

- A. *Pre-existing buildings or structures.* Any building or structure which existed on February 11, 1998 may continue in its location on that date. However, nothing in this section authorizes the continuance, repair, replacement, expansion or enlargement of any such building or structure except as provided in sections 18-6 and 18-30.3.
- B. *Water-dependent facilities and miscellaneous uses.* Water-dependent facilities; water wells; passive recreation access, such as pedestrian trails and bicycle paths; historic preservation; archaeological activities; provided that all applicable Federal, State and local permits are obtained.

(§ 19.3-44, 2-11-98; § 19.2-7, 6-19-91, § 7; § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-7, 19.2-8, 19.3-44; § 17-320, Ord. 98-A(1), 8-5-98; Ord. 08-17(2), 5-7-08; § 17-603, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21)

**State law reference** – Va. Code § 62.1-44.15:73; 9VAC25-890-40.

### **Sec. 17-604 Types of structures, improvements and activities which may be allowed in a stream buffer by program authority.**

Structures, improvements and activities may be authorized by the administrator in the circumstances described below, provided that a mitigation plan satisfying the requirements of section 17-406, is submitted to, and approved, by the administrator:

- A. *Within the landward 50 horizontal feet.* On a lot within the fifty (50) horizontal feet of a stream buffer that is the most landward (furthest from the stream), if the structures, improvements or activities either: (i) would be for necessary infrastructure to allow reasonable use of the lot; or (ii) would be on a lot that is within a water supply protection area where the stream buffer protects an intermittent stream and the lot is within a development area. In all cases under this subsection, any new building site and sewage disposal system shall be located outside of the stream buffer.
- B. *Lakes, ponds or restoration projects.* On a lot on which the development in the stream buffer will consist of a lake, pond, or ecological/wetland restoration project.
- C. *Stream crossings.* Stream crossings of perennial and intermittent streams for roads, streets or driveways, provided they meet the following minimum criteria:
  - 1. *Bridges and culverts.* Bridges and culverts shall satisfy the following:
    - a. *Perennial streams.* For crossings of perennial streams, bridges, arch culverts, or box culverts shall be used for the stream crossing and shall be sized to pass the ten (10) year storm, or the twenty-five (25) year storm if the design standards in either section 14-410 or 18-32.7.2.1 apply, without backing water onto upstream

b. *Intermittent streams.* For crossings of intermittent streams, bridges or culverts shall be used for the stream crossing and sized to pass the ten (10) year storm, or the twenty-five (25) year storm if the design standards in either section 14-410 or 18-32.7.2.1 apply, without backing water onto upstream properties.

- 42

construction, installation and maintenance of water and sewer facilities or sewage disposal systems, and the administrator determines that the stream buffer would prohibit the practicable development of those facilities or systems. Any sewage disposal system must comply with all applicable State laws.

- F. *Sole building sites on pre-existing lots.* On a lot which was of record prior to February 11, 1998, if the stream buffer would result in the loss of a building site, and there are no other available building sites outside the stream buffer on the lot, or to allow redevelopment as permitted in the underlying zoning district.
- G. *Temporary erosion and sediment control measures.* Temporary erosion and sediment control measures within the fifty (50) horizontal feet of a stream buffer that is the most landward (furthest from the stream), provided that to the extent practical, as determined by the administrator, the control measures must be located outside of the stream buffer and the disturbance impacts minimized.

(§ 19.3-45, 2-11-98; § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-8, 19.3-45; § 17-321, Ord. 98-A(1), 8-5-98; Ord. 08-17(1), 2-6-08; Ord. 08-17(2), 5-7-08; Ord. 11-17(1), 10-5-11; Ord. 12-17(1), 5-9-12; § 17-604, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21)

**State law reference** – Va. Code § 62.1-44.15:73; 9VAC25-890-40.

This Ordinance is effective on and after September 1, 2021.

**ORDINANCE NO. 21- 5(1)**

AN ORDINANCE TO AMEND ARTICLE 2, FEES, OF CHAPTER 5, BUILDING REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Article 2, Fees, of Chapter 5, Building Regulations, is hereby reordained and amended as follows:

**By Amending:**

- 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. 5-205 - Fees for amusement devices.
- Sec. 5-206 - Fee for demolition permits.
- Sec. 5-207 - Fees for zoning inspections.
- Sec. 5-208 - Fees for other building services; and technology surcharge.

**CHAPTER 5  
BUILDING REGULATIONS  
ARTICLE 2. FEES**

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

The fees for building permits are:

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), other than a garage, deck, or porch, or for an addition to an existing residential structure in either use group, is \$0.58 per square foot, calculated on gross finished square footage. The minimum fee is \$88.00.
- B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, deck, or porch ten square feet or larger, is \$0.18 per square foot, calculated on gross finished square footage. The minimum fee is \$30.00.
- C. *Residential swimming pools, hot tubs and spas.* The fee for each residential swimming pool, hot tub, or spa is \$60.00.
- D. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$53.00.
- E. *New commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R- 1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, is \$0.24 per square foot for the first 5,000 square feet, plus \$0.17 per square foot for each square foot in excess of 5,000 square feet, calculated on gross square footage. The minimum fee is \$88.00.
- F. *Change of building occupancy classification.* The fee for a change of occupancy classification evaluation is \$177.00.
- G. *Commercial swimming pools.* The fee for each commercial swimming pool is \$361.00.
- H. *Elevators, escalators and lifts.* The fee for each elevator, escalator, or lift is \$284.00.
- I. *Paint spraying booths.* The fee for each paint spraying booth is \$30.00.
- J. *Mobile offices and premanufactured units.* The fee for each mobile office or premanufactured unit is

\$53.00.

K. *Tents*. The fee for each tent is \$60.00.

L. *Alterations and repairs of structures in all use groups*. The fee for an alteration or repair of a structure in any use group is \$0.20 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee is \$88.00.

(§ 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)

**State Law reference—** Va. Code § [36-105](#).

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

The fees for electrical permits are:

A. *Residential structures in use groups R-3 and R-5*. The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings) other than a garage, deck, or porch, or for an addition to an existing residential structure in either such use group, is included as part of the building permit fee under County Code § 5-201(A).

B. *Accessory residential structures*. The fee for each residential attached garage, detached garage, shed, deck, or porch ten square feet or larger, is \$35.00.

C. *Mobile homes and prefabricated homes*. The fee for each mobile home or prefabricated home is \$35.00.

D. *Commercial structures in various use groups*. The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, is \$0.04 per square foot. The minimum fee is \$88.00.

E. *Swimming pools, hot tubs and spas*. The bonding fee for each swimming pool, hot tub, or spa is \$35.00. The equipment wiring fee for each swimming pool, hot tub, or spa is \$35.00.

F. *Alterations and repairs of structures in all use groups*. The fee for an alteration or repair of a structure in any use group is \$0.04 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee is \$88.00.

G. *Signs*. The fee for each sign is \$53.00.

H. *Temporary service*. The fee for each temporary electric service is \$112.00, unless the service is sought as part of a building permit for which a fee is paid under County Code § 5-201(A).

I. *Early service*. The fee for each early electric service shall be \$72.00, unless the service is sought as part of a building permit for which a fee is paid under County Code § 5-201(A).

J. *Fuel dispensing pumps*. The fee for each fuel dispensing pump is \$35.00.

K. *Alarm systems*. The fee for each alarm system is \$0.04 per square foot of the gross square footage of the structure. The minimum fee is \$88.00.

(§ 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)

**State Law reference—** Va. Code § [36-105](#).

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

### **The fees for plumbing permits are:**

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either use group, is included as part of the building permit fee under County Code § 5-201(A).
- B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$35.00.
- C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, U, or an addition to an existing commercial structure in any use group, is \$10.00 per fixture. The minimum fee is \$88.00.
- D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group is \$10.00 per fixture, provided that there is no increase in gross square footage. The minimum fee is \$88.00.
- E. *Water lines.* The fee for each water line is \$30.00, unless the lines are included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- F. *Sewer laterals.* The fee for each sewer lateral is \$30.00, unless the lateral is included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- G. *Fire suppression systems.* The fee for each fire suppression system is \$0.95 per head. The minimum fee is \$88.00.

(§ 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)

**State Law reference—** Va. Code § [36-105](#) .

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

### **The fees for mechanical permits are:**

- A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), or for an addition to an existing residential structure in either use group, is included as part of the building permit fee under County Code § 5-201(A).
- B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$35.00.
- C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any use group, is \$0.04 per square foot of gross square footage. The minimum fee is \$88.00.
- D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.04 per square foot of gross square footage, provided that there is no increase in gross square footage. The minimum fee is \$88.00.
- E. *Underground tanks.* The fee for each underground tank, including associated piping, is \$201.00, unless the tanks are included as part of a building permit for which a fee is paid under County Code § 5-201(A).

- F. *Aboveground tanks.* The fee for each aboveground tank, including associated piping, is \$119.00, unless the tanks are included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- G. *Gas and oil lines.* The fee for each gas or oil line is \$42.00, unless the lines are included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- H. *Furnaces, wood stoves and gas log systems.* The fee for each furnace, wood stove, or gas log system is \$77.00, unless the furnace, stove, or gas log system is included as part of a building permit for which a fee is paid under County Code § 5-201(A).
- I. *Range hoods.* The fee for each range hood is \$30.00.
- J. *Hood suppression systems.* The fee for each hood suppression system is \$35.00.

(§ 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)

**State Law reference—** Va. Code § [36-105](#).

#### **Sec. 5-205 - Fees for amusement devices.**

The fees for amusement devices are as provided in the fee schedule in 13VAC5-31-75

(§ 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; § 5-205, Ord. 98-A(1), 8-5-98; [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)

**State Law reference—** Va. Code § [36-105](#); 13VAC5-31-75.

#### **Sec. 5-206 - Fee for demolition permits.**

The fee for each demolition permit is \$112.00.

(§ 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)

**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:

- A. *Initial zoning inspection.* The fee for each inspection related to the issuance of a building permit for main or accessory structures is \$18.00 per inspection.
- B. *Final site inspection.* The fee for each final site inspection before a certificate of occupancy may be issued is \$18.00 per inspection.

(§ 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)

**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:

- A. *Other permits.* The fees for any other building, electrical, plumbing, or mechanical permit not identified in this article is \$35.00 per inspection.
- B. *Plan amendments.* The fee for each new plan submitted which requires any structural or fire safety review is \$35.00.
- C. *Reinspections.* The fee for each inspection of work performed, after the second inspection of the work, is \$35.00 per inspection.
- D. Plan review fee – commercial building permits: \$0.04 per square foot, for structures under 5,000 gross square feet - \$16.00 minimum; \$0.03 per square foot for structures greater than or equal to 5,000 gross square feet - \$16.00 minimum.
- E. Plan review fee – commercial electrical permits: \$0.01 per gross square foot; \$16.00 minimum.
- F. Plan review fee – commercial plumbing permits: \$1.80 per fixture; \$16.00 minimum.
- G. Plan review fee – commercial mechanical permits: \$0.01 per gross square foot; \$16.00 minimum.
- H. Plan review fee – residential building permits: \$0.05 per square foot; \$8.00 minimum.
- I. Plan review fee – residential electrical permits: \$0.05 per square foot; \$8.00 minimum.
- J. Plan review fee – residential plumbing permits: \$0.05 per square foot; \$8.00 minimum.
- K. Plan review fee – residential mechanical permits: \$0.05 per square foot; \$8.00 minimum.
- L. Plan review fee – fire suppression/alarm plan: \$0.02 per square foot; \$75.00 minimum.
- M. Request for permit extension: \$74.00.
- N. Commercial temporary certificate of occupancy: \$150.00 for each thirty days.
- O. Addition or change in contractor or mechanic's lien agent after permit is issued: \$34.00.
- P. Elevator certificate: \$100.00 per elevator.
- Q. Code modification request: \$250.00; no refund allowed.
- R. Group home/daycare/adultcare form, with no inspection: \$74.00.
- S. Administrative fee for working without a permit: \$250.00
- T. Technology surcharge: An additional 4% of each fee in County Code §§ 5-201 through 5-208(S).

(§ 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)

**State Law reference—** Va. Code § [36-105](#).

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



**ORDINANCE NO. 21- 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.

**CHAPTER 14****SUBDIVISION OF LAND****Sec. 14-203 Fees.**

Each subdivider shall pay a fee upon the submittal of a plat or other application, based on the schedule below; provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant. Except as provided in subsection (H)(7), the fee shall 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 one thousand one hundred one dollars (\$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 fifty (50) notices: \$237.00.
  2. Preparing and mailing or delivering, per notice more than fifty (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; Ord. 21-14(1), 4-21-21, effective 7-1-21)

**State law reference**--Va. Code § 15.2-2241(9).

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

**ORDINANCE NO. 21- 17(2)**

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

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

(§ 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; Ord. 21-17(2), 4-21-21, effective 7-1-21)

**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:

<b>Fee Type</b>	<b>Permit Issuance Fee 1</b>	<b>Transfer or Modification Fee Amount 2</b>	<b>Permit Maintenance Fee 3</b>
Small construction activity or land clearing that is less than 1 acre/if involves construction of a sole single family detached dwelling	\$237 \$237	\$20 \$23	\$140 \$159
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	\$2,204 \$237	\$227	\$1,530
Large construction activity or land clearing that is equal to or greater than 5 acres and less than 10 acres	\$2,775	\$283	\$1,927
Large construction activity/land clearing that is equal to or greater than 10 acres and less than 50 acres	\$3,673	\$340	\$2,551

Large construction activity/land clearing that is equal to or greater than 50 acres and less than 100 acres	\$4,979	\$510	\$3,457
Large construction activity/land clearing that is equal to or greater than 100 acres not involving construction of a sole single family detached dwelling	\$7,835	\$793	\$5,441
<b>Other services</b>			<b>Fee</b>
Each reinspection			\$283 for the first reinspection and \$383 for each subsequent
Bond agreement with surety; establish, amend or replace			\$283
Each request for partial or full release of surety			\$283
Amendment to approved plan			\$227 per plan review
Review of mitigation plan pertaining to a land disturbing activity in a stream buffer			\$170
Exceptions			\$272 per request
Construction record drawing; review			\$340
Stream Determination			\$320
Technology Surcharge – additional percentage of each fee in this section			4%

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 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.
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; Ord. 21-17(2), 4-21-21, effective 7-1-21)

**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.

**ORDINANCE NO. 21-18(2)**

AN ORDINANCE TO AMEND ARTICLE IV, FEES, OF 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 Article IV, Fees, of Chapter 18, Zoning, is hereby reordained and amended as follows:

**By Amending:**

Sec. 35.1 – Fees.

**CHAPTER 18. ZONING****ARTICLE IV. FEES****Sec. 35.1 - Fees.**

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

a. Zoning map amendments:

1. Less than 50 acres; application and first resubmission: \$2,958.00
2. Less than 50 acres; each additional resubmission: \$1,479.00
3. Fifty acres or greater; application and first resubmission: \$4,141.00
4. Fifty acres or greater; each additional resubmission: \$2,070.00
5. Amendments submitted under section 30.7.6: (i) because the slopes are not steep slopes: no fee; (ii) to change any slope's designation from preserved to managed or to remove steep slopes from the steep slopes overlay district: any application fee under subsections (b)(1) through (5).
6. Amendments solely pertaining to proffers that do not affect use or density, when the board of supervisors authorizes alternative application and procedural requirements under section 33.7(f): \$503.00 plus calculated notification and legal advertisement costs.
7. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,823.00.

b. Special use permits:

1. Additional lots under section 10.5.2.1, public utilities, child day center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1,183.00
2. Additional lots under section 10.5.2.1, public utilities, child day center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$592.00
3. Signs reviewed by the board of zoning appeals: See subsection 35.1(e)
4. All other special use permits; application and first resubmission: \$2,366.00
5. All other special use permits; each additional resubmission: \$1,183.00
6. Farmers' markets without an existing commercial entrance approved by the Virginia Department

of Transportation or without existing and adequate parking: \$580.00

7. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking: \$130.00
8. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: \$1,823.00.

c. Site plans:

1. Initial site plans: \$1,420.00 plus \$16.00 per dwelling unit and \$0.016 per square foot of nonresidential structure; the fee paid for preapplication plans shall be applied to the fee for initial site plans
2. Preapplication plans: \$592.00
3. Final site plans: \$1,775.00
4. Exception to drawing of site plan under section 32.3.5(a): \$1,775.00
5. Site plan amendments under section 32.3.3(b): \$592.00 (minor); \$118.86 (letter of revision)
6. Site plan amendments under section 32.3.3(b) (major): \$1,775.00
7. Appeals under section 32.4.2.6: \$284.00
8. Reinstatement of review under sections 32.4.2.1(d) and 32.4.3.1(e): \$284.00
9. Reinstatement of review under section 32.4.2.5(e): \$95.00
10. Extension of period of validity: \$562.00
11. Inspections pertaining to secured site plan improvements; per inspection: \$331.00
12. Dam break inundation zones; administrative fee as required by section 32.8.6: One percent of the total amount of payment required by section 32.8.6 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).

d. Certificates of appropriateness considered by the architectural review board ("ARB"):

1. For a site plan; per review by the ARB: \$1,183.00
2. For a building permit; per review by the ARB: \$698.00
3. Major amendment: \$266.00
4. Review by the ARB – Conceptual plan/advisory review: \$538.00
5. Review by the ARB – Preliminary/initial review of a site development plan: \$538.00
6. County-wide certificate of appropriateness – Structures 750 feet or more from the Entrance Corridor, no taller than five stories: \$538.00
7. County-wide certificate of appropriateness – Structures located behind a structure that fronts the Entrance Corridor: \$538.00
8. County-wide certificate of appropriateness – Personal wireless service facilities: \$538.00
9. County-wide certificate of appropriateness – Fencing or equipment or lighting: \$269.00



10. County-wide certificate of appropriateness – Additions to ARB-approved buildings: \$538.00
  11. County-wide certificate of appropriateness – Minor amendments to site or architectural plans: \$538.00
  12. County-wide certificate of appropriateness – Building permits where the change is 50% or less of the altered elevation: \$538.00
  13. Review of any sign to be constructed in the Entrance Corridors: \$130.00
  14. Review of the resubmittal of any sign to be constructed in the Entrance Corridors: \$65.00
- e. Matters considered by the board of zoning appeals:
1. Variances: \$592.00
  2. Appeals: \$284.00
  3. Special use permits for signs under sections 4.15.5 and 4.15.5A: \$592.00
  4. Interpreting a district map: \$284.00
- f. Matters considered by the zoning administrator or other officials:
1. Official determinations regarding compliance: \$219.00
  2. All other official determinations, including development rights: \$119.00
  3. Zoning clearance for a homestay: \$119.00
  4. Zoning clearance for a home occupation, class A, a major home occupation, or a minor home occupation: \$30.00
  5. Zoning clearance for temporary fundraising activity: No fee
  6. All other zoning clearances: \$59.00
  7. Sign permits under section 4.15.4A; no ARB review required: \$30.00, except for applications for temporary signs submitted under section 4.15.4A(c)(2)(b) or (c)(2)(c), for which there shall be no fee.
  8. Sign permits under section 4.15.4; ARB review required: \$142.00
  9. Letter of Map Change review: \$177.00 (topographic plan only); \$355.00 (topographic plan with floodplain model)
  10. Floodplain Impact Plan review: \$355.00
  11. Variation or exception under section 32.3.5 before approval of a final site plan: \$982.00
  12. Variation or exception under section 32.3.5 after approval of a final site plan: \$982.00
- g. Groundwater assessments:
1. Tier 1 assessment under section 17-401: \$59.00
  2. Tier 3 assessment under section 17-403: \$603.00
  3. Tier 4 assessment under section 17-404: \$1,302.00

h. Miscellaneous:

1. Change in name of development or change in name of street: \$95.00
2. Special exception: \$503.00
3. Tier II personal wireless service facilities: \$2,154.00
4. Technology Surcharge: an additional 4% of each fee in subsections (a) through (h)(3) above.

i. Required notice:

1. Initial notice fee to be provided in conjunction with an application, for preparing and mailing notices and published notice: \$448.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
2. Fee for farmers' markets for published notice under section 35.1(b)(6): \$227.00.
3. Fee for readvertisement and notification of public hearing after advertisement of a public hearing and a deferral is made at the applicant's request:
  - a. Preparing and mailing or delivering up to 50 notices: \$237.00, except for uses under sections 5.1.47 and 5.2A, or applications submitted under section 30.7.6, for which there shall be no fee.
  - b. Preparing and mailing or delivering, per notice more than 50: \$1.19 plus the actual cost of first class postage. No fee shall be required for applications submitted under section 30.7.6.
  - c. Published notice: cost based on a cost quote from the publisher, except for farmers' markets under section 35.1(c)(7) and (8), or applications submitted under section 30.7.6, for which there shall be no fee.

(§ 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)

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

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