

Policy Briefing Summary

City Council



Regarding:	Resolution Authorizing Execution of Agreement to Maintain SWM Facilities for the Botanical Gardens Project
Staff Contact(s):	Brennen Duncan, City Engineer, David Frazier
Presenter:	Brennen Duncan, City Engineer
Date of Proposed Action:	June 15, 2026

Issue

To clarify ownership, regulatory responsibility, access, and long-term maintenance for the Botanical Garden Project cross-jurisdictional BMP Facility, staff has prepared an Agreement to Maintain Stormwater Management Facilities with Albemarle County. Because execution of this Agreement requires authorization to enter into an intergovernmental arrangement involving City-owned property located in Albemarle County, this item requires City Council approval.

Background / Rule

The Botanical Garden Project includes a stormwater best management practice (BMP) facility that spans the jurisdictional boundary between the City of Charlottesville and Albemarle County. Portions of the BMP are located on City-owned land that lies within Albemarle County. To clarify ownership, regulatory responsibility, access, and long-term maintenance for this cross-jurisdictional facility, staff has prepared an Agreement to Maintain Stormwater Management Facilities with Albemarle County. The Agreement recognizes the City's ownership interests within County jurisdiction, establishes access and inspection rights for the BMP, and clarifies responsibilities under the Virginia Erosion and Stormwater Management Program (VESMP), including post-construction SWM procedures and ongoing maintenance obligations.

Analysis

In 2024, the Commonwealth of Virginia consolidated erosion and sediment control with stormwater management into the unified Virginia Erosion and Stormwater Management Program (VESMP). Local programs were updated to reflect these changes and integrate permitting, inspection, and long-term maintenance requirements. Owners are required to maintain BMPs, and localities such as the City and County are responsible for administering VESMP requirements. The Agreement ensures consistent administration across jurisdictional boundaries and supports the City's compliance obligations.

Financial Impact

No financial appropriation is required.

Recommendation

Staff recommends that City Council adopt a resolution authorizing execution of the Agreement to Maintain Stormwater Management Facilities with Albemarle County for the Botanical Gardens Project.

Recommended Motion (if Applicable)

Move to adopt a resolution authorizing the City Manager to execute the Agreement to Maintain Stormwater Management Facilities with Albemarle County for the Botanical Garden Project, approved as to form by the City Attorney's Office.

Attachments

1. RES Botanical Gardens SWM Agreement - City-County 2026
2. Botanical Gardens Site Plan Cover Sheet
3. SWM (Alb. Co. Draft) Facilities Maintenance Agreement-07-01-24CAOedits5.13.26