

A regular night meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 14, 2018, at 6:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Norman G. Dill, Mr. Ned Gallaway, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Rick Randolph.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 6:01 p.m., by the Chair, Ms. Mallek.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Ms. Palmer **moved** that the Board adopt the final agenda as presented. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

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

Ms. Mallek introduced County staff at the dais, and the presiding security officer, Officer DeLange.

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Ms. Palmer announced that McIntire Recycling Center would be closed March 19 – 23, 2018 to allow Dominion Power to relocate underground power lines.

Ms. Palmer announced that she will be a guest of the North Garden Ruritans at the North Garden Firehouse on April 5 at 7:00 p.m. and will discuss the County's budget, answer questions, and talk about any other items people wish to discuss.

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Mr. Gallaway informed the Board that he and Ms. McKeel held a joint town hall the previous night at CATEC. He said about five constituents had attended and asked good, purposeful questions.

Mr. Gallaway announced the Rio/29 North Community Action Committee will hold its meeting on Thursday, March 22 at Woodbrook Elementary School at 6:00 pm., followed by a town hall at 7:00 p.m. hosted by himself and Ms. McKeel.

Ms. McKeel commented that she is glad the town hall had been attended by representatives from the schools, including Matt Haas, as people are really engaged with the work around schools and the 2022 plan.

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Mr. Randolph announced that the 5<sup>th</sup> and Avon CAC will meet the following night in Southwood to discuss Phase 1 of the project.

Mr. Randolph informed the Board that Mr. Paul McArtor, President of Charlottesville Business Exchange, had invited him to speak at their luncheon held the previous Thursday. He said he spoke on 10 issues and after the meeting, three individuals had offered to volunteer for the County, pursuant to his call for volunteers.

Mr. Randolph informed the Board that he had addressed Scottsville Town Council on March 12, and the issue that raised the most interest was recycling. He said that over a thousand people had read a recent Facebook post he made of two *Daily Progress* articles, in which Ms. Palmer was quoted about recycling in the region. He noted that this post had received more interest than posts about the budget, and he acknowledged the contributions Ms. Palmer had made and continues to make on this topic.

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Ms. Palmer reported that she had recently spoken with haulers and had received emails about the recycling issue. She said she is happy the Board has supported this effort and expressed hope that the new transfer station set to open in October will provide an opportunity to consolidate commingled recyclables.

Ms. McKeel stated that this may have been the breakthrough to move this issue forward, which could be really exciting and shows the level of interest in the community.

Ms. Palmer added that this also shows the importance of having a transfer station run by a government entity that could be consistent over the years.

Mr. Randolph noted that some territoriality had been asserted, and they would have to consider what is best for the overall region.

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Ms. Mallek informed the Board that the ACE Committee, on which she acts as Board liaison and has served as a member, is working to improve the easement program and increase stewardship on properties that are interested in joining. She said that ideas will be brought forth in the coming months regarding a wider approach and whether they should help to preserve smaller areas of critical natural resources, in addition to preserving the farmland and vistas they have been working with since the year 2000.

Ms. Mallek announced that she will hold the second of her town halls the following day in Earlsville at 7:00 p.m., at Broadus-Wood Elementary School cafeteria, followed by another town hall on Saturday, March 24 at 10:00 a.m., at the White Hall Community Center in White Hall Village.

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Agenda Item No. 6. Recognition: Russell "Mac" Lafferty, Jack Jouett District, Planning Commissioner.

Ms. McKeel stated that Mr. Lafferty had served on the Planning Commission for the Jack Jouett District from 2010 – 2017, including a time as Vice-Chair, and had recently announced his retirement. She said the Board wants to celebrate and thank him for his good work, and read a certificate of appreciation into the record:

"In recognition of his valuable contributions on the Albemarle County Planning Commission as the Jack Jouett representative we, as a community, were strengthened and uplifted by those who step forward to volunteer their services in support of improving the quality of life of our residents. We offer our sincere appreciation to Mack for his dedication and commitment in preserving the quality of Albemarle County. Signed and sealed this 14<sup>th</sup> day of March, 2018."

Ms. Mallek stated that Mr. Lafferty had represented their district beautifully and his heart was in bike and pedestrian access – and as a biker he kept everybody focused around bicycle and pedestrian access. She said they needed that encouragement, especially in urban areas. Ms. Mallek noted that Mr. Lafferty had served on numerous committees, with many centered around planning and coordinating with University of Virginia and Charlottesville, as well as serving on the Metropolitan Planning Organization and several transportation advisory committees. She said that Mr. Lafferty had participated in the comprehensive review and update. She invited Dennis Rooker to come to the podium to comment.

Mr. Dennis Rooker, resident of the Jack Jouett District, addressed the Board. He said that in every community there are a few people who make important contributions while working in a consistent and selfless manner for the public good, and Mac Lafferty is such a person. He recognized him for his many years of service on the Crozet Advisory Council, CHART Committee, Metropolitan Planning Organization, and the Albemarle County Planning Commission, and for the thousands of hours he had contributed in order to make the community a better place. He said he had appointed Mr. Lafferty to the Planning Commission in 2009 and his engineering expertise, interest in transportation, and past community service made him a natural fit. He thanked Mr. Lafferty for his service, said he enjoyed working with him, and considers him to be a longtime friend.

Ms. Jennie More, White Hall District Planning Commissioner, addressed the Board. She noted that Mr. Lafferty is her father and had told her that his core motivation for serving was to make a better future for his grandkids. She thanked the Board for the recognition. She said her sons are in attendance taking notes and may someday become Planning Commissioners.

Mr. Mac Lafferty addressed the Board. He said he is honored and humbled and had met many people during his eight years on the Planning Commission, and commented that they should be standing with him and receiving the same type of honor. He recalled the time Mr. Rooker had lunch with him and invited him to serve on the Planning Commission. Mr. Lafferty stated that he wanted to keep Albemarle County the special place it was when he was growing up. He introduced his grandsons Micah and Miles and said he is leaving the Planning Commission in good hands with Tim Keller, who he thinks will do a great job.

Attendees applauded.

Mr. Randolph extended his appreciation to Mr. Lafferty and recounted the good overview of the Planning Commission Mr. Lafferty had given him when he was first appointed to the Commission. He said he had been pleased to serve with Mr. Lafferty for four years on the Commission.

Ms. McKeel expressed her appreciation to Mr. Lafferty and noted that Mr. Lafferty, she, and Julian Bivens, the new Planning Commissioner, had recently met for discussion.

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Agenda Item No. 7. From the Public: Matters not Listed for Public Hearing on the Agenda.

Mr. Micah Moore, resident of Crozet and grandson of Mr. Lafferty, addressed the Board. He expressed appreciation to his grandfather for his work.

As no one else wished to address the Board, Ms. Mallek closed this part of the agenda.

Agenda Item No. 8. Consent Agenda.

**(Discussion:** Mr. Gallaway asked that Item #8.5 be moved from the Consent Agenda to the regular agenda for discussion.)

Mr. Dill **moved** that the Board approve the Consent Agenda, with the exclusion of Item 8.5. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

Item No. 8.1. Approval of Minutes: December 13, 2017.

Mr. Dill had read the minutes of December 13, 2017, and found them to be in order.

**By the above-recorded vote, the Board approved the minutes as read.**

Item No. 8.2. FY 2018 Appropriation.

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

The total increase to the FY 2018 budget due to the appropriation in Attachment A is \$ 45,000.00. A budget amendment public hearing is not required because the amount of this appropriation does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriation #2018076 for local government and school division projects and programs as described in Attachment A.

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<b>Appropriation #2018076</b>		<b>\$45,000.00</b>
Source:	CIP General Gov Fund fund balance	\$ 45,000.00

This request is to appropriate \$45,000 in CIP fund balance to the capital project called Ivy Materials Utilization Center (IMUC). This project will include development of a Master Plan for a recycling convenience center at the IMUC. The project will begin with the collection of existing Rivanna Solid Waste Authority data on current recycling activities and materials. The project will focus on providing similar recycling services as currently conducted at the McIntire Recycling Center and possible additional services that could be incorporated into the design. This will culminate in the development of a Master Plan for the IMUC site, as well as an IMUC recycling center layout pending its approval in the capital budget.

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**By the above-recorded vote, the Board adopted the following Resolution to approve Appropriation #2018076 for local government and School Division projects:**

**RESOLUTION TO APPROVE  
ADDITIONAL FY 18 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2018076 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**COUNTY OF ALBEMARLE  
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018076	3-9010-51000-351000-510100-9999	45000	SA2018076 SA2018076 Ivy Materials Utilization Center Master Plan
2018076	4-9010-93010-493010-930010-9999	45000	SA2018076 SA2018076 Ivy Materials Utilization Center Master Plan
2018076	3-1000-51000-351000-512031-9999	45000	SA2018076 SA2018076 Ivy Materials Utilization Center Master Plan
2018076	4-1000-49000-449000-999851-1004	45000	SA2018076 SA2018076 Ivy Materials Utilization Center Master Plan
TOTAL		180,000.000	

Item No. 8.3. Ordinance to Amend County Code Chapter 2, Administration.

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney’s Office to conduct a comprehensive review and recodification of the County Code. Chapter 2 contains provisions related to the administration of elections, the Board of Supervisors, the School Board, the Planning Commission, Law Enforcement, the Economic Development Authority, the Albemarle County Service Authority, the Airport Commission, the Library Board, the Emergency Service Organization, and Personnel.

The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified Code in 2018.

To facilitate finding subject matter in Chapter 2, the section headings have been clarified, and catchlines have been added to subsections.

Substantive changes are proposed for some provisions in Chapter 2 to be consistent with recent amendments to State law, and to repeal obsolete regulations and those regulations that are unnecessary.

A public hearing to consider an ordinance to amend four sections of Article 1 regarding Elections is being held on March 14. Those sections are not included in this draft. However, they will be added, as adopted, to the draft ordinance amending Chapter 2 the Board will consider on April 11.

Adopting the proposed ordinance will have no budget impact.

Staff recommends that the Board schedule a public hearing to consider adoption of the attached proposed.

**By the above-recorded vote, the Board set the public hearing for April 11, 2018.**

Item No. 8.4. Ordinance to Amend County Code Chapter 3, Agricultural and Forestal Districts.

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney’s Office to conduct a comprehensive review and recodification of the County Code. Chapter 3 contains provisions related to the County’s agricultural and forestal district program by which the County protects its agricultural and forestal lands of statewide and local significance.

The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified Code later in 2018.

The proposed revisions to Chapter 3 state the procedures and criteria with greater specificity than the current version of Chapter 3. Section 3-202, which pertains to the effect of creating a district on the uses and structures allowed on parcels in an agricultural and forestal district, is one of the most important sections in Chapter 3. Before public hearings are scheduled for Chapter 3, staff would like to return to the Board for a work session at its April 11, 2018 meeting to further discuss the uses and activities allowed on parcels within districts. This issue is important not only when districts are created, but also when they are periodically reviewed and continued.

In addition, the County currently does not allow a parcel to be added to a district if it is determined that the parcel has no development rights and cannot be further divided to create one or more parcels less than twenty -one (21) acres in size. Staff would also like to discuss at the work session whether such parcels that are currently in a district should continue in the district, or continue with conditions, as a result of the district’s periodical review.

Staff wants to share this draft of the ordinance well in advance of that work session. An ordinance reflecting the Board’s direction from the April 11 work session will be forwarded to the Planning Commission for its public hearing and recommendation in June or July. The Board’s public hearing on the ordinance will be scheduled soon thereafter.

There is no expected budget impact.

Staff recommends that the Board schedule a work session on April 11, 2018 to discuss the proposed ordinance (Attachment A).

**By the above-recorded vote, the Board scheduled the work session for April 11, 2018.**

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Item No. 8.5. Rio 29 Small Area Plan –NMD Priority Review Process.

The Executive Summary forwarded to the Board states that at its February 14 meeting the Board discussed timelines and scope for the remaining work relating to the Rio29 Small Area Plan. The Board agreed to deviate from the previously approved Strategic Plan timeline to allow additional time for stakeholder engagement and further refinement of the designs and implementation recommendations. While staff is continuing the work of design refinement and modeling, Stantec is beginning their pre-marketing work to engage property owners and developers.

The Board also agreed that applicants who are ready to develop their properties consistent with the endorsed vision and designs should not be required to wait for the adoption of a form based code and should be provided priority review to encourage the desired development and/or redevelopment. To this end, staff has drafted a Priority Review Process for Neighborhood Model District (NMD) applicants in the Rio29 Area (Attachment A). The document lays out a formalized process and guidelines by which staff would provide priority status during the review of eligible applications. The document identifies criteria for eligibility as well as guidelines for providing a more expedited review.

Applications reviewed under the priority review process will still be required to comply with all applicable procedures and regulations from the County's Code and Zoning Ordinances. The proposed process mirrors the Target Industries Priority Review Process previously adopted by the Board in 2012.

Portions of consultant services for Phase 2 of the Small Area Plan were funded through a \$65,000 Urban Development Area Planning Grant through the Office of Intermodal Planning and Investment. Additional funds for Phase 2 consultant work have been covered by the \$120,000 FY17 budget allocation for the Small Area Plan.

Staff recommends that the Board approve the Priority Review Process for NMD Applicants in the Rio29 Area (Attachment A).

**By the above-recorded vote, the Board pulled this item from the Consent Agenda and moved to the regular agenda for discussion.**

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Item No. 8.6. Resolution of Intent to Amend the Zoning Ordinance to Allow Beekeeping in Residential Zoning Districts.

The Executive Summary forwarded to the Board states that in recent years, some residents in the Development Areas have requested permission for community gardens and to raise chickens, pigs, goats, and bees on their property for agricultural production.

Local food production, with emphasis on food and products that are grown organically, locally, and sustainably is important to the County. It is addressed primarily in the Rural Areas Chapter of the Comprehensive Plan. Urban agriculture encompasses a wide variety of activities such as community gardens, henhouses for laying hens in a backyard, and beekeeping. It is currently not allowed in most places in the Development Areas.

The Development Areas chapter of the Comprehensive Plan includes Objective 11: Consider allowing for urban agriculture practices to increase access to healthy, local, and affordable foods and encourage the productive use of vacant land; and Strategy 11a: Study ways to allow chickens, goats, bees, and other forms of agriculture in the Development Areas without harming the safety, welfare, and enjoyment of the property of adjoining owners.

Allowing many of the urban agricultural uses in the Development Areas will require extensive research and consideration regarding permits, setbacks, and animal waste disposal, as well as community engagement, education, and the creation and enforcement of minimum standards, including the designation of appropriate locations. Consideration will also be needed to determine whether the County should align its regulations with the City's. This will require a great deal of time and staff resources, both in preparing a zoning text amendment, and in enforcing new regulations.

Allowing beekeeping as a by right use in the County's residential zoning districts will require the creation of minimum standards in the supplementary regulations (Section 5 of the Zoning Ordinance) that provide measures designed to protect the safety, welfare, and enjoyment of adjoining property owners, as well as the revision of other County Code sections related to residential zoning districts, and is expected to require less time and resources in research, community engagement, and enforcement than many of the other urban agriculture uses proposed for Development Areas.

There is no expected budget impact related to the adoption of the Resolution of Intent.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

**By the above-recorded vote, the Board adopted the following Resolution of Intent:**

**RESOLUTION OF INTENT**

**WHEREAS**, the Albemarle County Zoning Ordinance currently classifies beekeeping as an agricultural operation use; and

**WHEREAS**, Strategy 11a of the Development Areas Chapter of the Albemarle County Comprehensive Plan states that the County will study ways to allow beekeeping and other forms of agriculture in the Development Areas without harming the safety, welfare, and enjoyment of adjoining property owners; and

**WHEREAS**, it is desired to explore the possibility of permitting beekeeping as a by right use in the County's residential zoning districts with supplementary zoning regulations that provide measures designed to protect the safety, welfare, and enjoyment of adjoining property owners.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code Chapter 18, Sections 5, 13, 14, 15, 16, 17, 18, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

Item No. 8.7. Request for Special Exception to Parking Setback for Farm Sales under Section 5.1.58(h) 3 of the Zoning Ordinance.

The Executive Summary forwarded to the Board states that the applicant is requesting a modification to the setback for the location of parking to serve a permitted by- right farm sales use.

County Code §18-5.1 allows any requirement of §18-5 to be modified or waived by special exception unless it is expressly prohibited and it is not in this case. Please see Attachment B for full details of staff's analysis.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the special exception.

**By the above-recorded vote, the Board adopted the following Resolution to approve the special exception:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTION  
FOR CLE 2018-50 TRIPLE SEVEN GROUNDCOVERS  
ON TAX MAP 75, PARCEL 50**

**WHEREAS**, the Applicant has filed an application for a zoning clearance to construct structures and provide parking to conduct farm sales on Tax Map Parcel Number 07500-00-00-05000 (the "Property"); and

**WHEREAS**, the Applicant also filed a request for a special exception to allow the front setback for parking that will serve the farm sales use to be closer than the required seventy-five (75) feet, as the Property is depicted on the the two-page sketch plan entitled "Proposed Farm Sales Use Parking Location at 777 Monacan Trail" dated February 16, 2018.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the memorandum prepared in conjunction with the use, and its supporting analysis, the two-page sketch plan entitled "Proposed Farm Sales Use Parking Location at 777 Monacan Trail" dated February 16, 2018, and all of the factors relevant to the special exception in Albemarle County Code § 18-5.1 and 18-33.5, the Albemarle County Board of Supervisors finds that, because the farm sales structures may be thirty-five (35) feet from a public road, reducing the parking setback as proposed would satisfy the purposes of Chapter 18, Zoning, to at least an equivalent degree as the existing parking setbacks; and

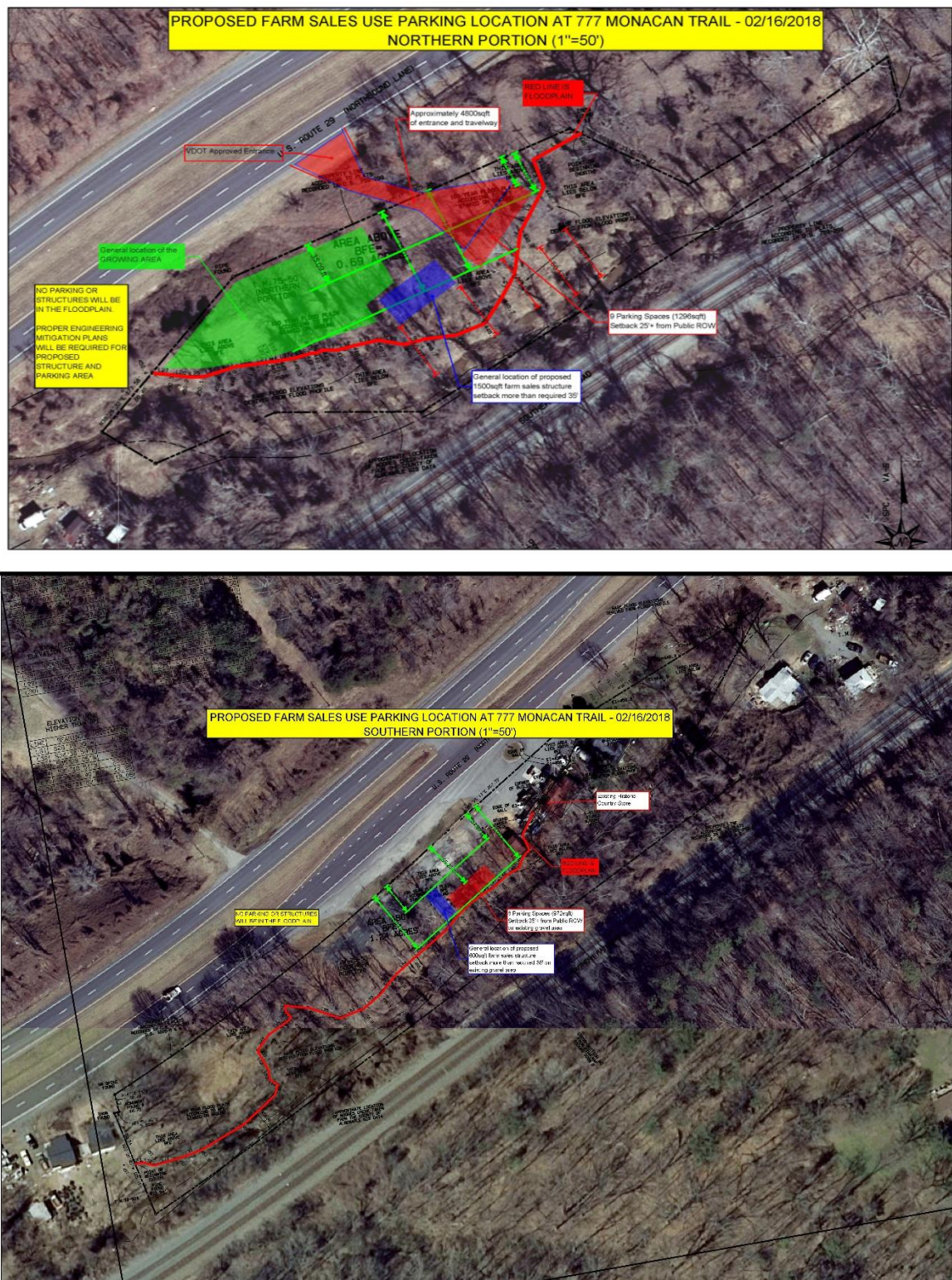
**BE IT FURTHER RESOLVED** hereby approves the special exception to authorize the parking for the farm sales to be closer to the front property line than the required seventy-five (75) foot setback, subject to the condition attached hereto.

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**CLE 2018-50 Triple Seven Groundcovers Special Exception Conditions**

1. The parking setback from the front property line on the northern portion of the property shall be a minimum of twenty-five (25) feet and the parking setback from the front property line on the southern portion of the property shall be a minimum of fifty-five (55) feet as depicted on the two-page sketch plan entitled "Proposed Farm Sales Use Parking Location at 777 Monacan Trail" dated February 16, 2018.





Item No. 8.8. Biennial Inspections for all Housing Choice Voucher Units, ***was received for information.***

The Executive Summary forwarded to the Board states that as part of the transition of the Housing Choice Voucher Program from the Department of Housing into the Department of Social Services, Housing program supervisor Lyn Witt and DSS Deputy Director John Freeman, supported by DSS Director Phyllis Savides, have concluded that biennial inspections of housing units is in accord with current HUD policy as per Notice PIH 2016-05, will adequately meet the needs of landlords and tenants, and will allow for more efficient distribution of workload among a small Housing unit staff.

In April 2016, the U.S. Department of Housing and Urban Development published Notice PIH 2016-05, which provided implementation guidance for provisions included in the regulation titled "Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Programs," also known as the "streamlining rule." A provision of this document authorizes public housing authorities (PHAs, including the Albemarle County Office of Housing) "to conduct unit inspections every other year instead of annually. Permitting biennial inspections for HCV units will reduce the administrative and financial burden on PHAs and high-performing landlords and enable PHAs to concentrate their inspection resources on the more marginal and higher-risk units." After continuing its previous practice of annual inspections, the Office of Housing under its new management in the Department of Social Services chooses to accept the HUD standard of biennial inspections for the reasons offered in the Notice. The Office of Housing is still authorized to inspect between biennial inspections at either landlord or tenant request.

This report is provided for information only.

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Item No. 8.9. 2017 Fourth Quarter Building Report. ***was received for information.***

The report states that during the fourth quarter of 2017, 175 building permits were issued for 178 dwelling units. There were two permits issued for mobile homes in an existing park, at an exchange rate of \$2,500, for a total of \$5,000. There were no permits issued for the conversion of an apartment to a condominium.

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Item No. 8.10. 2017 Fourth Quarter Certificate of Occupancy Report, ***was received for information.***

The report states that during the fourth quarter of 2017, 140 certificates of occupancy were issued for 199 dwelling units. There were no permits issued for a mobile home in an existing park. There were no certificates of occupancy issued for the conversion of an apartment to a condominium.

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Item No. 8.11. 2017 Year End Building Report, ***was received for information.***

The report states that during 2017, 664 building permits were issued for 851 dwelling units. There were five permits issued for mobile homes in an existing park, at an exchange rate of \$2,500, for a total of \$12,500. There were no permits issued for the conversion of an apartment to a condominium.

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Item No. 8.12. 2017 Year End Certificate of Occupancy Report, ***was received for information.***

The report states that during 2017, 488 certificates of occupancy were issued for 593 dwelling units. There were two permits issued for a mobile home in an existing park, at an exchange rate of \$2,500, for a total of \$5,000. There were no certificates of occupancy issued for the conversion of an apartment to a condominium.

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Item No. 8.13. VDOT Monthly Report (March) 2018, ***was received for information.***

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**Item No. 8.5. Rio 29 Small Area Plan –NMD Priority Review Process.**

Ms. Mallek asked Mr. Gallaway to discuss Item 8.5 at this time. Mr. Gallaway stated that he has a few questions, with the first relating to criteria. He noted that one criterion required compliance with three of four criteria, with the fourth being a minimum size of three acres. He said this was written specifically to the node of Rio/29 or the four quadrants, and asked how many of the plats within the node would be three acres or more.

Ms. Rachel Falkenstein, Senior Planner, stated that her estimate was that there were 24 parcels of three or more acres, with the possibility that some smaller parcels could be grouped together in an application. She stated that the basis for the three acres was the Neighborhood Model zoning district.

Mr. Gallaway said his point is that if criteria of four was established, with a requirement of a minimum of three and some parcels that would never meet the minimum, then the only option was to adhere to the other three. He suggested that a rationale other than set criteria be established.

Ms. McKeel asked why three acres is critical. Ms. Falkenstein replied that it conforms to the three-acre minimum neighborhood model for zoning districts.

Mr. Gallaway said his Planning Commissioner had explained that if a few places could get mixed use, this might be possible. He expressed that this should be made clear.

Mr. Andrew Gast-Bray, Director of Planning, explained that one of the strategies was to provide an expedited process that already exists, as opposed to inventing a temporary procedure, while they work on the district as a whole – which would come back as a comprehensive redo of by-right development in a form-based code type model. He stated that they used existing models, including the targeted industry and Neighborhood Model District, and adapted them to this purpose.

Mr. Gallaway expressed understanding of the reason to focus on the node and to have a pilot area for a high-priority zone. He said his concern is that the procedure locks in the expedited process for development only within the node, whereas he believes this process should be available outside of the node. He said the piece, as written, would only apply to pieces within the node. He said he would be interested in hearing from businesses that are interested in developing outside of the node.

Ms. Mallek pointed out that through their targeted industry basis, they already have another set of qualifications that mirrors this and had been used in the past.



Mr. Gallaway said he does not want developers outside of the four quadrants to think this does not apply to them.

Ms. Falkenstein added that the targeted industry process is the same but with a different set of criteria. She said it is based on job creation and amount of investment, among other factors, and is countywide.

Mr. Gallaway reminded the Board that the Stantec study is forthcoming and could help inform them as to whether this is the right area to focus on. He said it may be premature to establish a policy before they have this information, as the conclusions of the study may not be what they expect.

Mr. Randolph responded that the Board had sat through hours of discussions about different localities and they have to start somewhere, and this could be looked at as a beta test to determine whether concentrating resources in this way would work. He expressed that it is more about the methodology that would be accepted by developers than the locality. He described the approach that had been set up as “user-friendly” and “time-responsive,” while meeting the Board’s objective of a priority zone for economic redevelopment. He suggested Mr. Gallaway discuss this with Supervisors to learn more about the rationale.

Mr. Dill asked what would happen to developers already in the middle of a process and if the expediting of the area within the node would slow development in other parts of the County. He asked if expediting would require additional staff resources. Mr. Gast-Bray explained that the zoning code had been a barrier to generating mixed-use development in key areas that could be served effectively with County amenities. He said they want to have a process that allows the type of development specified in the Comprehensive Plan and to eliminate obstacles to this process. He stated that a beta test would help identify obstacles that are keeping the County from achieving its vision, and he said they are trying to adapt this to timeframes and establish a model that allows for flexibility while they develop a more permanent solution. Mr. Gast-Bray noted that they do not want to open this up to anything anywhere because of unintended consequences, and said if this proves successful, they could quickly adapt it to other nodes in Pantops and other areas.

Ms. Palmer said there was some confusion over form-based code in some of their other processes, and she hopes to have a future discussion about this.

Mr. Gallaway said he now has a fuller understanding and the issue is important enough to the County and to his district that he would like an opportunity to weigh in.

Ms. McKeel explained that she and Mr. Gallaway are concerned that projects might be slowed down based on form-based code and regulations. She said that putting Rio on here seems to be limiting.

Mr. Gast-Bray emphasized that if they were to open this up to the entire County all at once, they would be duplicating the process of bringing the Comprehensive Plan back. He said they want to be consistent with as many things as had already been approved.

Mr. Randolph reminded the Board that when they narrowed down 32 original strategic priorities to 12, they were able to add more as hybrids. He reassured them that if an attractive proposal is made for the area between the nodes, the Department of Community Development, Planning Commission, and Board will look at it.

Mr. Randolph **moved** that the Board approve the priority review process for NMD applicants in the Rio/29 area. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

#### **PRIORITY REVIEW PROCESS FOR NMD APPLICANTS IN THE RIO29 AREA**

It is the County’s goal to provide timely and responsive review for all applicants. However, the County also recognizes that opportunities to develop property within the Rio29 Small Area Plan (SAP) node (Attachment A) are of highest priority to the County. Nonetheless, this development must be realized in a manner and in line with principles that enable the vision for the SAP to be implemented.

The County has established a priority review process in order to expedite projects that are consistent with the recommendations for the Rio29 node and furthers the accomplishment of a Form Based Code approach to the development of this area. Selectivity in granting priority status helps to ensure that qualifying projects receive the necessary staff attention. A priority review process will not in any way lessen the careful scrutiny of environmental issues that is a standard part of the County’s development review processes.

The priority review process is available to applicants pursuing a Neighborhood Model (NMD) re-zoning on property located within the Rio29 node with a proposed development that is expected to comply with the vision and designs established in Phase2 of the Rio29 Small Area Plan project (Attachments B & C). To be considered, the proposal should comply with three or more of the following numbered criteria:

1. A form consistent with the Rio29 designs (must meet at least 3 of the bulleted criteria)
  - Buildings containing two or more stories; and
  - Buildings fronting on existing or proposed streets with relegated parking; and
  - A minimum of two use classifications (see [Sec 20A.8\(b\) of the Zoning Ordinance](#) for acceptable use classifications) or provide the flexibility to allow for conversion to different use classifications in the future; and
  - A minimum of two housing types (see [Sec 20A.8\(a\) of the Zoning Ordinance](#) for acceptable housing types)
2. A development that contains new public bike/ped/green space components – (new trails, parks, open space, consistent with connectivity plan)
3. A development that establishes or improves upon interconnectivity of the area (proposes new roads, intersections or interconnections and/or upgrades existing travelways to public roads, consistent with connectivity plan)
4. A minimum size of 3 acres

#### **Guidelines for Priority Review Process**

To be successful, a formalized priority process must recognize that each project has different needs and circumstances and that a specific approach must be developed on a case-by-case basis. The following guidelines provide a general approach with the understanding that a critical part of the initial evaluation of the project review will include assessing and responding to the project's specific individual circumstances.

- An applicant must make a request to the County's Community Development staff that its project be designated for priority review. Requests that meet the priority review criteria will then be forwarded to the Community Development Director who, in consultation with other departments as appropriate, will make the final determination on eligibility for priority designation.
- Prior to submitting its development application, the applicant and the Community Development Director and staff shall meet to discuss the County's priority review process. This structured meeting will identify issues before the formal application is submitted for review. The applicant also would be advised to identify a single point of contact (SPOC) for the application process as this has proven to significantly reduce communication problems. The County will do the same as outlined below. Success of the priority review will depend on the willingness of both parties to commit to meeting established expectations.
- Once the project is approved for priority review and the initial submission meeting has occurred, the priority review application is submitted to the attention of the Community Development Director.
- Priority treatment of the application, or "top-of-the-list" status, will be provided for the project throughout the entire development review. This priority treatment will include flexibility in submittal deadlines and immediate processing for qualifying applications.
- The Community Development Director will assign the project to a senior project manager who will serve as a liaison during the application and permitting process. This senior project manager will provide oversight throughout the process, and the project will remain prioritized throughout developmental review. The senior project manager also will be responsible for notifying the Community Development Director of any resource needs or problems the applicant is unable to address. The senior project manager and the applicant's SPOC will coordinate throughout the development review process.
- A review team comprised of experienced members from all reviewing departments will work on the application's review until the project is completed, based on timelines agreed upon and established in order to ensure efficiency. These experienced team members will be empowered to make administrative decisions and recommendations on behalf of their respective departments and divisions during the review process.
- Legally required Planning Commission and Board of Supervisors notices may be published simultaneously.
- The site plan process may run concurrently with the rezoning or special use permit application if both are required.
- Other department's staff, as appropriate, will be involved during the pre-submittal process and will act as part of the review team throughout the process to identify possible federal, state and local incentives and resources.

Again, these process guidelines are general in nature due to the individual requirements of specific projects. If a project is accepted for priority review, staff will tailor the most efficient approach while maintaining established standards of quality and public input.

#### **Guidelines for Priority Review Evaluation**

To be successful, applications should also integrate the form-based framework that the Board of Supervisors endorsed on January 30, 2018. Applications will be evaluated to ensure that they are consistent with form and design guidelines that were described in that framework, including, but not limited to: building massing and relationship to the street, transportation capacity (including multimodal) and green infrastructure.

PROJECT: SP201700024 – By Word of Mouth Automotive.  
MAGISTERIAL DISTRICT: Rio.  
TAX MAP/PARCEL(S): 061W0010C00100.  
LOCATION: 446 Westfield Road, Charlottesville, VA 22902.  
PROPOSAL: Motor vehicle sales as an accessory use to automobile repair service on 0.76-acre parcel.  
PETITION: Motor vehicle sales and rental under Section 18-22.2.2-(8) of the zoning ordinance. No new dwellings proposed.  
ZONING: C1 Commercial – retail sales and service; residential by special use permit (15 units/acre).  
ENTRANCE CORRIDOR (EC): Yes.  
OVERLAY DISTRICT(S): Airport Impact Area (AIA) and Steep Slopes – Managed.  
COMPREHENSIVE PLAN: Urban Mixed Use – Neighborhood Service Center in Neighborhood 1, which allows for commercial, retail, and employment uses with supporting residential (3-20 units/acre).  
*(Advertised in the Daily Progress on February 26 and March 5, 2018)*

The Executive Summary forwarded to the Board states that at its meeting on February 6, 2018 the Planning Commission conducted a public hearing and voted 7:0 to recommend approval of SP201700024 with the conditions outlined in the staff report. Attachments A, B, and C are the staff report, action memo, and minutes from the February 6 meeting.

This special use permit request is for motor vehicle sales and outdoor display of three vehicles in conjunction with an existing automobile repair service.

The staff report in Attachment A raises concerns with vehicles being (intermittently) parked within travelways. However, at the Planning Commission meeting, the applicant demonstrated that the curbs along the travelway have been painted yellow and “no parking” signs have been installed to ensure safe and convenient access into and out of the parking lot. Therefore, the issue of parking within travelways has been resolved. Approval of recommended condition #2 (“Safe and convenient access shall be maintained at all times...”) will help ensure that this issue remains resolved in the future.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP201700024 with conditions.

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Mr. Tim Padalino, Senior Planner with the Department of Community Development, stated that he will briefly summarize the proposal in the staff report. He said the applicant is Mr. Matt Stimart of By Word of Mouth Automotive, with a request to conduct sales and rentals of motor vehicles at an existing vehicle maintenance and repair shop within a C1 commercial zoning district. He said there would be no additions to the existing structure, and three existing parking spaces would be used for the display of motor vehicles for sale. He presented a map of the County and pointed to the area of the property within the development area of the Rio Magisterial District and the Places 29/Hydraulic CAC. He next presented a zoning map, followed by a future land use map. He said the Places 29 Master Plan designated the property for urban mixed-use as a Neighborhood Service Center. He said it is surrounded by office, R & D, flex, and light industrial land use designations. He said the existing use of the property includes a one-story, 8,400-square-foot structure containing a baseball training academy and the auto repair shop. Mr. Padalino presented eye-level photos of the property, which included a photo of the three parking spaces requested to be used to display vehicles for sale, as well as landscaping used for screening. He presented an architectural blueprint of the concept plan and pointed to the parking spaces and explained that vehicles had been parked intermittently along the travel way of the property. He credited the applicant with being active in addressing and resolving these issues prior to going to the Planning Commission for a public hearing. He presented photos that showed the curbs painted yellow and four “No Parking” signs, noting that the Planning Commission had unanimously recommended approval of the special use permit, with conditions.

Mr. Padalino presented a slide with the conditions recommended by the Planning Commission: 1) Development shall be in general accord with the Concept Plan... development and use shall reflect the following major elements as shown on the plan: a) location of proposed vehicle sales and display areas within existing parking lot; 2) Safe and convenient vehicular access shall be maintained at all times. To accomplish this, the site shall be modified with corresponding physical improvements (pavement striping, curb painting, and/or “no parking” signage) in travel way areas where vehicles were being parked; and 3) The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

He concluded and invited questions.

Ms. McKeel pointed out that the property is within her CAC district and that parking along the street has been an ongoing topic of discussion with the committee, and she expressed appreciation that this was addressed.

Ms. Mallek said the parking Ms. McKeel is speaking of is on the applicant's property and not on the street, where there is often an 18-wheeler parked overnight that takes up a lot of space.

Mr. Padalino confirmed that the parking issue is more internal to the site.

Ms. Mallek opened the public hearing.

Mr. Stewart Wright, representing the applicant, addressed the Board. He explained that the applicant seeks to undertake a very small amount of used car sales as an accessory use to the permitted by-right use of automobile repair. He emphasized that not more than three vehicles would be displayed for sale and there would be no change to the property, noting that the spaces are not visible from Westfield Road. Mr. Wright said the vehicles for sale are typically older vehicles obtained from customers, and Mr. Stimart would repair, refurbish and put them up for resale. Mr. Wright stated that the granting of the special use permit would not impact intensity of the use of the property or have a visual impact. He emphasized that the County had approved two similar special use permits within the past two years. Mr. Wright stated that Section 21.2 of the ordinance allows accessory uses in commercial districts, provided they are customarily accessory and incidental to the permitted by-right use of the property; however, Section 22.2 of the ordinance specifies that the sale of motor vehicles requires a special use permit in a C1 zoning district.

There being no other public comments, Ms. Mallek closed the public hearing.

Mr. Gallaway **moved** that the Board adopt the following resolution to approve SP-2017-00024, subject to the proposed conditions. The motion was **seconded** by Ms. McKeel.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

**RESOLUTION TO APPROVE  
SP 2017-24 BY WORD OF MOUTH AUTOMOTIVE;  
MOTOR VEHICLE SALES AND RENTAL**

**WHEREAS**, the Owner of By Word of Mouth Automotive submitted an application for a special use permit to conduct motor vehicle sales at its existing vehicle maintenance and repair shop on Tax Map Parcel Number 061W0-01-0C-00100, and the application is identified as SP201700024 By Word of Mouth Automotive ("SP 2017-24"); and

**WHEREAS**, on February 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-24 with conditions; and

**WHEREAS**, on March 14, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-24.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2017-24 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-22.2.2(8) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-24, subject to the conditions attached hereto.

\* \* \*

**SP-2017-24 By Word of Mouth Automotive; Motor Vehicles Sales and Rental  
Special Use Permit Conditions**

1. Development and use shall be in general accord with the following revised plans originally prepared by B. Aubrey Huffman & Assoc., Ltd., and updated by Stewart Wright, dated October 30, 2017 (hereafter "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
  - a. Location of proposed vehicle sales and display areas within existing parking lotMinor modifications to the plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.
2. Safe and convenient vehicular access shall be maintained at all times. To accomplish this, the site shall be modified with corresponding physical improvements (pavement striping, curb painting, and/or "no parking" signage) in travelway areas where vehicles are being parked.
3. The use shall commence on or before March 14, 2021, or the permit shall expire and be of no effect.

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Agenda Item No. 10. **PUBLIC HEARING: SP201700004 James River Runners Amendment (Signs #27&70)**.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL(S): 13600-00-00-012A0, 13600-00-00-014A0.

LOCATION: 10092 Hatton Ferry Rd.

PROPOSAL: Amend special use permit SP197800074 for canoe livery by expanding the camping area accessory to the canoe livery to allow 5 campsites on a new parcel of 1.8 acres (13600-00-

00-014A0.)

PETITION: Expansion of canoe livery with accessory camping under Section 10.2.2.29 of the Zoning Ordinance, which permits boat landings and canoe liveries.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

OVERLAY DISTRICT(S): Flood Hazard Overlay District.

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

*(Advertised in the Daily Progress on February 26 and March 5, 2018)*

The Executive Summary forwarded to the Board states that at its meeting on February 6, 2018 the Planning Commission voted to recommend approval of SP201700004 James River Runners Amendment. Attachments A, B, and C are the Planning Commission staff report, action letter, and minutes from the meeting.

The Planning Commission reviewed the request and discussed issues with the applicant about past noise complaints and emergency evacuations during a flood event. After those discussions, the Planning Commission recommended a 5th condition of approval: A staff member shall be on the premises at all times when individuals are utilizing camp sites on the property.

Staff recommends that the Board adopt the attached Resolution to approve SP# 201700004 (Attachment D).

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Mr. David Fox, Neighborhood Planner, reported that this request is to amend existing SP1978-74 allowing a canoe livery, to expand the camping area accessory to the canoe livery on to adjacent parcel 13600-00-00-014A0. He presented a map of the area, which he said is located three miles southwest of Scottsville and is zoned Rural Areas. He next presented an aerial photograph of the property and surrounding areas, with delineations of the original special permit in 1978 as well as the area subdivided in 1983 to allow the canoe livery property ownership. He said the permit is still valid for the entire area shown. He said the request will bring the existing use of five primitive camp sites into compliance. Mr. Fox clarified that 136-14A is a parcel distinct from the larger parcel that encompasses fields to the north and east. He explained the site is within the floodway and 100-year floodplain, which is shaded on the map, and he presented a ground-level photograph of the camping site.

Mr. Fox presented a slide that listed issues discussed by the Planning Commission: the use had been ongoing for several years without major impacts to the site; desire to protect riparian buffers; safety of campground; and protection of the rural character of neighboring properties. He presented a slide with the conditions recommended by the Planning Commission: 1) Accessory structures within the floodplain shall be constructed and secured in accordance with County Code 18.30.3.15; 2) the use of fireworks on the property shall be prohibited; 3) the owner shall establish and enforce Campground Quiet Hours, as approved by the Zoning Administrator, for the hours between 10 p.m. and 6 a.m.; 4) no amplified sound or permanent lighting shall be installed or used on the property; and 5) a staff member shall be on the premises at all times when individuals are utilizing camp sites on the property.

Mr. Fox noted that the applicant is currently meeting all of these conditions under existing guidelines.

Mr. Gallaway asked for confirmation that staff is already present on the site. Mr. Fox confirmed this and stated that they want to establish this as a condition so it would continue in the future.

Mr. Randolph added that during the community meeting, he learned that if this business does not operate on this site, there would likely be the occurrence of irresponsible behavior such as trash disposal, the use of fireworks, and underage drinking. He said there was agreement at the meeting that James River Runners' founder is a good community citizen and runs a well-respected business, and there were problems at the location that were not his fault and were out of his control. He said the James River Runners staff cleaned up after people and informed them of the rules.

Ms. Palmer said there were some beautiful, remote public areas in the County – Sugar Hollow being an example – that needs to have someone watch over them or mischief will occur. She agrees that it helps to have a responsible business on the site to keep an eye on an area.

Ms. Mallek opened the public hearing. As no one came forward to speak, Ms. Mallek closed the public hearing.

Ms. Mallek commented that she is grateful staff are on site at night for reasons of safety and to keep an eye on the water level.

Mr. Randolph **moved** that the Board adopt the proposed resolution to approve SP-2017-00004, subject to the proposed conditions. The motion was **seconded** by Ms. Palmer.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.



**RESOLUTION TO APPROVE  
SP 2017-04 JAMES RIVER RUNNERS AMENDMENT**

**WHEREAS**, the Owner of Tax Map Parcel 13600-00-00-012A0 (the "Property") filed an application to amend a previously-approved special use permit (SP 197800074) to expand the camping area accessory to the canoe livery located on the Property onto Tax Map Parcel 136-00-00-014A0, and the application is identified as Special Use Permit 2017-00004 James River Runners Amendment ("SP 2017-04"); and

**WHEREAS**, on February 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-04 with conditions; and

**WHEREAS**, on March 14, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-04.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2017-04 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(29) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-04, subject to the conditions attached hereto.

\* \* \*

**SP-2017-00004 James River Runners Amendment Special Use Permit Conditions**

1. Accessory structures within the floodplain shall be constructed and secured in accordance with County Code § 18-30.3.15.
2. The use of fireworks on the property shall be prohibited.
3. The owner shall establish and enforce Campground Quiet Hours, as approved by the Zoning Administrator, for the hours between 10 pm and 6 am.
4. No amplified sound or permanent lighting shall be installed or used on the property.
5. A staff member shall be on the premises at all times when individuals are utilizing camp sites on the property.

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Agenda Item No. 11. **PUBLIC HEARING: SP201700018 Rivanna Solar Project**  
**(Signs #39&56).**

PROJECT: SP201700018 Rivanna Solar Project.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL(S): 09400-00-00-017A0.

LOCATION: 2631 Buck Island Rd

PROPOSAL: Solar-energy electrical generation facility, with solar panels occupying approximately 90 acres.

PETITION: Solar energy system allowed by special use permit under section 10.2.2.58 of the Zoning Ordinance on a 149-acre parcel. No new dwelling units proposed.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

OVERLAY DISTRICT(S): Entrance Corridor, Flood Hazard Overlay District.

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

*(Advertised in the Daily Progress on February 26 and March 5, 2018)*

The Executive Summary forwarded to the Board states that at its meeting on February 6, 2018, the Planning Commission voted 7:0 to recommend approval of SP201700018 Rivanna Solar with the conditions set forth in the staff report. Attachments A, B, and C are the Planning Commission's staff report, action letter, and minutes from the meeting, respectively.

No additional changes to the concept plan (Attachment D) or conditions were recommended by the Commission or are recommended by staff.

Staff recommends that the Board adopt the attached Resolution to approve SP201700018 (Attachment E) subject to the conditions contained therein.

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Mr. Scott Clark, Senior Planner, reported that the passive solar energy facility would be located in the rural area near the intersection of Route 53 and Buck Island Road on 90 acres of a 149-acre parcel. He presented a map of the area with the property designated in red, and he pointed out elevations, streams, and other features on a topographic map, noting it is adjacent to a Dominion substation. He next presented ground-level photographs of the property and pointed out various features. Mr. Clark said the site had been cleared for a commercial timber operation a few years earlier and would include photovoltaic arrays, with horizontally oriented panels that could reach to six feet above the ground, tilt to follow the sun and be protected by chain-link fencing. He said the electricity generated would be transferred to the nearby substation and would include 7 invers, which are electrical boxes about 14 feet in length that convert direct current from panels to alternating current, for transfer to the grid. He said the property would not include any buildings or permanent onsite staff. Mr. Clark presented the conceptual plan and pointed out the areas where the panels would be located as well as a stream that runs through the middle of the property, noting that they would maintain the existing 100-foot wooded buffer around the

stream. He presented a plan for proposed landscaping to reduce visibility of the site, which included a row of shrubbery near the road as well as mid and larger-sized trees.

Mr. Clark summarized the review standards for special use permits:

- *Under no substantial detriment to adjacent lots.* He said the inverter units produce approximately 70 decibels of noise, at a distance of one meter, continuously during the day while the panels collect energy. He compared the noise level to that of a television, radio or vacuum cleaner. He said the units would be far enough from the property line so that the noise would not impact adjacent properties with noise level dropping to 40 decibels if the panels were set back 100 feet from the property line, which was below the level required under the noise ordinance.
- *Under harmony with the purpose and intent of the rural areas chapter of the zoning ordinance.* He noted that one key point was the preservation of agricultural and forestal land and that, unlike with other commercial uses in the rural areas, all the equipment from this facility could be removed when the facility closes and the site could be returned to forestry or agriculture.
- *Limited service to the rural area.* He explained that after construction was complete there would be little, if any, demand for emergency services and the property does not need water supply or septic.
- *Consistency with the Comprehensive Plan.* He said they focused on the plan for rural areas and the preservation of agriculture and forestal uses. He said the site could return to these uses after it had been decommissioned.
- *Environmental Sustainability.* He said the County's natural resources plan calls for more efficient energy production which this facility accomplishes.
- *Visual Character.* He reiterated how they plan to use extensive screening which had been recommended by the Architectural Review Board.
- *Historic Resources.* He explained there was concern over the sites proximity to Monticello and Ashland-Highland. He said there were lines of site to these properties but they were located several miles away, the equipment was not highly reflective and does not protrude high above the ground, and they had determined the facility would not have a significant impact on these historic sites.

Mr. Clark stated that as an electrical generating facility that provides energy to a public utility, it must be compliant with the Comprehensive Plan and undergo review by the Planning Commission. He said the Planning Commission reviewed the plan at a public hearing and voted unanimously that the proposed use was in compliance, and they had imposed conditions. He summarized the four factors favorable, which were cited previously, and noted that there were no factors unfavorable. He reviewed two changes to the conditions that had since occurred, the first being a name correction to the plan that referred to the "landscape buffer details plan." He said the second change was to Condition 10, which now clarified that "all physical improvements above and below ground shall be removed entirely in accord with the decommissioning plan." Mr. Clark explained that the requirement to remove equipment 36 inches below ground was now phrased so that when a component was broken or not recoverable, it should be removed to a depth of at least 36 inches below the ground with the new requirement setting a general expectation that everything above and below ground, including fencing, would be removed. He invited questions.

Ms. Palmer referred to an email the Board had received from the Southern Environmental Law Center. She said a minor tweak involved grading, excavation, filling of the land, and tree felling, and it limited this to areas shown on the concept plan. She asked Mr. Clark if he was aware of the email.

Mr. Clark replied that he had seen the email, and the difficulty of limiting clearing to solar envelopes was that any areas outside the envelopes that may need an access driveway or equipment installation would not be permitted if the condition were written in this way. He added that the envelopes were intended to show the location of the panels, but not necessarily everything on the site.

Ms. Palmer noted that they had added the wording "in temporary and permanent entrance areas."

Mr. Clark explained that the permanent entrance was on Buck Island Road while the temporary entrance was where the landscaping was on Route 53. He said if the Board wished to impose this additional language, they could require approval by the Director of Planning to clear these areas, so they would not have to amend the special use permit to add a driveway or to install a small piece of equipment.

Ms. Mallek expressed confidence the applicant would find a solution and commented that they had all seen how things tend to get away at the site plan level – which is why they are being particular in writing conditions. She explained they are not talking about restricting driving on the site and are addressing something that would have a huge impact on neighbors and change the whole operation.

Mr. Randolph noted that at the February 6 meeting of the Planning Commission, Seth Maughan said he would work with Ms. Sweeney to tighten up the language on Page 18 of the document. He asked for a status update on this.

Mr. Clark responded that he believes this refers to Condition #4, the agreement to limit tree clearing on a portion of Ms. Sweeney's adjacent property. He said he does not believe they have changed the language, as they are waiting to see if it would be necessary to do so.

Ms. Mallek opened the public hearing.

Mr. Seth Maughan, Director of Projects for SolUnesco, addressed the Board. He said he has not yet worked with the County to tighten up language, as the understanding was that this would be a condition required prior to site plan approval and he wanted to make sure they were going forward before devoting time to revisions. He acknowledged the outstanding work the County had given to developing solar, acknowledging supervisors Randolph, McKeel and Dill for meeting with him the previous week, as well as staff and the Planning Commission. He said they had no objections to the conditions, as proposed. He stated that the facility would create 11 MW AC of energy, which could power 2,000 households, and presented an architectural drawing of the property that included the arrangement of the solar panels.

Mr. Maughan presented photos of the type of panels that would be used, as well as the inverter pad. He reviewed the buffer plan approved by the Architectural Review Board and emphasized that it was beyond the industry norm as they recognized the views from the roadway were an asset to the County. He presented photos of the existing vegetation and an overlay of how the plantings would appear after five years of growth. He presented photos taken from a drone to demonstrate the limited visibility of the solar field from various view sheds. He explained that they had a decommissioning plan that used a third party to estimate costs, noting that the plan and cost must be updated every five years and rehabilitation of the site must be complete within 180 days of decommissioning. Mr. Maughan presented a list of benefits to the County from the facility: revenue for local landowners, increased real estate tax, construction jobs, economic boost, and clean energy leadership. He presented a timeline of next steps and emphasized that they still have environmental due diligence, engineering work, and the state approval process to complete. He invited questions.

Mr. Dill said Mr. Maughan had responded to his questions a few days earlier, and he commented that it seems like a wonderful project.

Ms. Mallek asked if there were options to move the inverters to more interior sections of the property to reduce noise. She asked where the inverter boxes would be in relation to the property line. Mr. Maughan responded that they have already moved the inverter back to make sure they are well under the permitted decibel level of 50. He pointed to the location of the inverters on the map and said the closest one is 150 feet from the property line, though they reserved the right to change this as they still have to complete environmental and engineering work. He emphasized that they want the inverters to be centrally located within the facility.

Ms. Mallek asked how land disturbance improvements could be made. Mr. Maughan acknowledged that he had read the recommendation and believed it would not change anything for them if it were added as a condition. He said they may want to reserve the right to put access through and liked Mr. Clark's suggestion that this be contingent on approval.

Ms. Mallek said the access roads would be laid out before they begin and would already be part of the site plan. She said they would not create a new roadway after the panels had already been installed, and it was unlikely they would want to make a big disturbance.

Mr. Maughan agreed, though he emphasized that after engineering work, it could be determined that something does not fit, though he finds the condition that requires the administrator's approval to be acceptable.

Ms. Palmer commented that this is a great project and the Board does not want to slow it down, though they do want to protect neighbors and make sure the site is developed as presented. She expressed support for the requirement to obtain the Planning Administrator's approval for changes.

Mr. Randolph pointed out that the site had already been effectively cleared. He referred to Page 10 of the February 6 Planning Commission report in which it reported that Mr. Maughan "said he shared the picture, glare analysis, and other information with Monticello and that Monticello endorses the project." He asked Mr. Maughan if this is a correct characterization and if he agrees that Monticello has endorsed the project.

Mr. Maughan replied that "endorsement" may be too strong a word, though he said they are enthusiastic about the way they were approached and the materials presented, and did not offer any opposition to the project.

Mr. Randolph said he had spoken with Ms. Russell of Thomas Jefferson Memorial Foundation, and she was surprised that their January 31 letter would be referred to as an "endorsement" when she clearly tried to convey that the Foundation had no objections. He said they should be careful with the language used, as the word endorsement means something different than "no objection."

Mr. Maughan agreed and said the correct statement would be that they had "no objections."

Ms. Lisa Bryant, resident of 2655 Buck Island Road, addressed the Board and stated that the facility would be fairly close to her back door, but she does not have any objections to it, and she expressed support for the project. She added that she is not concerned about noise.

Ms. Mallek asked if there would be underground wiring from panel to panel in addition to supports that go into the ground. She expressed concern with heavy metal “bleeding” and asked what type of soil testing would be done when returning the site to agricultural production. Mr. Maughan replied that most wiring runs below the panels, though there are a few main wires that run to the converter box that may go underground, which would be worked out during the engineering process. He said they would be insulated to standards.

Mr. Travis Pietila of the Southern Environmental Law Center addressed the Board and said the SELC is excited about the proposal and the opportunity it presents for Albemarle to promote solar energy, and they believe it is located in an appropriate location. He said they want to make sure that commitments made to mitigate impacts were clearly spelled out in the conditions of the special use permit so they could be assured they would be enforceable, and he suggested that some tweaks to the draft conditions be made. He said the first related to Condition 1 on land disturbance, as they are concerned with some critical slopes and tree preservation areas along Route 53 and Buck Island Road in the concept plan that were proposed for preservation but not specified in the condition. He expressed support for specifying these. He said the second recommendation is to specifically reference landscape buffer details in Condition 2. He suggested that landscape buffering be placed in the southwest corner at the site of the proposed permanent entrance, as there is a wide-open view of the property along Buck Island Road. He thanked staff and the applicant for their hard work on the proposal.

Mr. Maughan addressed Mr. Pietila’s suggestion to add buffering to the south. He said that staff had spent a lot of time discussing and negotiating this issue and had come to a conclusion that everyone is happy with. He emphasized the application stipulated that they would let existing vegetation in the setbacks to continue to grow. He said that seeded pines were planted three or four years ago that would fill in and should provide adequate buffer along Buck Island Road.

Ms. Mallek asked how the resolution could call out steep slopes and areas of extra special resources to make sure these elements were carefully remembered in the future. Mr. Kamptner responded that the solar envelopes cover a huge portion of the property and with stream buffers, critical slope areas, and the envelopes, most of the parcel is covered – though some pieces fell out of protected areas under current regulations and under the concept plan.

Ms. Mallek emphasized the importance of wooded stream buffers, as she was concerned the trees would be cut, resulting in dirt runoff to neighboring properties.

Mr. Kamptner proposed modifications that included several changes to Condition 1: “Land disturbance, which includes but is not limited to grading, excavation, filling of land, felling of trees, and the removal of tree stumps, shall be limited to the areas shown on the concept plan as proposed solar development envelopes, proposed landscape buffer areas, and the temporary construction entrance and the permanent entrance areas, unless additional land disturbance was approved by the Director of Planning, in writing, and prior to the land disturbance.”

Ms. Mallek expressed approval with the extra detail.

Mr. Randolph acknowledged the work of Mr. Mark Graham, Mr. Doug Walker, Mr. Greg Kamptner, Ms. Margaret Maliszewski, Mr. Scott Clark and Ms. Amelia McCulley, as well as other staff members, for enabling the Board to be able to look at this project. He noted that the energy output resulting from this facility would surpass the total existing solar output in the County, and it took the work of the whole community to shepherd this project forward. He also expressed appreciation to neighbors for attending community meetings and for their support of the project.

Mr. Randolph **moved** that the Board adopt the following resolution to approve SP-2017-00018 Rivanna Solar Project, as amended and with conditions specified in writing and as discussed today. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

Ms. Mallek thanked the applicant for his patience and for being the guinea pig.

#### **RESOLUTION TO APPROVE SP 2017-18 BY RIVANNA SOLAR**

**WHEREAS**, SolUnesco, LLC submitted an application for a special use permit to install a solar energy system on Tax Map Parcel Number 09400-00-00-017A0, and the application is identified as SP201700018 Rivanna Solar (“SP 2017-18”); and

**WHEREAS**, on February 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-18 with conditions; and

**WHEREAS**, on March 14, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-18.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2017-18 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(58) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-18, subject to the conditions attached hereto.

\* \* \*

**SP-2017-18 Rivanna Solar  
Special Use Permit Conditions**

1. Development and use shall be in general accord with the following revised plans prepared by Draper Aden Associates titled "Conceptual Layout, Rivanna Solar Farm" dated January 5, 2018 (hereinafter "Concept Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements as shown on the Concept Plan:
  - a. Location of solar development envelopes;
  - b. Location of access/entrance improvements;
  - c. Location of equipment yard; and
  - d. Retention of wooded vegetation in stream buffers

Land disturbance, which includes but is not limited to grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, shall be limited to the areas shown on the Concept Plan as "Proposed Solar Development Envelopes," "Proposed Landscape Buffer" areas, and the "Temporary Construction Entrance" and the "Permanent Entrance" areas, unless additional land disturbance is approved by the Director of Planning in writing and prior to the land disturbance.

Minor modifications, with the approval of the Zoning Administrator and the Director of Planning, to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.
2. Landscaping and screening shall be substantially the same as shown on the revised plan prepared by Draper Aden Associates titled "Landscape Buffer Details" dated January 5, 2018, and shall be planted as shown on a landscaping plan approved by the Director of Planning or his or her designee.
3. All inverters shall be set back at least one hundred (100) feet from property lines and rights-of-way.
4. The applicant shall submit a tree-protection agreement between the applicant and the landowner of Tax Map Parcel 09300-00-00-047E0 with the building permit application. This agreement shall prohibit the removal of shrubs or trees (except for non-native or invasive species) by either party within 475 feet of the rear boundary of this parcel until decommissioning of the solar energy facility on Tax Map Parcel 09400-00-00-017A0 is complete. The tree-protection agreement shall be subject to review and approval by the County Attorney, and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the County of Albemarle. Prior to issuance of a building permit, the tree-protection agreement shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
5. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.
6. The applicant shall submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application that shall include the following items:
  - a. A description of any agreement (e.g. lease) with all landowners regarding decommissioning;
  - b. The identification of the party currently responsible for decommissioning;
  - c. The types of panels and material specifications being utilized at the site;
  - d. Standard procedures for removal of facilities and site rehabilitation, including recompact and reseeding;
  - e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade or down to bedrock, whichever is less; and
  - f. An estimate of all costs associated with rehabilitation of the site.

The Decommissioning Plan shall be prepared by a third-party engineer and must be signed off by the party responsible for decommissioning, and all landowners of the property included in the project. The Decommissioning Plan shall be subject to review and approval by the County Attorney and County Engineer, and shall be in a form and style so that it may be recorded in the



office of the Circuit Court of the County of Albemarle.

7. Prior to issuance of a building permit, the Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
8. The Decommissioning Plan and estimated costs shall be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan shall be recorded in the office of the Circuit Court of the County of Albemarle.
9. The Zoning Administrator shall be notified in writing within 30 days of the abandonment or discontinuance of the use.
10. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, shall be removed entirely, and the site shall be rehabilitated as described in the Decommissioning Plan, within 180 days of the abandonment or discontinuance of the use. In the event that a piece of an underground component breaks off or is otherwise unrecoverable from the surface, that piece shall be excavated to a depth of at least 36 inches below the ground surface.
11. If the use, structure, or activity for which this special use permit is issued is not commenced by March 14, 2020, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

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**Recess.** At 7:49 p.m., Ms. Mallek called for a recess. The Board reconvened at 7:55 p.m.

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Agenda Item No. 12. **Electoral Board and Registrar-Proposed New Voting Precincts and Voting Locations.** To receive comments on its intent to adopt an ordinance to amend sections 2-101, 2-103, 2-105, and 2-106 of Article I, Elections, of Chapter 2, Administration, of the Albemarle County Code. The proposed ordinance would: Consolidate the Belfield Precinct into the Jack Jouett Precinct; Establish Jack Jouett Middle School, 210 Lambs Lane, Charlottesville, Virginia 22901 as the polling place for the consolidated Jack Jouett Precinct; Divide the current Free Bridge Precinct into the Free Bridge Precinct and the Pantops Precinct; Establish Broadus Memorial Baptist Church, 1525 Stony Point Road, Charlottesville, Virginia 22911 as the Pantops Precinct polling place; Divide the current Cale Precinct into the Cale Precinct and the Biscuit Run Precinct; Establish Monticello High School, 1400 Independence Way, Charlottesville, Virginia 22902 as the Biscuit Run Precinct polling place; Remove a portion of the current Crozet Precinct and a portion of the current Brownsville Precinct to create the Mechums River Precinct; and Establish Western Albemarle High School, 5941 Rockfish Gap Turnpike, Crozet, Virginia 22932 as the Mechums River Precinct polling place.  
(Advertised in the Daily Progress on February 20, 2018)

The Executive Summary forwarded to the Board states that the Electoral Board of Albemarle County prioritizes keeping the size of County precincts small enough to improve voter experience and large enough to provide efficiency in holding elections. In response to growth and changing conditions in the County, the Electoral Board is proposing changes regarding precinct and polling place locations. The proposed changes fall into two categories: absolute immediate necessity and compelling urgency.

First, of absolute immediate necessity is the matter of the Belfield voting precinct. The St. Anne's Belfield School is no longer available to serve as the voting location for the Belfield voting precinct; the Electoral Board is proposing the merger of the existing Belfield precinct with the existing Jack Jouett Precinct.

Second, as to compelling urgency, the Electoral Board proposes to subdivide several existing precincts, because the number of registered voters in those precincts is getting sufficiently large that it is presenting congestion for voters in those precincts on election days.

For all of these changes, all affected voters will continue to be in the same Magisterial district, state Senate district, and House of Delegates district. There is an urgency to complete these changes before the end of 2018, as we will be unable to make any precinct changes prior to the next Presidential Election in 2020 after January 1, 2019.

In an effort to identify a suitable alternative polling location for the Belfield voting precinct, the Electoral Board evaluated fourteen locations. Of the fourteen locations considered, none were found suitable to replace the St. Anne's Belfield polling place. With no appropriate replacement, the Electoral Board has devised a solution that involves the merger of the Belfield voting precinct with the existing Jack Jouett Precinct. Jack Jouett Middle School would serve as the voting location for the expanded precinct, and retain the name: Jack Jouett Precinct. Detail for the rationale/justification of the merger is provided in Attachment A, additional information regarding the merger is provided in Attachment B, and maps of the existing Jack Jouett and Belfield precincts and of the proposed Jack Jouett Precinct are included as Attachments C and D, respectively.

Additionally, the Electoral Board has identified three opportunities to provide additional voter capacity in Albemarle County while improving voting line length, wait times, and parking lot congestion.

- Divide Brownsville and Crozet precincts into three precincts - Crozet, Brownsville and Mechums River.
- Divide Cale Precinct into two precincts - Cale and Biscuit Run (western part of current Cale).
- Divide Free Bridge Precinct into two precincts - Free Bridge and Pantops.

Details on the location of each proposed precinct and information on the number of registered voters currently in each existing precinct versus the number of registered voters in each proposed precinct is available in Attachment B. Please refer to Attachments E-I for detailed mapping of these proposed precincts.

The Electoral Board would assert for future consideration that the continuing urbanization of Albemarle County will result in the need for future additional precinct changes and additions. The most recent experience in locating appropriate polling locations demonstrates the need to consider future County construction to anticipate the need for new polling places. As new schools, fire stations, libraries, or other County buildings are planned, the need for flexible space which could also serve as a polling place should be considered.

Staff anticipates that there will be both one-time and ongoing costs associated with the proposed changes. A one-time cost of approximately \$5,000.00 for mailed notification of changes to residents in the affected areas, drawn from the reserve for contingency fund. An ongoing budget expense of approximately \$14,000.00 for additional election staff and operational supply needs.

The Electoral Board and staff recommend that the Board adopt the attached proposed Ordinance (Attachment K).

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Mr. Peter Wurzer, Chair of the Albemarle County Electoral Board, stated that he had already presented everything previously and invited questions.

Mr. Dill asked how they would notify residents of a precinct change. Mr. Jake Washburne, Registrar, explained that he would send a copy of the approved ordinance to the Department of Elections in Richmond, and the affected voters would be assigned to new precincts and then sent new voter cards. He added that prior to an upcoming election, they would publicize this through local media and public service announcements.

Mr. Gallaway asked for confirmation that there would be signs at St. Anne's Belfield School directing voters to the new precinct site. Mr. Washburne confirmed that there would be.

Mr. Randolph recounted that when he presented this to the 5<sup>th</sup> and Avon Community Advisory Committee, they were not enthusiastic about the location of the Biscuit Run precinct at Monticello High School as they would have to travel a longer distance than before, which could discourage some voters during inclement weather. He encouraged the Board of Elections to meet with Habitat for Humanity to discuss their community center vision at Southwood as a possible voting precinct, noting that they would be able to determine if there had been a drop-off in voter participation as a result of the change.

Mr. James Heilman, Secretary of the Electoral Board, addressed the Board. He said they were not enthusiastic about the new precinct at Monticello High School, but neither Tandem nor Covenant Schools nor the new 5<sup>th</sup> Street Center were interested. He said they would keep their eyes open for possible alternatives.

Mr. Dill asked if the County pays rent for voting locations. Mr. Heilman replied that they pay rent for the use of private facilities, but not for public facilities.

Ms. McKeel commented that they could not find a precinct location other than Jack Jouett Middle School in her district, and she asked if he would be coming before the Board with a suggestion for University Hall.

Mr. Heilman said they have this ready and would be presenting a proposed change to the Board after a Republican primary in June.

Ms. Mallek opened the public hearing.

As no one came forward to speak, she closed the public hearing.

Ms. McKeel **moved** that the Board adopt the proposed ordinance, Attachment K. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

#### **ORDINANCE NO. 18-2(1)**

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE 1, ELECTIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article 1, Elections, is hereby amended and reordained as follows:

**By Amending:**

Sec. 2-101 Jack Jouett Magisterial District.  
Sec. 2-103 Rivanna Magisterial District.  
Sec. 2-105 Scottsville Magisterial District.  
Sec. 2-106 White Hall Magisterial District.

**Chapter 2. Administration**

**Article 1. Elections**

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**Sec. 2-101 Jack Jouett Magisterial District.**

The Jack Jouett Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676 and 601); then east and south along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the railway to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then east along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the Charlottesville city limits; then meandering north and east along the Charlottesville city limits to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.
- B. *Precincts:* The district shall be divided into three precincts that are described as follows:
  1. *Georgetown Precinct:* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then south along Hydraulic Road to its intersection with Georgetown Road (State Route 656); then southwest along Georgetown Road to its intersection with Barracks Road (State Route 654); then southeast along Barracks Road to its intersection with Charlottesville's western city limits; then along Charlottesville's western city limits north and east to the intersection of Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.
  2. *Jack Jouett Precinct:* Beginning at the intersection of Barracks Road (State Route 654) and its intersection with Georgetown Road (State Route 656); then northeast along Georgetown Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676, and 601); then east and southeast along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX railway right-of-way; then east along the CSX railway right-of-way to its intersection with the US Route 29/250 bypass; then northeast along the US Route 29/250 bypass to its intersection with Charlottesville's western city limits and Barracks Road (State Route 654); then northwest along Barracks Road to its intersection with Georgetown Road, the point of origin.
  3. *University Hall Precinct:* Beginning at the intersection of the U.S. Route 29 Bypass and Fontaine Avenue Extended/U.S. Route 29 Business; then north to its intersection with the U.S. Route 29/250 Bypass; then north and northeast along the U.S. Route 29/250 Bypass to its intersection with Charlottesville's northwestern city limits, then meandering south along the Charlottesville city limits to its intersection with Fontaine Avenue/U.S. Route 29 Business; then running west along Fontaine Avenue/U.S. Route 29 Business and the Charlottesville city limits to its intersection with Fontaine Avenue Extended/U.S. Route 29

Business; then west along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the U.S. Route 29/250 Bypass, the point of origin.

C. *Polling places:* Each precinct shall have a polling place at the location identified below:

1. *Georgetown Precinct:* Albemarle High School, 2775 Hydraulic Road.
2. *Jack Jouett Precinct:* Jack Jouett Middle School, 210 Lambs Lane.
3. *University Hall Precinct:* University Hall, 300 Massie Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(2), § 2-102; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

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#### **Sec. 2-103 Rivanna Magisterial District.**

The Rivanna Magisterial District shall be bounded, and contain precincts and polling places, as follows:

A. *Description of district:* Beginning at the intersection of Interstate 64 and the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with the Albemarle/ Louisa county line; then northeast along the Albemarle/Louisa county line to its intersection with the Albemarle/ Orange county line; then west along the Albemarle/Orange county line to its intersection with the Albemarle/ Greene county line; then west along the Albemarle/Greene county line to its intersection with Seminole Trail (U.S. Route 29); then southwest along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and the Rivanna River; then meandering south along the Rivanna River to its intersection with Interstate 64; then along Interstate 64 east to its intersection with the Albemarle/Fluvanna county line, the point of origin.

B. *Precincts:* The district shall be divided into six precincts that are described as follows:

1. *Baker-Butler Precinct:* Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene county line; then southeast along the Albemarle/Greene county line to its intersection with the Albemarle/Orange county line; then southeast along the Albemarle/Orange county line to its intersection with the Norfolk Southern Railway right-of-way; then southwest along the Norfolk Southern Railway right-of-way to its intersection with the drainage culvert of an unnamed tributary of Powell Creek (flowing under the railway right-of-way at the southern end of Proffit Station Road); then meandering west along the unnamed tributary of Powell Creek to its confluence with Powell Creek; then meandering north along Powell Creek to its confluence with an unnamed outlet to Lake Hollymead; then meandering west along the unnamed outlet to Lake Hollymead into the eastern end of Lake Hollymead; then west along the length of Lake Hollymead to an unnamed tributary to Lake Hollymead at the western end of Lake Hollymead; then meandering west along the unnamed tributary to Lake Hollymead to another unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south); then meandering west along the unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south) to its intersection with Seminole Trail (U.S. Route 29), immediately south of 3129 Seminole Trail; then north along Seminole Trail to its intersection with the Albemarle/Greene county line, the point of origin.
2. *Free Bridge Precinct:* Beginning at the intersection of the Rivanna River with Interstate 64; then meandering north along the Rivanna River to its intersection with a Dominion Power high voltage powerline right-of-way; then running southeast along the powerline right-of-way to its intersection with Shadwell Creek; then running south along Shadwell Creek to its intersection with Hansens Mountain Road; then running west along Hansens Mountain Road to its intersection with Richmond Road (US Route 250); then running southeast along Richmond Road/US Route 250 to its intersection with Interstate 64; then running west along Interstate 64 to its intersection with the Rivanna River, the point of origin.
3. *Hollymead Precinct:* Beginning at the intersection of the Norfolk Southern Railway right-of-way and the South Fork Rivanna River; then running northeast along the Norfolk Southern Railway right-of-way to its intersection with the drainage culvert of an unnamed tributary of Powell Creek (flowing under the railway right-of-way at the southern end of Proffit Station Road); then meandering west along the unnamed tributary of Powell Creek to its confluence with Powell Creek; then meandering north along Powell Creek to its confluence with an unnamed outlet to Lake Hollymead; then meandering west along the unnamed outlet to Lake Hollymead into the eastern end of Lake Hollymead; then west along the length of Lake Hollymead to an unnamed tributary to Lake Hollymead at the western end of Lake Hollymead; then meandering west along the unnamed tributary to Lake Hollymead to another unnamed tributary to Lake Hollymead (running roughly parallel to Broad Crossing Road to the south); then meandering west along the unnamed tributary to Lake

Hollymead (running roughly parallel to Broad Crossing Road to the south) to its intersection with Seminole Trail (U.S. Route 29) immediately south of 3129 Seminole Trail; then south along Seminole Trail to its intersection with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with the Norfolk Southern Railway right-of-way, the point of origin.

4. *Keswick Precinct*: Beginning at the intersection of the Albemarle/Orange/Louisa county line; then southwest along the Albemarle/Louisa county line to its intersection with the Albemarle/ Fluvanna county line; then southwest along the Albemarle/ Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Barn Branch; then northwest along Barn Branch to its confluence with a western branch of Barn Branch whose origin lies near the ridge of Trevillian Mountain of the Southwest Mountains; then meandering north along this western branch of Barn Branch to its origin near the ridge of Trevillian Mountain of the Southwest Mountains; then northeast along the ridge line of the Southwest Mountains to its intersection with the Albemarle/Orange county line; then east along the Albemarle/Orange county line to its intersection with the Albemarle/Orange/ Louisa county line, the point of origin.
5. *Pantops Precinct*: Beginning at the confluence of the Rivanna River and Redbud Creek; then east along Redbud Creek to its confluence with an eastern branch of Redbud Creek whose origin lies near the ridge of Long Mountain of the Southwest Mountains; then meandering southeast along this eastern branch of Redbud Creek to its origin near the ridge of Long Mountain of the Southwest Mountains; then Southwest along the ridge line of the Southwest Mountains (encountering Hammocks Gap, followed by Wolf Mountain, followed by Trevillian Mountain) to its intersection with the origin of a western branch of Barn Branch; then meandering south along this western branch of Barn Branch to its confluence with Barn Branch; then southeast along Barn Branch to its intersection with Interstate 64; then west along Interstate 64 to its intersection with Richmond Road (US Route 250); then northwest along Richmond Road/US Route 250 to its intersection with Hansens Mountain Road; then running east along Hansens Mountain Road to its intersection with Shadwell Creek; then running north along Shadwell Creek to its intersection with a Dominion Power high voltage powerline right-of-way; then running northwest along this powerline right-of-way to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its confluence with Redbud Creek, the point of origin.
6. *Stony Point Precinct*: Beginning at the intersection of the South Fork Rivanna River and the Norfolk Southern Railway right-of-way; then meandering southeast along the South Fork Rivanna River to its confluence with the North Fork Rivanna River and Rivanna River; then meandering south along the Rivanna River to its confluence with Redbud Creek; then east along Redbud Creek to its confluence with an eastern branch of Redbud Creek whose origin lies near the ridge of Long Mountain of the Southwest Mountains; then east along this eastern branch of Redbud Creek to its origin near the ridge of Long Mountain of the Southwest Mountains; then northeast along the ridgeline of the Southwest Mountains to its intersection with the Albemarle/Orange county line; then west along the Albemarle/Orange county line to its intersection with the Norfolk Southern Railway right-of-way; then southwest along the Norfolk Southern Railway right-of-way to its intersection with the South Fork Rivanna River, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Baker-Butler Precinct*: Baker-Butler Elementary School, 2740 Proffit Road.
2. *Free Bridge Precinct*: Elk's Lodge Hall, 389 Elk Drive.
3. *Hollymead Precinct*: Hollymead Elementary School, 2775 Powell Creek Drive.
4. *Keswick Precinct*: Zion Hill Baptist Church, 802 Zion Hill Road.
5. *Pantops Precinct*: Broadus Memorial Baptist Church, 1525 Stony Point Road.
6. *Stony Point Precinct*: Stony Point Elementary School, 3893 Stony Point Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(3), § 2-103; Ord. 01-2(1), 5-9-01; Ord. 02-2(4), 7-3-02; Ord. 08-2(1), 2-6-08; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

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## **Sec. 2-105 Scottsville Magisterial District.**

The Scottsville Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district*: Beginning at Sunset Avenue Extended (State Route 781) and Charlottesville's southern city limits; then south along Sunset Avenue Extended to its intersection with Mountainwood Road; then east along Mountainwood Road to its intersection with Old Lynchburg Road (State Route 780); then south along Old Lynchburg Road (State Route 780) to



Old Lynchburg Road (State Route 631); then south along Old Lynchburg Road to its intersection with a western branch of Biscuit Run (immediately south of and running roughly parallel to Forest Lodge Drive), then east along this western branch of Biscuit Run to its confluence with Biscuit Run; then south along Biscuit Run approximately 375 feet to its confluence with an eastern branch of Biscuit Run; then continuing east along this eastern branch of Biscuit Run to its intersection with Scottsville Road (State Route 20) (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then south along Scottsville Road to its intersection with Red Hill Road (State Route 708); then immediately west along Red Hill Road to its intersection with the North Fork Hardware River; then meandering southwest along the North Fork Hardware River to its confluence with the Hardware River and the South Fork Hardware River; then southwest along the South Fork Hardware River to its confluence with Eppes Creek; then southwest along Eppes Creek to its confluence with Beaver Branch; then meandering southwest along Beaver Branch to its intersection with Plank Road (State Route 712); then southeast along Plank Road to its intersection with Esmont Road (State Route 715); then continuing northeast along Plank Road to its intersection with Scottsville Road (State Route 20); then southeast along Scottsville Road to its intersection with Langhorne Road (State Route 626); then southwest along Langhorne Road to its intersection with James River Road (State Route 627); then southeast along James River Road to its intersection with Warren Ferry Road (State Route 627); then south along Warren Ferry Road to its intersection with the James River and the Albemarle/Buckingham county line; then east along the Albemarle/Buckingham county line to its intersection with the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its intersection with the Charlottesville city limits; then along the Charlottesville city limits west to its intersection with Sunset Avenue Extended, the point of origin.

B. *Precincts:* The district shall be divided into five precincts that are described as follows:

1. *Biscuit Run Precinct:* Beginning at the intersection of Sunset Avenue Extended (State Route 781) and Charlottesville's southern city limits; then east along Charlottesville's southern city limits to its intersection with Avon Street Extended (State Route 742); then running Southwest along Avon Street Extended/State Route 742, to its intersection with Interstate 64; then running west along Interstate 64 to its intersection with Biscuit Run; then meandering south and west along Biscuit Run to its confluence with a western branch of Biscuit Run (approximately 1650 feet east of the eastern end of Forest Lodge Lane, and approximately 1650 feet southeast of the eastern end of Forest Lodge Drive); then west along this western branch to its intersection with Old Lynchburg Road (State Route 631); then north along Old Lynchburg Road (State Route 631) to its intersection with Old Lynchburg Road (State Route 780); then northwest along Old Lynchburg Road (State Route 780) to its intersection with Mountainwood Road; then west along Mountainwood Road to its intersection with Sunset Avenue Extended (State Route 781); then north along Sunset Avenue Extended to its intersection with Charlottesville's southern city limits, the point of origin.
2. *Cale Precinct:* Beginning at the intersection of Charlottesville's southern city limits with Monticello Avenue (State Route 20); then south along Monticello Avenue to its intersection with Interstate 64 and Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with an eastern branch of Biscuit Run (just north of the intersection of Scottsville Road and Cedar Hill Farm road); then west along this eastern branch to its confluence with Biscuit Run; then north along Biscuit Run to its intersection with Interstate 64; then east along Interstate 64 to its intersection with Avon Street Extended/State Route 742; then northeast along Avon Street Extended/State Route 742 to its intersection with Charlottesville's southern city limits; then east along Charlottesville's southern city limits to its intersection with Monticello Avenue/State Route 20, the point of origin.
3. *Monticello Precinct:* Beginning at the intersection of Scottsville Road (State Route 20) and Thomas Jefferson Parkway (State Route 53); then east along Thomas Jefferson Parkway to the Albemarle/ Fluvanna county line; then southwest along the Albemarle/Fluvanna county line to its intersection with Rolling Road South (State Route 620); then north along Rolling Road South to its intersection with Rolling Road (State Route 620); then northwest along Rolling Road to its intersection with Secretarys Road (State Route 708); then west along Secretarys Road to its intersection with Carters Mountain Road (State Route 627); then south along Carters Mountain Road to its intersection with Scottsville Road (State Route 20); then north along Scottsville Road to its intersection with Thomas Jefferson Parkway, the point of origin.
4. *Scottsville Precinct:* Beginning at the intersection of Rolling Road South (State Route 620) and the Albemarle/Fluvanna county line; then southwest along the Albemarle/Fluvanna county line to its intersection with the James River and the Albemarle/Buckingham county line; then southwest along the Albemarle/Buckingham county line to its intersection with Warren Ferry Road (State Route 627); then north along Warren Ferry Road to its intersection with James River Road (State Route 627); then northwest along James River Road to its intersection with Langhorne Road (State Route 626); then northeast along Langhorne Road to its intersection with Scottsville Road (State Route 20); then northwest along Scottsville Road to its intersection with Plank Road (State Route 712); then southwest along Plank Road to its intersection with Esmont Road (State Route 715); then northwest along Plank Road to its intersection with Beaver Branch; then northeast along Beaver

Branch to its confluence with Eppes Creek; then northeast along Eppes Creek to its confluence with the South Fork Hardware River; then meandering northeast along the South Fork Hardware River to its confluence with the North Fork Hardware River and the Hardware River; then meandering northeast along the North Fork Hardware River to its intersection with Red Hill Road (State Route 708); then east along Red Hill Road to its intersection with Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with Carters Mountain Road (State Route 627); then north along Carters Mountain Road to its intersection with Secretarys Road (State Route 708); then east along Secretarys Road to its intersection with Rolling Road (State Route 620); then southeast along Rolling Road to its intersection with Rolling Road South (State Route 620); then south along Rolling Road South to its intersection with the Albemarle/Fluvanna county line, the point of origin.

5. *Stone-Robinson Precinct*: Beginning at the intersection of Scottsville Road (State Route 20) and Thomas Jefferson Parkway (State Route 53); then southeast along Thomas Jefferson Parkway to its intersection with the Albemarle/Fluvanna county line; then northeast along the Albemarle/Fluvanna county line to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rivanna River; then meandering northwest along the Rivanna River to its intersection with the Charlottesville city limits; then along the Charlottesville city limits southwest to its intersection with Monticello Avenue (State Route 20); then south along Monticello Avenue to its intersection with Interstate 64 and Scottsville Road (State Route 20); then south along Scottsville Road to its intersection with Thomas Jefferson Parkway, the point of origin.

C. *Polling places*: Each precinct shall have a polling place at the location identified below:

1. *Biscuit Run Precinct*: Monticello High School, 1400 Independence Way.
2. *Cale Precinct*: Cale Elementary School, 1757 Avon Street Extended.
3. *Monticello Precinct*: Monticello High School, 1400 Independence Way.
4. *Scottsville Precinct*: Scottsville Elementary School, 7868 Scottsville Road.
5. *Stone-Robinson Precinct*: Stone-Robinson Elementary School, 958 North Milton Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(5), § 2-105; Ord. 01-2(1), 5-9-01; Ord. 11-2(2), 5-4-11)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

## **Sec. 2-106 White Hall Magisterial District.**

The White Hall Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district*: Beginning at the intersection of Batesville Road (State Route 636) and the Albemarle/Nelson county line; then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route 250); then east along Rockfish Gap Turnpike to its intersection with Interstate 64; then east along Interstate 64 to its intersection with the Mechums River; then continuing northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road (State Route 663) to its intersection with Earlysville Road (State Route 743); then southeast along Earlysville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to the Albemarle/Rockingham county line; then southwest along the Albemarle/Rockingham county line to its intersection with the Albemarle/Augusta county line; then south along the Albemarle/Augusta county line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636), the point of origin.
- B. *Precincts*: The district shall be divided into five precincts that are described as follows:
  1. *Brownsville Precinct*: Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then southwest along the Albemarle/Augusta county line to its intersection with the Albemarle/Nelson county line; then southeast along the Albemarle/Nelson county line to its intersection with Batesville Road (State Route 636); then east along Batesville Road to its intersection with Ortman Road (State Route 691); then north along Ortman Road to its intersection with Rockfish Gap Turnpike (U. S. Route

250); then east along Rockfish Gap Turnpike to its intersection with Crozet Avenue (State Route 240); then north along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road to its intersection with the Albemarle/Augusta county line, the point of origin.

2. *Crozet Precinct*: Beginning at the intersection of Jarmans Gap Road (State Route 611) and the Albemarle/Augusta county line; then northeast along the Albemarle/Augusta county line to its intersection with the Albemarle/Rockingham county line; then northeast along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering southwest along the Mechums River to its intersection with Ivy Road (US Route 250); then west along Ivy road/US Route 250 to its intersection with Three Notchd Road (State Route 240); then northwest along Three Notchd Road to its intersection with Crozet Avenue (State Route 810); then south along Crozet Avenue to its intersection with Jarmans Gap Road (State Route 691); then west along Jarmans Gap Road (State Route 691) to its intersection with Jarmans Gap Road (State Route 611); then northwest along Jarmans Gap Road (State Route 611) to its intersection with the Albemarle/Augusta county line, the point of origin.
3. *Earlsville Precinct*: Beginning at the intersection of Seminole Trail (U.S. Route 29) and the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with Dyke Road (State Route 810); then south along Dyke Road to its intersection with Markwood Road (State Route 664); then south along Markwood Road to its intersection with Davis Shop Road (State Route 671); then southwest along Davis Shop Road to its intersection with Buck Mountain Creek; then meandering southeast along Buck Mountain Creek to its confluence with the South Fork Rivanna River; then meandering southeast along the South Fork Rivanna River to its intersection with Reas Ford Road (State Route 660); then north along Reas Ford Road to its intersection with Bleak House Road (State Route 662); then north along Bleak House Road to its intersection with Buck Mountain Road (State Route 665); then northeast along Buck Mountain Road (State Route 665) to its intersection with Buck Mountain Road (State Route 664); then southeast along Buck Mountain Road (State Route 664) to its intersection with Buck Mountain Road (State Route 663); then southeast along Buck Mountain Road (State Route 663) to its intersection with Earlsville Road (State Route 743); then southeast along Earlsville Road to its intersection with Dickerson Road (State Route 606); then north along Dickerson Road to its intersection with Dickerson Lane (State Route 763); then east along Dickerson Lane to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with the Albemarle/Greene county line, the point of origin.
4. *Free Union Precinct*: Beginning at the Albemarle/Rockingham/Greene county line; then southwest along the Albemarle/Rockingham county line to its intersection with the gate on Skyline Drive where the Jones Run Trail originates (near Mile Post 84); then east and south along Jones Run Trail to its intersection with Jones Run; then east along Jones Run to its confluence with the Doyles River; then meandering southeast along the Doyles River to its intersection with Blackwells Hollow Road (State Route 810); then west along Blackwells Hollow Road to its intersection with Browns Gap Turnpike (State Route 810); then south along Browns Gap Turnpike to its intersection with the Moormans River; then meandering east along the Moormans River to its intersection with Millington Road (State Route 671); then southwest along Millington Road to its intersection with Garth Road (State Route 614); then southeast along Garth Road to its intersection with the Mechums River; then meandering northeast along the Mechums River to its confluence with the Moormans River where they form the South Fork Rivanna River; then meandering east along the South Fork Rivanna River to its confluence with Buck Mountain Creek; then meandering northwest along Buck Mountain Creek to its intersection with Davis Shop Road (State Route 671); then northeast along Davis Shop Road to its intersection with Markwood Road (State Route 664); then north along Markwood Road to its intersection with Dyke Road (State Route 810); then north along Dyke Road to its intersection with the Albemarle/Greene county line; then west along the Albemarle/Greene county line to its intersection with the Albemarle/Rockingham/Greene county line, the point of origin.
5. *Mechums River Precinct*: Beginning at the intersection of the Mechums River with Ivy Road (US Route 250); then meandering southwest along the Mechums River to its intersection with Interstate 64; then west along Interstate 64 to its intersection with the Rockfish Gap Turnpike (US Route 250) (at the I-64 Crozet exit); then east along the Rockfish Gap Turnpike to its intersection with Crozet Avenue (State Route 240); then north along Crozet Avenue to its intersection with Three Notchd Road (State Route 240); then southeast along Three Notchd Road to its intersection with Ivy Road (US Route 250); then east along Ivy Road to its intersection with Mechums River, the point of origin.

C. *Polling places:* Each precinct shall have a polling place at the location identified below:

1. *Brownsville Precinct:* Brownsville Elementary School, 5870 Rockfish Gap Turnpike.
2. *Crozet Precinct:* Crozet Elementary School, 1407 Crozet Avenue.
3. *Earlysville Precinct:* Broadus Wood Elementary School, 185 Buck Mountain Road.
4. *Free Union Precinct:* Free Union Country School, 4220 Free Union Road, Free Union.
5. *Mechums River Precinct:* Western Albemarle High School, 5941 Rockfish Gap Turnpike

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(6), § 2-106; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11; Ord. 17-2(1), 3-1-17)

**State law reference** – Va. Code §§ 15.2-1211, 24.2-304.1 *et seq.*, 24.2-305 *et seq.*

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Agenda Item No. 13. **Ordinance to Amend County Code Chapter 5, Building Regulations.** To receive public comment on its intent to adopt an ordinance to amend Chapter 5, Building Regulations, of the Albemarle County Code by: reorganizing the chapter; amending § 5-104 (Violation and penalty) to specify that violations of the building code shall be punishable and shall be abated as provided in Virginia Code § 36-106; amending § 5-200 (Permit and inspection fees, generally) to allow for payment of fees by commercially acceptable means other than cash or check, and to require the department of community development to keep an accurate account of all fees collected; amending § 5-203 (Fees for plumbing permits) to specify fees for plumbing permits in use groups F-1 and F-2; amending § 5-205 (Fees for amusement devices) to provide that fees for amusement devices shall be as provided in the Virginia Amusement Device Regulations (Chapter 31, Agency 5, Title 13 of the Virginia Administrative Code); amending existing § 5-208 (Fees for other permits, plan amendments, and reinspections) to remove fees for amusement device permits from that section; amending § 5-300 (Order to remove, repair, or secure) to eliminate the requirement of the Building Official to order the removal, repair, or securing of unsafe buildings and structures before the removal, repair, or securing of the unsafe buildings and structures, consistent with Virginia Code § 15.2-906; deleting existing § 5-301 (Authority of building official to remove, repair or secure); amending and reorganizing existing § 5-302 (Recovery of costs if building official removes, repairs or secures; lien) as a new § 5-301 that follows Virginia Code § 15.2-906(3) and § 15.2-906(4); adding a new § 5-302 (Demolition or removal of certain structures) to allow the County to demolish or remove certain derelict nonresidential buildings or structures with the written consent of the property owner, consistent with Virginia Code § 15.2-906(5); amending § 5-400 (Applicability) to make the building code pertaining to smoke detectors apply to all dwelling units instead of just buildings or structures containing four or more dwelling units, and making other non-substantive stylistic amendments or amendments to track current State law.

*(Advertised in the Daily Progress on February 26 and March 5, 2018)*

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 5 contains building regulations, outlining required applications, permits, and certifications for certain structures.

State law provides only limited local discretion in this area. Specifically, Virginia Code § 36-98 mandates a Uniform Statewide Building Code, which supersedes any local building codes and regulations. However, Virginia Code § 36-105 makes local building departments responsible for enforcement of the provisions of the Building Code for construction and rehabilitation. County Code Chapter 5 fulfills this State mandate by specifying local procedures consistent with the Uniform Statewide Building Code.

Because County Code Chapter 5 is already largely consistent with the current Uniform Statewide Building Code, most proposed ordinance amendments are stylistic. However, staff highlights the following proposed substantive changes:

\* **Secs. 5-300 to 5-303** - Unsafe buildings and structures - State law authorizes local building officials to remove, repair or secure unsafe buildings and structures, after reasonable notice to the owner(s). Under the current ordinance, the building official must first "order" the removal, repair or securing of the unsafe building or structure, a requirement not found in State law. Staff's proposed amendments would more closely track the State enabling authority in this area.

\* **Sec. 5-302** - Demolition or removal of certain structures - This proposed amendment would allow the County to demolish or remove certain derelict nonresidential buildings or structures, with the written consent of the property owner.

\* **Sec. 5-400** - Smoke detectors - Because of a change in State law, staff recommends that the building code pertaining to smoke detectors apply to all dwelling units, not just buildings or structures containing four or more dwelling units. Most other proposed amendments are either stylistic or updates intended to track current State law.

No significant budget impact is expected.

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

Mr. Andy Herrick, Senior Assistant County Attorney, said he would discuss the proposed recodification of Chapter 5 of the County Code, which addresses building regulations. He said their office had undertaken a systematic review of the code to organize, streamline, and make it more efficient, and this is part of that initiative. He said there is limited local discretion, as the state's Uniform Statewide Building Code (USBC) dictated most substantive regulations. He said they wish to have the County code conform closely to the Virginia and USBC codes and that most of the proposed changes are quite minor. He said they have renumbered Section 5-106 and proposed to amend it to specify that violations of the building code shall be punishable and shall be abated as provided in Virginia Code 36-106. He explained that existing language said, "the violation shall be punishable as set forth herein," which he said was not very specific and referred to the wrong section. Mr. Herrick said they also propose to add a provision to Section 5-200 to allow for the payment of fees by commercially acceptable means. He said the current provision reads that "payment shall be made as a check payable to the County of Albemarle." He said the current provision also specified that the building official shall personally be responsible for the tracking of payments and fees, and they would specify that the Department of Community Development track the payment of fees.

Mr. Herrick next reviewed a proposed amendment to Section 5-203 to specify plumbing permit fees in use groups F-1 and F-2, as it currently just stated F. He said they would also update Section 5-205 to refer to Virginia Amusement Device Regulations of the Virginia Administrative Code. He said Section 5-208 would have a reference to amusement device fees eliminated, so state law would control this. He said they are making substantive changes to Section 5-300, which currently allows a building official to remove, repair, or secure unsafe buildings and structures. Mr. Herrick noted that the current wording did not conform exactly to state law and set up a process wherein the building official ordered the owner to fix the problem and then fixed it himself if the owner failed to. He said they want the County code to conform as closely as possible to Virginia Code 15.2-906, and they had deleted Section 5-301. He explained that staff proposed to add a new Section 5-302 to allow for the demolition or removal of certain derelict, non-residential buildings or structures, with the written consent of the property owner. He said the cost would be passed on to the property owner for voluntary and involuntary removals.

Mr. Herrick reported that an additional amendment would be to Section 5-400 to make the building code pertaining to smoke detectors apply to all dwelling units instead of just buildings or structures that contained four or more dwelling units. He said they had also made a variety of stylistic and non-substantive amendments to track current state law.

Mr. Herrick reviewed some possible additional steps, including the addition of a property maintenance code, which he said the Board had expressed interest in exploring. He emphasized that the County does not currently enforce the parts of the USBC maintenance code that are not required by the state. He added that Community Development had partnered with the Thomas Jefferson Planning District Commission to conduct a neighborhood inventory of older neighborhoods.

Ms. McKeel said she is most concerned about abandoned houses, such as one they declared as blighted that had vultures living in the attic and had been unoccupied for 20 years. She said she is also concerned about rental units that are not maintained or cared for by the owner.

Mr. Herrick responded that they had suggested the use of spot-blight abatement. He said the challenge of a property maintenance code is that it is all or nothing, and it is questionable whether selective enforcement is allowed.

Ms. Mallek asked for confirmation that they could adopt a maintenance code without permission from the state legislature. Mr. Herrick replied that the maintenance code is under USBC, just like the construction code. He said the Board could adopt a resolution stating they would enforce the code. He added that he learned from representatives of Community Development that updates to the chapter dealing with uncontrolled vegetation and stagnant water would come before the Board in the near future.

Ms. McKeel suggested they bring this up with their legislators.

Ms. Palmer asked what type of amusements they regulate in the code. Mr. Herrick replied that one defined term in the code was "kiddie ride."

Mr. Michael Dellinger, Director of Building Inspections, addressed Ms. Palmer's question. He defined amusements as "anything that move people in an unusual manner, such as bouncy houses, zip lines, carnival rides, and go-karts." He said an Oregon-based carnival had expressed interest in holding a carnival in the Hollymead area in the summer or fall. He explained that the state had aligned with standards of industry and that kiddie rides are now referred to as "small, mechanical devices."

Ms. Mallek asked if the County would send inspectors if a carnival amusement were to come to town. Mr. Dellinger replied that training for amusements is different from what they normally do, and the carnival has the option to use the regulations of the locality or hire a third-party inspector with approved Virginia training. He said there had been some discussion about property maintenance at the state level regarding what options the locality has, and he expects a decision about this in the fall. He said the Virginia Landlord Tenant Act used to deal with owners of four or more properties but had been amended to any number, representing a major change. He said grass and weeds were not covered by the state property maintenance code and were left to the discretion of localities.

Ms. Mallek asked what they could do to regulate the height of grass. Mr. Herrick responded that this would be addressed in the upcoming recodification of Chapter 7 of the Comprehensive Plan.

Ms. Mallek asked for confirmation that they could strengthen, change, or add items. She recalled how during the recession, bank-owned properties had five-foot-tall grass and she had called bank presidents to ask them to address this. Mr. Herrick confirmed that they could revise this as Ms. Mallek described.

Mr. Dellinger commented that Albemarle may be unique in that it has an urban ring and a rural area, and most rural counties did not adopt the property maintenance code since it was all or nothing in terms of enforcement.

Ms. McKeel emphasized that her intent was related to small lots in urban neighborhoods.

Ms. Mallek opened the public hearing.

Mr. Neil Williamson of the Free Enterprise Forum, addressed the Board and stated that he sincerely appreciates clarifications of the ordinance, as there are always concerns when it comes to property management. He remarked that the vast majority of property owners, both owner occupied and landlords, are great stewards and take great care of their property. He expressed his belief that the maintenance code “uses a sledgehammer to kill a butterfly” and there are other available mechanisms in the state code, such as spot blight. He said the level of intensity they are looking for is better served by something other than the uniform maintenance code.

Ms. Mallek closed the public hearing.

Mr. Dill **moved** that the Board adopt the changes to Section 5 of the proposed ordinance as presented. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

**ORDINANCE NO. 18-5(1)**

AN ORDINANCE TO AMEND 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 Chapter 5, Building Regulations, is hereby amended as follows:

**By Amending:**

- 5-200 Permit and inspection fees, generally.
- 5-201 Fees for building permits.
- 5-202 Fees for electrical permits.
- 5-203 Fees for plumbing permits.
- 5-204 Fees for mechanical permits.
- 5-205 Fees for amusement devices.
- 5-206 Fee for demolition permits.
- 5-207 Fees for zoning inspections.
- 5-208 Fees for other permits, plan amendments, and reinspections.
- 5-209 Refunds.
- 5-400 Applicability.
- 5-401 Smoke Deter required.

**By Amending and Renumbering/Renaming**

From:

- |       |                                                                           |       |                                                               |
|-------|---------------------------------------------------------------------------|-------|---------------------------------------------------------------|
| 5-100 | Purpose and intent.                                                       | 5-403 | Interim testing, repairing, and maintaining a smoke detector. |
| 5-101 | Building inspection office established; powers and duties.                | 5-500 | Purpose.                                                      |
| 5-102 | Board of appeals established; powers and duties.                          | 5-502 | Applicability.                                                |
| 5-103 | Appeals of decisions of the building official.                            | 5-503 | Well testing and reporting.                                   |
| 5-104 | Violation and penalty.                                                    | 5-504 | Building permit; withholding.                                 |
| 5-300 | Order to remove, repair or secure.                                        |       |                                                               |
| 5-302 | Recovery of costs if building official removes, repairs or secures; lien. |       |                                                               |
| 5-303 | Remedies of this article not exclusive.                                   |       |                                                               |
| 5-403 | Interim testing, repair and maintenance of smoke detector.                |       |                                                               |
| 5-500 | Purpose and intent.                                                       |       |                                                               |
| 5-501 | Applicability.                                                            |       |                                                               |
| 5-502 | Well testing and reporting.                                               |       |                                                               |
| 5-503 | Building permit; withholding.                                             |       |                                                               |



- 5-100 Purpose.
- 5-102 Building Inspection Office established; powers and duties.
- 5-104 Board of Appeals established; powers and duties.
- 5-105 Appeals of decisions of the Building Inspection Office.
- 5-106 Violation and penalty.
- 5-300 Removing, repairing, or securing structures.
- 5-301 Recovery of costs if the County removes, repairs, or secures; lien.
- 5-303 Remedies of this article not exclusive.

**By Adding:**

- 5-101 The Building Code.
- 5-103 Building Official established; powers and duties.
- 5-302 Demolition or removal of certain structures.
- 5-303 Emergency repairs.
- 5-501 Definitions.

**By Repealing:**

- 5-301 Authority of building official to remove, repair or secure.

**Chapter 5. Building Regulations**

**Article 1. Administration**

**Sec. 5-100 Purpose.**

The purpose of this chapter is to promote and to protect the public health, safety and welfare by making the Virginia Uniform Statewide Building Code applicable to all matters affecting or relating to structures, including the construction, alteration, repair, addition, demolition and removal of all structures, and to the equipment in such structures. The purpose of this chapter is also to establish a procedure by which unsafe buildings and structures are repaired, removed, or demolished.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-1; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

**State law reference**-Va. Code §§ 36-97 et seq.; 36-105. See 13VAC5-63-10 et seq. for Virginia Uniform Building Code.

**Sec. 5-101 The Building Code.**

The Virginia Uniform Statewide Building Code shall be referred to in this chapter as the “Building Code” and shall include the Building Code in its current form and as amended in the future. A copy of the Building Code shall be kept on file in the Department of Community Development.

**State law reference**-Va. Code §§ 36-97 et seq.; 36-105. See 13VAC5-63-10 et seq. for Virginia Uniform Statewide Building Code.

**Sec. 5-102 Building Inspection Office established; powers and duties.**

A Building Inspection Office is hereby established in the Department of Community Development, subject to the following:

- A. *Powers and duties.* The Building Inspection Office shall be charged with administering and enforcing the Building Code and this chapter, reviewing and acting on plans, inspecting buildings and structures, and issuing related permits and certificates.
- B. *Building Inspection Office reference.* For purposes of this chapter, “Building Inspection Office” means the “local building department” as that term is used in the Building Code.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

**State law reference**-Va. Code §§ 36-97 et seq.; 36-105.

**Sec. 5-103 Building Official established; powers and duties.**

The office of the Building Official is hereby established, subject to the following:

- A. *Appointment.* The Building Official shall be appointed by the County Executive.
- B. *Powers and duties under the Building Code and this chapter.* The Building Official shall administer and enforce the Building Code and this chapter. As such, the Building Official shall have the powers and duties of a building official pursuant to the Building Code.
- C. *Powers and duties to direct and supervise.* The Building Official shall direct the Building Inspection Office and supervise the employees of the Building Inspection Office.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08; Ord. 12-5(1), 3-7-12)

**State law reference**-Va. Code §§ 36-97 et seq.; 36-105.

**Sec. 5-104 Board of Appeals established; powers and duties.**

A Board of Appeals is hereby established, subject to the following:

- A. *Composition.* The Board shall be composed of five members and two alternates appointed by the Board of Supervisors. The Board members shall be persons who meet the qualifications for Board membership pursuant to the Building Code, to the extent that those persons are available and willing to serve.
- B. *Term.* Each member of the Board shall serve a five year term, which shall extend beyond the appointed term until a successor is appointed.
- C. *Reappointment.* The Board members and the alternates may be reappointed.
- D. *Compensation.* The Board members shall be compensated as provided in County Code § 2-1105.
- E. *Powers and duties.* The powers and duties of the Board shall be as provided in the Building Code, and they include considering appeals as provided in County Code § 5-105.
- F. *Board of Appeals reference.* For the purposes of this chapter, "Board of Appeals" means the "local board of Building Code appeals" or "LBBCA" as that term and acronym are used in the Building Code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12)

**State law reference**-Va. Code § 36-105.

**Sec. 5-105 Appeals of decisions of the Building Inspection Office.**

The Board of Appeals shall consider and act on appeals from decisions of the Building Inspection Office as provided herein:

- A. *Authority.* The Board shall consider appeals by any person aggrieved by the Building Inspection Office's application of the Building Code or its refusal to grant a modification of the provisions of the Building Code.
- B. *Appeal requirements and procedures.* The parties, scope, procedure, and conduct of an appeal shall be as provided in the Building Code.

(§ 5-4; 10-18-73, § 6-5; Code 1988, § 5-4; Ord. 98-A(1), 8-5-98; Ord. 12-5(1), 3-7-12; Ord. 12-5(1), 3-7-12)

**State law reference**-Va. Code § 36-105.

**Sec. 5-106 Violation and penalty.**

It is unlawful for any owner or any other person to violate any provision of this chapter or the Building Code. Any violation of this chapter is punishable and shall be abated as follows:

- A. *Violation of this chapter.* A violation of this chapter, which is not a violation of the Building Code shall be punishable as a Class 1 misdemeanor.
- B. *Violation of the Building Code.* A violation of the Building Code shall be punishable and shall be abated as provided in Virginia Code § 36-106.

(§ 5-7; Code 1988, § 5-7; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code § 36-106.

**Article 2. Fees**

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

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

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

- C. *When the fee must be paid.* Any fee must be paid at the time any application or request is filed. An application or request shall not be filed if the required fee is not paid.
- D. *Form of payment accepted.* The fee must be paid in cash, by a check payable to the "County of Albemarle," or by any other means accepted by the County, provided that the County may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less.
- E. *County and County School Board excepted.* The County and the County School Board are not required to pay any fee imposed by this article.

(§ 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; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

**State law reference-**Va. Code § 36-105.

#### **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 \$0.53 per square foot, calculated on gross finished square footage. The minimum fee is \$80.00.
- B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, deck, or porch 10 square feet or larger, is \$0.16 per square foot, calculated on gross finished square footage. The minimum fee is \$27.00.
- C. *Residential swimming pools, hot tubs and spas.* The fee for each residential swimming pool, hot tub, or spa is \$54.00.
- D. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$48.00.
- 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 \$0.22 per square foot for the first 5,000 square feet, plus \$0.15 per square foot for each square foot in excess of 5,000 square feet, calculated on gross square footage. The minimum fee is \$80.00.
- F. *Change of building occupancy classification.* The fee for a change of occupancy classification evaluation is \$161.00.
- G. *Commercial swimming pools.* The fee for each commercial swimming pool is \$328.00.
- H. *Elevators, escalators and lifts.* The fee for each elevator, escalator, or lift is \$258.00.
- I. *Paint spraying booths.* The fee for each paint spraying booth is \$27.00.
- J. *Mobile offices and premanufactured units.* The fee for each mobile office or premanufactured unit is \$48.00.
- K. *Tents.* The fee for each tent is \$54.00.
- 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 \$ 0.18 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee is \$80.00.

(§ 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; 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)

**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 \$32.00.

- C. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home is \$32.00.
- 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 \$80.00.
- E. *Swimming pools, hot tubs and spas.* The bonding fee for each swimming pool, hot tub, or spa is \$32.00. The equipment wiring fee for each swimming pool, hot tub, or spa is \$32.00.
- 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 \$80.00.
- G. *Signs.* The fee for each sign is \$48.00.
- H. *Temporary service.* The fee for each temporary electric service is \$102.00, 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 \$65.00, 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 \$32.00.
- 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 \$80.00.

(§ 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; 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)

**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 \$32.00.
- 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 \$9.00 per fixture. The minimum fee is \$80.00.
- 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 \$9.00 per fixture, provided that there is no increase in gross square footage. The minimum fee is \$80.00.
- E. *Water lines.* The fee for each water line is \$27.00, 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 \$27.00, 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 \$0.86 per head. The minimum fee is \$80.00.

(§ 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; 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)

**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

\$32.00.

- 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 \$80.00.
- 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 \$80.00.
- E. *Underground tanks.* The fee for each underground tank, including associated piping, is \$183.00, 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 \$108.00, 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 \$38.00, 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 \$70.00, 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 \$27.00.
- J. *Hood suppression systems.* The fee for each hood suppression system is \$32.00.

(§ 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; 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)

**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; Ord. 98-A(1), 8-5-98; Ord. 15-5(1), adopted 10-14-15, effective 11-1-15)

**State law reference-**Va. Code § 36-105; 13VAC5-31-75.

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

The fee for each demolition permit is \$102.00.

(§ 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; 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)

**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 \$16.00 per inspection.
- B. *Final site inspection.* The fee for each final site inspection before a certificate of occupancy may be issued is \$16.00 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; 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)

**State law reference-**Va. Code § 36-105.

#### **Sec. 5-208 Fees for other permits, plan amendments, and reinspections.**

The fees for other permits, plan amendments, and reinspections are:

- A. *Other permits.* The fees for any other building, electrical, plumbing, or mechanical permit not identified in this article is \$32.00 per inspection.
- B. *Plan amendments.* The fee for each new plan submitted which requires any structural or fire safety

review is \$32.00.

- C. *Reinspections.* The fee for each inspection of work performed, after the second inspection of the work, is \$32.00 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; 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)

**State law reference**-Va. Code § 36-105.

#### **Sec. 5-209 Refunds.**

A fee paid pursuant to this article may be refunded as follows:

- A. *Written request by owner; timing.* An owner shall submit a written request for a refund to the Building Official. The request must be received by the Building Official within six months after either of the events identified in subsection (B).
- B. Events entitling owner to a refund. An owner is entitled to a refund under the following circumstances:
1. *Permit application withdrawn or voided.* If a permit application is withdrawn or voided after the plan is reviewed, in whole or in part, but before the work authorized by the permit begins, the owner shall be refunded an amount not to exceed 80 percent of the original fee. The amount of the refund shall be the original fee minus the costs for plan review and administration.
  2. *Permit expired, abandoned, or revoked; work discontinued.* If an issued permit is expired, abandoned, or revoked, or if the work authorized by the permit is discontinued, the owner shall be refunded an amount of the original fee which corresponds to the percentage of the work not completed, minus plan review and administrative fees and penalties.
- C. *Plan review and administrative fees.* For the purpose of calculating a refund, the plan review and administrative fees shall be at least 20 percent of the original fee.

(§ 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; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code § 36-105.

### **Article 3. Unsafe Buildings and Structures**

#### **Sec. 5-300 Removing, repairing, or securing structures.**

Any building, wall, or other structure that might endanger the public health or safety of other residents of the County may be removed, repaired, or secured as follows:

- A. *By the owner when required by the Board of Supervisors.* The Board of Supervisors may require any property owner to remove, repair, or secure any building, wall, or other structure that it determines might endanger the public health or safety of other residents of the County. The Board shall communicate its requirement in a notice provided to the property owner, as follows:
1. *Contents of the notice.* The notice shall be in writing and: (i) identify each condition of the building, wall, or other structure that constitutes a danger to the public health or safety; (ii) specify the measures that must be taken to eliminate the danger; and (iii) state a reasonable time within which the measures must be taken.
  2. *How notice provided.* The Building Official shall mail the notice by certified or registered mail, return receipt requested, sent to the last known address of the property owner.
- B. *By the County through its employees or agents.* The County, through its own agents or employees, may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents of the County, if the property owner and lienholder of the property, after reasonable notice and a reasonable time to do so, has failed to remove, repair, or secure the building, wall or other structure, as follows:
1. *Form and content of notice.* The notice shall be in writing, and shall: (i) identify each condition of the building, wall, or other structure that constitutes a danger to the public health or safety; (ii) specify the measures that must be taken to eliminate the danger; and (iii) state a reasonable time within which the measures must be taken.
  2. *How notice provided.* The notice shall be: (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner; and (ii) published once a week for two successive weeks in a newspaper having general circulation in the County.

3. *No action by County until 30 days after last notice; exception.* The County shall not take any action authorized by this subsection for at least 30 days after the later of the return of the receipt or newspaper publication (the “last notice”), provided that the County may act to prevent unauthorized access to the building within seven days after the last notice if it is deemed to pose a significant threat to public safety and that fact is stated in the notice.
4. *Recovery of costs.* The County may recover its costs to remove, repair, or secure any building, wall, or other structure pursuant to County Code § 5-301.
5. *Repair clarified.* For the purpose of this section, *repair* includes maintenance work to the exterior of a building to prevent the building or adjacent buildings from deteriorating.

(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code § 15.2-906(1), (2).

#### **Sec. 5-301 Recovery of costs if the County removes, repairs or secures; lien.**

The County may recover its costs to remove, repair, or secure any building, wall, or other structure as provided in County Code § 5-300(B) as follows:

- A. *Costs chargeable to owner.* If the County, through its own agents or employees, removes, repairs or secures any building, wall, or other structure after complying with the notice provisions of this article or as otherwise permitted under the Building Code in the event of an emergency, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the County as taxes are collected.
- B. *Unpaid charges constitute a lien on the property.* Every charge authorized by this section or Virginia Code § 15.2-900 for which the owners of any property have been assessed and that remains unpaid constitutes a lien against the property. The lien ranks on parity with liens for unpaid local real estate taxes and is enforceable in the same manner as provided in Articles 3 (Virginia Code § 58.1-3940 *et seq.*) and 4 (Virginia Code § 58.1-3965 *et seq.*) of Chapter 39 of Title 58.1 of the Virginia Code.
- C. *County may waive lien to facilitate sale; remains personal obligation of owner.* The County may waive any lien in order to facilitate the sale of the property, provided that the lien may be waived only as to a purchaser who is unrelated by blood or marriage to the owner, and who has no business association with the owner. Any lien remains a personal obligation of the owner of the property at the time the lien was imposed.

(§ 5-6, 8-3-77; Code 1988, § 5-6; Ord. 98-A(1), 8-5-98)

**State law reference**-Va. Code § 15.2-906(3), (4).

#### **Sec. 5-302 Demolition or removal of certain structures.**

The County may, through its agents or employees, demolish or remove a derelict nonresidential building or structure with the consent of the owner, subject to the following:

- A. *Written consent of owner.* The owner shall provide written consent, which shall identify whether the property is subject to a first lien evidenced by a recorded deed of trust or mortgage and, if so, shall document the property owner's best reasonable efforts to obtain the consent of the first lienholder or the first lienholder's authorized agent.
- B. *Building or structure does not have historic designation.* The building or structure is neither located within or determined to be a contributing property within a State or local historic district nor individually designated in the Virginia Landmarks Register.
- C. *Costs constitute a lien on the property.* The costs of demolition or removal constitutes a lien against the property. If the consent of the first lienholder or the first lienholder's authorized agent is obtained, the lien shall rank on a parity with liens for unpaid local real estate taxes and is enforceable in the same manner as provided in Articles 3 (Virginia Code §§ 58.1-3940 *et seq.*) and 4 (Virginia Code § 58.1-3965 *et seq.*) of Chapter 39 of Title 58.1 of the Virginia Code. If the consent of the first lienholder or the first lienholder's authorized agent is not obtained, the lien is subordinate to that first lien but is otherwise subject to this subsection and subsection (D).
- D. *County may waive lien to facilitate sale; remains personal obligation of owner.* The County may waive any lien in order to facilitate the sale of the property, provided that the lien may be waived only as to a purchaser who is unrelated by blood or marriage to the owner, and who has no business association with the owner. Any lien remains a personal obligation of the owner of the property at the time the lien was imposed.

**State law reference**-Va. Code § 15.2-906(5).

#### **Sec. 5-303 Emergency repairs.**

The Building Official may authorize emergency repairs as follows:



- A. *Immediate danger of collapse or fall.* The Building Official may authorize emergency repairs to unsafe buildings or structures if he determines that there is an immediate danger of any portion of the unsafe building or structure collapsing or falling and when life is endangered.
- B. *Violation of the Building Code.* The Building Official may authorize emergency repairs to unsafe buildings or structures if he determines that a violation of the Building Code exists resulting in a serious and imminent threat to the life and safety of the occupants or the public.
- C. *Extent of emergency repairs.* When authorizing emergency repairs under subsection (A) or (B), the Building Official may authorize the necessary work, to the extent funding for the work has been appropriated, to make the unsafe building or structure temporarily safe, where or not legal action to compel compliance has been instituted.
- D. *Costs chargeable to the owner.* The cost or expenses incurred from emergency repairs are chargeable to, and shall be paid by, the owners of the property and may be collected by the County as taxes are collected.

**State law reference**-Va. Code §§ 36-97 *et seq.* 15.2-906(3); Virginia Uniform Statewide Building Code, Part I, § 118.7.

**Sec. 5-304 Remedies of this article not exclusive.**

The remedies authorized by this article are not exclusive of any other remedy provided by law, including any remedy to abate, raze, or remove an unsafe structure or equipment as provided in the Building Code, or any remedy to abate, raze or remove a building, wall or structure that constitutes a public nuisance as provided in Virginia Code §§ 15.2-900 and 48-1 *et seq.*

**Article 4. Smoke Detectors**

**Sec. 5-400 Applicability.**

The following buildings and structures shall have smoke detectors installed as provided in this article:

- A. *Dwelling units.* Any building containing one or more dwelling units.
- B. *Hotels and motels.* Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
- C. *Rooming houses.* Any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

**State law reference**-Virginia Code § 15.2-922.

**Sec. 5-401 Smoke detector required.**

Smoke detectors shall be installed in each building or structure identified in County Code § 5-400 in conformance with the provisions of the Building Code. The type of smoke detector may be either battery operated or AC powered units.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

**State law reference**-Virginia Code § 15.2-922.

**Sec. 5-402 Certificate that smoke detector in working order.**

At the beginning of each tenancy and at least annually thereafter, the owner of each rented or leased dwelling unit shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

**State law reference**-Virginia Code § 15.2-922.

**Sec. 5-403 Interim testing, repairing, and maintaining a smoke detector.**

The tenant and the owner of a rented or leased dwelling unit is responsible to test, service, repair, maintain, or replace a smoke detector as follows:

- A. *Responsibility of the tenant.* The tenant is responsible for interim testing, repairing, and maintaining any smoke detector within the dwelling unit. The tenant is not responsible for interim testing, repairing, or maintaining any smoke detector in any hallway, stairwell, or other public or common area of a multifamily dwelling.
- B. *Responsibility of the owner.* The owner is responsible to service, repair, or replace any

malfunctioning smoke detector within five days after receiving written notice from a tenant that a smoke detector needs service, repair, or replacement.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; Ord. 98-A(1), 8-5-98)

**State law reference**--Virginia Code § 15.2-922.

## **Article 5. Private Ground Water Well Testing**

### **Sec. 5-500 Purpose.**

The purpose of this article is to protect the public health, safety, and welfare in areas of the County where there has been a petroleum release or a discharge that has been confirmed by the Virginia Department of Environmental Quality that remains an active contamination area by requiring that private ground water wells in these areas be tested for petroleum contamination. The tests will determine the extent of the contamination, if any, and ensure that any new wells satisfy existing federal or state drinking water quality standards for the contaminants.

In support of this purpose, the Board of Supervisors finds:

- A. *Unsafe drinking water.* The release or discharge of petroleum from leaking underground storage tanks may pollute ground water and, at high enough levels, these pollutants may render water unsuitable for drinking and may cause adverse effects on the public health, safety and welfare.
- B. *Adverse impacts of new private ground water wells.* Establishing new private ground water wells in the immediate area of a contamination plume could alter the conditions of existing contamination plumes and draw contaminants into areas that are currently free from contamination.

(Ord. 05-5(1), 5-4-05)

**State law reference**--Virginia Code § 32.1-176.5.

### **Sec. 5-501 Definitions.**

The following definitions apply to this article:

*Active contamination area* means those lands within the area identified by the Virginia Department of Environmental Quality ("VDEQ") to be contaminated such that, in its judgment, the contamination poses a risk to human health and the environment and warrants corrective action or remediation, and those lands within two thousand (2,000) feet of the contaminated area determined by VDEQ to be at risk for contamination.

*MCL* means the maximum contaminant level, which is the highest level of a contaminant that is allowed in drinking water. The units are expressed in milligrams per liter (mg/L); milligrams per liter are equivalent to parts per million.

**State law reference**--Virginia Code § 32.1-176.5.

### **Sec. 5-502 Applicability.**

This article applies to each applicant for a building permit for a structure that will be located within an active contamination area and will be served by a private ground water well as the primary potable water supply.

(Ord. 05-5(1), 5-4-05)

**State law reference**--Virginia Code § 32.1-176.5.

### **Sec. 5-503 Well testing and reporting.**

Each applicant for a building permit to which this article applies shall have the well tested as provided in this section before a building permit for the structure may be issued by the County:

- A. *Contaminants to be tested.* The tests shall determine whether the following volatile organic compounds are present in the water: Benzene, Toluene, Ethylbenzene, and Xylenes.
- B. *Applicable standards.* Each contaminant identified in subsection (A) shall be tested for compliance with the maximum contaminant level established for that contaminant under the federal Safe Drinking Water Act, as follows:
  - 1. Benzene: 0.005 MCL (mg/L).
  - 2. Toluene: 1 MCL (mg/L).
  - 3. Ethylbenzene: 0.7 MCL (mg/L).
  - 4. Xylenes (total): 10 MCL (mg/L).

- C. *Sampling and testing methods and services.* Samples shall be taken and tests shall be performed using appropriate testing methods by either the Virginia Department of Environmental Quality or by a laboratory certified by the Commonwealth of Virginia to perform the services. No tests shall be conducted by Consolidated Laboratories. The cost of the tests shall be paid by the landowner.
- D. *Reporting test results.* The testing laboratory shall notify the landowner of the test results in a written report.

(Ord. 05-5(1), 5-4-05)

**State law reference-**Virginia Code § 32.1-176.5.

**Sec. 5-504 Building permit; withholding.**

Each applicant for a building permit for a structure to be served by a private ground water well as the primary potable water supply within an active contamination area shall present the report containing the test results required by County Code § 5-503 before a building permit for the structure is issued by the County:

- A. *No contaminants detected.* The County shall issue the building permit if there are no test contaminants detected at or below the federal Safe Drinking Water Act standards identified in County Code § 5-503(B), provided that all other applicable requirements are satisfied.
- B. *Contaminants detected; exceed applicable standards.* The County shall not issue a building permit if one or more test contaminants are detected and they exceed the federal Safe Drinking Water Act standards identified in County Code § 5-503(B) , unless and until the applicant has identified and provided an approved alternative primary potable water supply.

(Ord. 05-5(1), 5-4-05)

**State law reference-** Virginia Code § 32.1-176.5.

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

Mr. Gallaway requested an update on the timeline for the Rio/29 area report to be presented by Stantec, as he wants to provide that to developers who have expressed interest.

Mr. Doug Walker, Deputy County Executive, explained that the Stantec report would consist of two parts, with the first consisting of information gathering and preparatory work, anticipated to be finished by the end of this month. He said they plan to recommend a slight pause to Stantec to occur around April 1, to enable the County to onboard the new Director of Economic Development and provide time for him to learn about the subject. He said the second phase would consist of market testing and engagement with property owners, with completion expected by July. He said if Mr. Gallaway is aware of interest from a particular property owner, he would be glad to share this information with Stantec.

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Mr. Randolph recommended that Supervisors read the Winter 2017, Volume I #2 edition of the *Chesapeake Bay Journal*. He said the issue focused on stormwater systems throughout Virginia and he had found it very informative, suggesting that it could be a valuable tool to provide during discussions about the stormwater utility fee, as it provides a context for the bigger picture.

Mr. Randolph referred to Tuesday's "Science Edition" of *The Washington Post*, which had an article about a 34-foot Chinese space station that is expected to hit the Earth in late March or early April, with a potential impact band that spans the entire planet. He said that Albemarle is within the potential area of impact, though the chance is remote, and he noted that only one person on Earth had been hit by space debris and survived.

Mr. Randolph referenced Daniel Vock's article entitled "States of Emergency" in the March edition of *Governing* magazine and said he hopes the Board could eventually have a discussion about creating an emergency management assistance compact with surrounding localities in the Thomas Jefferson Planning District Commission. He said he had spoken with Chip Boyles on March 12 and learned that several other localities within the district participated in a compact. He said Chiefs Dan Eggleston and Ron Lantz are interested and would like to learn more. He said the demonstrations last August exceeded the capabilities of local police and the National Guard and having additional personnel available is something to consider, with the cost borne by the locality requesting assistance.

Ms. Mallek recalled the date of February 10, 2010, when 35 fires were burning in the County and some localities could not provide assistance because they also had fires.

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Mr. Gallaway thanked Mr. Richardson for providing a revenue forecasting guide.

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Ms. Mallek referred to Page 2 of the Solid Waste Advisory Committee's report, in which they discussed their priorities, and distributed this information to Supervisors so they could address constituent questions on the matter.

Ms. Mallek asked Mr. Kamptner about the status of letters that were to be sent in February to non-compliant former members of the agricultural/forestal districts. Mr. Kamptner replied that it had been held up but is part of the Consent Agenda the Board adopted today, which set an April 11 work session to discuss policies pertaining to hardware and other agricultural/forestal parcels. He said the districts would continue until the Board takes action. He stated that he had met with Scott Clark and Peter Lynch and obtained additional information on potential impacts and what a land use or open space agreement would or would not do for those already in the agricultural/forestal district. He said they want to have a full discussion with the Board in April.

Ms. Mallek referenced the items on Page 9 regarding different types of residential use exclusions and asked, "Who cares who lives there?" and why they are giving special dispensations. Mr. Kamptner responded that the short answer is the particular provisions that deal with residential uses are required by state law.

Mr. Randolph said Albemarle is not the only county to be stiffed by a West Virginia coal billionaire, as there are multiple counties in Pennsylvania also affected. He stated that Mr. Justice has not paid 2016 or 2017 taxes, and next year the County could foreclose on Presidential Estates.

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Agenda Item No. 15. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson distributed a draft agenda for the March 27 and 29 work sessions and said they would focus on remaining tasks and follow-up items from the FY19 budget.

Mr. Richardson also reported that he learned at a recent Airport Authority meeting that ridership had increased 14% over last year and revenues are outpacing projections. He expressed his view that this is an indicator of a strong local economy.

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Agenda Item No. 16. Closed Meeting.

At 8:47 p.m., Mr. Gallaway **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1), to consider appointments to boards, committees, and commissions in which there were pending vacancies or requests for reappointments; and under Subsection (5), to discuss the expansion of an existing business in the County where no previous announcement had been made of the business' interest in expanding its facilities in the community. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

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At 9:23 p.m., the Board reconvened into open meeting, and Mr. Gallaway **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirement of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

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**NonAgenda.** Ms. McKeel **moved** that the Board appoint Ms. Karen Horridge to the Social Services Advisory Board, as the Jack Jouett District representative, with said term to expire December 31, 2021. The motion was **seconded** by Ms. Palmer.

Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Dill and Mr. Gallaway.  
NAYS: None.

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Agenda Item No. 17. Adjourn to March 27, 2018, 3:00 p.m., Room 241.

At 9:23 p.m., Ms. Mallek adjourned to March 27, 2018 3:00 p.m. in Room 241.

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Chairman

Approved by Board
Date 07/05/2018
Initials CKB