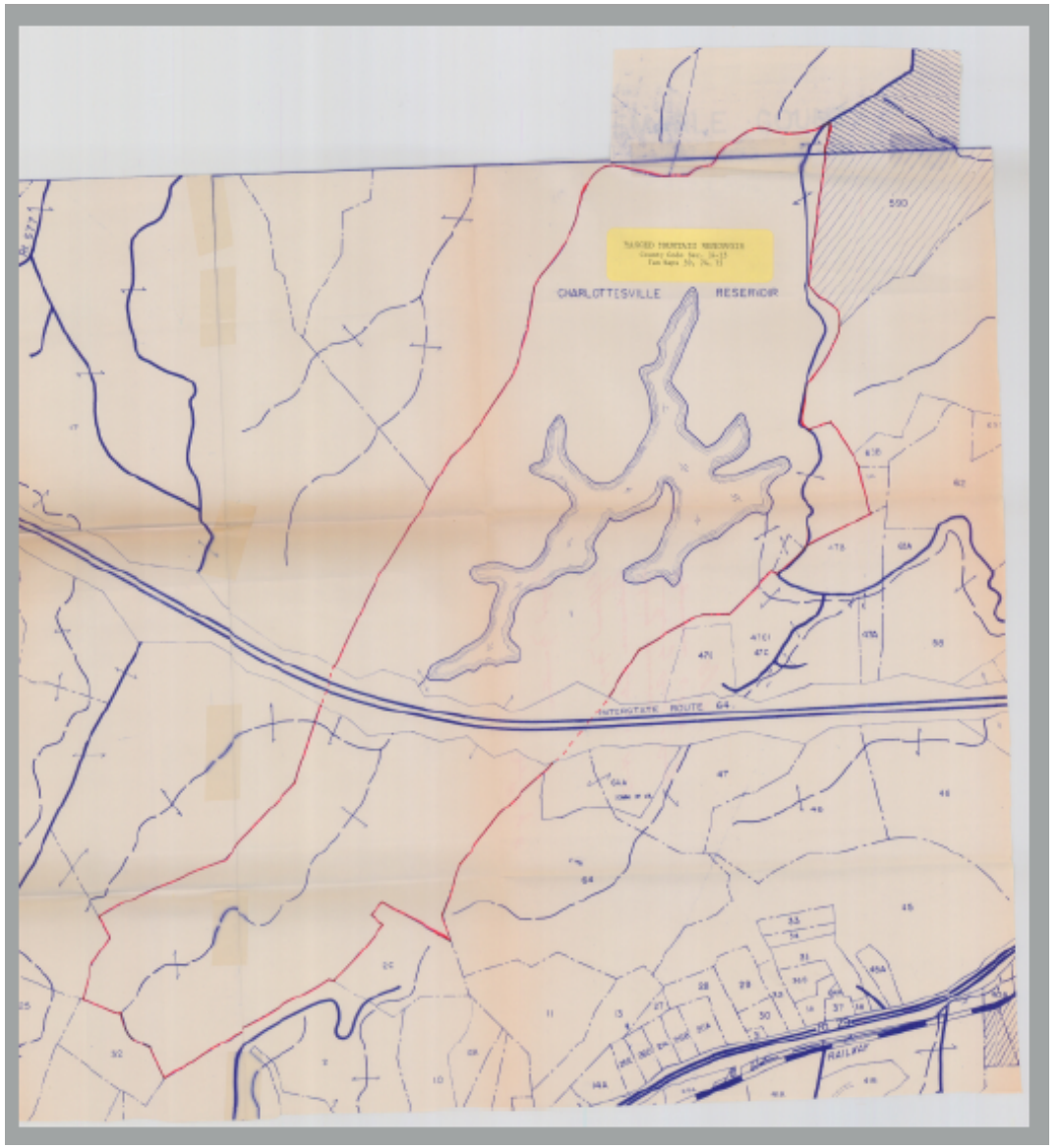
Ragged Mountain Reservoir Update

Legislative History, Current Status, and Future Options

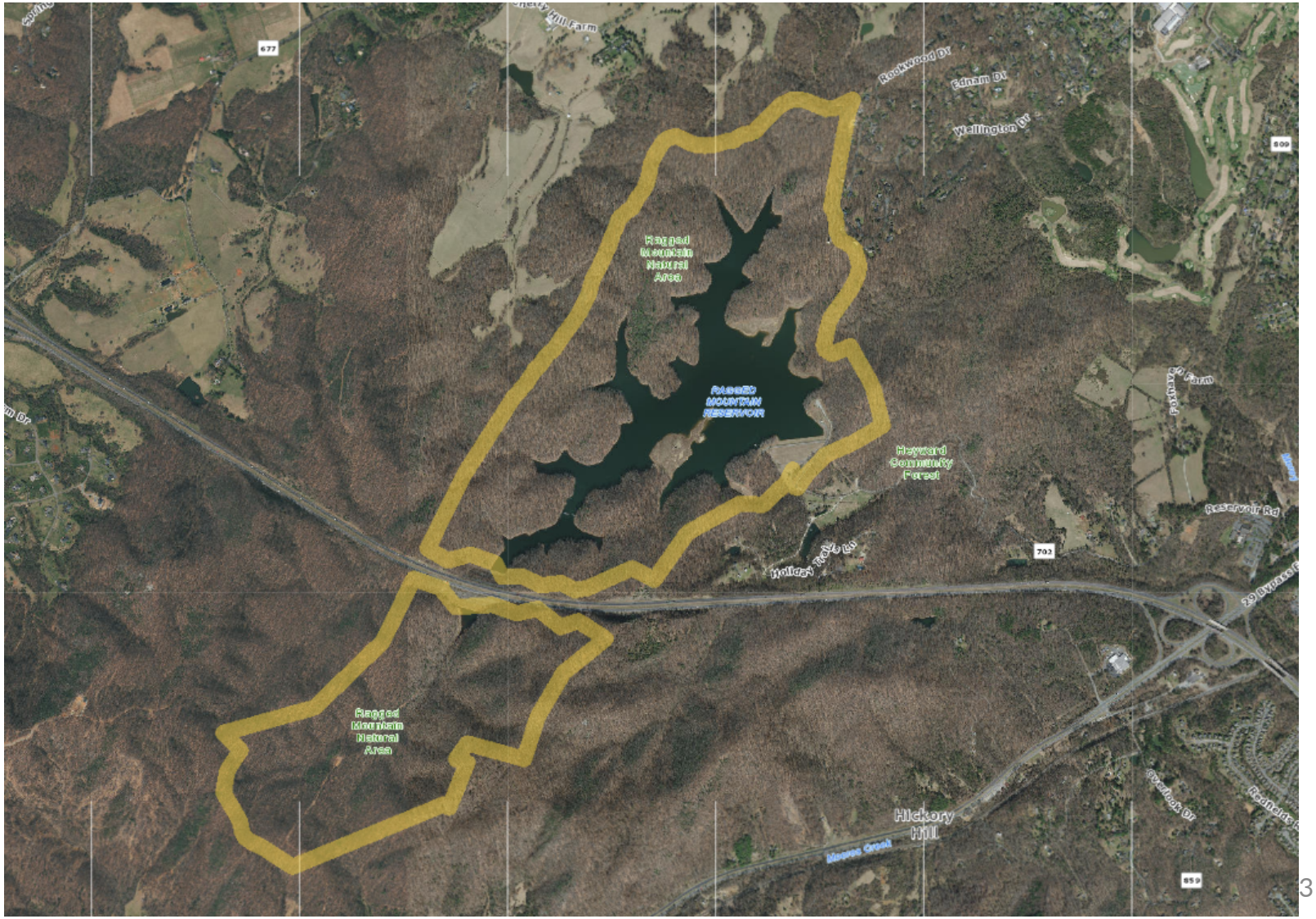
Steven Rosenberg, County Attorney

Richard DeLoria, Senior Assistant County Attorney

Ragged Mountain Reservoir



Ragged Mountain Reservoir



Charlottesville Administrative Regulation 1974

ADMINISTRATIVE REGULATION

Citizen requests to use City reservoirs for recreational purposes. i.e., boating, canoeing, fishing, hunting, swimming, hiking and sightseeing.

I. Objective(s):

To prevent persons from engaging in activities around, in and on City reservoirs which may be harmful to the City's water supply.

******

II. Effective Date:

May 20, 1974

Charlottesville Administrative Regulation 1974

C. Ragged Mountain 24S

1. Permissible Uses:
   a. permit fishing
   b. hiking

2. Prohibited Uses:
   a. swimming
   b. boating
   c. canoeing
   d. hunting

Charlottesville Administrative Regulation 1974

A. South Rivanna Hydroelec Fd.

1. Permissible Uses:
   a. canoeing
   b. rowboating
   c. fishing
   d. hiking, birdwatching, sightseeing

1981 County Code

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ALBEMARLE (PARKS AND RECREATION) BY ADDING A NEW ARTICLE III TO PROVIDE FOR LIMITED RECREATIONAL USE OF WATER SUPPLY RESERVOIRS UTILIZED BY THE RIVANNA WATER AND SEWER AUTHORITY

WHEREAS, the Board of Supervisors of Albemarle County desires to protect the water quality of water supply reservoirs utilized by the Rivanna Water and Sewer Authority and to provide for limited recreational use of such reservoirs;

BE IT ORDAINED by the Board of Supervisors of Albemarle County, Virginia, that Chapter 14 of the Code Albemarle is hereby amended by adding a new Article III as follows:

Article III. Water Supply Reservoirs Utilized by the Rivanna Water and Sewer Authority.

Section 14-12. Generally.

Water supply reservoirs utilized by the Rivanna Water and Sewer Authority may be used for limited recreational purposes allowed in this article and under conditions as set forth herein.

Section 14-13. Reservoirs Affected.

1981 County Code

Section 14-15. Ragged Mountain, Upper and Lower; Permitted and Prohibited Uses.

(a) Permitted Uses. Fishing, canoeing and boating (non-combustion engines) shall be allowed within the boundaries of the Ragged Mountain Reservoir, Upper and Lower, provided that a permit is first obtained from the City of Charlottesville's Public Works Department. Hiking and birdwatching shall be allowed within the boundaries of the Ragged Mountain Reservoir, Upper and Lower.

(b) Prohibited Uses. Swimming, hunting, trapping, picnicking, and overnight camping shall be prohibited within the boundaries of the Ragged Mountain Reservoir, Upper and Lower. Fishing, canoeing and boating without a permit from the City of Charlottesville's Public Works Department shall be prohibited. All boats equipped with combustion engines shall be prohibited within the boundaries of the Ragged Mountain Reservoir, Upper and Lower, except for those boats operated by the Rivanna Water and Sewer Authority for water supply purposes.

Ivy Creek Foundation
1997 Natural Area Proposal

February 21, 1997

The 980-acre Ragged Mountain Reservoir property is a forested, relatively undisturbed tract, situated 2 miles southwest of Charlottesville. With two lakes comprising 65 acres of surface water, the property is owned by the City of Charlottesville and managed by the Rivanna Water and Sewer Authority as a public water supply.

The Ivy Creek Foundation is proposing to establish a natural area at this site, similar to the Ivy Creek Natural Area on the Rivanna Reservoir. As such, the property would be open free to the public for hiking, nature observation and study, and fishing, with the intent that it be preserved in a natural state. The Foundation would be willing to participate in a management agreement with the City and County as now exists at Ivy Creek. For more than 17 years this arrangement has provided area residents with a unique recreational resource at minimal expense to the City and County. Under such an agreement at Ragged Mountain, the Ivy Creek Foundation will:

Ivy Creek Foundation
1997 Proposal

The City (and/or County) remains committed to ownership in perpetuity of the entire 980-acre tract, the intent being that the "natural area" status and water quality not be compromised through sale or lease. The Foundation would welcome the incorporation of additional acreage.

Access be designated for foot travel only (with the exception of non-combustion type devices intended to aid the handicapped), for the purposes of hiking, nature observation and study, and fishing. This would preclude bicycles, all-terrain-vehicles, horses, pets, etc. This is not meant to preclude small fishing boats with non-combustion motors, provided this use does not compromise the objectives of the Rivanna Water and Sewer Authority and the Ivy Creek Foundation.

A RESOLUTION
TO AUTHORIZE ACCEPTANCE AS A GIFT OF CERTAIN PROPERTY NEAR THE RAGGED MOUNTAIN RESERVOIR FROM HEDGEROW CORPORATION.

1997 City Council Resolution re Heyward donation for parking area

WHEREAS, the City, the County of Albemarle, the RWSA, and the Ivy Creek Foundation have discussed and agreed that a portion of the property surrounding the Ragged Mountain Reservoir should be developed as an area for public hiking, nature observation and study, and fishing ("Ragged Mountain Natural Area"); and

1998 County Code

Sec. 11-300 - Generally.

A. In order to prevent the pollution of the public water supply, water supply reservoirs utilized by the Rivanna Water and Sewer Authority identified in this article may be used for limited recreational purposes only as authorized herein.

*****

1998 County Code

Sec. 11-303 - Ragged Mountain Reservoir.

B. Authorized activities. Fishing which is conducted in compliance with all applicable state statutes and regulations, hiking, birdwatching and picnicking shall be authorized within the boundaries of both the upper and lower reservoir.

D. Prohibited activities. Any activity not expressly permitted, including but not limited to, swimming, hunting, trapping or discharging of firearms and camping shall be prohibited within the boundaries of both the upper and lower reservoir.

City Posting as of 2016



City Planning 2016



Virginia Code Sec. 15.2-1725

Police Powers

- City may provide for operation and use of its property in the County by ordinance.

- "However, no ordinances in conflict with an ordinance of the jurisdiction wherein the property is located shall be enacted."

County Ordinance 11-303

- Permits fishing, hiking, birdwatching, picnics
- Permits Boating by RWSA issued permit
- “Any activity not expressly permitted . . . shall be prohibited”

City Ordinance 18-24 & -25

Adopted December 2016

- Authorized activities at RMNA
- "Bicycling on designated trails"
- Hiking & jogging on designated trails
- Picnicking and birdwatching
- Boating & fishing
- Horse Riding with "special permit"
- "Any activity not expressly permitted . . . is prohibited

Brief History of Litigation

- April 2017 – Complaint Filed
- December 2017 – Preliminary Injunction
  - Exchange of Records & Exhibits
  - Resolved by Agreement
- March 2018 – County Settlement Offer
- 2018 – Negotiations
- 2019 – Judicial Settlement Conference
- 2020 – Demurrer & Injunction
  - Delayed by Pandemic to March 2021
- 2022 – Cross Motions for Summary Judgment
  - Ruling Delayed by Judge's retirement

Court's Decision

Amending the County Ordinance

§ 15.2-1433 of the Virginia Code states that "Any locality may codify or recodify any or all of its ordinances, in permanently bound or loose-leaf form. Such ordinances may be changed, altered or amended by the governing body, and ordinances or portions thereof may be deleted and new material may be added by the governing body." Amendments to the County Code must be done by the County itself. Therefore, the City's effort to authorize biking on Ragged Mountain is not binding upon the County Code.

The Court finds that the Albemarle County Code § 11-303 pre-empts Charlottesville Code § 18-21-27. Only the enumerated activities in county code are permitted. Mr. Deloria please prepare an order consistent with this opinion.

Very Truly Yours,

Claude V. Worrell, II
Judge

Final Order & Appeal

- Entered on September 30, 2022
- City noted appeal to Virginia Court of Appeals
- Contested hearings on Statement of Facts
- Court issued Statement of Facts on February 15, 2023
- City/County discussions on terms of City's withdrawal of appeal

Agreement to Withdrawal Appeal

- Withdraw appeal
- Repeal biking & horseback riding provisions
  - Within six months of April 1st
- Allow County to place signs
- County Police maintains primary law enforcement responsibilities

Court of Appeals Order

VIRGINIA:

In the Court of Appeals of Virginia on **Monday** *the* **1st** *day of* **April, 2024**.

From the Circuit Court of the City of Charlottesville

On March 19, 2024, the appellants, by counsel, filed a motion to withdraw this appeal. Upon due consideration, the Court grants the motion, and this appeal is considered withdrawn.

This order shall be certified to the trial court.

Implications of the Agreement: Potential County Responses

- Maintain Status Quo
- Permit Additional Activities
- City/County Operational MOA

Questions & Comments


COUNTY OF ALBEMARLE
FOUNDED AD 1744
VIRGINIA