

**ACTIONS**  
**Board of Supervisors Meetings**

December 17, 2004

**AGENDA ITEM/ACTION**

**ASSIGNMENT**

**JOINT MEETING WITH LEGISLATORS – DECEMBER 7, 2004**

1. Call to Order. Meeting was called to order at 3:00 p.m., by the Chairman, Mr. Dorrier. All BOS members were present. Also present were Bob Tucker, Larry Davis and Ella Carey.
- **HELD.**
  - At 4:16 p.m., the meeting was adjourned until 4:00 p.m., December 8, 2004.

**DECEMBER 8, 2004**

1. Call to Order.
- Meeting was called to order at 4:00 p.m., by the Chairman, Mr. Dorrier. All BOS members were present. Also present were Bob Tucker, Larry Davis and Ella Carey.

2. Work Session: Comprehensive Revision of Subdivision Ordinance (STA-2001-08).
- **HELD.** Next work session scheduled for January 2005.

3. Recess.
- The Board recessed at 5:33 p.m.

4. Reconvene.
- The meeting was called back to order at 6:00 p.m., by the Chairman, Mr. Dorrier.

7. From the Public: Matters Not Listed on the Agenda.
- There were none.

- 8.1 Resolution Supporting Dredging of the Rivanna Reservoir.
- **CONSENSUS** that a work session be scheduled with Mr. Frederick, RWSA, and the consultants on all the water supply alternatives. The Board also indicated a desire to visit a dredging operation that would be similar to the Rivanna Reservoir site.

County Executive: Proceed as directed.

- 8.2 SP-2004-0016. Forest Lakes North Swim and Tennis Club (Signs #23&94) (**deferred from November 3, 2004**).

Clerk: Set out condition of approval. (Attachment 1)

- 8.3 SP-2004-0017. Forest Lakes South Swim and Tennis Club (Signs #18) (**deferred from November 3, 2004**).
- **APPROVED SP-2004-0016 and SP-2004-0017**, by a vote of 6:0, subject to one condition.

9. **Appeal: SDP-2004-095. Wood, T. E. (Ntelos/Arrowhead) – Tier II PWF**
- **VOTED**, 6:0, to uphold the decision of the

Stephen Waller: Notify applicant of Board's action.

	<p>Planning Commission to allow the installation of a Tier II Personal Wireless Service facility with a monopole that is not more than seven (7) feet in height above the tallest tree within twenty-five (25) feet. The Board <b>DENIED</b> the applicant's request for the proposed height of ten (10) feet above the tallest tree.</p>	
10.	<p>Ordinance to amend Acquisition of Conservation Easements (ACE) Program's application deadline and delete related deadlines.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the proposed ordinance.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed Ordinance to Ches Goodall and copy County Attorney's office for inclusion in next update of County Code. (Attachment 2)</p>
11.	<p><b><u>ZMA-2004-015. Boars Head Inn and Sports Club (Signs #70,71&amp;72).</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> ZMA-2004-015, by a vote of 6:0, as proffered.</li> </ul>	<p><u>Clerk:</u> Set out proffers (Attachment 3)</p>
12.	<p><b><u>ZTA-2004-04. Groundwater.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the proposed ordinance.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed Ordinance to Tamara Green and copy County Attorney's office for inclusion in next update of County Code. (Attachment 4)</p>
13.	<p><b><u>STA-2004-02. Groundwater.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the proposed ordinance.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed Ordinance to Tamara Green and copy County Attorney's office for inclusion in next update of County Code. (Attachment 5)</p>
14.	<p><b><u>WPO. Groundwater.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> the proposed ordinance.</li> </ul>	<p><u>Clerk:</u> Forward copy of signed Ordinance to Tamara Green and copy County Attorney's office for inclusion in next update of County Code. (Attachment 6)</p>
15.	<p>From the Board: Matters Not Listed on the Agenda. <u>Sally Thomas:</u></p> <ul style="list-style-type: none"> <li>• Asked Board to consider an increase to the High Growth Coalition to fund a part-time director. The Board <b>VOTED</b> to approve the request to increase funding from \$1,000 to \$2,000.</li> <li>• The Board <b>ADOPTED</b> a resolution to authorize acquisition of property.</li> </ul>	<p><u>Clerk:</u> Forward to Accounting for processing.</p> <p><u>Clerk:</u> Forward signed resolution to County Attorney's office. (Attachment 7)</p>
16.	<p>Adjourn.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 8:05 p.m.</li> </ul>	

/ewc

- Attachment 1 – Conditions of Approval
- Attachment 2 – Ordinance – ACE Program
- Attachment 3 – ZMA-2004-015 Proffers
- Attachment 4 – Ordinance - ZTA-2004-04. Groundwater
- Attachment 5 – Ordinance - STA-2004-02. Groundwater
- Attachment 6 – Ordinance - WPO. Groundwater
- Attachment 7 – Resolution to Authorize Acquisition of Property

**CONDITIONS OF APPROVAL**

Item 8.2. SP-2004-0016. Forest Lakes North Swim and Tennis Club (Signs #23&94) (**deferred from November 3, 2004**).

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Item 8.3. SP-2004-0017. Forest Lakes South Swim and Tennis Club (Signs #18) (**deferred from November 3, 2004**).

1. The use, as approved, shall be limited to the residents and guests of the following developments: Forest Lakes South, Springridge, Lanford Hills, Steeplechase, Amberfield, Cove Pointe, Edgewater, Gateway, Worthcrossing, Chelsea, Arbor Lake, Waterford, Watercrest, Copperknoll, Echo Ridge, Ridgefield, Poplar Ridge, Heather Glen, Whispering Woods, Timberwood, Timber Pointe, Autumn Woods. Any future residential developments contiguous to the developments listed, that are added to the Forest Lakes Community Association, may be permitted to use the facilities. The total number of additional dwelling units in future residential developments permitted to use the facilities shall not exceed one hundred twenty-five (125).
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**ORDINANCE NO. 04-A.1(2)**

AN ORDINANCE TO AMEND APPENDIX A.1, ACQUISITION OF CONSERVATION EASEMENTS PROGRAM, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Appendix A.1, Acquisition of Conservation Easements Program, of the Code of the County of Albemarle is amended as follows:

**By Amending:**

Sec. A.1-110 Application and evaluation procedure.

**APPENDIX A.1.**

**Acquisition of Conservation Easements Program**

**Sec. A.1-110. Application and evaluation procedure.**

Each application for a conservation easement shall be processed as follows:

A. *Application materials to be provided to owner.* The application materials provided by the program administrator to an owner shall include, at a minimum, a standard application form, a sample deed of easement, and information about the ACE program.

B. *Application form.* Each application shall be submitted on a standard form prepared by the program administrator. The application form shall require, at a minimum, that the owner: (i) provide the name of all owners of the parcel, the address of each owner, the acreage of the parcel, the Albemarle County tax map and parcel number, the zoning designation of the parcel, and permission for the program administrator to enter the property after reasonable notice to the owner to evaluate the parcel and for the county assessor or an independent appraiser to appraise the property; and (ii) state his adjusted gross income for the three (3) prior tax years, as explained in section A.1-111(B). The application form shall also include a space for an owner to indicate that he volunteers to have the parcel be subject to greater restrictions than those contained in the standard sample deed of easement, and to delineate those voluntary, additional restrictions.

C. *Additional application information required by program administrator.* The program administrator may require an owner to provide additional information deemed necessary to determine: (i) whether the proposed easement is eligible for purchase; and (ii) the purchase price of the easement.

D. *Submittal of application.* Applications shall be submitted to the office of the program administrator. An application may be submitted at any time. However, applications received after October 31 shall be evaluated in the following year.

E. *Evaluation by program administrator.* The program administrator shall evaluate each application received and determine within fifteen (15) days whether the application is complete. If the application is incomplete, the program administrator shall inform the owner in writing of the information that must be submitted in order for the application to be deemed complete. When an application is deemed complete, the program administrator shall determine whether the parcel satisfies the eligibility criteria set forth in section A.1-107 and, if it does, shall determine the number of points to be attributed to the parcel by applying the criteria set forth in section A.1-108. The program administrator shall then rank each parcel scoring at least fifteen (15) points, with the parcel scoring the most points being the highest ranked and descending therefrom, and submit the list of ranked parcels to the ACE committee.

F. *Evaluation and ranking by ACE committee.* The ACE committee shall review the list of ranked parcels submitted by the program administrator and shall rank the parcels in the order of priority it recommends the easements shall be purchased. The committee shall then forward to the board of supervisors its recommendation of which conservation easements should be purchased.

G. *Evaluation and ranking by board of supervisors.* The board of supervisors shall review the list of ranked parcels submitted by the ACE committee and identify on which parcels it desires conservation easements. The board shall then rank those parcels on which it will seek to purchase conservation easements. Nothing in this appendix shall obligate the board to purchase a conservation easement on any property that meets the minimum number of qualifying points.

H. *Appraisal of conservation easement value.* Each conservation easement identified by the board of supervisors to be purchased shall be appraised either by the county assessor or by an independent qualified appraiser chosen by the county. Each completed appraisal shall be submitted to the program administrator and the owner. The program administrator shall forward each appraisal to the appraisal review committee, which shall review each appraisal and make recommendations thereon to the board of supervisors.

I. *Requirements and deadlines may be waived.* Any requirement or deadline set forth in this appendix may be waived by the board of supervisors if, for good cause, it is shown that exigent circumstances exist to warrant consideration of an otherwise untimely application, or it is shown that the requirements unreasonably restrict the purchase of an easement. Under these circumstances, the board may purchase a conservation easement at any time it deems necessary and subject to only those requirements it deems appropriate.

J. *Reapplication.* An owner whose parcel is not selected for purchase of a conservation easement may reapply in any future year.

(Ord. 00-A.1(1), 7-5-00; Ord. 02-A.1(1), 12-11-02; Ord. 04-A.1(2), 12-8-04)

**BOAR'S HEAD SPORTS CLUB  
ZMA 2004-0015  
PROFFER STATEMENT**

The following parcels are subject to rezoning application ZMA 2004-0015 and thus to this proffer statement: tax map parcel 059D2-01-00-01500 and the portion of tax map parcel 07500-00-00-06300 shown as Parcel "X" containing 1.774 acres, on a proposed subdivision plat prepared by Thomas B. Lincoln Land Surveyor, Inc. entitled "Subdivision Plat Showing Parcel "X" - - Being a Portion of Tax Map 75 Parcel 63 Hereby Added to and Becoming a Portion of Tax Map 59D(2) Parcel 1-15, Samuel Miller District, Albemarle County, Virginia," which subdivision plat is dated November 16, 2004, and is attached hereto as Exhibit A (collectively, the "Property"). The Applicant is University of Virginia Host Properties, Inc. The owner of tax map parcel 059D2-01-00-01500 is University of Virginia Host Properties, Inc. The owner of tax map parcel 07500-00-00-06300 is the University of Virginia Foundation. For purposes of this proffer statement, University of Virginia Host Properties, Inc., and the University of Virginia Foundation are herein collectively referred to as the "Owner."

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the portion of tax map parcel 059D2-01-00-01500 that is zoned R-1 Residential to Highway Commercial, and the portion of tax map parcel 07500-00-00-06300 shown as Parcel "X" containing 1.774 acres on Exhibit A from R-1 Residential to Highway Commercial as requested, the Owner and its successors and assigns shall develop the Property in accord with the following proffers pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.3 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the requested rezoning, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested.

In the event the request is denied the proffers shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers now existing on the Property.

1. Development of the Property shall be in general accord with the plan entitled "Boar's Head Sports Club Conceptual Plan" prepared by the University of Virginia Foundation, dated November 22, 2004, containing two (2) pages, and attached hereto as Exhibit B (the "Development Plan"). The Development Plan shall not be construed to prohibit the realignment of the 14 existing outdoor tennis courts, subject to existing provisions of the Albemarle County zoning ordinance, provided that the courts remain in the area marked "14 Existing Outdoor Courts" shown on the Development Plan. The Owner will break up the massing of the proposed improvements by dividing them into multiple segments and/or structures (or creating the appearance of multiple segments and/or structures with a terraced roof line) and then locating the different segments and/or structures at various final elevation levels, all as reasonably possible given the Property's site constraints and applicable regulations and ordinances. Unless specifically referenced on the Development Plan, or otherwise referenced in this proffer statement, all other plans and illustrations submitted as part of the Owner's rezoning materials shall be deemed illustrative only, and such plans and illustrations shall not be deemed proffers. The Owner reserves the right to develop the Property in phases, as shown on the Development Plan.

2. Within the Property, only the following uses shall be permitted by right, subject always to the express terms of this proffer statement:

- a) Pursuant to subsection 24.2.1 of Section 24, HC highway commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations exist on December 8, 2004, as set forth below: Section 24.2.1 numbers 6, 20, 35, 36, 37, 41, 42, 44, and 45.

- b) Pursuant to subsection 22.2.1 of Section 22, C-1 Commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations exist on December 8, 2004, as set forth below: Section 22.2.1 numbers b.4, b.8, b.17, b.18, b.19, b.24, b.26, and b.27.

The by-right uses of the Property that are permitted pursuant to sections 24.2.1 and 22.2.1 and pursuant to this Proffer Statement are shown below without strikethrough. Uses which will not be permitted on the Property (subject always to the express terms of this proffer statement) have been indicated by strikethrough. Any use classifications added to sections 24.2.1 and 22.2.1 after December 8, 2004 shall be uses which shall not be permitted on the Property.

#### **24.2.1 BY RIGHT**

The following uses shall be permitted in any H-C district subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

1. ~~Automobile laundries.~~
2. ~~Automobile, truck repair shops.~~
3. ~~Automobile service stations (reference 5.1.20).~~
4. ~~Building materials sales.~~
5. ~~Churches, cemeteries.~~
6. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.2).
7. ~~Convenience stores.~~
8. ~~Educational, technical and trade schools.~~
9. ~~Factory outlet sales — clothing and fabric.~~
10. ~~Feed and seed stores (reference 5.1.22).~~
11. ~~Financial institutions.~~
12. ~~Fire extinguisher and security products, sales and service.~~
13. ~~Fire and rescue squad stations (reference 5.1.09).~~
14. ~~Funeral homes.~~
15. ~~Furniture stores.~~
16. ~~Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.~~
17. ~~Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.~~
18. ~~Hardware.~~
19. ~~(Repealed 6-3-81).~~
20. Hotels, motels and inns.
21. ~~Light warehousing.~~
22. ~~Machinery and equipment sales, service and rental.~~
23. ~~Mobile home and trailer sales and service.~~
24. ~~Modular building sales.~~
25. ~~Motor vehicle sales, service and rental.~~
26. ~~New automotive parts sales.~~
27. ~~Newspaper publishing.~~
28. ~~Administrative, business and professional offices.~~
29. ~~Office and business machine sales and service.~~
30. ~~Eating establishment; fast food restaurants.~~
31. ~~Retail nurseries and greenhouses.~~
32. ~~Sale of major recreational equipment and vehicles.~~
33. ~~Wayside stands — vegetable and agricultural produce (reference 5.1.19).~~
34. ~~Wholesale distribution.~~
35. Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local

- service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93).
36. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89).
  37. Temporary construction uses (reference 5.1.18).
  - ~~38. Indoor theaters.~~
  - ~~39. Heating oil sales and distribution (reference 5.1.20).~~
  - ~~40. Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)~~
  41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1. (Added 6-19-91; Amended 9-9-92)
  42. Indoor athletic facilities. (Added 9-15-93)
  - ~~43. Farmer's market (reference 5.1.36). (Added 10-11-95)~~
  44. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
  45. Tier I and Tier II personal wireless services facilities (reference 5.1.40). (Added 10-13-04)

### 22.2.1 BY RIGHT

The following uses shall be permitted in any C-1 district, subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

- a. The following retail sales and service establishments:
  - ~~1. Antique, gift, jewelry, notion and craft shops.~~
  - ~~2. Clothing, apparel and shoe shops.~~
  - ~~3. Department store.~~
  - ~~4. Drug store, pharmacy.~~
  - ~~5. Florist.~~
  - ~~6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.~~
  - ~~7. Furniture and home appliances (sales and service).~~
  - ~~8. Hardware store.~~
  - ~~9. Musical instruments.~~
  - ~~10. Newsstands, magazines, pipe and tobacco shops.~~
  - ~~11. Optical goods.~~
  - ~~12. Photographic goods.~~
  - ~~13. Visual and audio appliances.~~
  - ~~14. Sporting goods.~~
  - ~~15. Retail nurseries and greenhouses.~~
- b. The following services and public establishments:
  - ~~1. Administrative, professional offices.~~
  - ~~2. Barber, beauty shops.~~
  - ~~3. Churches, cemeteries.~~
  4. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.02).
  - ~~5. Financial institutions.~~
  - ~~6. Fire and rescue squad stations (reference 5.1.09).~~



- ~~7. Funeral homes.~~
8. Health spas.
- ~~9. Indoor theaters.~~
- ~~10. Laundries, dry cleaners.~~
- ~~11. Laundromat (provided that an attendant shall be on duty at all hours during operation).~~
- ~~12. Libraries, museums.~~
- ~~13. Nurseries, day care centers (reference 5.1.06).~~
- ~~14. Eating establishments.~~
- ~~15. Tailor, seamstress.~~
- ~~16. Automobile service stations (reference 5.1.20).~~
17. Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. (Amended 5-2-93).
18. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-9).
19. Temporary construction uses (reference 5.1.1).
- ~~20. Dwellings (reference 5.1.21).~~
- ~~21. Medical center.~~
- ~~22. Automobile, truck repair shop excluding body shop. (Added 6-3-81; amended 9-9-92)~~
- ~~23. Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)~~
24. Indoor athletic facilities. (added 9-15-95)
- ~~25. Farmers' market (reference 5.1.36). (Added 10-11-95).~~
26. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

Notwithstanding that the above-referenced uses will not be permitted on the Property, this proffer statement shall not be interpreted to prohibit uses accessory to a health spa on the Property, which accessory uses shall expressly include, but not be limited to the following: indoor tennis courts, outdoor tennis courts, multi-sport courts, other recreational or fitness facilities, a restaurant, a snack bar, a "pro shop," administrative office space, and a child care facility.

3. Prior to the final approval of SDP 2004-00086, the Owner shall record the subdivision plat attached hereto as Exhibit A in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, to combine the portion of tax map parcel 07500-00-00-06300 shown on Exhibit A as Parcel "X" containing 1.774 acres, with tax map parcel 059D2-01-00-01500.

4. Prior to issuance of a certificate of occupancy for the first improvement proposed by SDP 2004-00086, the Owner shall submit for approval by the Zoning Administrator an Event Management Plan to provide adequate parking for the public during periodic public events at the Property, and further designed to avoid or minimize public parking in adjacent and nearby residential areas during such public events. Such a plan shall include a commitment by the Owner to provide adequate event parking at the Birdwood Golf Course parking lot (with access to the Property either by shuttle service or on foot along the golf course cart paths, at the discretion of the Owner), the large field at the northwest corner of Ednam Drive and Boar's Head Point, and/or in other parking areas controlled by the Owner, each in the discretion of the Owner given the expected attendance at each particular event. Such a plan will also provide for the use of shuttle services as necessary given the size and nature of a particular event, for the use of adequate signage directing the public to permitted parking areas, and the use of appropriate

personnel to direct the public to such permitted parking areas and to discourage or prohibit public parking in adjacent and nearby residential areas.

This proffer statement may be signed in two or more counterparts, each of which shall be deemed an original, and which together shall constitute one and the same instrument.

WITNESS the following signatures:

**UNIVERSITY OF VIRGINIA HOST PROPERTIES, INC.**

By: \_\_\_\_\_  
Robert G. Butcher, Jr., President

**UNIVERSITY OF VIRGINIA FOUNDATION**

By: \_\_\_\_\_  
Tim R. Rose, Secretary & Chief Executive Officer

Exhibit A

(Subdivision plat of Tom Lincoln Land Surveyor, Inc. dated November 16, 2004 showing Parcel "X" containing 1.774 acres, a portion of tax map parcel 75-63 to be added to and combined with tax map parcel 59D(2)-1-15 will be attached to the final signed proffers)

Exhibit B

(Development Plan will be attached to the final signed proffers)

**ORDINANCE NO. 04-18(4)****AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA**

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article IV, Procedure, are hereby amended and reordained as follows:

**By Amending:**

Sec. 31.2.2 Building permits  
Sec. 35.0 Fees

**By Adding:**

Sec. 32.5.7 Groundwater assessment information

**Chapter 18. Zoning****Article IV. Procedure****Sec. 31.2.2 Building permits**

The zoning administrator shall review each application for a building permit to ensure that the building or structure proposed is in accordance with the terms of this ordinance. No permit shall be issued for any construction for which a site development plan is required to be approved by the commission in accordance with section 32.0 of this chapter unless and until such plan shall have been so approved. Thereafter, any item shown on such plan as approved shall be deemed prima facie in accordance with the terms of this ordinance. No permit shall be issued for any structure to be served by an individual well subject to a Tier 1 groundwater assessment under Albemarle County Code § 17-400 until the applicant complies with Albemarle County Code § 17-401.

Each applicant shall provide a copy of the most recent plat of record of the land to be built upon unless no such plat exists, in which case the applicant shall provide a copy of the most recent deed description thereof.

Any other information which the zoning administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the zoning administrator. One (1) copy of the drawing shall be returned to the applicant with the permit.

(§ 31.2.2, 12-10-80; Ord. 04-18(4), 12-8-04, effective 2-8-05)

**Sec. 32.5.7 Groundwater assessment information**

The draft groundwater management plans and aquifer testing workplans required by Albemarle County Code §§ 17-403 and 17-404, as applicable, shall be submitted in conjunction with the submittal of the preliminary site plan. The requirements of Albemarle County Code §§ 17-403 and 17-404 shall be satisfied prior to final site plan approval.

(§32.5.7, Ord. 04-18(4), 12-8-04, effective 2-8-05)

**Sec. 35.0 Fees**

Except as herein otherwise provided, every application made to the zoning administrator, the commission, or the board of supervisors shall be accompanied by a fee as set forth hereinafter, to defray the cost of processing such application. Neither the County nor the School Board of Albemarle County shall be required to pay any fee required by this section if it is the applicant.

- a. For a special use permit:
  - 1. Rural area division for the purpose of "family division" where all original 1980 development rights have been exhausted under "family division" as defined under section 18-56 of the subdivision ordinance - \$220.00. (Amended effective 1-1-94)
  - 2. Rural area divisions - \$1,240.00.
  - 3. Commercial use - \$980.00.
  - 4. Industrial use - \$1,020.00.
  - 5. Private club/recreational facility - \$1,020.00.
  - 6. Mobile home park or subdivision - \$980.00.
  - 7. Public utilities - \$1,020.00.
  - 8. Grade/fill in the flood plain - \$870.00.
  - 9. Minor amendment to valid special use permit or a special use permit to allow minor expansion of a non-conforming use -\$110.00. (Amended effective 1-1-94)
  - 10. Extending special use permits - \$70.00.
  - 11. Home Occupation-Class A - \$13.00;  
Home Occupation-Class B - \$440.00.
  - 12. For day care centers - six (6) to nine (9) children - \$490.00. (Added 6-3-92)
  - 13. For day care centers - ten (10) or more children - \$980.00. (Added 6-3-92)
  - 14. All other uses except signs - \$980.00. (Amended 7-8- 92)
- b. For amendment to text of zoning ordinance - \$840.00.
- c. Amendment to the zoning map:
  - 1. For planned developments - under 50 acres - \$1,020.00.
  - 2. For planned developments - 50 or more acres - \$1,570 .00.
  - 3. For all other zoning map amendments - under 50 acres - \$1,020.00.
  - 4. For all other zoning map amendments - 50 or more acres - \$1,570.00.
  - 5. Minor amendment to a zoning map amendment - \$220.00.
- d. Board of Zoning Appeals:
  - 1. Request for a variance or sign special use permit - \$120.00. (Amended 7-8-92)
  - 2. For other appeals to the board of zoning appeals (including appeals of zoning administrator's decision) - \$120.00, to be refunded if the decision of the zoning administrator is overturned.
- e. Preliminary site development plan:
  - 1. Residential - \$1,190.00, plus \$13.00/unit.
  - 2. Non-residential - \$1,580.00, plus \$13.00/1000 square feet.
- f. Final site development plan:
  - 1. Approved administratively - \$410.00.
  - 2. If reviewed by the commission before approval of preliminary site development plan - \$1,130.00.
  - 3. If reviewed by the commission after approval of the preliminary site development plan - \$790.00.
  - 4. For site development plan waiver - \$270.00.
  - 5. For site development plan amendment:
    - a) Minor - alterations to parking, circulation, building size, location - \$95.00.
    - b) Major - commission review - \$270.00.
  - 6. Review of site development plan by the architectural review board - \$200.00.

7. Appeal of site development plan to the board of super visors - \$240.00.
8. Rehearing of site development plan by commission or board of supervisors - \$190.00.
9. Rejection by agent of incomplete site development plan:
  - a) Rejected within ten days - \$200.00.
  - b) Suspended after site plan review - site plan fee shall not be refunded. \$65.00 fee shall be required to reinstate project.
- g. For relief from a condition of approval from commission or landscape waiver by agent - \$180.00.
- h. Change in road or development name after submittal of site development plan:
  1. Road - \$20.00.
  2. Development - \$25.00.
- i. Extending approval of site development plan - \$45.00.
- j. Granting request to defer action on site development plan, special use permit or zoning map amendment:
  1. To a specific date - \$35.00.
  2. Indefinitely - \$75.00.
- k. Bond inspection for site development plan, for each inspection after the first bond estimate - \$60.00.
- l. Zoning clearance - \$35.00.
- m. Accessory lodging permits - \$35.00.
- n. Official Letters:
  1. Of determination - \$75.00.
  2. Of compliance with county ordinances- \$75.00.
  3. Stating number of development rights - \$40.00.
- o. Sign Permits:
  1. Any sign, except exempted signs and signs requiring review by the architectural review board - \$35.00.
  2. Signs required to be reviewed by the architectural review board - \$75.00.
- p. Review of groundwater assessment information required by sections 31.2.2 or 32.5.7:
  1. Tier 1 assessment under Albemarle County Code § 17-401 – \$50.00.
  2. Tier 3 assessment under Albemarle County Code § 17-403 – \$400.00 plus \$25.00 per lot.
  3. Tier 4 assessment under Albemarle County Code § 17-404 – \$1,000.00.

In addition to the foregoing, the actual costs of any notice required under Chapter 22, Title 15.2 of the Code shall be charged to the applicant, to the extent that the same shall exceed the applicable fee set forth in this section. Failure to pay all applicable fees shall constitute grounds for the denial of any application. For any application withdrawn after public notice has been given, no part of the fee will be refunded. (Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92)

(§ 35.0, 12-10-80; 5-5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; \* to be effective 1-1-94; Ord. 02-18(4), 7-3-02; Ord. 04-18(4), 12-8-04, effective 2-8-05)

**This ordinance shall be effective on and after February 8, 2005.**

**ORDINANCE NO. 04-14(1)**

**AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, ARTICLE II, ADMINISTRATION AND PROCEDURE, AND ARTICLE III, PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED**

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Article II, Administration and Procedure, and Article III, Plat Requirements and Documents to be Submitted, of Chapter 14, Subdivision of Land, are hereby amended and reordained as follows:

**By Amending:**

Sec. 14-203 Fees.

**By Adding:**

14-308.1. Groundwater assessment information.

**Chapter 14**

**Subdivision of Land**

**Article II. Administration and Procedure**

**Sec. 14-203 Fees.**

Except as otherwise provided herein, each subdivider shall pay a fee upon submittal of a plat or other request provided herein, in an amount according to the schedule set forth below. The fee shall be in the form of cash or a check payable to the "County of Albemarle." Neither the County nor the School Board of Albemarle County shall be required to pay any fee required by this section if it is the applicant.

- A. Preliminary plat for subdivision:
  - 1. If subject to review by the commission:
    - (a) 1 to 9 lots: \$720.00.
    - (b) 10 to 19 lots: \$1,100.00.
    - (c) 20 or more lots: \$1,330.00.
  - 2. If subject to review by the agent:
    - (a) Two-lot subdivision as described in section 14-232(B)(1) or if all lots front on an existing public street: \$95.00.
    - (b) 1 to 9 lots: \$360.00.
    - (c) 10 to 19 lots: \$550.00.
    - (d) 20 or more lots: \$670.00.
  - 3. Reinstatement of review: \$65.00.
  - 4. Each filing of a preliminary plat, whether or not a preliminary plat for the same property has been filed previously, shall be subject to the same requirements.
- B. Final plat for subdivision:
  - 1. If subject to review by the commission:
    - (a) 1 to 9 lots: \$720.00.
    - (b) 10 to 19 lots: \$1,100.00.
    - (c) 20 or more lots: \$1,330.00.

2. If subject to review by the agent:
    - (a) Two-lot subdivision as described in section 14-232(B)(1) or if all lots front on an existing public street: \$95.00.
    - (b) 1 to 9 lots: \$360.00.
    - (c) 10 to 19 lots: \$550.00.
    - (d) 20 or more lots: \$670.00.
  3. Condominium plat: \$100.00.
  4. Reinstatement of review: \$65.00.
  5. In addition to the foregoing, if the subdivider is required to construct a public street or a private road, he shall pay to the county a fee equal to the cost of the inspection of the construction of any such street or road. These fees shall be paid prior to completion of all necessary inspections and shall be deemed a part of the cost of construction of the street or road for purposes of section 14-413(B).
- C. Plat for rural division: \$95.00.
- D. Plat for family division: \$95.00.
- E. Other matters subject to review:
1. Waiver, variation or substitution of subdivision requirements: \$180.00.
  2. Relief from plat conditions imposed by commission prior to the date of adoption of this chapter: \$180.00.
  3. Appeal of plat to board of supervisors: \$240.00.
  4. Extension of plat approval: \$45.00.
  5. Request to defer action on plat to an indefinite date: \$75.00.
  6. Bonding inspection for plat: \$60.00.
  7. Vacation of plat or part thereof: \$170.00.
  8. Review of groundwater assessment information required by section 14-308.1:
    - (a) Tier 2 assessment under section 17-402: \$250.00 plus \$25.00 per lot.
    - (b) Tier 3 assessment under section 17-403: \$400.00 plus \$25.00 per lot.
    - (c) Tier 4 assessment under section 17-404: \$1,000.00.

(9-5-96, 12-11-91, 6-7-89, 4-17-85, 12-1-82, 12-14-77, 3-2-77, 11-10-76, 8-28-74 (§ 3); 1988 Code, § 18-43; Ord. 98-A(1), 7-15-98; Ord. 99-14(1), 6-16-99; Ord. 02-14(2), 7-3-02; Ord. 04-14(1), 12-8-04, effective 2-8-05)

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

### **Article III. Plat Requirements and Documents to be Submitted**

#### **Sec. 14-308.1 Groundwater assessment information.**



Groundwater assessments required by section 17-402 shall be initiated by the program authority upon the submittal of the preliminary plat. The draft groundwater management plans and aquifer testing workplans required by sections 17-403 and 17-404, as applicable, shall be submitted in conjunction with the submittal of the preliminary plat. The requirements of sections 17-402, 17-403 and 17-404 shall be satisfied prior to final plat approval.

(§ 308.1, Ord. 04-14(1), 12-8-04, effective 2-8-05)

**State law reference** – Va. Code § 15.2-2121.

**This ordinance shall be effective on and after February 8, 2005.**

**ORDINANCE NO. 04-17(1)**

**AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, BY AMENDING ARTICLE I, GENERAL, AND BY ADDING ARTICLE IV, GROUNDWATER ASSESSMENTS**

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 17, Water Protection, is amended and reordained as follows:

**By Amending:**

Sec. 17-102 Purposes.

**By Adding:**

Sec. 17-400 Applicability.  
 Sec. 17-401 Tier 1 assessments.  
 Sec. 17-402 Tier 2 assessments.  
 Sec. 17-403 Tier 3 assessments.  
 Sec. 17-404 Tier 4 assessments.  
 Sec. 17-405 Fees.

**Chapter 17**

**Water Protection**

**Article I. General**

**Sec. 17-102 Purposes.**

The board of supervisors finds that this chapter is necessary to protect the health, safety and general welfare of the citizens of the county and the Commonwealth of Virginia and to prevent water from being rendered dangerous to the health of persons living in the county, and is supported by the findings of watershed studies that have been conducted. Therefore, the specific purposes of this chapter are to:

1. inhibit the deterioration of state waters and waterways resulting from land disturbing activities;
2. protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of increased stormwater discharges from new land development and redevelopment;
3. protect against and minimize the pollution and eutrophication of public drinking water supplies resulting from land development;
4. control nonpoint source pollution, erosion and sedimentation, and stream channel erosion;
5. maintain the integrity of existing stream channels and networks for their biological functions, drainage, and natural recharge of groundwater;
6. protect the condition of state waters for all reasonable public uses and ecological functions;
7. provide for the long-term responsibility for and maintenance of stormwater management facilities and best management practices;

8. facilitate the integration of stormwater management and pollution control with other county ordinances, programs, policies, and the comprehensive plan; and

9. promote the long-term sustainability of groundwater resources.

(§ 7-1, 6-18-75, § 2, 2-11-87, 3-18-92; § 19.1-4, 9-29-77, art. I, § 1, 7-11-90; § 19.2-2, 6-19-91, § 2; § 19.3-3, 2-11-98; Code 1988, §§ 7-1, 19.1-4, 19.2-2, 19.3-3; Ord. 98-A(1), 8-5-98; Ord. 04-17(1), 12-8-04, effective 2-8-05)

**State law reference--**Va. Code §§ 10.1-560 et seq., 10.1-603.1 et seq., §10.1-2108.

**Article IV. Groundwater Assessments**

**Sec. 17-400 Applicability.**

This article shall apply to the establishment of land uses that will rely on privately owned wells serving as the primary source of potable water and having not more than two (2) connections (hereinafter, "individual wells") or central water supplies, as defined in Albemarle County Code § 16-101. The applicable requirements of this article are determined by the development approval sought by the owner and the land uses within the development, as follows:

Development Approval and Timing of Submittal for Required Assessment	Assessment Required
Prior to the issuance of a building permit for a new structure on a lot of record less than twenty-one acres in size existing prior to the effective date of this article that will be served by one or more individual wells	Tier 1
Prior to the issuance of a building permit for a new structure: (1) on a lot of record created after the effective date of this article that is subject to a Tier 2 or Tier 3 assessment that will be served by one or more individual wells; or (2) associated with a use that is subject to a Tier 3 or Tier 4 assessment that will be served by one or more individual wells	Tier 1
Prior to approval of a preliminary subdivision plat creating lots of less than twenty-one acres that will be served by individual wells	Tier 2
Prior to approval of a preliminary subdivision plat creating four or more lots where at least three lots are five acres or less	Tier 3
Prior to approval of a preliminary site plan for a new nonresidential or nonagricultural use using less than 2,000 gallons/day (average)	Tier 3
Prior to approval of a preliminary site plan for a new nonresidential or nonagricultural use using more than 2,000 gallons/day (average)	Tier 4
Prior to approval of any central water supply under chapter 16 of the Albemarle County Code	Tier 4

The program authority may require that development approvals subject to Tier 2 or Tier 3 assessments be subject to Tier 3 or Tier 4 assessments, respectively, as provided in sections 14-402 and 17-403.

If an owner submits a final subdivision plat or site plan without first submitting and obtaining approval of a preliminary subdivision plat or site plan, the assessment required by section 17-402 shall begin upon submittal of the final subdivision plat or site plan, and the assessment required by sections 17-403 or 17-404 shall be submitted by the owner with the final subdivision plat or site plan.

(§ 400, Ord. 04-17(1), 12-8-04, effective 2-8-05)

**Sec. 17-401 Tier 1 assessments.**

A Tier 1 assessment shall consist of the owner drilling a well on the lot and submitting the following information to the program authority: (1) a Virginia well drilling completion report (form GW-2) for each well drilled; and (2) the latitude and longitude coordinates of each well's location. The information submitted must be accepted as complete and accurate by the program authority prior to issuance of the building permit.

(§ 401, Ord. 04-17(1), 12-8-04, effective 2-8-05)

**Sec. 17-402 Tier 2 assessments.**

A Tier 2 assessment shall consist of the program authority reviewing and evaluating the county's well database, available hydrogeologic studies, and information from the Virginia Department of Health and the Virginia Department of Environmental Quality, as provided in chapter 5 of the design standards manual. Based on this evaluation, the program authority may require that the owner provide additional groundwater assessment data prior to subdivision plat or site plan approval, or may require that a Tier 3 assessment be submitted.

(§ 402, Ord. 04-17(1), 12-8-04, effective 2-8-05)

**Sec. 17-403 Tier 3 assessments.**

A Tier 3 assessment shall consist of the following:

A. The owner shall submit a draft groundwater management plan with the preliminary plat or site plan. The groundwater management plan shall comply with the requirements for such plans in chapter 5 of the design standards manual. If the groundwater management plan identifies special areas of concern, such as an off-site resource of high groundwater sensitivity or a previously unknown source of contamination, then the program authority may require additional groundwater assessment data prior to preliminary subdivision plat or site plan approval.

B. The owner shall submit a final groundwater management plan that must be approved by the program authority prior to approval of the final plat or site plan.

C. Any structural measures (e.g., best management practices) shall be bonded as a subdivision plat or site plan improvement.

The program authority may require that a Tier 4 assessment be submitted instead of a Tier 3 assessment if the special areas of concern identified in subsection (A) have not been adequately addressed by the additional groundwater assessment data.

(§403, Ord. 04-17(1), 12-8-04, effective 2-8-05)

**Sec. 17-404 Tier 4 assessments.**

A Tier 4 assessment shall consist of the following:

A. The owner shall submit a draft groundwater management plan and an aquifer testing workplan complying with the requirements for such plans in chapter 5 of the design standards manual, with the preliminary plat, preliminary site plan, or the application for a central water supply. The

groundwater management plan must demonstrate to the program authority's satisfaction that the site's groundwater conditions have been considered with the subdivision or site plan's layout and design. The aquifer testing workplan must be approved by the program authority before the owner may conduct aquifer testing as required by subsection (B).

B. After the program authority approves the aquifer testing workplan, the owner shall conduct aquifer testing as provided in the workplan.

C. The owner shall submit a final groundwater management plan and a groundwater assessment report complying with the requirements for such a report in chapter 5 of the design standards manual, based upon the results of the aquifer testing. The final groundwater management plan and the groundwater assessment report must be approved by the program authority prior to final subdivision plat or site plan approval.

D. Any structural measures (e.g., best management practices) shall be bonded as a subdivision plat or site plan improvement.

(§404, Ord. 04-17(1), 12-8-04, effective 2-8-05)

**Sec. 17-405 Fees.**

Each owner seeking approval of a tier assessment required by this article shall pay a fee as provided by Albemarle County Code § 18-35.0 and Albemarle County Code § 14-203, as applicable.

(§405, Ord. 04-17(1), 12-8-04, effective 2-8-05)

**State law reference**--Va. Code §§ 15.2-2241(9), 36-98.

**This ordinance shall be effective on and after February 8, 2005.**

**RESOLUTION TO AUTHORIZE  
ACQUISITION OF PROPERTY**

**WHEREAS**, the County of Albemarle and the City of Charlottesville desire to acquire a certain property within the City for the purpose of providing public space for court house facilities and related offices; and

**WHEREAS**, an agreement for the acquisition for property located at 417-419 Park Street in the City of Charlottesville has been negotiated and presented to the Board of Supervisors for its consideration.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the Agreement for Purchase and Sale of Real Property and for a Temporary Construction Easement between R. Franklin and Hay L. Hardy and the City of Charlottesville and the County of Albemarle for approximately 2,640 square feet of property located at the rear of 417 – 419 Park Street in the City of Charlottesville, and to execute all other documents necessary to purchase and accept ownership or easements of the property on behalf of the County.