

**ACTIONS**  
**Board of Supervisors Meeting of August 6, 2008**

August 13, 2008

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 9:02 a.m. by the Chairman, Mr. Boyd. All BOS members were present. Also present were Bob Tucker, Larry Davis, and Meagan Hoy.</li> </ul>	
<p>4. Recognitions:</p> <ul style="list-style-type: none"> <li>Chairman recognized Roxanne White for her service on the Region Ten Community Services Board.</li> <li>The Board decided to adopt an alternate version of the Women's Equality Day Proclamation at their August 13<sup>th</sup> meeting.</li> </ul>	<p><u>Clerk</u>: Schedule on August 13<sup>th</sup> agenda.</p>
<p>5. From the Board: Matters Not Listed on the Agenda.</p> <p><u>Dennis Rooker</u>:</p> <ul style="list-style-type: none"> <li>Asked that staff put together information on the recently adopted rural area ordinances so that the public understands the ordinances better. Suggested doing a Q &amp; A format on the web page, and also sending out a mailer to various interest groups, such as the Farm Bureau.</li> </ul> <p><u>Ann Mallek</u>:</p> <ul style="list-style-type: none"> <li>Encouraged Board Members to have fire/rescue representatives in their districts attend the monthly meetings that the Fire Chiefs are having, especially the upcoming meetings on Strategic Planning.</li> <li>Expressed support for putting stormwater control and erosion measures into language for an ordinance.</li> <li>Asked if the Board members would be interested in holding a joint meeting with the Albemarle County Service Authority. There was <b>CONSENSUS</b> by the Board to schedule a one hour meeting as soon as possible.</li> <li>There was a report from the Community Food Group. They are working on ways to provision local institutions to provide more local produce and meats.</li> </ul>	<p><u>Mark Graham/Wayne Cilimberg</u>: Proceed as directed.</p> <p><u>Clerk</u>: Schedule joint meeting with the Service Authority.</p>
<p>6. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>Allan Kindrick and Tim Kindrick hand delivered to the Board a letter appealing the Water Protection Ordinance relating to the runway extension project at the Charlottesville-Albemarle Airport.</li> <li>Bob Coiner, Mayor of Gordonsville, asked Albemarle County to aid in funding Gordonsville's library project. The Board directed the Library Board/Library Staff to review the request and report back to the BOS at their September 3 BOS meeting.</li> </ul>	<p><u>Clerk</u>: Schedule on September 3 agenda.</p> <p><u>Library Board/Staff</u>: Proceed as directed.</p>

7.2	Requested FY 2009 Appropriations. <ul style="list-style-type: none"> <li>• <b>APPROVED</b> budget amendment in the amount of \$1,532,518.00 and FY 2009 Appropriations #2009005, #2009006, #2009007, #2009008, #2009009, #2009010 and #2009011.</li> </ul>	<u>Clerk</u> : Forward signed appropriations to Finance and appropriate individuals.
7.3	Set public hearing to consider proposed ordinance to update definitions and dog license provisions of animal ordinance to conform to Virginia Code and to increase the dog license tax. <ul style="list-style-type: none"> <li>• Set public hearing on September 3, 2008.</li> </ul>	<u>Clerk</u> : Schedule on September 3, 2008 agenda.
7.4	Resolution to accept road(s) in Highlands Phase 2B Subdivision into the State Secondary System of Highways. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> attached resolution.</li> </ul>	<u>Clerk</u> : Forward Form AM-4.3 and adopted resolution to Glen Brooks, County Engineer.  (Attachment 1)
7.5	Resolution to accept road(s) in Rustling Oaks Subdivision into the State Secondary System of Highways. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> attached resolution.</li> </ul>	<u>Clerk</u> : Forward form AM-4.3 and adopted resolution to Glen Brooks, County Engineer.  (Attachment 2)
7.6	Request to add representative from Habitat for Humanity to Housing Committee. <ul style="list-style-type: none"> <li>• <b>AMENDED</b> the composition of the Housing Committee to allow a representative of Habitat for Humanity to serve, and <b>APPROVED</b> as with PHA and AHIP that a Board member of Habitat for Humanity be appointed rather than staff.</li> </ul>	<u>Ron White</u> : Proceed as approved.
7.7	Resolution to Affirm the County's Authorization to Pick-Up Employee's Contribution to Virginia Retirement System Under § 414(h) of the Internal Revenue Code. <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> attached resolution.</li> </ul>	<u>Clerk</u> : Forward adopted resolution to VRS, Finance and County Attorney's Office.  (Attachment 3)
7.8.	Offender Aid and Restoration's Community Correction and Pretrial Services Program – Supplemental Appropriation Request. <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the transfer of \$8,853.00 from the Board's Contingency to OAR subject to participation by the other applicable localities in the revenue loss. At such time as the other localities commit to this participation, an appropriation will be brought to the Board for formal approval of the local funding increase.</li> </ul>	<u>Bryan Elliott</u> : Notify OAR of Board's action and bring forward when ready for further action.
7.9	Cancel September 10, 2008 Board of Supervisors' meeting. <ul style="list-style-type: none"> <li>• <b>APPROVED</b> canceling the September 10, 2008 Night Board meeting.</li> </ul>	<u>Clerk</u> : Remove meeting from schedule.
7.12	2008 Development Review Process Changes for Zoning Map Amendments and Special Use Permits. <ul style="list-style-type: none"> <li>• Mr. Rooker suggested the following changes to Attachment A: <ul style="list-style-type: none"> <li>○ Under Item #14 - in the first line of the change the word "exactly" to "substantially"</li> <li>○ Under Item #16, change the last sentence to read: "... after the time established in the schedule."</li> </ul> </li> </ul>	<u>Elaine Echols/Wayne Cilimberg</u> : Incorporate recommended changes.
8.	Proposed 2009 Legislative Priorities, David Blount.	<u>Andy Bowman/David Blount</u> : Proceed as

<ul style="list-style-type: none"> <li>• <b>APPROVED</b> the proposed 2009 Legislative Priorities for submission to the TJPDC and VACo. <b>CONSENSUS</b> of the Board to support an increase in the number of rollback years for the Land Use Taxation Program.</li> </ul>	directed.
<p>9. Star Swimming Request for Funding.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> taking the Star proposal under consideration pending the necessary review by the County Attorney's Office, and <b>DIRECTED</b> the County Executive to appoint a negotiating team in conjunction with the Albemarle County Schools to meet with representatives of the YMCA and Star Swimming and to recommend a course of action.</li> </ul>	<u>County Executive/County Attorney:</u> Proceed as directed.
<p>Recess.</p> <ul style="list-style-type: none"> <li>• The Board took a recess at 10:58 a.m. and reconvened at 11:10 a.m.</li> </ul>	
<p>10. Proposed FY 2008 Budget Amendment.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> FY 2008 Budget Amendment in the amount of \$3,761,869.21, and <b>APPROVED</b> Appropriations #2008078, #2008079, #2008080, #2008081, and #2008082 to provide funds for various local government, school, and capital projects and programs.</li> </ul>	<u>Clerk:</u> Forward signed appropriations to Finance and appropriate individuals.
<p>11. <b><u>PROJECT: AFD-2008-005. Moorman's River Agricultural and Forestal District.</u></b></p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> AFD-2008-005, by a vote of 6:0, and <b>ADOPTED</b> Ordinance No. 08-3(2).</li> </ul>	<u>Clerk:</u> Send thank-you letters to property owners of new additions to the district.  (Attachment 4)
<p>12. &amp; 13. <b><u>WPTA-2008-002. Fees and Miscellaneous and BRTA-2008-001. Building Regulation Fees and Miscellaneous.</u></b></p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Ordinance No. 08-5(1), by a vote of 6:0, Building Regulations Ordinance.</li> <li>• <b>ADOPTED</b> Ordinance No. 08-17(33), by a vote of 6:0, Water Protection Ordinance.</li> <li>• <b>DIRECTED</b> staff to process biennial fee adjustments using the County's merit pool percentages for the two years as a basis for adjusting fees.</li> </ul>	<u>Clerk:</u> Forward copy of adopted ordinances to Mark Graham, Jay Schlothauer, Glen Brooks, and County Attorney.  (Attachments 5&6)  <u>Community Development:</u> Proceed as directed.
<p>14. Airport Runway Extension Project, Presentation by Barbara Hutchinson.</p> <ul style="list-style-type: none"> <li>• <b>DIRECTED</b> staff to prepare a resolution of support for the runway extension project.</li> </ul>	<u>Clerk:</u> Schedule on August 13, 2008 agenda.
<p>16. Before the Storm: Reducing the Damage from Polluted Stormwater Runoff (Report prepared by the Southern Environmental Law Center, the Rivanna Conservation Society, and the University of Virginia School's Environmental Law and Conservation Clinic), Presentation by Morgan Butler.</p> <ul style="list-style-type: none"> <li>• Received.</li> <li>• <b>DIRECTED</b> staff to come back with a report on what is currently in the work program, and how the items from this report could be added.</li> </ul>	<u>Mark Graham:</u> Proceed as directed.  <u>Clerk:</u> Schedule on future agenda.
<p>17. Closed Meeting.</p> <ul style="list-style-type: none"> <li>• At 12:57 p.m. the Board went into closed meeting to consider appointments to boards,</li> </ul>	

	committees, and commissions; to consider the acquisition of real property necessary for a county park; to discuss with legal counsel and staff specific matters requiring legal advice relating to an amendment of an interjurisdictional agreement relating to public safety services; and to discuss with legal counsel and staff specific matters requiring legal advice relating to an agreement necessary to implement a funding source for public safety services.	
18.	<p>Certified Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 2:17 p.m., the Board reconvened into open session and certified the closed meeting.</li> </ul>	
19.	<p>Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> <li><b>REAPPOINTED</b> Bruce Dotson and Stephen McLean to the ACE Committee, with said terms to expire August 1, 2011.</li> <li><b>REAPPOINTED</b> John Chamales to the Jail Authority, with said term to expire August 8, 2011.</li> <li><b>REAPPOINTED</b> Rosa Hudson to the Jordan Development Corporation, with said term to expire August 13, 2009.</li> </ul>	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
	<ul style="list-style-type: none"> <li><b>NonAgenda. AUTHORIZED</b>, by a vote of 6:0, the release of the previously appropriated CIP funds to CARS, designated for the replacement of Fire/Rescue apparatus pursuant to County Policy, including code titling of such apparatus.</li> </ul>	<p><u>Dan Eggleston:</u> Proceed as approved.</p>
	<ul style="list-style-type: none"> <li><b>NonAgenda. ADOPTED</b>, by a vote of 6:0, the attached Resolution to authorize acquisition of property from Mr. and Mrs. James Byrom for the purpose of providing access to the Patricia Ann Byrom Forest Reserve Park.</li> </ul>	<p><u>Clerk:</u> Forward copy of resolution to County Attorney's office and Pat Mullaney.</p> <p>(Attachment 7)</p>
	<ul style="list-style-type: none"> <li><b>NonAgenda. ADOPTED</b>, by a vote of 6:0, the attached Resolution approving an amendment of the Fire Services Agreement between the City of Charlottesville and Albemarle County.</li> </ul>	<p><u>Clerk:</u> Forward copy of resolution to County Attorney's office, Bryan Elliott and Dan Eggleston.</p> <p>(Attachment 8)</p>
15.	<p>Budget Process Review Committee Report.</p> <ul style="list-style-type: none"> <li><b>Received.</b></li> </ul>	
20a.	<p>VDoT Monthly Report.</p> <p>Allan Sumpter updated Board members on issues in their districts:</p> <ul style="list-style-type: none"> <li>VDoT has been working on a process for removing illegal signs in the right of way areas. VDoT is working with County staff, and will get a letter to CAAR and the Chamber of Commerce explaining the rules. VDoT will also try to patrol these areas as much as possible with their current staff.</li> <li>In median areas and on sidewalks, there is an effort to remove tall weeds with weed eaters and spraying. He has tasked his staff to come up with a better plan for spraying next year so that the weeds do not get so tall. Mr. Boyd suggested VDoT look at Berkmar Drive and</li> </ul>	

<p>Route 20 at Pantops as areas that have six foot weeds coming out of the drains.</p> <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> <li>• Signal upgrade work is beginning on Route 29. VDoT staff is working on the system, and expect to finish in the next two to three months.</li> </ul> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>• Pedestrian safety improvements are beginning along Hydraulic Road, and bike lanes are being marked as well.</li> </ul> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> <li>• Buckingham Branch will move forward with repairs to Dry Bridge. They are going to fully replace the bridge decking, and anticipate completing the project within the next four weeks. She asked for VDoT to put up a large sign to alert motorists as they have done in the past.</li> </ul>	
<p>20b. Transportation Matters not Listed on Agenda.</p> <p><u>Sally Thomas:</u></p> <ul style="list-style-type: none"> <li>• Asked about the possibility of installing a bicycle sign to alert drivers that bikes are on the roadway, in areas where there is no separate bike lane. VDoT staff will look into it.</li> </ul> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> <li>• Asked about the use of islands in pedestrian crossing paths that are painted with a bright green paint, with mid-road signage, similar to those used in the Outer Banks. Mr. Sumpter will have VDoT look into that possibility.</li> </ul> <p><u>David Slutzky:</u></p> <ul style="list-style-type: none"> <li>• The grass on Rio Road between Wolfe's and the entrance to Circuit City is about six feet high. Mr. Sumpter advised that the mowing contractor missed that road, and is going to mow that area next week.</li> </ul> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Asked who is responsible for removing leaves that pile up in ditches against pipes under driveways. VDoT advised that in the Fall at certain places where they can cause a drainage problem, VDoT staff rents a vacuum truck to come in and address the back up. Ms. Mallek pointed out that Advance Mills Road down to Jacob's Run is a problem area, and should be added to the list of areas for removal.</li> </ul> <p><u>Lindsay Dorrier:</u></p> <ul style="list-style-type: none"> <li>• In the report, Route 626 should be listed as Route 726. VDoT will look at the curve in that area to see if there are any safety improvements that can be made.</li> <li>• The entrance at Walton School, traveling North (intersection of Route 20 and Route 798) is dangerous. VDoT will look into that area.</li> </ul>	<p><u>Clerk:</u> Forward comments to Allan Sumpter.</p>

<p><u>David Benish:</u></p> <ul style="list-style-type: none"> <li>• He and Juan Wade are also working on pedestrian crossings. County staff is looking at improvements that are beyond the scope of what VDoT can do, such as mid block crossings and street lights to illuminate crosswalks at night.</li> </ul>	
<p>21. From the Board: Committee Reports and Matters <u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>• Asked if another meeting has been scheduled with the PRFA, and was informed that nothing has been scheduled at this time.</li> </ul>	
<p>22. Adjourn.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 3:12 p.m.</li> </ul>	

/mrh

- Attachment 1 – Resolution- Highlands Subdivision, Phase 2B
- Attachment 2 – Resolution- Rustling Oaks Subdivision
- Attachment 3 – Resolution - Affirmation of Authorization to Pick-up the Employee's Contribution to VRS for Albemarle County
- Attachment 4 – Ordinance - Moorman's River Agricultural and Forestal District
- Attachment 5 – Ordinance- Building Regulations
- Attachment 6 – Ordinance- Water Protection
- Attachment 7 – Resolution - Patricia Ann Byrom Forest Reserve Park
- Attachment 8 – Resolution - Amendment of the Fire Services Agreement between the City of Charlottesville and Albemarle County

RESOLUTION

WHEREAS, the street(s) in **Highlands Subdivision, Phase 2B**, as described on the attached Additions Form AM-4.3 dated **August 6, 2008**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Highlands Subdivision, Phase 2B**, as described on the attached Additions Form AM-4.3 dated **August 6, 2008**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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The road(s) described on Additions Form AM-4.3 is:

- 1) **Mechums River Road (State Route 1241)** from the intersection of Route 1244 (Amber Ridge Road) to the intersection of Route 1297 (Gate Post Lane), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3235, page 364, with a 50-foot right-of-way width, for a length of 0.23 miles.
- 2) **Gate Post Lane (State Route 1297)** from the intersection of Route 1241 (Mechums River Road) to the south cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3235, page 364, with a 50-foot right-of-way width, for a length of 0.20 miles.
- 3) **Gate Post Lane (State Route 1297)** from the intersection of Route 1241 (Mechums River Road) to the north cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3235, page 364, with a 50-foot right-of-way width, for a length of 0.11 miles.

Total Mileage – 0.54

RESOLUTION

WHEREAS, the street(s) in **Rustling Oaks Subdivision**, as described on the attached Additions Form AM-4.3 dated **August 6, 2008**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Rustling Oaks Subdivision**, as described on the attached Additions Form AM-4.3 dated **August 6, 2008**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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The road(s) described on Additions Form AM-4.3 is:

- 1) **Rustling Oaks Drive (State Route 1007)** from the intersection of Route 601 to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1167, page 193, with a 50-foot right-of-way width, for a length of 0.63 miles.

Total Mileage – 0.63



**RESOLUTION**  
**Affirmation of Authorization to Pick-up the Employee's Contribution to**  
**VRS for ALBEMARLE COUNTY, 55101**  
**Under § 414(h) of the Internal Revenue Code**

**WHEREAS**, ALBEMARLE COUNTY provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

**WHEREAS**, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

**WHEREAS**, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

**WHEREAS**, in order to avail itself of the protection given under Notice 2006-43, ALBEMARLE COUNTY desires to affirm its intention to establish and maintain a pickup arrangement through formal action by its governing body.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

**RESOLVED** that effective the first pay day on or after August 6, 2008, ALBEMARLE COUNTY shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

**RESOLVED** that such contributions, although designated as member contributions, are to be made by ALBEMARLE COUNTY in lieu of member contributions; and it is further

**RESOLVED** that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

**RESOLVED** that member contributions made by ALBEMARLE COUNTY under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

**RESOLVED** that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by ALBEMARLE COUNTY directly instead of having them paid to VRS; and it is further

**RESOLVED** that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of ALBEMARLE COUNTY shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by ALBEMARLE COUNTY on behalf of such employee pursuant to the foregoing resolutions.

Adopted in CHARLOTTESVILLE, Virginia this 6<sup>th</sup> day of August, 2008.

**ORDINANCE NO. 08-3(2)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, is hereby amended and reordained as follows:

**By Amending:**

Sec. 3-222 Moorman's River Agricultural and Forestal District

**Chapter 3. Agricultural and Forestal Districts****Article II. Districts of Statewide Significance****Division 2. Districts****Sec. 3-222 Moorman's River Agricultural and Forestal District.**

The district known as the "Moorman's River Agricultural- and Forestal District" consists of the following described properties: Tax map 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; tax map 28, parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 17A, 17C, 18, 23B, 23B1, 30, 30A, 30B 32B, 32D, 34B, 35, 35B, 37, 37A, 37B, 37C, 38; tax map 29, parcels 2C, 4E, 8, 8B, 8E, 8E1, 8H, 8J, 8K, 9, 10, 15C, 40B, 40C, 40D, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69D, 69F, 70A, 70B, 70C, 70F, 70F1, 70G, 70H1, 70K, 70L, 70M, 71, 71A, 73B, 74A, 76, 78, 79C, 80, 84, 85; tax map 30, parcels 10, 10A, 12, 12C, 12D, 17A, 18E; tax map 41, parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 41C, 41H, 44, 50, 67, 67B, 68, 70, 72, 72B, 72C, 72D, 89; tax map 42, parcels 5, 6, 6B, 7, 8, 8A, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 42B, 43, 43A, 44; tax map 43, parcels 1, 3, 3A, 3C, 3D, 4C, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24, 25A, 25B, 30, 30A, 30B, 30D, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 43A1, 44, 45, 45C, 45D; tax map 44, parcels 1, 2, 24, 26, 26A, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G; tax map 57, parcel 69; tax map 59, parcels 32, 32A, 34, 35, 82A. This district, created on December 17, 1986 for not more than ten years and last reviewed on December 1, 2004, shall be next reviewed prior to December 1, 2014.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08)

**ORDINANCE NO. 08-5(1)**

AN ORDINANCE TO AMEND CHAPTER 5, BUILDING REGULATIONS, BY AMENDING ARTICLE I, ADMINISTRATION, AND ARTICLE II, FEES, 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, Article I, Administration, and Article II, Fees, are hereby amended and reordained as follows:

**By Amending:**

- Sec. 5-100 Purpose and intent
- Sec. 5-101 Building inspection office established; powers and duties
- Sec. 5-200 Permit and inspection fees, generally
- Sec. 5-201 Fees for building permits
- Sec. 5-202 Fees for electrical permits
- Sec. 5-203 Fees for plumbing permits
- Sec. 5-204 Fees for mechanical permits
- Sec. 5-206 Fee for demolition permits
- Sec. 5-207 Fees for zoning inspections
- Sec. 5-208 Fees for other permits, plan amendments and reinspections

**Chapter 5. Building Regulations**

**Article I. Administration**

**Sec. 5-100 Purpose and intent.**

A. The purpose and intent 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, maintenance, demolition and removal of all structures, and to the equipment in such structures. The purpose and intent of this chapter is also to establish a procedure by which unsafe buildings and structures are repaired, removed, or demolished.

B. 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.

C. A copy of the building code shall be kept on file in the department of community development.

(§ 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)

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

**Sec. 5-101 Building inspection office established; powers and duties.**

A building inspection office is hereby established in the department of community development, as provided herein:

A. The building inspection office shall be charged with the administration and enforcement of the building code and this chapter, the review and approval of plans, the inspection of buildings and structures and the issuance of permits or certificates pertaining thereto. For purposes of this chapter, the term "building inspection office" means the "local building department" as that term is used in the building code.

B. The building inspection office shall be directed by a building official appointed by the county executive. The building official shall be charged with the administration and enforcement of this chapter and the building code and, as such, shall have the duties and powers of a code official set forth in the building code. The building official also shall be responsible for the supervision of the other employees of the building inspection office. For purposes of this chapter, the term "building official" means the "code official" 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)

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

## **Article II. Fees**

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

The fees for a permit or inspection required pursuant to the building code and this chapter shall be paid as provided herein:

A. Except as provided in paragraph (E), no permit application shall be accepted until the applicable fees required by this article have been paid. The fee shall be for the purpose of reimbursing, 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. Each fee shall be in the form of cash or a check payable to the "County of Albemarle." Payment shall be made in the department of community development.

C. The payment of fees for a permit or permit amendment shall not relieve any person from the payment of any other fees that may be required by law including, but not limited to, fees for water connections and sewer connections.

D. The building official shall keep an accurate account of all fees collected pursuant to this chapter and shall deposit all fees collected with the department of finance.

E. Neither the county nor the county school board shall be required to pay any fee otherwise required by this article for a permit or inspection required by this chapter.

(§ 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 hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use groups 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, shall be \$0.49 per square foot, calculated on gross finished square footage. The minimum fee shall be \$75.00.

B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, or deck or porch ten square feet or larger, shall be \$0.15 per square foot, calculated on gross finished square footage. The minimum fee shall be \$25.00.

C. *Residential swimming pools, hot tubs and spas.* The fee for each residential swimming pool, hot tub or spa shall be \$50.00.

D. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$45.00.

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, shall be \$0.20 per square foot for the first 5,000 square feet, plus \$0.14 per square foot for each square foot in excess of 5,000 square feet, calculated on gross square footage. The minimum fee shall be \$75.00.

F. *Change of building occupancy classification.* The fee for a change of occupancy classification evaluation shall be \$150.00.

G. *Commercial swimming pools.* The fee for each commercial swimming pool shall be \$305.00.

H. *Elevators, escalators and lifts.* The fee for each elevator, escalator or lift shall be \$240.00.

I. *Paint spraying booths.* The fee for each paint spraying booth shall be \$25.00.

J. *Mobile offices and premanufactured units.* The fee for each mobile office or premanufactured unit shall be \$45.00.

K. *Tents.* The fee for each tent shall be \$50.00.

L. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.17 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee shall be \$75.00.

(§ 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)

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

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

The fees for electrical permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use groups R-3 and 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, shall be included as part of the building permit fee under section 5-201(A).

B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, or deck or porch ten square feet or larger, shall be \$30.00.

C. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$30.00.

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, shall be \$0.04 per square foot. The minimum fee shall be \$75.00.

E. *Swimming pools, hot tubs and spas.* The bonding fee for each swimming pool, hot tub or spa shall be \$30.00. The equipment wiring fee for each swimming pool, hot tub or spa shall be \$30.00.

F. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.04 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee shall be \$75.00.

G. *Signs*. The fee for each sign shall be \$45.00.

H. *Temporary service*. The fee for each temporary electric service shall be \$95.00, unless the service is sought as part of a building permit for which a fee was paid under section 5-201(A).

I. *Early service*. The fee for each early electric service shall be \$60.00, unless the service is sought as part of a building permit for which a fee is paid under section 5-201(A).

J. *Fuel dispensing pumps*. The fee for each fuel dispensing pump shall be \$30.00.

K. *Alarm systems*. The fee for each alarm system shall be \$0.04 per square foot of the gross square footage of the structure. The minimum fee shall be \$75.00.

(§ 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)

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

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

The fees for plumbing permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5*. The fee for each new structure in use groups R-3 and 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, shall be included as part of the building permit fee under section 5-201(A).

B. *Mobile homes and prefabricated homes*. The fee for each mobile home or prefabricated home shall be \$30.00.

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, 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, shall be \$8.00 per fixture. The minimum fee shall be \$75.00.

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 \$8.00 per fixture, provided that there is no increase in gross square footage. The minimum fee shall be \$75.00.

E. *Water lines*. The fee for each water line shall be \$25.00, unless the lines are included as part of a building permit for which a fee is paid under section 5-201(A).

F. *Sewer laterals*. The fee for each sewer lateral shall be \$25.00, unless the lateral is included as part of a building permit for which a fee is paid under section 5-201(A).

G. *Fire suppression systems*. The fee for each fire suppression system shall be \$0.80 per head. The minimum fee shall be \$75.00.

(§ 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)

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

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

The fees for mechanical permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5*. The fee for each new structure in use groups R-3 and 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, shall be included as part of the building permit fee under section 5-201(A).

B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$30.00.

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 such use group, shall be \$0.04 per square foot of gross square footage. The minimum fee shall be \$75.00.

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 shall be \$75.00.

E. *Underground tanks.* The fee for each underground tank, including associated piping, shall be \$170.00, unless the tanks are included as part of a building permit for which a fee is paid under section 5-201(A).

F. *Aboveground tanks.* The fee for each aboveground tank, including associated piping, shall be \$100.00, unless the tanks are included as part of a building permit for which a fee is paid under section 5-201(A).

G. *Gas and oil lines.* The fee for each gas or oil line shall be \$35.00, unless the lines are included as part of a building permit for which a fee is paid under section 5-201(A).

H. *Furnaces, wood stoves and gas log systems.* The fee for each furnace, wood stove or gas log system shall be \$65.00, unless the furnace, stove or gas log system is included as part of a building permit for which a fee is paid under section 5-201(A).

I. *Range hoods.* The fee for each range hood shall be \$25.00.

J. *Hood suppression systems.* The fee for each hood suppression system shall be \$30.00.

(§ 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)

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

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

The fee for each demolition permit shall be \$95.00.

(§ 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)

**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 hereby established as provided herein:

A. *Foundation of main and accessory structures.* The fee for each inspection following the laying of the foundation of main or accessory structures shall be \$15.00 per inspection.

B. *Surface water drainage pipes and culverts.* The fee for each inspection pertaining to the size and location of surface water drainage pipes and culverts shall be \$10.00 per inspection.

C. *Subsurface stone for parking lot or entrance.* The fee for each inspection to determine the proper depth of the subsurface stone for a parking lot on, or entrance onto, the property being developed, prior to the final surfacing of the parking lot or entrance, shall be \$10.00 per inspection.

D. *Final site inspection.* The fee for each final site inspection before a certificate of occupancy or a temporary certificate of occupancy shall be \$15.00 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)

**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 established as provided herein:

A. *Other permits.* The fees for any other building, electrical, plumbing, mechanical, or amusement device permit not identified in this article shall be \$30.00 per inspection.

B. *Plan amendments.* The fee for each new plan submitted which requires any structural or fire safety review shall be \$30.00.

C. *Reinspections.* The fee for each inspection of work performed, after the second inspection of such work, shall be \$30.00 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)

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



**ORDINANCE NO. 08-17(3)**

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, BY AMENDING ARTICLE I, GENERAL, ARTICLE II, EROSION AND SEDIMENT CONTROL, AND ARTICLE III, STORMWATER MANAGEMENT AND WATER QUALITY

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 17, Water Protection, Article I, General, Article II, Erosion and Sediment Control, and Article III, Stormwater Management and Water Quality, are amended and reordained as follows:

**By Amending:**

- Sec. 17-104 Definitions
- Sec. 17-204 Review and approval of erosion and sediment control plan
- Sec. 17-208 Amendment of erosion and sediment control plan
- Sec. 17-209 Fees
- Sec. 17-212 Inspections
- Sec. 17-310 Fees

**Chapter 17. Water Protection**

**Article I. General**

**Sec. 17-104 Definitions.**

The following definitions shall apply in the interpretation and implementation of this chapter:

...

(2.1) *Amendment to approved plan.* The term “amendment to approved plan” means a revision to a plan previously approved by the program authority that requires a plan review and approval before it is incorporated into the approved plan. The revision can originate as a desired change by the owner or to satisfy either a notice to comply or stop work order issued by the program authority.

...

(22.1) *Inspection.* The term “inspection” means the examination of a premises by the program authority for the purpose of determining compliance with the requirements of this chapter or determining whether bonded improvements are constructed as required by the approved plans required by this chapter.

...

(35.2) *Plan review.* The term “plan review” means each review of a plan by the program authority for the purpose of determining compliance with the requirements of this chapter including, but not limited to, the review of a plan that has been revised and resubmitted after the program authority reviewed and disapproved a prior plan.

...

(39.1) *Reinspection.* The term “reinspection” means an inspection necessitated by either a notice of violation or stop work following issuance by the program authority.

...

(44) *Stormwater management/BMP facilities maintenance agreement.* The term “stormwater management/BMP facilities maintenance agreement” means an agreement that commits the owner or other designated parties to maintain and inspect stormwater/BMP facilities, including those required by

approved mitigation plans required by section 17-322, constructed in accordance with this chapter based on specific terms and conditions of the agreement.

(45) *Stormwater management/BMP plan*. The term “stormwater management/BMP plan” means a document that describes the controls for the management of the rate of stormwater discharge and best management practices for water quality protection, including mitigation plans required by section 17-322, and which includes a narrative section, a map or site plan, pertinent calculations, and any specifications submitted with the plan.

...

(47.2) *Variance*. The term “variance” means an owner-requested waiver from or modification to either the minimum standards of the Virginia Erosion and Sediment Control Regulations or an accepted erosion and sediment control measure which requires the program authority’s evaluation and approval before it can be incorporated into a plan. Unless determined by the program authority that the variance can apply to other plans, a variance shall apply only to the plan for which it was requested and a separate variance shall be required for any other plan.

...

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

**State law reference**--Va. Code §§ 10.1-560, 10.1-603.2.

## **Article II. Erosion and Sediment Control**

### **Sec. 17-204 Review and approval of erosion and sediment control plan.**

Each erosion and sediment control plan submitted pursuant to this article shall be reviewed and approved as provided herein:

A. The plan shall be reviewed by the program authority to determine whether it complies with the requirements of section 17-203 and all other requirements of this article.

B. During its review of the plan, the program authority may meet with the owner from time to time to review and discuss the plan with the owner, and shall inform the owner in writing of any modifications, terms, or conditions required to be included in the plan in order for it to be approved. The program authority may also consider and act on a variance request under the following criteria: (i) the owner shall explain in writing the reasons for requesting the variance; and (ii) the variance may be approved if the program authority determines that the approved plan, with the variance and any associated conditions of approval, would protect off-site properties and resources from damage to the same extent or better than if the variance was not granted.

C. Except as provided in paragraph (E), the program authority shall approve or disapprove a plan in writing within forty-five (45) days from the date the complete application was received by the program authority. The decision of the program authority shall be based on the plan’s compliance with the requirements of this article. The decision shall be in writing and shall be served by first class mail to the address provided by the owner in the application for approval of the plan or by personal delivery to the owner. The date of the decision shall be either the date that it is deposited for mailing or the date that it is personally delivered to the owner. If the plan is disapproved, the reasons for disapproval shall be stated in the writing.

D. If the program authority fails to act on the plan within forty-five (45) days from the date the application was received by the program authority, the plan shall be deemed approved.

E. If the owner is required to obtain approval of a site plan or plat, the program authority shall not approve an erosion and sediment control plan unless and until the site plan or plat is approved

as provided by law. For purposes of this paragraph, a site plan or plat may be deemed approved by the program authority if its approval is conditioned upon the approval of an erosion and sediment control plan pursuant to this article, and the program authority determines that review and approval of the erosion and sediment control plan will not affect approval of the site plan or plat. The program authority may approve an erosion and sediment control plan prior to approval of a required site plan or plat in the following circumstances:

1. to correct any existing erosion or other condition conducive to excessive sedimentation which is occasioned by any violation of this chapter or by accident, act of God or other cause beyond the control of the owner; provided, that the activity proposed shall be strictly limited to the correction of such condition;
2. to clear and grub stumps and other activity directly related to the selective cutting of trees, as permitted by law;
3. to install underground public utility mains, interceptors, transmission lines and trunk lines for which plans have been previously approved by the operating utility and approved by the county as being substantially in accord with the comprehensive plan, if necessary;
4. to fill earth with spoils obtained from grading, excavation or other lawful earth disturbing activity;
5. to clear, grade, fill or engage in similar related activity for the temporary storage of earth, equipment and materials, and to construct temporary access roads; provided, that in each case, the area disturbed shall be returned to substantially its previous condition, with no significant change in surface contours. The return to previous condition shall occur within thirty (30) days of the completion of the activity or temporary use, or within thirteen (13) months of the commencement of any land disturbing activity on the land which is related to the activity, whichever period shall be shorter; or
6. to establish borrow, fill or waste areas in accordance with sections 5.1.28 and 10.2.1.18 of the zoning ordinance.

(§ 7-5, 6-18-75, § 7, 2-11-76, 4-21-76, 6-2-76, 7-9-80, 7-8-81, 2-11-87, 3-18-92; § 19.3-12, 2-11-98; Code 1988, §§ 7-5, 19.3-12; Ord. 98-A(1), 8-5-98; Ord. 08-17(3), 8-6-08)

**State law reference**--Va. Code § 10.1-563.

### **Sec. 17-208 Amendment of erosion and sediment control plan.**

The program authority may change an approved erosion and sediment control plan and require an owner to submit an amended plan in the following circumstances:

1. An inspection conducted pursuant to section 17-212 reveals that the plan is inadequate to satisfy the requirements of this article;
2. The owner finds that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out and either proposed amendments to the plan, consistent with the requirements of this article, are agreed to by the program authority and the owner or the owner submits and obtains approval of a variance and the program authority determines that an amendment to the plan is required. The program authority may consider and act on a variance request under the following criteria: (i) the owner shall explain in writing the reasons for requesting the variance; and (ii) the variance may be approved if the program authority determines that the amended plan, with the variance and any associated conditions of approval, would protect off-site properties and resources from damage to the same extent or better than if the variance was not granted. The program authority shall approve or disapprove the variance in writing within ten (10) days after receipt of the request. If the program authority does not approve a variance within ten (10) days of the receipt of the request, it shall be deemed to be disapproved.
3. The land disturbing activity did not begin during the one hundred eighty (180) day period

following plan approval, or ceased for more than one hundred eighty (180) days, and the existing plan has been evaluated to determine whether it still satisfies the requirements of this article and state erosion and sediment control criteria and to verify that all design factors are still valid, and it has been determined that the plan is inadequate. In such a case, the land disturbing activity shall not be resumed until a modified plan is submitted and approved as provided in this article.

(§ 7-5, 6-18-75, § 7, 2-11-76, 4-21-76, 6-2-76, 7-9-80, 7-8-81, 2-11-87, 3-18-92; § 19.3-16, 2-11-98; Code 1988, §§ 7-5, 19.3-16; Ord. 98-A(1), 8-5-98; Ord. 08-17(3), 8-6-08)

**State law reference**--Va. Code § 10.1-563.

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

Each owner seeking approval of an erosion and sediment control plan or entering into an agreement in lieu of a plan shall pay a fee upon submittal of such plan, and shall pay a fee for each reinspection, in amounts according to the schedule set forth below. Each fee shall be in the form of cash or a check payable to the "County of Albemarle."

- A. Land disturbing activity pertaining to single family dwelling unit:
  - 1. Agreement in lieu of a plan if single family dwelling unit located in a residential development: \$150
  - 2. Agreement in lieu of a plan if single family dwelling unit not located in a residential development: \$150
  - 3. Plan review for a single family dwelling unit: \$150 per review
  - 4. Permit and first year inspection fees for a single family dwelling unit: \$150
  - 5. Annual permit renewal and inspection fees for a single family dwelling unit, starting with second year: \$150
  - 6. Each reinspection: \$150
  
- B. Land disturbing activity pertaining to non-exempt agricultural land:
  - 1. Plan review: \$150 per review
  - 2. Permit and first year inspection fees: \$150
  - 3. Each reinspection: \$150
  - 4. Annual permit renewal and inspection fees, starting with second year: \$150
  
- C. All other land disturbing activity:
  - 1. Plan review, disturbed area less than one acre: \$150 per review
  - 2. Permit and first year inspection fees, disturbed area less than one acre: \$200
  - 3. Annual permit renewal and inspection fee, disturbed area less than one acre: \$200
  - 4. Plan review, disturbed area one acre or larger: \$300 per review
  - 5. Permit and first year inspection fees, disturbed area one acre or larger: \$100 per disturbed acre

- 6. Annual permit renewal and inspection fee, disturbed area one acre or larger, starting with second year: \$100 per disturbed acre
- 7. Each reinspection: \$250
- 8. Amendment to approved plan: \$180 per plan review

D. Variances: \$760 per request

(§ 7-4, 6-18-75, § 6, 10-22-75, 4-21-76, 11-10-76, 3-2-77, 4-17-85, 2-11-87, 12-11-91, 3-18-92; § 19.3-17, 2-11-98; Code 1988, §§ 7-4, 19.3-17; Ord. 98-A(1), 8-5-98; Ord. 98-17(1), 11-11-98; Ord. 02-17(1), 7-3-02; Ord. 08-17(3), 8-6-08)

**State law reference**--Va. Code § 10.1-562.

**Sec. 17-212 Inspections.**

The program authority shall inspect any land disturbing activity or erosion impact area as provided herein:

A. The program authority shall conduct periodic inspections of land disturbing activities and erosion impact areas to determine compliance with the approved erosion and sediment control plan, and to determine whether such approved plan and permit as implemented are adequate to satisfy the requirements of this article.

B. Except as provided in paragraph (C), the periodic inspections shall be conducted: (i) during or immediately following initial installation of erosion and sediment controls; (ii) at least once during every two (2) week period thereafter; (iii) within forty-eight (48) hours following any runoff producing storm event; and (iv) at the completion of the project prior to the release of any surety. The inability of the program authority to conduct inspections within the time periods set forth in this paragraph shall not be deemed to be a failure of the program authority to perform a mandatory duty or a ministerial function, and no liability to the county, the program authority, or any official or employee thereof shall arise therefrom.

C. Notwithstanding paragraph (B), the program authority is authorized to establish an alternative inspection program which ensures compliance with an approved erosion and sediment control plan. Such alternative inspection program shall be: (i) approved by the Virginia Soil and Water Conservation Board prior to implementation; (ii) established in writing; (iii) based on a system of priorities which, at a minimum, address the amount of disturbed project area, site conditions, and stage of construction; (iv) documented by inspection records; and (v) maintained and available for public review in the department of community development.

D. The program authority shall have the right to enter upon property subject to an erosion and sediment control plan for the purposes of conducting an inspection as provided in this section or an investigation pertaining to an erosion or sedimentation complaint. The owner shall be given notice of the inspection. Such notice may be either verbal or in writing.

E. The fees required for inspections conducted pursuant to paragraph (B)(i), (ii) and (iv) are a part of the application fee required by section 17-209. The fee required for inspections conducted pursuant to paragraph (B)(iii) shall be paid by the owner within thirty (30) days of the date shown on the invoice.

(§ 7-6, 6-18-75, § 8, 2-11-76, 4-21-76, 2-11-87, 3-18-92; § 19.3-20, 2-11-98; Code 1988, §§ 7-6, 19.3-20; Ord. 98-A(1), 8-5-98; Ord. 08-17(3), 8-6-08)

**State law reference**--Va. Code § 10.1-566.

**Article III. Stormwater Management and Water Quality**

**Sec. 17-310 Fees.**

Each owner seeking approval of a stormwater management/BMP plan shall pay a fee upon submittal of such plan, and shall pay a fee for each inspection, in amounts according to the schedule set forth below. Each fee shall be in the form of cash or a check payable to the "County of Albemarle."

1. Plan review: \$300 per plan review
2. Amendment to approved plan: \$180 per plan review
3. Request for exception (section 17-308): \$240
4. Request for development in a stream buffer or for reduction or modification of stream buffer (section 17-321) and mitigation plan (if not part of another document) (section 17-322): \$85
5. Each inspection or reinspection: \$60
6. Mitigation plan (section 17-322): \$860

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

**State law reference--**Va. Code § 10.1-603.10.

**RESOLUTION TO AUTHORIZE  
ACQUISITION OF PROPERTY**

**WHEREAS**, the County of Albemarle desires to acquire certain property within the County by purchase from James Kevin Byrom and Xiao Yin Byrom for the purpose of providing access to the Patricia Ann Byrom Forest Preserve Park; and

**WHEREAS**, an offer to sell said property to the County has been made 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 purchase of that parcel identified as Parcel "Z" and a Permanent Park Access Easement, both located on Tax Map Parcel 6-28B in the County of Albemarle, for the amount of \$150,422.22, and further authorizes the County Executive to execute a Deed and all other documents necessary to acquire this property and easement.

**A RESOLUTION APPROVING AN AMENDMENT OF THE  
FIRE SERVICES AGREEMENT BETWEEN  
THE CITY OF CHARLOTTESVILLE  
AND ALBEMARLE COUNTY**

**WHEREAS**, On May 3, 2000 the City of Charlottesville (the "City") and the County of Albemarle (the "County") entered into an agreement governing the provision of fire services for both localities (the "Fire Services Agreement"), which remains in full force and effect; and

**WHEREAS**, Section 6 of the Fire Services Agreement provides that the Agreement shall expire on June 30, 2010 but that the parties may, by mutual written agreement executed prior to June 30, 2007, extend the Agreement for a second term lasting three (3) additional years, through June 30, 2013; and

**WHEREAS**, the Fire Services Agreement has been mutually beneficial to both the City and the County, and the parties may desire to extend the Agreement for up to three additional one-year terms, beginning July 1, 2010 and ending June 30, 2013; and

**WHEREAS**, the City is agreeable to an extension of the Agreement, notwithstanding the extension deadline provided in Section 6.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Albemarle County, Virginia that it hereby approves the Amendment of Fire Services Agreement Between the City of Charlottesville and Albemarle County to Authorize Extended Terms of Agreement to allow for the Agreement to be extended for up to three additional one-year terms beginning July 1, 2010 and ending June 30, 2013; and

**BE IT FURTHER RESOLVED** that its Chairman is hereby authorized to execute the Amendment of Fire Services Agreement Between the City of Charlottesville and Albemarle County to Authorize Extended Terms of Agreement.