Chapter 14. Subdivision of Land

Article II. Administration and Procedure

Division 1. Administration

…

Sec. 14-203 - Fees.

Upon the submittal of a plat or other application, each subdivider must pay any applicable fees **provided in County Code Chapter 1, Article 5.**

~~A. Preliminary plat:~~
- ~~1. If subject to review by the agent:~~
  - ~~(a) Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: $296.00.~~
  - ~~(b) 1 or more lots: $1,360.00.~~
- ~~2. Reinstatement of review: $615.00.~~
- ~~3. A fee must accompany each filing of a version of a preliminary plat.~~

~~B. Final plat:~~
- ~~1. If subject to review by the agent:~~
  - ~~(a) Two-lot subdivision as described in section 14-232(B)(2) or if all lots front on an existing public street: $639.00.~~
  - ~~(b) 1 to 9 lots: $1,183.00.~~
  - ~~(c) 10 to 19 lots: $1,301.00.~~
  - ~~(d) 20 or more lots: $1,455.00.~~
- ~~2. Condominium plat: $119.00.~~
- ~~3. Reinstatement of review: $615.00.~~

~~C. Other subdivision plats:~~
- ~~1. Plat for a rural subdivision, family subdivision, or resubdivision: $817.00.~~
- ~~2. Plat for a boundary line adjustment: $237.00.~~
- ~~3. Plat creating one or more special lots and one residue lot: $105.00.~~
- ~~4. Plat for subdivision following final site plan approval:~~
  - ~~(a) 1 to 9 lots: $1,183.00~~
  - ~~(b) 10 to 19 lots: $1,301.00~~
  - ~~(c) 20 or more lots: $1,455.00~~

~~D. Easement plat or plats, per easement:~~
- ~~1. Easement plat(s) without a deed: $580.00.~~
- ~~2. Easement plat(s) with a deed: $899.00.~~
- ~~3. Easement plat(s) required with a site plan: $237.00.~~
- ~~4. Easement plat(s) amending a previously approved easement plat(s): $237.00.~~

~~E. Streets:~~
- ~~1. Public road plans: $296.00 for each review of a submitted plan, including reviews of revisions after plan approval.~~

2. Private road plans: $473.00 for each review of a submitted plan, including reviews of revisions after plan approval.
3. Authorization for one or more private streets within a subdivision filed separately from a subdivision application: $792.00.
4. Variation to or exception from one or more street standards before approval of a preliminary plat under section 14-203.1: $639.00.
5. Variation to or exception from curb and/or gutter requirements before approval of a preliminary plat under section 14-203.1: $639.00.
6. Variation to or exception from street interconnection requirements before approval of a preliminary plat under section 14-203.1: $639.00.
7. If required to construct a street, the subdivider shall pay to the county a fee equal to the cost of the inspection of the construction of any such street. These fees shall be paid prior to completion of all necessary inspections and shall be deemed a part of the cost of construction of the street for purposes of section 14-435(B).

F. Bonds:

1. Bond estimate request for subdivision improvements: $296.00.
2. Bonding inspection for a plat or bond reduction: $296.00.

G. Groundwater assessment information required by section 14-308.1:

1. Tier 1 assessment under section 17-1001: $59.00.
2. Tier 2 assessment under section 17-1002: $391.00.
3. Tier 3 assessment under section 17-1003: $603.00.
4. Tier 4 assessment under section 17-1004: $1,302.00.

H. Other matters subject to review:

1. Variation or exception under section 14-203.1 before approval of a final plat, not provided for under subsections (E)(4), (5), or (6): $982.00.
2. Variation or exception under section 14-203.1 after approval of a final plat, not provided for under subsections (E)(4), (5), or (6): $982.00.
3. Relief from plat conditions imposed by the commission prior to the date of adoption of this chapter: $461.00.
4. Appeal of a plat decision to the board of supervisors: $319.00.
5. Extension of a plat approval: $142.00.
6. Vacation of a plat or part thereof: $284.00.
7. Dam break inundation zones; administrative fee as required by section 14-441: One percent of the total amount of payment required by section 14-441 or $1,101.00, whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).
8. Technology surcharge ? 4% of each fee in subsections (A) through (H)(7) above.

I. Notices as required by section 14-218:

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

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

(§ 3, 8-28-74; 11-10-76; 3-2-77; 12-14-77; 12-1-82; 4-17-85; 6-7-89; 12-11-91; § 18-43, 9-5-96; § 14-203, Ord. 98-A(1), 8-5-98; Ord. 99-14(1) , 6-16-99; Ord. 02-14(2) , 7-3-02; Ord. 04-14(1) , adopted 12-8-04, effective 2-8-05; Ord. 05-14(1) , 4-20-05, effective 6-20-05; Ord. 09-14(1) , 5-13-09, effective 10-1-09; Ord. 11-14(1) , 6-1-11; Ord. 13-14(1) , 12-4-13, effective 1-1-14; Ord. 15-14(1) , adopted 10-14-15, effective 11-1-15; Ord. 21-14(1) , 4-21-21, effective 7-1-21)

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

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Sec. 14-435 - Agreement and surety.

Any subdivider who does not complete all required improvements as provided in this chapter shall, prior to approval of a final plat, enter into an agreement with the county to complete the construction and installation of all improvements required by this chapter within a period of time agreed to by the parties, and shall provide a surety to guarantee the completion of the improvements, as follows:

A. Form of the agreement. The agreement accompanying the surety shall be on a form prepared by the county attorney and any proposed amendment to the agreement shall be subject to review and approval by the county attorney.
B. Type of surety permitted and amount. The subdivider shall furnish to the agent a certified check, official check, bond with surety, letter of credit, or collaterally assign funds in a manner satisfactory to the county attorney (collectively, the "surety instrument"), in an amount sufficient for and conditioned upon the completion of the construction and installation of the improvements, as determined under subsection (C). Any proposed surety instrument shall be subject to being acceptable to the county engineer, shall be in a form and have the substance approved by the county attorney, and shall be subject to review and approval by the county attorney.
C. Estimate. The subdivider shall submit a request for an estimate of the surety amount to the county engineer. The county engineer shall prepare a cost estimate of all improvements, based upon unit prices for new public or private sector construction in the county, and a reasonable allowance for estimated administrative costs, including inspection and bonding fees required by **the County Code Chapter 1, Article 5** ~~section 14-203~~, inflation, and potential damage to existing streets or utilities, which shall not exceed ten percent of the estimated construction costs.
D. Use of surety. The county may make use of monies guaranteed by the surety instrument if either: (i) the subdivider fails to timely renew the bond with surety, letter of credit, or the collaterally assigned funds; or (ii) the county engineer, in his discretion, determines that any of the improvements have not been completed in

a timely manner and the completion of the improvements is deemed necessary to protect the public health, safety or general welfare. The county's use of the monies guaranteed by the surety instrument shall not terminate the agreement accompanying the surety instrument.

E. Surety shall not be required for a private street authorized under section 14-232(B)(1), 14-232(B)(2), 14-233(A)(2) or 14-233(B)(2).

(§ 3, 8-28-74; 12-15-82; § 18-19, 9-5-96; § 14-413, Ord. 98-A(1), 8-5-98; § 14-435, Ord. 05-14(1) , 4-20-05, effective 6-20-05; Ord. 13-14(1) , 12-4-13, effective 1-1-14)

…

Sec. 14-441 - Dam break inundation zones; prerequisite to development.

Following the completion of the engineering studies in accordance with Virginia Code § 15.2-2243.1(A) and the determination by the Virginia Department of Conservation and Recreation that the subdivider's plan of development would change the spillway design flood standards of the impounding structure, before any development within a dam break inundation zone:

A. *Payment for portion of necessary upgrades.* The subdivider shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the subdivision, together with an administrative fee **as provided in County Code Chapter 1, Article 5.** ~~not to exceed one percent of the total amount of payment required or $1,000.00, whichever is less~~. Any payments shall be made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority pursuant to Virginia Code § 10.1-603.19:1 . "Necessary upgrades" do not include costs associated with routine operation, maintenance, and repair, nor do they include repairs or upgrades to the impounding structure not made necessary by the proposed subdivision.; or

B. *Redesign the subdivision.* The subdivider shall amend the plat so that it does not alter the spillway design flood standard required of the impounding structure.

(Ord. 13-14(1) , 12-4-13, effective 1-1-14)

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

Chapter 18. Zoning

Article I. General Provisions

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Sec. 3.1 - Definitions

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Building permit. "Building permit" means a permit issued by the building official under the Building Code.

…

Chapter 18. Zoning

Article II. Basic Regulations

…

Sec. 4.15.5 – Permanent signs for which a sign permit is required; signs exempt from obtaining a sign permit.

Each permanent sign is subject to the following:

a. *Signs required to obtain sign permit.* Except for those signs identified in subsection (b), a sign permit shall be obtained for each sign prior to its erection, alteration, replacement, or relocation to ensure that it complies with any applicable requirements of this section 4.15, as provided herein:
    1. *Application.* An application for a sign permit shall be submitted to the department of community development, together with payment of the fee required for the application pursuant to **County Code Chapter 1, Article 5.** ~~section 35.1~~. A complete application shall consist of the following:
        a. A fully completed application form, provided to the applicant by the zoning administrator;
        b. A schematic legibly drawn to scale and sufficiently detailed showing the proposed location and dimensions of the sign; and
        c. Any plans, specifications and details pertaining to, among other things, the sign materials, the methods of illumination, methods of support, components, and the condition and age of the sign, as determined by the zoning administrator to be necessary for the review of the application.

…

Chapter 18. Zoning

Article III. District Regulations

…

Sec. 30.6.6 - Submittal, review and action on application; preliminary review.

Applications for preliminary review under section 30.6 shall be subject to the following:

a. Applications. An application for preliminary review shall contain a completed county-provided application form and supplemental information required by the director of planning (the "application"). The application may be filed with the department of community development by the owner, the owner's agent, or a contract purchaser with the owner's written consent (the "applicant"). Eight collated copies of the application and all other information required by the application form for a preliminary review shall be filed. The application shall be accompanied by the fee required by ~~section 35~~ **County Code Chapter 1, Article 5,** at the time of its filing.

…

Sec. 30.6.7 – Submittal, review and action on application; final review.

Applications for final review under section 30.6 shall be subject to the following:

a. *Applications*. An application for final review shall contain a completed county-provided application form and supplemental information required by the director of planning (the "application"). The application may be filed by the owner, the owner's agent, or a contract purchaser with the owner's written consent (the "applicant"), with the department of community development. Eight collated copies of the application and all other information required by the application form for a final review shall be filed. The application shall be accompanied by the fee required by ~~35~~ **County Code Chapter 1, Article 5** ~~section 35~~ at the time of its filing.

…

Chapter 18. Zoning

Article IV. Procedure

…

Sec. 32.3.4 - Fees.

The developer shall pay the applicable fees as provided in **County Code Chapter 1, Article 5.** ~~section 35.1.~~

(§ 32.3.4, Ord. 12-18(6) , 10-3-12, effective 1-1-13 (§ 32.3.9, 5-5-82; § 32.6.6, 12-10-80))

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

…

Sec. 32.8.2 – Agreement and surety.

Any developer who does not complete all required improvements as provided in section 32.8.1 shall, prior to approval of a final site plan, enter into an agreement with the county to complete the construction and installation of all improvements required by section 32.7 within a period of time agreed to by the parties, and shall provide a surety to guarantee the completion of the improvements, as follows:

a. *Form of the agreement.* The agreement accompanying the surety shall be on a form prepared by the county attorney and any proposed amendment to the agreement shall be subject to review and approval by the county attorney.
b. *Type of surety permitted and amount.* The developer shall furnish to the agent a certified check, official check, bond with surety, letter of credit, or collaterally assign funds in a manner satisfactory to the county attorney (collectively, the "surety instrument"), in an amount sufficient for and conditioned upon the completion of the construction and installation of the improvements, as determined under subsection (b). Any proposed surety instrument shall be subject to being acceptable to the county engineer, shall be in a form and have the substance approved by the county attorney, and shall be subject to review and approval by the county attorney.
c. *Estimate.* The developer shall submit a request for an estimate of the surety amount to the county engineer. The county engineer shall prepare a cost estimate of all improvements, based upon unit prices for new public or private sector construction in the county, and a reasonable allowance for estimated administrative costs, including inspection fees required **provided in County Code Chapter 1, Article 5** ~~by section 35.1~~, inflation, and potential damage to existing streets or utilities, which shall not exceed ten percent of the estimated construction costs.

d. *Use of surety.* The county may make use of monies guaranteed by the surety instrument if either: (i) the developer fails to timely renew the bond with surety, letter of credit, or the collaterally assigned funds; or (ii) the county engineer, in his discretion, determines that any of the improvements have not been completed in a timely manner and the completion of the improvements is deemed necessary to protect the public health, safety or general welfare. The county's use of the monies guaranteed by the surety instrument shall not terminate the agreement accompanying the surety instrument.

(§ 32.8.2, Ord. 12-18(6) , 10-3-12, effective 1-1-13 (§ 32.3.7, 5-1-87; § 32.5.2, 12-10-80))

State Law reference— Va. Code §§ 15.2-2241 (5), 15.2-2241 (9), 15.2-2255 .

…

Sec. 32.8.6 – Dam break inundation zones; prerequisite to development.

Following the completion of the engineering studies in accordance with Virginia Code § 15.2-2243.1 (A) and the determination by the Virginia Department of Conservation and Recreation that the developer's plan of development would change the spillway design flood standards of the impounding structure, before any development within a dam break inundation zone:

a. *Payment for portion of necessary upgrades.* The developer shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the development, together with an administrative fee **as provided in County Code Chapter 1, Article 5.** ~~Not to exceed one percent of the total amount of payment required or $1,000.00, whichever is less~~. Any payments shall be made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority pursuant to Virginia Code § 10.1-603.19:1 . "Necessary upgrades" do not include costs associated with routine operation, maintenance, and repair, nor do they include repairs or upgrades to the impounding structure not made necessary by the proposed development; or
b. *Redesign the development.* The developer shall amend the site plan so that it does not alter the spillway design flood standards required of the impounding structure.

(Ord. 13-18(7) , 12-4-13, effective 1-1-14)

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

…

Sec. 33.4 – Uniform Requirements for Owner Initiation of Zoning Map Amendments and Special Use Permits.

…

H. *When an application is determined to be complete; effect.*

1. When the Agent determines that the applicant has submitted all required information, the Agent will determine the application to be complete. On that date (or ten days after the first application deadline following receipt of the application, if the Agent fails to make a timely determination on the completeness of the application), the application is deemed referred to the Commission for the purpose of calculating the time in which action must be taken pursuant to subsection (O), except as provided in subsection (H)(3).
2. *Notification of Applicant.* The Agent will notify the applicant by letter or by e-mail when the application has been determined to be complete.
    a. *Notice to other owners of application for zoning map amendment to amend existing proffers.* Within ten days after an application for a zoning map amendment seeking to amend existing proffers is determined to be complete, written notice of the proposed amendment will be provided to each owner subject to the same proffers, as required by Virginia Code §§ 15.2-2204(H) and 15.2-2302 .
    b. *Notice to owner of application for special use permit filed by easement holder or electric cooperative when application determined to be complete.* Within ten days after an application for a special use permit filed by an easement holder is determined to be complete, written notice of the proposed special use permit will be provided to each owner of the property for which the special use permit is sought, as required by Virginia Code § 15.2-2204(H) .
    c. *Notice of completed applications to holders of open-space or conservation easements.* For zoning map amendments or special use permits pertaining to a parcel subject to an open-space easement or a conservation easement, the Agent will provide written notice within ten days after the application is determined to be complete to each holder of the open-space easement, other than the County, or the conservation easement. The notice will be sent by first class mail. The notice will inform the recipient that the application has been filed and describe the nature of the application. An action on an application will not be invalidated solely because of a failure to timely mail this notice.
3. *Paying fees*. The applicant must pay the fees required **in County Code Chapter 1, Article 5** ~~by section 35.1~~ when the application is determined to be complete or if the Agent fails to make a timely determination on the completeness of the application. The application will not be reviewed, and any time by which action must be taken by the Commission or the Board of Supervisors does not begin,

until the applicant pays the fees. An application is void if the applicant fails to pay the fees either (a) within ten days of the notice that the application is determined to be complete or (b) within 20 days after the first application deadline following receipt of the application, if the Agent fails to make a timely determination on the completeness of the application. The application is determined to be complete for the purpose of calculating the time in which action must be taken pursuant to subsection (O) only after the required fees have been paid.

…

Sec. 34.3 - Appeals of orders, requirements, decisions, and determinations to the board of zoning appeals.

An appeal from any order, requirement, decision or determination made by an administrative officer, and an appeal from any decision of the zoning administrator, in the administration or enforcement of Virginia Code §§ 15.2-2280 through 15.2-2316.2 and this chapter (collectively, a "decision"), exclusive of any decision made under section 32, shall be considered by the board of zoning appeals (the "board") as follows:

a. Standing to appeal. An appeal to the board may be taken by any person aggrieved or by any county officer, department, board or bureau affected by any decision of the zoning administrator or an administrative officer.
b. Time in which to appeal decision. Any appeal shall be received by the zoning administrator and the board within 30 days after the date of the decision; provided that any appeal of a notice of violation involving temporary or seasonal commercial uses, parking commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations, shall be received by the zoning administrator and the board within ten days after the date of the decision. The date of the decision shall be the date of the letter or written notice, provided that the time in which to appeal an order or a notice of violation shall not commence unless and until the recipient is provided the notice required by section 36.2(d).
c. Form of the appeal. Any appeal shall be in writing and shall state the grounds for the appeal.
d. Where appeal must be submitted. An appeal must be submitted to the zoning administrator and to the board. An appeal received by the county's department of community development shall be deemed to have been received by both the zoning administrator and the board.
e. Payment of fees. The submitted appeal shall be accompanied by the applicable fee required **in County Code Chapter 1, Article 5** ~~by section 35.1~~. An appeal shall not be deemed to have been received until the required fee is paid.

…

Sec. 34.4 - Variances.

…

e. *Payment of fees.* When an application is determined to be complete, the applicant shall pay the fee required **in County Code Chapter 1, Article 5** ~~by section 35.1~~ before the application is further processed.

…

Sec. 34.5 – Special use permits.

…

e. *Payment of fees.* When an application is determined to be complete, the applicant shall pay the fee required **in County Code Chapter 1, Article 5** ~~by section 35.1~~ before the application is further processed.

…

Sec. 34.6 – Interpreting a district map.

…

e. *Payment of fees.* When an application is determined to be complete, the applicant shall pay the fee required **in County Code Chapter 1, Article 5** ~~by section 35.1~~ before the application is further processed.

…

Sec. 35.1 - Fees.

Each applicant must pay any ~~following~~ applicable fees **provided in County Code Chapter 1, Article 5**, provided that neither the county nor the county school board is required to pay any fee if it is the applicant~~:~~**.**

~~a. Zoning map amendments:~~

~~1. Less than 50 acres; application and first resubmission: $2,958.00~~
~~2. Less than 50 acres; each additional resubmission: $1,479.00~~
~~3. Fifty acres or greater; application and first resubmission: $4,141.00~~
~~4. Fifty acres or greater; each additional resubmission: $2,070.00~~
~~5. Amendments submitted under section 30.7.6: (i) because the slopes are not steep slopes: no fee; (ii) to change any slope's designation from preserved to managed or to remove steep slopes from the steep slopes overlay district: any application fee under subsections (a)(1) through (4).~~

6. Amendments solely pertaining to proffers that do not affect use or density, when the board of supervisors authorizes alternative application and procedural requirements under section 33.7(f): $503.00 plus calculated notification and legal advertisement costs.
7. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: $1,823.00.

b. Special use permits:
1. Additional lots under section 10.5.2.1, public utilities, child day center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: $1,183.00
2. Additional lots under section 10.5.2.1, public utilities, child day center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: $592.00
3. Signs reviewed by the board of zoning appeals: See subsection 35.1(e)
4. All other special use permits; application and first resubmission: $2,366.00
5. All other special use permits; each additional resubmission: $1,183.00
6. Farmers' markets without an existing commercial entrance approved by the Virginia Department of Transportation or without existing and adequate parking: $580.00
7. Farmers' markets with an existing commercial entrance approved by the Virginia Department of Transportation and with existing and adequate parking: $130.00
8. Reapplication that is substantially the same as the withdrawn application, when authorized by the Board of Supervisors: $1,823.00.

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

12. Dam break inundation zones; administrative fee as required by section 32.8.6: One percent of the total amount of payment required by section 32.8.6 or $1,101.00, whichever is less. (Payment made to the Dam Safety, Flood Prevention and Protection Assistance Fund held by the Virginia Resources Authority).

d. Certificates of appropriateness considered by the architectural review board ("ARB"):
    1. For a site plan; per review by the ARB: $1,183.00
    2. For a building permit; per review by the ARB: $698.00
    3. Major amendment: $266.00
    4. Review by the ARB - Conceptual plan/advisory review: $538.00
    5. Review by the ARB - Preliminary/initial review of a site development plan: $538.00
    6. County-wide certificate of appropriateness - Structures 750 feet or more from the Entrance Corridor, no taller than five stories: $538.00
    7. County-wide certificate of appropriateness - Structures located behind a structure that fronts the Entrance Corridor: $538.00
    8. County-wide certificate of appropriateness - Personal wireless service facilities: $538.00
    9. County-wide certificate of appropriateness - Fencing or equipment or lighting: $269.00
    10. County-wide certificate of appropriateness - Additions to ARB-approved buildings: $538.00
    11. County-wide certificate of appropriateness - Minor amendments to site or architectural plans: $538.00
    12. County-wide certificate of appropriateness - Building permits where the change is 50% or less of the altered elevation: $538.00
    13. Review of any sign to be constructed in the Entrance Corridors: $130.00
    14. Review of the resubmittal of any sign to be constructed in the Entrance Corridors: $65.00

e. Matters considered by the board of zoning appeals:
    1. Variances: $592.00
    2. Appeals: $284.00
    3. Special use permits for signs under sections 4.15.5 and 4.15.5A: $592.00
    4. Interpreting a district map: $284.00

f. Matters considered by the zoning administrator or other officials:
    1. Official determinations regarding compliance: $219.00
    2. All other official determinations, including development rights: $119.00
    3. Zoning clearance for a homestay: $119.00
    4. Zoning clearance for a home occupation, class A, a major home occupation, or a minor home occupation: $30.00
    5. Zoning clearance for temporary fundraising activity: No fee
    6. All other zoning clearances: $59.00

7. Sign permits under section 4.15.4A; no ARB review required: $30.00, except for applications for temporary signs submitted under section 4.15.4A(c)(2)(b) or (c)(2)(c), for which there shall be no fee.
8. Sign permits under section 4.15.4; ARB review required: $142.00
9. Letter of Map Change review: $177.00 (topographic plan only): $355.00 (topographic plan with floodplain model)
10. Floodplain Impact Plan review: $355.00
11. Variation or exception under section 32.3.5 before approval of a final site plan: $982.00
12. Variation or exception under section 32.3.5 after approval of a final site plan: $982.00

g. Groundwater assessments:
   1. Tier 1 assessment under section 17-401: $59.00
   2. Tier 3 assessment under section 17-403: $603.00
   3. Tier 4 assessment under section 17-404: $1,302.00

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

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

(§ 35.1: Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7) , adopted 8-4-10, effective 1-1-11; Ord. 11-18(1) , 1-12-11; Ord. 11-

18(7) , 6-1-11; Ord. 12-18(6) , 10-3-12, effective 1-1-13; Ord. 12-18(7) , 12-5-12, effective 4-1-13; Ord. 13-18(7) , 12-4-13, effective 1-1-14; Ord. 14-18(1) , 3-5-14; Ord. 14-18(2) , 3-5-14; Ord. 15-18(8) , adopted 10-14-15, effective 11-1-15; Ord. 16-18(4) , 4-6-16; Ord. 18-18(5) , 11-7-18; Ord 19-18(3), 6-5-19; Ord. 19-18(6) , 8-7-19; Ord. 21-18(2) , 4-21-21, effective 7-1-21)

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

...

~~Sec. 35.2 - Calculation of fees in special circumstances.~~

~~In the special circumstances provided below, the fee required by section 35.1 shall be calculated as follows:~~

a. ~~*Simultaneous review of special use permit for outdoor display and sales and supporting initial site plan.* The applicant shall pay the fee for the special use permit, but not the fee for the initial site plan for outdoor display and sales, which require simultaneous review of both the special use permit application and a supporting initial site plan.~~
b. ~~*Multiple special use permits to establish a single use*. If multiple special use permits are required to establish a single use, the applicant shall pay only the largest single fee for a special use permit for all of the special use permit applications.~~

~~(§ 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(3) , 10-13-04; Ord. 04-18(4) , adopted 12-8-04, effective 2-8-05; Ord. 10-18(7) , adopted 8-4-10, effective 1-1-11; Ord. 12-18(6) , 10-3-12, effective 1-1-13; Ord. 15-18(8) , adopted 10-14-15, effective 11-1-15; Ord. 18-18(5) , 11-7-18)~~

…

~~Sec. 35.3 - Mode and timing for paying fees.~~

~~The fees required by sections 35.1 and 35.2 shall be paid as follows:~~

a. ~~*Mode of payment.* Except as provided in section 35.1(d)(13), the fee shall be in the form of cash, a check payable to the "County of Albemarle," or by credit or debit card transaction.~~
b. ~~*Timing of payment.* Except as provided in sections 33.20, 33.34, and 33.45, the applicant shall pay any applicable fees when the application is submitted. An application presented without the required fee shall not be deemed to be submitted and shall not be processed.~~

~~(Ord. 15-18(8) , adopted 10-14-15, effective 11-1-15; Ord. 18-18(5) , 11-7-18)~~

…

Sec. 35.4 - Fee refunds.

a. *Payment in full.* If the zoning administrator determines after a fee required by section 35.1 has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.
b. *Partial refund.* If an applicant withdraws an application within 70 days after official submittal for review, the applicant shall receive a full refund of the initial notice fee.

(§ 18-35.3, Ord. 10-18(7) , adopted 8-4-10, effective 1-1-11; § 18-35.4, Ordinance 15-18(8), adopted 10-14-15, effective 11-1-15; Ord. 18-18(5) , 11-7-18)

…

Sec. 35.5 - Pre-existing use fee waiver.

If an applicant applies for a special use permit, the applicable fee shall be waived provided that the zoning administrator finds the following conditions are met:

a. The use applied for does not conform to the zoning prescribed for the district in which the use is situated;
b. A business license was issued by the county for the applied-for use; and
c. The holder of the business license has operated continuously in the same location for at least 15 years and has paid all real estate, business license, and personal property taxes related to the use.

(Ord. 17-18(4) , 8-9-17; Ord. 18-18(5) , 11-7-18)

Chapter 3. Agricultural and Forestal Districts

Article 2. Districts of Statewide Importance

Division 1. Procedure

…

Sec. 3-201 – Creating a district.

Each district shall be created as follows:

A. *Application*. On or before any application date set by the Director of Planning, any landowner may submit an application to create a district to the Director. The application shall be made on a form developed and provided by the Director and shall be signed by each landowner whose land is proposed to be included in the district. Each submitted application shall include: (i) maps, aerial photographs, or both, as may be required by the Director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the Director**. There is no fee to create a district**~~.~~ **.**

…

Sec. 3-205 – Withdrawing land from a district.

…

D. *Withdrawal in the discretion of the Board of Supervisors.* At any time after the district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as follows:

1. *Filing a written request*. The owner shall file a written request for withdrawal with the Director of Planning. The request shall identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review stated in subsection (D)(2). The landowner shall pay the fee required **by the County Code Chapter 1, Article 5.** ~~County Code § 3-206~~ when the request is filed.

…

Sec. 3-206 - Fees.

A landowner must pay a fee to withdraw land from a district as follows:

Amount. The amount of the fees are~~:~~ **as provided in County Code Chapter 1, Article 5.**

~~Application to create a district. The fee to apply to create a district pursuant to County Code § 3-201 is $150.00.~~
~~Request to withdraw land from district. The fee to withdraw land from a district pursuant to County Code § 3-205(D) is $250.00.~~

(§ 2.1-2; 6-8-83, § 3-5; 12-16-87, 12-11-91, 7-1-92; Code 1988, § 2.1-2; § 3-206, Ord. 98-A(1), 8-5-98; Ord. 18-3(1) , 11-7-18)

State Law reference— Va. Code § 15.2-4303 .

Article 3. Districts of Local Importance

Division 1. Procedure

…

Sec. 3-301 - Creating a district.

Each agricultural and forestal district of local significance shall be created as follows:

A. *Application.* On or before any application date set by the Director of Planning, any landowner may submit an application to create a district to the Director. The application shall be made on a form developed and provided by the Director and shall be signed by each landowner whose land is proposed to be included in the district. Each submitted application shall include: (i) maps, aerial photographs, or both, as may be required by the Director, that clearly show the boundaries of the proposed district, the boundaries of the parcels owned by each applicant, and any other features prescribed by the Director**. There is no fee to create a district** ~~.~~

…

Sec. 3-305 – Withdrawing land from a district.

…

D. *Withdrawal in the discretion of the Board of Supervisors*. At any time after a district is created, an owner of land within the district may request to withdraw the land, in whole or in part, from the district, as provided herein:

1. *Filing written request.* The owner shall file a written request for withdrawal with the Director of Planning. The request shall identify the landowner, identify the land or part thereof proposed to be withdrawn by parcel identification number, state the reason for the request, and address the criteria for review set forth in

subsection (D)(2). The landowner shall pay the fee required by ~~County Code § 3-306.~~ **the County Code Chapter 1, Article 5.**

…

(9-15-93; Code 1988, § 2.1.1-4; § 3-306, Ord. 98-A(1), 8-5-98; Ord. 18-3(1) , 11-7-18)

State Law reference— Va. Code § 15.2-4403 .

Chapter 5. Building Regulations

Article 2. Fees

…

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

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

A. *Basis for fee.* Any fee paid is to reimburse, in whole or in part, the Department of Community Development's cost to review plans, issue permits, and conduct up to one reinspection of work performed pursuant to a permit.
B. *Amount*. The amount of the fees are as provided in ~~this article.~~ **County Code Chapter 1, Article 5.**

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-200, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 18-5(1) , 3-14-18)

State Law reference— Va. Code § 36-105 .

Sec. 5-201 - Fees for building permits.

The fees for building permits are~~:~~ **as provided in County Code Chapter 1, Article 5.**

~~A. Residential structures in use groups R-3 and R-5. The fee for each new structure in use group R-3 or R-5 (one- and two-family dwellings), other than a garage, deck, or porch, or for an addition to an existing residential structure in either use group, is $0.58 per square foot, calculated on gross finished square footage. The minimum fee is $88.00.~~
~~B. Accessory residential structures. The fee for each residential attached garage, detached garage, shed, deck, or porch ten square feet or larger, is $0.18 per square foot, calculated on gross finished square footage. The minimum fee is $30.00.~~
~~C. Residential swimming pools, hot tubs and spas. The fee for each residential swimming pool, hot tub, or spa is $60.00.~~
~~D. Mobile homes and prefabricated homes. The fee for each mobile home or prefabricated home is $53.00.~~
~~E. New commercial structures in various use groups. The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R- 1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, is $0.24 per square foot for the first 5,000 square feet, plus $0.17 per square foot for each square foot in excess of~~

~~5,000 square feet, calculated on gross square footage. The minimum fee is $88.00.~~

~~F. of building occupancy classification. The fee for a change of occupancy classification evaluation is $177.00.~~

~~G. Commercial swimming pools. The fee for each commercial swimming pool is $361.00.~~

~~H. Elevators, escalators and lifts. The fee for each elevator, escalator, or lift is $284.00.~~

~~I. Paint spraying booths. The fee for each paint spraying booth is $30.00.~~

~~J. Mobile offices and premanufactured units. The fee for each mobile office or premanufactured unit is $53.00.~~

~~K. Tents. The fee for each tent is $60.00.~~

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

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-201, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21)

State Law reference— Va. Code § 36-105 .

Sec. 5-202 - Fees for electrical permits.

The fees for electrical permits are~~:~~ **as provided in County Code Chapter 1, Article 5.**

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

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

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

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

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

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

~~G. Signs. The fee for each sign is $53.00.~~

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

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

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

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

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-202, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21)

State Law reference— Va. Code § 36-105 .

Sec. 5-203 - Fees for plumbing permits.

The fees for plumbing permits are~~:~~ **as provided in County Code Chapter 1, Article 5.**

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

~~B. Mobile homes and prefabricated homes. The fee for each mobile home or prefabricated home is $35.00.~~

~~C. Commercial structures in various use groups. The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, U, or an addition to an existing commercial structure in any use group, is $10.00 per fixture. The minimum fee is $88.00.~~

~~D. Alterations and repairs of structures in all use groups. The fee for an alteration or repair of a structure in any use group is $10.00 per fixture, provided that there is no increase in gross square footage. The minimum fee is $88.00.~~

~~E. Water lines. The fee for each water line is $30.00, unless the lines are included as part of a building permit for which a fee is paid under County Code § 5-201(A).~~

~~F. Sewer laterals. The fee for each sewer lateral is $30.00, unless the lateral is included as part of a building permit for which a fee is paid under County Code § 5-201(A).~~

~~G. Fire suppression systems. The fee for each fire suppression system is $0.95 per head. The minimum fee is $88.00.~~

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-203, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21)

State Law reference— Va. Code § 36-105 .

Sec. 5-204 - Fees for mechanical permits.

The fees for mechanical permits are~~:~~ **as provided in County Code Chapter 1, Article 5.**

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

~~B. Mobile homes and prefabricated homes. The fee for each mobile home or prefabricated home is $35.00.~~

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

~~D. Alterations and repairs of structures in all use groups. The fee for an alteration or repair of a structure in any use group shall be $0.04 per square foot of gross square footage, provided that there is no increase in gross square footage. The minimum fee is $88.00.~~

~~E. Underground tanks. The fee for each underground tank, including associated piping, is $201.00, unless the tanks are included as part of a building permit for which a fee is paid under County Code § 5-201(A).~~

~~F. Aboveground tanks. The fee for each aboveground tank, including associated piping, is $119.00, unless the tanks are included as part of a building permit for which a fee is paid under County Code § 5-201(A).~~

~~G. Gas and oil lines. The fee for each gas or oil line is $42.00, unless the lines are included as part of a building permit for which a fee is paid under County Code § 5-201(A).~~

~~H. Furnaces, wood stoves and gas log systems. The fee for each furnace, wood stove, or gas log system is $77.00, unless the furnace, stove, or gas log system~~

~~is included as part of a building permit for which a fee is paid under County Code § 5-201(A).~~

~~I. Range hoods. The fee for each range hood is $30.00.~~

~~J. Hood suppression systems. The fee for each hood suppression system is $35.00.~~

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-204, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21)

State Law reference— Va. Code § 36-105 .

…

Sec. 5-206 - Fees for demolition permits.

The fee for each demolition permit is ~~$112.00.~~ **as provided in County Code Chapter 1, Article 5.**

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-206, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21)

State Law reference— Va. Code § 36-105 .

Sec. 5-207 - Fees for zoning inspections.

The fees for inspections to determine compliance with the zoning ordinance are~~:~~ **as provided in County Code Chapter 1, Article 5.**

~~A. Initial zoning inspection. The fee for each inspection related to the issuance of a building permit for main or accessory structures is $18.00 per inspection.~~

~~B. Final site inspection. The fee for each final site inspection before a certificate of occupancy may be issued is $18.00 per inspection.~~

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-207, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21)

State Law reference— Va. Code § 36-105 .

Sec. 5-208 - Fees for other building services; and technology surcharge.

The fees for other building services are~~:~~ **as provided in County Code Chapter 1, Article 5.**

~~A. Other permits: The fees for any other building, electrical, plumbing, or mechanical permit not identified in this article is $35.00 per inspection.~~
~~B. Plan amendments: The fee for each new plan submitted which requires any structural or fire safety review is $35.00.~~
~~C. Reinspections: The fee for each inspection of work performed, after the second inspection of the work, is $35.00 per inspection.~~
~~D. Plan review fee - commercial building permits: $0.04 per square foot, for structures under 5,000 gross square feet - $16.00 minimum; $0.03 per square foot for structures greater than or equal to 5,000 gross square feet - $16.00 minimum.~~
~~E. Plan review fee - commercial electrical permits: $0.01 per gross square foot; $16.00 minimum.~~
~~F. Plan review fee - commercial plumbing permits: $1.80 per fixture; $16.00 minimum.~~
~~G. Plan review fee - commercial mechanical permits: $0.01 per gross square foot; $16.00 minimum.~~
~~H. Plan review fee - residential building permits: $0.05 per square foot; $8.00 minimum.~~
~~I. Plan review fee - residential electrical permits: $0.05 per square foot; $8.00 minimum.~~
~~J. Plan review fee - residential plumbing permits: $0.05 per square foot; $8.00 minimum.~~
~~K. Plan review fee - residential mechanical permits: $0.05 per square foot; $8.00 minimum.~~
~~L. Plan review fee - fire suppression/alarm plan: $0.02 per square foot; $75.00 minimum.~~
~~M. Request for permit extension: $74.00.~~
~~N. Commercial temporary certificate of occupancy: $150.00 for each 30 days.~~
~~O. Addition or change in contractor or mechanic's lien agent after permit is issued: $34.00.~~
~~P. Elevator certificate: $100.00 per elevator.~~
~~Q. Code modification request: $250.00; no refund allowed.~~
~~R. Group home/daycare/adultcare form, with no inspection: $74.00.~~
~~S. Administrative fee for working without a permit: $250.00~~
~~T. Technology surcharge: An additional four percent of each fee in County Code §§ 5-201 through 5-208(S).~~

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-208, Ord. 98-A(1), 8-5-98; Ord. 08-5(1) , 8-6-08; Ord. 15-

5(1) , adopted 10-14-15, effective 11-1-15; Ord. 18-5(1) , 3-14-18; Ord. 21-5(1) , 4-21-21, effective 7-1-21)

State Law reference— Va. Code § 36-105 .

~~Sec. 5-209 - Refunds.~~

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

~~B. *Written request by owner; timing.* An owner shall submit a written request for a refund to the Building Official. The request must be received by the Building Official within six months after either of the events identified in subsection (B).~~

~~C. *Events entitling owner to a refund.* An owner is entitled to a refund under the following circumstances:~~

~~1. *Permit application withdrawn or voided.* If a permit application is withdrawn or voided after the plan is reviewed, in whole or in part, but before the work authorized by the permit begins, the owner shall be refunded an amount not to exceed 80 percent of the original fee. The amount of the refund shall be the original fee minus the costs for plan review and administration.~~

~~2. *Permit expired, abandoned, or revoked; work discontinued.* If an issued permit is expired, abandoned, or revoked, or if the work authorized by the permit is discontinued, the owner shall be refunded an amount of the original fee which corresponds to the percentage of the work not completed, minus plan review and administrative fees and penalties.~~

~~D. *Plan review and administrative fees.* For the purpose of calculating a refund, the plan review and administrative fees shall be at least 20 percent of the original fee.~~

~~(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; § 5-209, Ord. 98-A(1), 8-5-98; Ord. 18-5(1) , 3-14-18)~~

~~State Law reference— Va. Code § 36-105 .~~

Chapter 7. Health and Safety

Article 6. Short-Term Rental Registry

…

Sec. 7-602 - Registration.

A. *Annual registration.* Each operator must register annually with the County's Department of Community Development, and provide at least the operator's complete name and the address of each property in the County offered for short-term rental by the operator.
B. *Annual fee.* Each registration is subject to a required fee in an amount **as provided in County Code Chapter 1, Article 5,** to cover the actual costs of establishing and maintaining the registry.
C. *Exemptions from registration*. Registration is not required if the operator is exempted from registration under Virginia Code § 15.2-983(B)(2) .

(§ 7-602; Ord. 19-7(1) , 8-7-19)

State Law reference— Va. Code § 15.2-983 .

Chapter 17. Water Protection

Article II. Submittal, Review and Action

…

Sec. 17-207 - Fees for land disturbing activities ~~subject solely to the VESCP~~.

~~The following fees are for any land disturbing activity subject solely to the VESCP and shall apply to the services provided by the County under this chapter. Any required fee shall be paid upon submittal of an application and prior to each reinspection. Neither the County nor the County school board shall be required to pay any fee if it is the applicant:~~

Fees for any land disturbing activity are as provided in County Code Chapter 1, Article 5.

~~Land disturbing activity pertaining to single family dwelling unit~~	
~~Agreement in lieu of a plan if single family dwelling unit located in a residential development~~	~~$170.00~~
~~Agreement in lieu of a plan if single family dwelling unit not located in a residential development~~	~~$170.00~~
~~Plan review for a single family dwelling unit~~	~~$170.00~~
~~Permit and first year inspection fees for a single family dwelling unit~~	~~$170.00~~
~~Annual permit renewal and inspection fees for a single family dwelling unit, starting with second year~~	~~$170.00~~
~~Each reinspection~~	~~$170.00 for the first reinspection and $270.00 for each subsequent reinspection.~~
~~Land disturbing activity pertaining to non-exempt agricultural land~~	
~~Plan review~~	~~$170.00 per review~~
~~Permit and first year inspection fees~~	~~$170.00~~
~~Each reinspection~~	~~$170.00 for the first reinspection and $270.00 for each subsequent reinspection.~~
~~Annual permit renewal and inspection fees, starting with second year~~	~~$170.00~~

All other land disturbing activity	
Plan review, disturbed area less than one acre	$170.00 per review
Permit and first year inspection fees, disturbed area less than one acre	$227.00
Annual permit renewal and inspection fee, disturbed area less than one acre	$227.00
Plan review, disturbed area one acre or larger	$340.00 per review
Permit and first year inspection fees, disturbed area one acre or larger	$113.00 per disturbed acre or fraction over an acre.
Annual permit renewal and inspection fee, disturbed area one acre or larger, starting with second year	$113.00 per disturbed acre or fraction over an acre.
Each reinspection	$283.00 for the first reinspection and $383.00 for each subsequent reinspection.
Each request for partial or full release of surety	$283.00
Amendment to approved plan	$227.00 per plan review
Other services	
Review of mitigation plan pertaining to a land disturbing activity in a stream buffer	$170.00
Variances	$170.00 per request
Stream Determination	$320.00
Technology Surcharge — additional percentage of each fee in this section	4%

Sec. 17-208 - Fees for land disturbing activities under VSMP.

Each owner seeking coverage under the general permit, each owner requesting a transfer or modification of its existing registration statement for coverage under the general permit, each owner requesting a major modification to a general permit, and each owner covered under the general permit required to maintain permit coverage shall pay a *fee* upon submittal of the VSMP permit application or, for the permit maintenance *fee*, annually, in the amounts according to the following schedule:

Fee Type	Permit Issuance Fee 1	Transfer or Modification	Permit Maintenance Fee 3

		~~Fee Amount 2~~	
~~Small construction activity or land clearing that is less than 1 acre/if involves construction of a sole single family detached dwelling~~	~~$237.00~~ ~~$237.00~~	~~$20.00~~ ~~$23.00~~	~~$140.00~~ ~~$159.00~~
~~Small construction activity or land clearing that is equal to or greater than 1 acre and less than 5 acres/ if involves construction of a sole single family detached dwelling~~	~~$2,204.00~~ ~~$237.00~~	~~$227.00~~	~~$1,530.00~~
~~Large construction activity or land clearing that is equal to or greater than 5 acres and less than 10 acres~~	~~$2,775.00~~	~~$283.00~~	~~$1,927.00~~
~~Large construction activity/land clearing that is equal to or greater than 10 acres and less than 50 acres~~	~~$3,673.00~~	~~$340.00~~	~~$2,551.00~~
~~Large construction activity/land clearing that is equal to or greater than 50 acres and less than 100 acres~~	~~$4,979.00~~	~~$510.00~~	~~$3,457.00~~
~~Large construction activity/land clearing that is equal to or greater than 100 acres not involving construction of a sole single family detached dwelling~~	~~$7,835.00~~	~~$793.00~~	~~$5,441.00~~
~~Other services~~			~~Fee~~
~~Each reinspection~~			~~$283.00 for the first reinspection and $383.00 for each subsequent reinspection.~~
~~Bond agreement with surety; establish, amend or replace~~			~~$283.00~~
~~Each request for partial or full release of surety~~			~~$283.00~~
~~Amendment to approved plan~~			~~$227.00 per plan review~~
~~Review of mitigation plan pertaining to a land disturbing activity in a stream buffer~~			~~$170.00~~
~~Exceptions~~			~~$272.00 per request~~
~~Construction record drawing; review~~			~~$340.00~~

Stream Determination	$320.00
Technology Surcharge — additional percentage of each fee in this section	4%

[1] The fees imposed by this column are the total fees to be paid by the owner to cover the County's costs to review a stormwater management and other required plans, VSMP registration statement review, if such a statement is required under sections 17-401(C) and 17-405(A)(1), VSMP permit issuance, general permit coverage verification, inspections, reporting and compliance associated with a land disturbing activity. Any land disturbing activity subject to the fees in this section is not subject to the separate fees under section 17-207. For any site that has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to the applicable fees required by this column. The reduced fee if the construction or land clearing involves construction of a sole single family detached dwelling applies regardless of whether the activity and the dwelling are within or outside a common plan of development or sale.

[2] The fees imposed by this column are intended to cover the County's costs to review a request to modify or transfer registration statements from the general permit and major modifications to the general permit that result in changes to stormwater management plans that require additional review by the County. The applicable fee shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, any modification resulting in an increase in total disturbed acreage shall pay the difference in the fee imposed by column 1 that was initially paid and the permit fee imposed by column 1 that would have applied for the modified total disturbed acreage. No fee shall be required for a minor modification.

[3] The fees imposed by this column are an annual permit maintenance fee, and include fees imposed on expired permits that have been administratively continued. The fee, which shall be prorated in the first year, shall be paid at the time provided in section 17-209(B). With respect to the general permit, these fees shall apply until the general permit coverage is terminated.

Sec. 17-209 Fees; payment.

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

A. Form. Each fee shall be in the form of cash or a check payable to the "County of Albemarle" or may be paid through the County online payment system.

B. When payment to be made. Payments shall be made as follows:

1. *VESCP*. Each owner seeking approval of an erosion and sediment control plan shall pay all applicable fees upon submittal of the application.

2. *VSMP; permit issuance*. Each owner required to pay the permit issuance fee shall pay one-half of the applicable total fee required by column 1 of the table in section 17-208 upon submittal of the application, and the remaining one-half shall be paid prior to issuance of coverage under the general permit.

3. *VSMP; transfer or modification*. Each owner required to pay the transfer or modification fee required by column 3 of the table in section 17-208 shall pay the fee upon submittal of the application to transfer or modify.

4. *VSMP; annual maintenance fee*. Each owner required to pay the general permit coverage maintenance fee required by column 4 of the table in section 17-208 must pay the fee annually to the County until a notice of termination is effective. The maintenance fee will be billed in arrears and is due by April 1 of each year. On the first April 1 after the land disturbing activity has begun, this fee will be prorated on a monthly basis, and the full fee will be due by April 1 of each year thereafter. The final fee will be prorated on a monthly basis based on the date of permit termination.

C. *Required information to be included with VSMP permit application payments*. Each owner shall submit the following information with the fee payment, or submit a completed Virginia Department of Environmental Quality permit application fee form:

1. Applicant name, address and daytime phone number.

2. The name of the facility or activity and its location.

3. The type of general permit applied for.

4. Whether the application is for a new general permit issuance, general permit reissuance, general permit maintenance, or general permit modification.

5. The amount of fee submitted.

6. The existing general permit number, if applicable.

7. Other information as required by the administrator.

D. *Use of fees*. The County's portion of the fees imposed under sections 17-207 and 17-208 shall be used solely to carry out the County's responsibilities under the Virginia Stormwater Management Act, the Erosion and Sediment Control Law, the applicable regulations in 9VAC25-830 through 9VAC25-890 , this chapter and any other applicable standards and specifications.

Sec. 17-210 Fees; incomplete and late payments.

Incomplete and late payments of fees required by sections 17-207 and 17-208 shall be subject to the following:

A. *Incomplete payments*. The failure of an owner to pay the fee due as required by this chapter for the application or service shall be deemed to be a nonpayment of the fee and: (i) the application shall not be processed; and (ii) no service shall be

~~provided by the County. The administrator shall provide written notice to the owner of any incomplete payment within ten days after the determination that the payment is incomplete.~~

~~B. *Late payments*. Any late payment shall be subject to interest at the underpayment rate provided in Virginia Code § 58.1-15 and shall be calculated on a monthly basis at the applicable periodic rate. A ten percent late payment fee shall be charged to any account more than 90 days past due.~~

~~C. *Remedies*. The County may pursue any remedies provided by State law to collect any past due amount. In addition, the County or the administrator may pursue the remedies provided in section 17-900*et seq.*, including revocation of any approval.~~

Sec. 17-20811~~11~~ Review of administrator's action by the board of supervisors; judicial review.

Any person aggrieved by an action or inaction of the administrator may request that the program authority review the action or inaction and may thereafter request judicial review of the program authority's final decision, as provided herein:

A. *Actions that may be reviewed*. Any of the following actions by the administrator may be reviewed: (i) the disapproval of an erosion and sediment control plan or VSMP permit; (ii) the approval of an erosion and sediment control plan or VSMP permit with conditions the owner objects to; (iii) the disapproval of a variance or exception; (iv) any determination made under sections 17-300 through 17-306; (v) any general permit decision made by the administrator; (vi) any enforcement decision made by the administrator; (vii) the failure of the administrator to act within the time periods required by this chapter; and (viii) the approval of an erosion and sediment control plan or VSMP permit where the issue is compliance with 9VAC25-840-40(19) .

B. *Standing*. Any owner who is an applicant, permittee, operator or any other person subject to general permit requirements under the VSMP who is aggrieved by any action or inaction under subsection (A)(i) through (vii) has standing to seek review under this section. Any downstream owner who is aggrieved by an action under subsection (A)(viii) has standing to seek review under this section.

C. *Request for hearing and time in which to make request; contents*. Any person who has standing under subsection (B) (hereinafter, the "appellant") may request in writing that the program authority conduct a hearing, provided that the request is filed with the clerk of the board of supervisors: (i) within 30 days after the date of notice of the action, when review is sought under subsection (A)(i) through (A)(vi); (ii) within 30 days after the date by which the administrator was required to act but failed to do so, when review is sought under subsection (A)(vii); or (iii) within 30 days after the date of the administrator's approval of the erosion and sediment control plan or VSMP permit, when review is sought under subsection (A)(viii). The request shall specify the grounds for the appeal. The 30-day period within which the hearing shall be held shall not begin unless and until the request specifies the grounds for the appeal.

D. *Conduct of hearing*. The hearing shall be conducted as follows:

1. *Hearing officer*. The hearing before the program authority shall be conducted by the director of community development, who shall act as the hearing officer for the program authority.

2. *When the hearing shall be held*. The hearing shall be held within 30 days after receipt of the petition requesting a hearing. The hearing shall be held on a date and at a time at which both the appellant and the administrator may be present. At the request of the appellant, the hearing officer may extend the hearing date beyond the 30-day period. The failure of the hearing officer to conduct the hearing within the 30-day period or any extension thereof shall not divest the hearing officer of jurisdiction to consider the appeal.

3. *Evidenceand law*. When reviewing the administrator's action or inaction, the hearing officer shall consider relevant and material laws and evidence presented by the owner, the administrator, and any other person as he deems to be necessary for a complete review of the matter.

4. *Record*. The record of the hearing shall be composed of relevant files, a recording of the hearing, and other writings. The recording of the hearing shall be transcribed only if judicial review of the decision is sought under subsection (F).

E. *Decision*. The hearing officer shall make a final decision within 45 days after the hearing is concluded. The hearing officer may affirm, reverse, or modify the action of the administrator, or he may take any action the administrator failed to take. The decision shall be in writing and state the date of the decision and the reasons for the decision. Notice of the hearing officer's decision shall be provided to the administrator and to the appellant.

F. *Judicial review*. A final decision by the hearing officer under this section may be subject to judicial review, provided that an appeal is filed by the person aggrieved in the circuit court within 30 days after the date of the hearing officer's written decision. Judicial review shall be conducted as provided in Virginia Code § 62.1-44.15:46.

(§ 17-210: § 7-7, 6-18-75, § 9, 2-11-87, 3-18-92; § 19.3-18, 2-11-98; Code 1988, §§ 7-7, 19.3-18; § 17-210, Ord. 98-A(1), 8-5-98) (§ 17-311: 2-11-98; Code 1988, § 19.3-35; § 17-311, Ord. 98-A(1), 8-5-98; § 17-211, Ord. 14-17(1) , 5-7-14, effective 7-1-14)

State law reference(s)—Va. Code §§ 62.1-44.26, 62.1-44.15:45, 62.1-44.15:46, 62.1-44.15:62; 9VAC25-870-118 .

Chapter 17. Water Protection

Article IV. Procedure for Submitting, Reviewing and Acting on Applications; Post-Approval Rights and Obligations

…

Sec. 17-401 - VSMP permit application; form and content.

Any owner whose proposed land disturbing activity is subject to the VSMP shall submit an application for a VSMP permit that includes all of the following, in the form required by the administrator:

A. *Application form*. A completed application on an application form provided by the administrator, signed by the owner.
B. *Fees.* All applicable fees required by ~~section 17-207~~ **County Code Chapter 1, Article 5** and the applicable fee form.
C. *Registration statement.* A complete and accurate registration statement, if such a statement is required, from the operator on the official form provided by the Virginia Department of Environmental Quality in order to apply for general permit coverage. The registration statement shall be signed by the owner in accordance with 9VAC25-870-370 and 9VAC25-880-70 . A registration statement is not

required for construction of a detached single-family dwelling within or outside of a common plan of development or sale, provided that the project complies with the requirements of the general permit.

D. *Erosion and sediment control plan.* An erosion and sediment control plan satisfying the requirements of sections 17-402.
E. *Stormwater management plan.* A stormwater management plan satisfying the requirements of sections 17-403 or an executed agreement in lieu of a stormwater management plan.
F. *Pollution prevention plan.* A pollution prevention plan satisfying the requirements of section 17-404.
G. *Stormwater pollution prevention plan.* A stormwater pollution prevention plan satisfying the requirements of section 17-405.
H. *Mitigation plan.* A mitigation plan satisfying the requirements of section 17-406 if land disturbing activity is proposed within a stream buffer under section 17-604.
I. *Requested variations or exceptions.* A request for any variation or exception as provided in sections 17-407 and 17-408.
J. *Construction record drawings.* Construction record drawings if existing stormwater management facilities are used, satisfying the requirements of section 17-422.

(Ord. 14-17(1) , 5-7-14, effective 7-1-14)

State Law reference— Va. Code § 62.1-44.15:34 ; 9VAC25-870-59 , 9VAC25-870-370 , 9VAC25-880-70 .

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Sec. 17-402 - Erosion and sediment control plans, and agreements in lieu of a plan; form and content.

Any owner whose proposed land disturbing activity is subject to the VSMP, or is subject solely to the VESCP, shall submit an erosion and sediment control plan for review that includes the following, in the form required by the administrator:

A. *Application form.* A completed application on an application form provided by the administrator, if the land disturbing activity is subject only to the VESCP and a VSMP permit is not required.
B. *Fee.* The fee required by ~~section 17-207~~ **County Code Chapter 1, Article 5** , if the land disturbing activity is subject only to the VESCP, and a VSMP permit is not required.
C. *Elements of plan.* Except as provided in subsection (D), an erosion and sediment control plan that contains all of the following elements:
    1. *Temporary and permanent controls.* The specifications for temporary and permanent controls of soil erosion and sedimentation in such detail as the

administrator deems to be reasonably adequate, considering the nature and extent of the proposed land disturbing activity, implementing appropriate erosion and sediment control best management practices and satisfying the requirements of 9VAC25-880-70 , Part II(A)(2). All control measures required by the plan shall be designed and installed in accordance with good engineering practices.

2. *Maintenance responsibilities.* A statement describing the maintenance responsibilities of the owner to ensure that the land disturbing activity will satisfy the purposes and requirements of this chapter.
3. *Technical criteria.* The technical criteria required by section 17-500.
4. *Identification of land disturber*. Identify the person holding a certificate of competence required by Virginia Code § 62.1-44.15:54 , who shall be in charge of and responsible for carrying out the land disturbing activity.
5. *Additional information.* Additional information required by the administrator as determined to be necessary for a complete review of the plan.
6. *Certification.* A certification on a form provided by the administrator and signed by the owner stating that all requirements of the approved plan will be complied with.

D. *Agreement in lieu of a plan.* Notwithstanding subsection (C), if the land disturbing activity is for the purpose of establishing or modifying a single family dwelling unit, the administrator may allow an agreement in lieu of a plan for the land disturbing activity required for constructing the dwelling; provided:
    1. *Eligibility.* The single family dwelling unit is on an individual lot of one acre or less which is not subject to an active erosion and sediment control plan or is not part of a common plan of development or sale. Additionally, the following requirements apply:
        a. An agreement in lieu of a plan must be accompanied by a Critical Resources Plan.
        b. Land disturbance associated with diverting, restoring or otherwise disturbing the channel of a stream or where there is a probability of sediment being deposited into state waters or on to adjacent properties is not eligible and requires an erosion and sediment control plan.
    2. *Other factors to be considered by administrator.* In determining whether to allow an agreement in lieu of a plan under this section, the administrator shall consider the potential threat to water quality and to adjacent land resulting from the land disturbing activity, and whether the land disturbing activity is within the mountain overlay district identified in the Comprehensive Plan. The administrator, at its sole discretion, may require additional information or may not accept an agreement in lieu of a plan where necessary to protect downstream properties or the environment.
    3. *Contents and form of the agreement in lieu of a plan.* The contents of any agreement in lieu of a plan shall be established by the administrator, and

they shall: (i) be sufficient to ensure that the purposes and requirements of the VESCP, including the requirements of 9VAC25-880-70 , Part II(A)(2) are satisfied; and (ii) identify the person in charge of and responsible for carrying out the land disturbing activity and holding a valid certificate of competence for that task. The form of the agreement shall be subject to review and approval by the County attorney.

4. *Effect of agreement in administration of the VESCP.* Except as provided in subsection (C) and section 17-500 pertaining to the content and technical criteria applicable to erosion and sediment control plans, all other references in this chapter to an erosion and sediment control plan shall include an agreement in lieu of a plan, and the County and the owner shall have all of the rights, responsibilities and remedies set forth in this chapter as though the agreement in lieu of a plan was an erosion and sediment control plan.

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

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

…

Sec. 17-422 - Construction record drawing; submittal.

When construction of any permanent stormwater management facility is completed, a construction record drawing for the permanent stormwater management facility shall be submitted for review and action as follows:

A. *Submittal of drawing to the administrator.* Each construction record drawing shall be submitted by the owner to the administrator.
B. *Fee.* The applicable fee for review and action on the construction record drawing required by **County Code Chapter 1, Article 5,** ~~section 17-208~~ shall be paid when the drawing is submitted.
C. *Form and style.* The construction record drawing shall satisfy the minimum requirements of the form and style of a construction record drawing as provided in the Design Standards Manual.

D. *Signature and certification.* The construction record drawing shall be appropriately sealed and signed by a professional registered in the State, certifying that the stormwater management facility has been constructed in accordance with the approved plan.
E. *Required measurements and calculations.* If the construction record drawing shows any changes from the approved plan, including changes to any features of the facility, including, but not limited to, outlet structures, elevations, available volumes, plantings, spillways, and materials, the owner shall also submit all as-built measurements and calculations necessary to demonstrate compliance with all applicable regulations. Any other technical requirements of the construction record drawing shall be as provided in the Design Standards Manual.
F. *Determination of completeness, review and action.* The procedure for the review and action on a construction record drawing shall be as provided in sections 17-409 and 17-410, as applicable, provided that the failure of the administrator to act within any time provided in those sections shall not be deemed to be approval of the construction record drawing.
G. *Required amendments.* If the as-built stormwater management facility does not comply with all applicable regulations, the owner shall make all required changes to the facility in order to comply with the regulations and the administrator may require that the approved stormwater management plan be amended as provided in section 17-417(A).

(Ord. 14-17(1) , 5-7-14, effective 7-1-14)

State Law reference— 9VAC25-870-55 .

...

Sec. 17-423 - Release of surety.

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

A. *Partial release*. In order for any surety to be partially released:
    1. *Request by owner.* The owner shall submit a statement to the administrator on a form provided by the administrator that adequate stabilization of the land disturbing activity has been achieved, and pay the fee for a partial release required by **County Code Chapter 1, Article 5.** ~~sections 17-207 or 17-208, or both.~~
    2. *Response by administrator.* Within 30 days after receipt of the statement required by subsection (A)(1), the administrator shall provide written notice to the owner that responds to the request in one of the following ways: (i) grant the partial release, if an inspection of the project by a certified inspector confirms that the requirements for partial release are satisfied; or (ii) inform the owner that an inspection of the project by a certified

inspector confirms that the requirements for partial release are not satisfied and identify any specified defects, deficiencies or further conservation action required.

3. *Release.* If the administrator grants the partial release as provided in subsection (A)(2), the surety shall be partially release within 60 days after receipt of the request required by subsection (A)(1). The amount of the release shall be based upon the percentage of stabilization accomplished determined by the inspection.

B. *Full release.* In order for any surety to be fully released:

1. *Request by owner.* The owner shall submit a statement to the administrator on a form provided by the administrator and pay the fee for a full release required by **County Code Chapter 1, Article 5** ~~sections 17-207 or 17-208, or both~~. For any surety required in conjunction with an erosion and sediment control plan, the owner shall state that adequate permanent stabilization of the land disturbing activity has been achieved. For any surety required in conjunction with a VSMP permit, the owner shall state that the requirements of the permit have been satisfied.
2. *Response by administrator.* Within 30 days after receipt of the statement required by subsection (B)(1), the administrator shall provide written notice to the owner that responds to the request in one of the following ways: (i) grant the full release, if an inspection of the project by a certified inspector confirms that the requirements for full release are satisfied; or (ii) inform the owner that an inspection of the project by a certified inspector confirms that the requirements for full release are not satisfied and identify any specified defects, deficiencies or further conservation action required.
3. *Release.* If the administrator grants the full release as provided in subsection (B)(2), the surety shall be fully released within 60 days after receipt of the request required by subsection (B)(1).

C. *Maintenance.* Prior to the release of the performance security or bond, the developer must either (1) transfer the maintenance responsibilities of the stormwater management facilities to a Property Owners Association or (2) provide the County with a maintenance security.

1. Requirements for Transfer of Maintenance Responsibilities to the Property Owners Association (POA). To transfer the maintenance responsibilities of stormwater management facilities to a Property Owners Association, a developer must:
    i. Submit acceptable record drawings.
    ii. Obtain an acceptable final inspection of the stormwater management facility by the County.
    iii. Transfer the necessary property to the POA.
    iv. Organize and hold a meeting attended by the developer, the County and members of the POA; and provide evidence to the County that each member of the POA was provided prior notice of

the meeting. The meeting must be held at a place and time convenient for members of the POA.

v. Provide a copy of the recorded documents establishing the Property Owners Association to the County.

vi. Provide the County with evidence that the Property Owners Association is funded. Minimum funding will be based on the following schedule:

1—20 lots = $1,000.00

21—50 lots = $1,500.00

51 and over = $1,500.00 + $30.00 per lot over 50

2. Requirements for Posting Maintenance Security.

i. The County will require a maintenance guaranty in the amount of 20 percent of the construction costs of the stormwater management facility.

ii. The maintenance security must contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.

iii. If the County takes such action upon such failure by the permittee, the County may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.

D. The maintenance agreement and security will be the responsibility of the permittee or owner until such time as the permittee or owner provides the County with the necessary requirements for Transfer of Maintenance Responsibilities to the Property Owners Association as outlined above in subsection (C)(1).

(§ 17-207: § 7-5, 6-18-75, § 7, 2-11-76, 4-21-76, 6-2-76, 7-9-80, 7-8-81, 2-11-87, 3-18-92; § 19.3-15, 2-11-98; Code 1988, §§ 7-5, 19.3-15; § 17-207, Ord. 98-A(1), 8-5-98; Ord. 09-17(1), 8-5-09, effective 9-5-09) (§ 17-306: § 19.1-7, 9-29-77, art. II, § 2, 7-11-90; § 19.3-30, 2-11-98; Code 1988, §§ 19.1-7, 19.3-30; § 17-306, Ord. 98-A(1), 8-5-98; Ord. 09-17(1) , 8-5-09, effective 9-5-09; § 17-423, Ord. 14-17(1) , 5-7-14, effective 7-1-14; Ord. 21-17(1) , 4-21-21, effective 9-1-21)

State Law reference— Va. Code §§ 62.1-44.15:34 ; 62.1-44.15:57.

Chapter 17. Water Protection

Article X. Groundwater Assessments

…

Sec. 17-1005 - Fees.

Each owner seeking approval of a tier assessment required by this article shall pay a fee as provided by Albemarle County Code **Chapter 1, Article 5.** ~~§ 18-35.1 and Albemarle County Code § 14-203, as applicable.~~

(§ 17-405, Ord. 04-17(1) , 12-8-04, effective 2-8-05; § 17-1005, Ord. 14-17(1) , 5-7-14, effective 7-1-14)

State Law reference— Va. Code §§ 15.2-2241(9) , 36-98.