

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 5, 2023, at 1:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel (arrived at 1:42 p.m.), and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette Borgersen; and Senior Deputy Clerk, Travis Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 p.m. by the Chair, Ms. Donna Price.

Ms. Price announced that Ms. Diantha McKeel (Jack Jouett District) would be joining the meeting later.

Ms. Price introduced the following Albemarle County Police Department Officers in attendance: Officer David Sprouse and Officer Chase Payne.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Price stated that, time permitting, the Board would move Agenda Item No. 23. From the Board, to after Item 12. She stated that Item No. 12. VDOT Quarterly Report, was updated online on March 30 to correct an error in the original report. She stated that Item 8.3 on the Consent Agenda, Consideration of Permit Approval for Area Private Emergency Medical Services Agencies, was an action to authorize the advertisement of the item for a public hearing, not to issue permits. She stated that for Woodridge Solar, the order of the public hearings was being reversed from the published agenda, Items 21 and 22.

Ms. Price said the floor was open for a motion to adopt the final agenda as amended.

Ms. LaPisto-Kirtley **moved** to adopt the final agenda as amended.

Mr. Andrews **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel.

Agenda Item No. 5. Brief Announcements by Board Members.

Mr. Gallaway stated that he had to cancel his budget town hall due to personal and professional events. He said that he was rescheduling the town hall.

Ms. LaPisto-Kirtley reported that she attended three budget meetings with her constituents: two CACs (Community Advisory Committees) and one at Westminster Canterbury. She said that she attended the planting of the pin wheels for Child Abuse Awareness and Prevention Month. She said that the event was successful, and that staff from the Police Department (ACPD), the Fire Rescue Department (ACFR), and the Department of Social Services (DSS), as well as senior staff and Ms. Price were in attendance.

Ms. Mallek stated that she circulated among the Board and supplied the Clerk for public access a series of web links provided by VDOT at a recent MPO (Metropolitan Planning Organization) meeting about the SMART SCALE process and grant application backgrounds. She said that at the MPO meeting, they discussed how the Culpeper residency had begun a new process of supporting and involving localities in project selection, and eight counties participated.

Ms. Mallek said that everyone should report power outages to Dominion Energy through the Dom-Help phone line or web and mobile applications.

Ms. Mallek said that the EPA (Environmental Protection Agency) was developing regulations and communications of risk for the PFAS (polyfluoroalkyl substances) chemical process in two phases: through drinking water standards and wastewater standards. She said that biosolids from wastewater plants contained high concentrations of PFAS, and those solids were used as fertilizer which caused the PFAS to recirculate through the drinking water.

Ms. Mallek said that the White Hall Ruritan Club was holding its 12th annual plant sale on Saturday, April 29 from 8 a.m. to 1 p.m. and Sunday, April 30 from 10 a.m. to 1 p.m. on the grounds of the White Hall Community Building. She said that the funds raised at the event would go toward local scholarships, educational opportunities, and improvements to the 100-year-old community building.

Ms. Price said she attended a presentation at Washington and Lee Law School by Philip Hirschkop, the lead attorney in *Loving v. Virginia*. She said that she would be on a panel on Civil Rights for the LGBTQ community at her law school. She said that they must continually be vigilant to fight against discrimination of marginalized community, and that she was proud of the County for the actions it takes for inclusivity.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Celebrating National Arab American Heritage Month.

Mr. Andrews **moved** the Board adopt the proclamation celebrating National Arab American Heritage Month, as he read it aloud.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. Price.

NAYS: None.

ABSENT: Ms. McKeel.

Proclamation Celebrating National Arab American Heritage Month

WHEREAS, the National Arab American Heritage Month is recognized in April and is a time for celebrating the history, contributions, and cultures of Arab Americans; and

WHEREAS, Arab American communities have played an important role in shaping, advancing, and enriching the fabric of our nation and Albemarle County by making immense contributions to all areas of life including government, business, arts and sciences, medicine, law enforcement, technology, and the military; and

WHEREAS, the history of Arab Americans in the US. has been neglected or defaced by misconceptions, harmful stereotyping; and

WHEREAS, Arab Americans join all Americans in the desire to see a peaceful and diverse society, where every individual is treated equally and feels safe; and

NOW, THEREFORE, BE IT PROCLAIMED, that we, the Albemarle County Board of Supervisors, do hereby recognize and honor Arab American Heritage Month and continue to affirm our commitment to equity and inclusion in Albemarle County.

Ms. Tamara Ryan, Coordinator for the Office of Equity and Inclusion, said that Professor Hanadi Al-Samman would accept the proclamation. She said that Professor Al-Samman was an associate professor of Arabic language and culture in the Department of Middle Eastern and South Asian languages and cultures at the University of Virginia.

Ms. Ryan said that Professor Al-Samman's research focused on contemporary Arabic literature and diaspora studies as well as transnational and Islamic feminism. She said that Professor Al-Samman had several published articles, was a Fulbright Scholar, a Woodrow Wilson Career Enhancement fellow, a Virginia Foundation for the Humanities Residential fellow, and a Mellon Humanities fellow. She said that Professor Al-Samman was also the past president of the Association for Middle East Women's Studies.

Professor Al-Samman thanked the Board. She said that Arab immigrants were not new to the United States, and their presence in the Americas has been documented before Columbus landed on America's shores in 1492. She said that it was known that Khashkhash Ibn Saeed Ibn Aswad crossed the Atlantic Ocean, made contact with people on the other side, and returned in 889. She said that in addition, several reports and archeological artifacts suggest that merchants and sailors reached the American continent in 1178. She said that Columbus was reportedly guided by a Moorish sailor.

Professor Al-Samman said that Arabic coins dating to the 8th century had been found in Venezuela. She said that the founding fathers knew of Arabs and Muslims in America, and Thomas Jefferson owned a copy of the Quran and an Arabic grammar book. She said that the country of Morocco was the first country to recognize the newly independent United States in 1777.

Professor Al-Samman said that Arab American presence increased due to four waves of migration, starting in the late 1890s. She said that the Board's proclamation was a recognition of the immense possibility they all gained when they embraced their hyphenated identities, and it was a celebration of the differences that brought the community closer together and made Charlottesville and the County of Albemarle a unique and inspiring place to live and to thrive.

Ms. Price presented the proclamation to Professor Al-Samman.

Mr. Andrews said that April, a celebration of spring, was a fitting month for the proclamation.

Mr. Gallaway said that he was reminded of a poem by Naomi Shihab Nye called Kindness, and that that type of abstract thinking was in every culture, and that it was wonderful when that voice came from a population that has been vilified.

Ms. LaPisto-Kirtley said that she had visited Morocco and Egypt, and her brother was born in Oran, Algeria.

Ms. Mallek said that when she was 17, she took a family vacation to Spain. She said that in the south of Spain, everywhere guides talked about advances in medicine, astronomy, science, education, and algebra. She said that she visited the mosque in Cordoba. She said that it was more inclusive 50 or 60 years ago then it was currently.

Ms. Price said that she had visited Morocco, and that she looked forward to attending a community Ramadan dinner on April 16.

Agenda Item No. 7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Barbara Cruickshank, Earlysville resident in the White Hall District, said that eight months ago, she had requested a radiation study of the cellular tower at Albemarle High School (AHS). She said that she was informed that additional antennae would be added to the cellular tower, and three additional antennae had been installed on the roof of the building. She said the antennas were close to the people in the building, and she was concerned. She provided the Board with data from measurements she had taken at the school site. She provided a selection from a document from 2000 for T-Mobile shareholders stating the health effects of cellular radiation.

Ms. Sarah Greenfield said that the Board would be taking an action on her homestay variance for three or four bedrooms. She said that she applied for four bedrooms, which meant six cars, and her driveway could handle more than six vehicles. She said that homestays allowed her to pay for taxes and for improvements to her home, and they allowed her to age in place. She said that if people did not like the layout of the homestay, then they did not have to rent it.

Agenda Item No. 8. Consent Agenda.

Ms. Mallek **moved** to approve the consent agenda as presented.

Ms. La-Pisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Item No. 8.1. Approval of Minutes: December 20, 2020; February 17 and May 5, 2021.

Ms. Mallek had read the minutes of December 20, 2020; February 17 and May 5, 2021, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of December 20, 2020; February 17 and May 5, 2021.

Item No. 8.2. Fiscal Year 2022 and 2023 Virginia Department of Health (VDH) Local Government Agreements.

The Executive Summary as forwarded to the Board states that Virginia Code § 32.1-31 authorizes local governing bodies to enter into contracts with the Virginia Department of Health (VDH) for the operation of local health departments. It also requires that these contracts specify the services to be provided in addition to those required by law and contain such other provisions as the VDH and the governing body may agree on. The County's contract specifies both the scope and costs for the services to be provided locally.

The Blue Ridge Health District (BRHD), in cooperation with the VDH, is the primary provider of public health services and programs for Albemarle County and surrounding localities. BRHD offers specific health programs targeted at preventing and controlling infectious diseases, as well as initiatives aimed at improving the health of low-income women, children, and infants. In addition, BRHD provides an inspection and monitoring program to ensure the safety of food and private well/septic systems. These services are funded cooperatively by the state, County, and other neighboring jurisdictions. Non-local funding for these BRHD programs is provided by the Commonwealth of Virginia, grants, and fees charged

to individual clients. The localities served by BRHD provide matching local funds for the allocations made by the state and allocate resources for Local-Only Programs, such as food safety. The VDH requires that local governments enter into agreements stipulating the scope of health services to be provided by the health districts in their respective jurisdictions.

The FY 23 agreement (Attachment A) outlines the respective obligations of the County and VDH. The state's contribution increased by \$99,100 over FY 22, for a total of \$997,390, and the County's required funding increased by \$24,660, for a total of \$846,659. There is no carry-forward of prior year funds.

The FY 22 agreement (Attachment B) was initially presented to the Board in April 2022. Unfortunately, the dollar amount of \$29,757 indicated by VDH on the previously submitted agreement was inaccurate. That amount instead should have been \$10,989.86. BRHD has revised the FY 22 agreement with the updated amounts. The state's contribution for FY 22 was \$898,290, and the County's required funding was \$821,999. Further, \$10,989.96 was brought forward from the FY 21 year-end BRHD closing balance into FY 22 to offset this increase as the funds required are 100% local funds provided by the General Fund. According to the BRHD funding application information, the increase in County funding and the carry-forward funding is to support the Community Health Worker position and the associated costs of the Yancey Community Center clinic that serves southern Albemarle and not the district.

There is no impact to the FY 23 budget as the funds necessary were included in the current budget. The details of the funding formula, pursuant to that set by the Joint Legislative Audit and Review Commission, are as follows: the state's FY 23 contribution is \$997,390 to the BRHD; the County's FY 23 contribution is \$846,659. The County's contribution is made up of a required local match of \$816,046 and an additional discretionary contribution of \$30,613 to support the Community Health Worker and associated costs for Yancey Community Center clinic.

Based on the vital nature of the services provided by the BRHD, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the FY 23 and FY 22 Virginia Department of Health (VDH) Local Government Agreements (Attachments A and B, respectively) and to authorize the County Executive to execute both Agreements after they are approved as to form and substance by the County Attorney.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment C to approve the FY 23 and FY 22 Virginia Department of Health (VDH) Local Government Agreements as presented in Attachments A and B, respectively and to authorize the County Executive to execute both Agreements after they are approved as to form and substance by the County Attorney:

**RESOLUTION TO APPROVE THE FY 22 AND FY 23 AGREEMENTS
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

WHEREAS, the Board finds it is in the best interest of the County to enter into Agreements with the Commonwealth of Virginia Department of Health for the operation of the local Blue Ridge Health District Health Department.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 22 and FY 23 Agreements between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute both agreements on behalf of the County after they are approved as to form and substance by the County Attorney.

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Electronic Signature Agreement Page

**STATEMENT OF AGREEMENT TO
PROCESS NEEDED SIGNATURES OF
THE VIRGINIA DEPARTMENT OF
HEALTH (VDH) LOCAL
GOVERNMENT AGREEMENT
ELECTRONICALLY**

VDH and The Albemarle County Board of Supervisors agree to
use electronic signatures, as authorized in Title 59.1, Chapter 42.1
Uniform Electronic Transactions Act of the Code of Virginia.

Authorizing officer printed name and title

Authorizing officer signature

Robert W. Hicks
Acting Deputy Commissioner, Community Health Services
Virginia Department of Health

Robert W. Hicks
Authorizing signature

**AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND
THE ALBEMARLE COUNTY BOARD OF SUPERVISORS FOR FUNDING AND
SERVICES OF THE Blue Ridge HEALTH DEPARTMENT**

This agreement ("Agreement") for the services to be provided by the Blue Ridge Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and ~~Blue Ridge~~ ^{Albemarle County} Board of Supervisors (collectively "the Parties").

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Blue Ridge Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$898,290.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Albemarle County will provide by appropriation and in equal quarterly payments a sum of \$734,965.00 local matching funds and \$87,034.00 one-hundred percent local funds for a total of \$821,999.00 local funds for this fiscal year.

In addition, the Board of Supervisors has approved the Blue Ridge Health Department to carry forward \$0.00 in local matching funds for a total of \$734,965.00 matching funds and an additional \$10,989.96 in one-hundred percent local funds from the prior fiscal year closing locality balance.

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Blue Ridge Health Department, which shall perform public health services in Albemarle County as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2021. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan , the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan , the legal representation of said employee by the city or county attorney, and, the Board of Supervisors of Albemarle County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

Susan Fischer Davis

Susan Fisher Davis
Chief Deputy Commissioner
Community Health Services
Virginia Department of Health
Apr 1, 2025

Date

Ryan L. McKay

Ryan L. McKay
District Health
Director Blue Ridge
Health District
3/24/2025

Date



Local authorizing officer signature
Jeffery B. Richardson
Authorizing officer printed name
County Executive
Authorizing officer title
5/10/23

Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)
Local Government Agreement, Attachment A(2.)

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link-32.1-122.03; State Health Plan Link Virginia Plan for Well-Being 2016-2020			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link-32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link-32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links-32.1-35, 32.1-39, 32.1-43			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links-32.1-36, 32.1-36.1, 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links-32.1-49, 32.1-50, 32.1-50.1			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link-32.1-77, 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link-32.1-77, 42 U.S.C. 300 et seq., and 42 CFR Part 59\		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links-32.1-77, 32.1-89, 32.1-90			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links-32.1-65, 32.1-67, 32.1-68			X
Well child care up to age 18 Board of Health Code Link-32.1-77	X		
WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link-32.1-11			X
Blood lead level testing Code Link-32.1-46.1, 32.1-46.2			X
Outreach, Patient and Community Health Education Code Link-32.1-11, 32.1-11.3,			X
Community Education Code Link-32.1-11, 32.1-23			X
Pre-school Physicals for school entry Code Link-22.1-270	X		
Services for Children with Special health care needs Title V, Social Security Act Code Link-32.1-77			X
Child restraints in motor vehicles Code Link-46.2-1095, 46.2-1097			X
Babycare, Child : DMAS MOA			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link-32.1-77		X	
Babycare, Maternal : DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.	
Investigation of communicable diseases: Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links-32.1-35, 32.1-39	X
Marinas: Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link-32.1-246	X
Migrant labor camps: Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links-32.1 Chapter 6 Article 6	X
Milk: Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- 3.2-5206, 3.2-5208	X
Alternative discharging sewage systems: Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.). Code Link-32.1-164	X
Onsite sewage systems: Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-32.1-163	X
Rabies: Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- 3.2-6500	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

Restaurants/eating establishments: Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- 35.1-14	X
Hotels/Motels: In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link-35.1-13	X
Wells: Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link-32.1-176.4	X
Homes for adults: The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
Juvenile Justice Institutions: Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-35.1-23	X
Jail inspections: Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-53.1-68	X
Daycare centers: At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
Radon Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link-32.1-229.	X
Summer camps/ Campgrounds: Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links-35.1-16, 35.1-17	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)
VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES
OTHER PUBLIC HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- 32.1-330	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- 2.2-5201, 2.2-5211	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- 2.2-5305, 2.2-5306	X
Vital Records Code Link- 32.1-254, 32.1-255, 32.1-272	X
Immunizations for maternity and post-partum patients Code Link-32.1-11, 32.1-325, 54.1-3408.	X
AIDS Drug Assistance Program (ADAP) Code Link-32.1-11,	X
Emergency Preparedness and Response Code Link-32.1-42, 32.1-43 et seq., 32.1-229,	X
HIV Counseling, Testing and Referral Code Link-32.1-37.2	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
COMMUNICABLE DISEASE SERVICES			
Foreign Travel Immunizations			
Other:			
CHILD HEALTH SERVICES			
Disabled disability Waiver Screenings DMAS MOA Code Link-32.1-330Other:			
Other			
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Other:			
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Nutrition Education			
Preventive Health Services			
Pre-Conception Health Care			
Other:			
MEDICAL SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
Community Education			
Other			

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
SPECIALTY CLINIC SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
DENTAL HEALTH SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
UNDER LOCAL ORDINANCE OR CONTRACT

Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department	Place an X in this column if service is provided for locality	Local ordinance code cite	Provide a brief description of local ordinance requirements
Water supply sanitation- Inspection of Water Supplies. Code Link- 15.2-2144 on local regulation			
Other Environmental – Identify services below			
Smoking Ordinances	X	Albemarle Code §7-307 Charlottesville Code § 24.1-11	Enforcement
Water Supplies and Sewer System	X	Albemarle County Code, Chapter 18, Section 4.1	Enforcement- Establishes minimum area requirements for original and replacement subsurface drainfields that are more restrictive than state regulations require
Location of Onsite Sewage Systems	X	Albemarle County Code, Chapter 18, Section 4.2.4	Enforcement – In support of Section 4.2(Critical Slopes), intent is to discourage onsite sewage systems on slopes of twenty (20) percent or greater
Types of structures, improvements and activities which may be allowed in a stream buffer by program authority	X	Albemarle County Code, Chapter 17, Section 600	Enforcement – In support of Chapter 17 (Stream Buffers), intent is to provide stream buffers in the development area, water supply protection area and rural area which require sewage disposal systems to be located a minimum of 100 horizontal feet from a perennial or intermittent stream and 200 horizontal feet from the flood plain of any public water supply impoundment. The applicable state regulations require a minimum of 50 horizontal feet.

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED UNDER
LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS

OPTIONAL PUBLIC HEALTH MEDICAL SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department. (identify services below)	Income A only	Local ordinance code cite, or contract number	All

Signature: Susan Fischer Davis
Susan Fischer Davis (Apr 1, 2023 19:54 EDT)
Email: susan.fischerdavis@vdh.virginia.gov

Electronic Signature Agreement Page

**STATEMENT OF AGREEMENT TO
PROCESS NEEDED SIGNATURES OF
THE VIRGINIA DEPARTMENT OF
HEALTH (VDH) LOCAL
GOVERNMENT AGREEMENT
ELECTRONICALLY**

VDH and The Albemarle County Board of Supervisors agree to use electronic signatures, as authorized in Title 59.1, Chapter 42.1 Uniform Electronic Transactions Act of the Code of Virginia.

Authorizing officer printed name and title

Authorizing officer signature

Robert W. Hicks
Acting Deputy Commissioner, Community Health Services
Virginia Department of Health

Robert W. Hicks
Authorizing signature

**AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND
THE ALBEMARLE COUNTY BOARD OF SUPERVISORS FOR FUNDING AND
SERVICES OF THE Blue Ridge HEALTH DEPARTMENT**

This agreement ("Agreement") for the services to be provided by the Blue Ridge Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and Blue Ridge Board of Supervisors (collectively "the Parties").

Albemarle County


The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Blue Ridge Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$997,390.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Albemarle County will provide by appropriation and in equal quarterly payments a sum of \$816,046.00 local matching funds and \$30,613.00 one-hundred percent local funds for a total of \$846,659.00 local funds for this fiscal year.

CWE
03.19.24

In addition, the Board of Supervisors has approved the Blue Ridge Health Department to carry forward \$0.00 in local matching funds for a total of \$816,046.00 matching funds and an additional \$0.00 in one-hundred percent local funds from the prior fiscal year closing locality balance.

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Blue Ridge Health Department, which shall perform public health services in Albemarle County as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2022. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

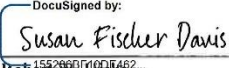

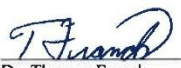
§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan , the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan , the legal representation of said employee by the city or county attorney, and, the Board of Supervisors of Albemarle County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

DocuSigned by:	
 Susan Fischer Davis	 Local authorizing officer signature
1552868710025462... XXXXXXXXXXXXXX Acting Deputy Commissioner Community Health Services Virginia Department of Health	Susan Fischer Davis Chief Deputy Commissioner, Community Health Services, VDH Authorizing officer printed name
5/22/2024 7:51:29 PM EDT Date	County Executive Authorizing officer title
 Dr. Thomas Franck District Health Director Blue Ridge Health District	5/10/23 Date
4/11/2023 Date	

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)
Local Government Agreement, Attachment A(2.)

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link- 32.1-122.03 ; State Health Plan Link Virginia Plan for Well-Being 2016-2020			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link- 32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link- 32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links- 32.1-35 , 32.1-39 , 32.1-43			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links- 32.1-36 , 32.1-36.1 , 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links- 32.1-49 , 32.1-50 , 32.1-50.1			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link- 32.1-77 , 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link- 32.1-77 , 42 U.S.C. 300 et seq., and 42 CFR Part 59\		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links-32.1-77, 32.1-89, 32.1-90			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links-32.1-65, 32.1-67, 32.1-68			X
Well child care up to age 18 Board of Health Code Link-32.1-77	X		
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link-32.1-11			X
Blood lead level testing Code Link-32.1-46.1, 32.1-46.2			X
Outreach, Patient and Community Health Education Code Link-32.1-11, 32.1-11.3,			X
Community Education Code Link-32.1-11, 32.1-23			X
Pre-school Physicals for school entry Code Link-22.1-270	X		
Services for Children with Special health care needs Title V, Social Security Act Code Link-32.1-77			X
Child restraints in motor vehicles Code Link-46.2-1095, 46.2-1097			X
Babycare, Child: DMAS MOA			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link-32.1-77		X	
Babycare, Maternal: DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.	
Investigation of communicable diseases: Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. <u>Code Links-32.1-35, 32.1-39</u>	X
Marinas: Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) <u>Code Link-32.1-246</u>	X
Migrant labor camps: Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). <u>Code Links-32.1 Chapter 6 Article 6</u>	X
Milk: Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). <u>Code Links- 3.2-5206, 3.2-5208</u>	X
Alternative discharging sewage systems: Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.). <u>Code Link-32.1-164</u>	X
Onsite sewage systems: Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. <u>Code Link-32.1-163</u>	X
Rabies: Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. <u>Code Link- 3.2-6500</u>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

Restaurants/eating establishments: Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- 35.1-14	X
Hotels/Motels: In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link-35.1-13	X
Wells: Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link-32.1-176.4	X
Homes for adults: The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
Juvenile Justice Institutions: Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-35.1-23	X
Jail inspections: Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-53.1-68	X
Daycare centers: At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
Radon Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link-32.1-229.	X
Summer camps/ Campgrounds: Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links-35.1-16, 35.1-17	X

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- 32.1-330	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- 2.2-5201 , 2.2-5211	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- 2.2-5305 , 2.2-5306	X
Vital Records Code Link- 32.1-254 , 32.1-255 , 32.1-272	X
Immunizations for maternity and post-partum patients Code Link- 32.1-11 , 32.1-325 , 54.1-3408 .	X
AIDS Drug Assistance Program (ADAP) Code Link- 32.1-11 ,	X
Emergency Preparedness and Response Code Link- 32.1-42 , 32.1-43 et seq., 32.1-229 ,	X
HIV Counseling, Testing and Referral Code Link- 32.1-37.2	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
COMMUNICABLE DISEASE SERVICES			
Foreign Travel Immunizations			
Other:			
CHILD HEALTH SERVICES			
Disabled disability Waiver Screenings DMAS MOA Code Link-32.1-330Other:			
Other			
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Other:			
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Nutrition Education			
Preventive Health Services			
Pre-Conception Health Care			
Other:			
MEDICAL SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
Community Education			
Other			

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
SPECIALTY CLINIC SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
DENTAL HEALTH SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
UNDER LOCAL ORDINANCE OR CONTRACT

Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department	Place an X in this column if service is provided for locality	Local ordinance code cite	Provide a brief description of local ordinance requirements
Water supply sanitation- Inspection of Water Supplies. Code Link- 15.2-2144 on local regulation			
Other Environmental – identify services below			
Smoking Ordinances	X	Albemarle Code §7-307 Charlottes ville Code § 24.1-11	Enforcement
Water Supplies and Sewer System	X	Albemarle County Code, Chapter 18, Section 4.1	Enforcement- Establishes minimum area requirements for original and replacement subsurface drainfields that are more restrictive than state regulations require
Location of Onsite Sewage Systems	X	Albemarle County Code, Chapter 18, Section 4.2.4	Enforcement – In support of Section 4.2(Critical Slopes), intent is to discourage onsite sewage systems on slopes of twenty (20) percent or greater
Types of structures, improvements and activities which may be allowed in a stream buffer by program authority	X	Albemarle Country Code, Chapter 17, Section 600	Enforcement – In support of Chapter 17 (Stream Buffers), intent is to provide stream buffers in the development area, water supply protection area and rural area which require sewage disposal systems to be located a minimum of 100 horizontal feet from a perennial or intermittent stream and 200 horizontal feet from the flood plain of any public water supply impoundment. The applicable state regulations require a minimum of 50 horizontal feet.

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED UNDER
LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS

OPTIONAL PUBLIC HEALTH MEDICAL SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department. (identify services below)	Income A only	Local ordinance code cite, or contract number	All

Item No. 8.3. Consideration of Permit Approval for Area Private Emergency Medical Services Agencies.

The Executive Summary as forwarded to the Board states that pursuant to Virginia Code § 32.1-111.14, the Board is authorized to grant permits to emergency medical services agencies (EMS agencies) to allow such agencies to provide medical services within Albemarle County. Permits for commercial EMS agencies, as distinguished from volunteer companies in the Coordinated Fire and Rescue System (Coordinated System), are not contemplated in the cost recovery framework addressed in County Code Section 6-502. A permit granted by the Board pursuant to Virginia Code § 32.1-111.14 for private EMS agencies would allow these agencies to provide services to residents of Albemarle County that are not routinely provided by ACFR and the Coordinated System. Further, a permit granted by the Board is required for these agencies in their regulatory compliance with the Virginia Department of Health Office of Emergency Medical Services (OEMS).

In Fall 2022, two private EMS agencies reached out to County staff to inquire about obtaining a permit so that they might station ambulances in Albemarle County to provide non-emergency transport services in response to calls within the County. Non-emergency medical transport (NEMT) is non-urgent, medically supported transport that is generally pre-scheduled. NEMT services are usually intended for medical appointments or other forms of non-emergent care.

ACFR staff, upon receiving these requests, consulted with County Attorney staff to develop a permitting process that would enable commercial EMS agencies to operate in the County. Commercial

EMS agencies that wish to be permitted in Albemarle County must complete the EMS Agency Permit Application.

The application process involves the following checks:

- Agency's Virginia OEMS license is current;
- Agency certifies vehicle liability insurance through its application to OEMS; and
- Agency is in good standing with the Virginia SCC.

The following applications have been received, reviewed, and processed by ACFR for the operation of NEMT services:

- Delta Response Team
- Kiwi Emergency Medical Services

Issuing permits for these agencies to provide non-emergency medical transport services will have no budget impact, as ACFR does not provide these services.

Staff recommends that, after the public hearing, the Board issues permits to allow Delta Response Team and Kiwi Emergency Medical Services to provide non-emergency medical transport services within the County.

By the above-recorded vote, the Board authorized the Clerk to schedule a future public hearing to consider issuing permits to allow Delta Response Team and Kiwi Emergency Medical Services to provide non-emergency medical transport services within the County.

Item No. 8.4. SE202200071 and SE202200072 Little Explorers Discovery School.

The Executive Summary as forwarded to the Board states that the Applicant proposes two special exceptions associated with the Little Explorers Discovery School site plan:

- 1. SE202200071 Parking Lot Aisle Width Reduction**
To modify County Code § 18-4.12.16(c)(3), which requires a minimum aisle width for 60-degree angled parking of 16 feet, to reduce aisle width in two locations to 14 feet and 15 feet, for a one-way travel aisle (as shown on proposed plans).
- 2. SE202200072 Sidewalk and Street Tree Modification**
To modify County Code §18-20B.7, which requires a minimum eight-foot-wide sidewalk, to reduce the sidewalk width to six feet. A grass strip three-feet wide would be provided adjacent to Tabor Street, and street tree requirements met on-site behind the sidewalk.

Staff recommends that the Board adopt the attached Resolutions (Attachments D and E) to approve the proposed special exceptions.

By the above-recorded vote, the Board adopted the Resolutions (Attachments D and E) to approve the proposed special exceptions:

**RESOLUTION TO APPROVE
SE202200071 LITTLE EXPLORERS DISCOVERY SCHOOL PARKING LOT**

WHEREAS, that, upon consideration of the staff reports prepared in conjunction with the special exception proposal and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.12.2(c), 18-4.12.16(c)(3), and 18-33.9, the Albemarle County Board of Supervisors hereby finds (i) that the public health, safety or welfare would be equally or better served by the proposed modification and (ii) that the proposed modification would not otherwise be contrary to the purpose and intent of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, the Albemarle County Board of Supervisors hereby approves SE202200071 Little Explorers Discovery School Parking Lot to modify Albemarle County Code § 18-4.12.6(c)(3) and reduce the required 16 feet parking lot aisle width in two locations to 14 and 15 feet, subject to the condition attached hereto.

* * *

SE202000071 Little Explorers Discovery School Condition

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plan titled "Little Explorers Discovery Preschool Final Site Plan Site Layout," prepared by Woolly Engineering and dated December 14, 2022. To be in general accord with the Conceptual Plan, development and use must reflect the location and configuration of proposed parking area and travel aisles shown on the Conceptual Plan, which are essential to the development's design.

Minor modifications to the plan that do not otherwise conflict with these essential elements may

be made to ensure compliance with the Zoning Ordinance.

* * * * *

**RESOLUTION TO APPROVE
SE202200072 LITTLE EXPLORERS DISCOVERY SCHOOL
SIDEWALK AND STREET TREES**

WHEREAS, that, upon consideration of the staff reports prepared in conjunction with the special exception proposal and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-20B.7, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- i. There are unusual physical conditions on the lot or an adjoining lot that make it impossible or unfeasible to provide the required sidewalk and/or street trees as provided in Albemarle County Code § 18-20B.7(A) and (C); and
- ii. The strict application of the requirements of Albemarle County Code § 18-20B.7(A) and (C) would not further the purposes of the Zoning Ordinance or the Downtown Crozet District or otherwise serve the public health, safety, or welfare or achieve the goals established in the comprehensive plan.

NOW, THEREFORE, BE IT RESOLVED, the Albemarle County Board of Supervisors hereby approves SE202200072 Little Explorers Discovery Sidewalk and Street Trees to modify Albemarle County Code § 18-20B.7(A) and (C) in general accord with the submitted Conceptual Plan, subject to the condition attached hereto.

* * *

SE202000072 Little Explorers Discovery School Condition

- 1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plan titled "Little Explorers Discovery Preschool Final Site Plan Site Layout," prepared by Woolly Engineering and dated December 14, 2022. To be in general accord with the Conceptual Plan, development and use must reflect the location and dimensions of the proposed sidewalk and grass strip shown on the Conceptual Plan, which are essential to the development's design.

Minor modifications to the plan that do not otherwise conflict with these essential elements may be made to ensure compliance with the Zoning Ordinance.

Item No. 8.5. SE 2023-12 North Fork UVA Discovery Park - Critical Slopes Special Exception.

The Executive Summary as forwarded to the Board states that this property is zoned Planned Development Industrial Park (PDIP). County Code § 188.5.5.2 authorizes site plans in Planned Districts to be reviewed under either the ordinance in effect at the time of submittal of a site plan or the ordinance in effect at the time of establishment of the district. The applicant has chosen to have the application reviewed under the ordinance (specifically, County Code § 18-4.2) in effect at the time of establishment of the district (in this case, March 10, 2010). The applicant is requesting a special exception to allow disturbance of critical slopes in Block B-5 of the North Fork UVA Discovery Park.

The review of this request is included as Attachment A.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the proposed special exception to allow the disturbance of critical slopes in Area B-5 of the North Fork UVA Discovery Park.

By the above-recorded vote, the Board adopted the Resolution as presented in Attachment B to approve the proposed special exception to allow the disturbance of critical slopes in Area B-5 of the North Fork UVA Discovery Park:

**RESOLUTION TO APPROVE
SE 2023-12 NORTH FORK UVA DISCOVERY PARK – CRITICAL SLOPES SPECIAL
EXCEPTION**

WHEREAS, upon consideration of the staff report prepared for SE 2023-12 North Fork UVA Discovery Park - Critical Slopes Special Exception, the information presented at the public hearing, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 184.2.5(a)(3) and 18-8.5.5.2, the Albemarle County Board of Supervisors hereby finds that the proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and that:

- 1. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of Albemarle County Code § 18-4.2 to at least an equivalent degree; and
- 2. Granting the special exception would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SE202300012 North Fork UVA Discovery Park - Critical Slopes Special Exception to waive Albemarle County Code § 18-4.2.3(b), subject to the conditions attached hereto.

* * *

SE 2023-12 North Fork UVA Discovery Park - Critical Slopes Special Exception

1. Disturbance is limited to those critical slopes shown in area B-5 on the plans prepared by Timmons Group and LPDA titled "North Fork ZMA," dated 2/3/2023.
2. Disturbed areas of critical slopes must meet the required design standards of County Code § 18-30.7.5.

Item No. 8.6. Board to Board, March 2023, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information**.

Agenda Item No. 9. **Action Item:** SE202200065 Greenfield Short Term Rental Homestay.

The Executive Summary as forwarded to the Board states that the applicant is requesting a special exception for a homestay at 225 Starcrest Road.

Increase Number of Guest Bedrooms. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting to modify County Code 18-5.1.48(c)(1)(iii) to increase the maximum number of guest rooms for sleeping for a homestay use.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception.

Ms. Lea Brumfield, Senior Planner II, said that she was returning with a modified request. She said this was originally presented to the Board on March 1, 2023. She noted that the term "bedroom" would be used to refer to a "guestroom for sleeping", which was the term used in the homestay regulations. She said that the term "bedroom" was not limited to the legal real estate definition of a bedroom.

Ms. Brumfield said that at the applicant's request, an exception for a three- or four-bedroom short-term rental was made. She noted that while the applicant preferred a four-bedroom as outlined in the original staff report, a three-bedroom would be preferable to keeping a two-bedroom, which was the current permitted use. She said that the applicant currently had a by-right homestay use with two guestrooms, and there had been no complaints since the beginning of operations in 2022.

Ms. Brumfield said that at the last Board meeting on the item, there were concerns about the number of parking spaces available to guests, that the parking for four guestrooms was not realistic on the site, and that guests may disregard the County requirement for guests to park only on the property and not on the street. She said that the applicant provided photos showing multiple cars fitting in the driveway.

Ms. Brumfield said the Board also expressed concerns over the advertisement of the loft bedroom, which would require a guest to walk through one bedroom to access it. She said they confirmed with the building official that there were no safety concerns or building official restrictions on bedrooms only accessible through another bedroom.

Ms. Brumfield said that one question posed at the end of the March discussion was whether the Board could approve a four-bedroom homestay with a condition limiting the number of vehicles to only two. She said they consulted the County Attorney's Office on the question.

Mr. Bart Svoboda, Zoning Administrator, said they did not want to expand the ordinance when considering conditions of approval. He said they did not want to change parking regulations, which would be required to limit the parking. He said in staff's analysis, to limit traffic, they would limit the number of bedrooms and would stick with the regular parking requirements.

Mr. Svoboda said that the code did not have any extra requirements for bedrooms only accessible through another bedroom. He said that the safety process, such as exits for each room, was considered during the application review.

Mr. Andrews said that he was concerned about the number of cars.

Mr. Gallaway said that he supported the original application. He said that when they created the homestay, it was about limiting the impact, which included removing parking from the street. He said that if homestay operators were reliant on the use for income, then they would likely follow the regulations so as not to lose their income. He said they had to remain clear on objective criteria for homestays, and they should not be discussing the minutiae of the interior layout. He said that he would support the item.

Ms. LaPisto-Kirtley said she was concerned about the parking situation, especially in emergencies. She said that she was concerned about the number of bedrooms and how they would be advertised. She said she would support the by-right use of two bedrooms and the associated parking.

Ms. Brumfield clarified that there were three separate bedrooms, and the fourth bedroom would be a loft bedroom which required access from another bedroom. She said that the applicant maintained her own living space in the basement.

Ms. LaPisto-Kirtley requested to view the floor plan.

At 1:42 p.m., Ms. Price announced that Ms. McKeel had joined the meeting.

Ms. Brumfield provided an overview of the floor plan. She said three bedrooms met the real estate definition for bedroom in addition to the owner's space in the basement.

Ms. Mallek said that she appreciated sticking with the ordinance that they adopted, and that she didn't think emergency response would have an issue with access, the driveway, and the number of vehicles. She clarified that there was a registry and a three-strike rule, so they would need to follow the rules if they wanted to continue.

Ms. Price clarified that each bedroom required a parking space, and two spaces were required for the owner.

Ms. Brumfield explained it was a minimum of two spaces for all single-family dwellings. She said that the two parking spaces did not have to be provided onsite, but in this case, they were.

Ms. Price clarified that if four bedrooms were approved, there would have to be sufficient onsite parking for six vehicles, and if three were approved, there would have to be space for five vehicles, and if there were two bedrooms, it would be four vehicles.

Ms. Brumfield said that was correct.

Mr. Andrews said that there was a by-right for two, and there had not been any complaints. He said it would be appropriate to increase the permitted use to three bedrooms. He said that six vehicles was a lot to park in one place.

Mr. Gallaway said that he was supportive of the item. He noted that there were no parking restrictions on personal visits or events. He said that the use was restricted for homestays to lessen the impacts of the business on the neighborhood.

Ms. LaPisto-Kirtley said she would support three bedrooms.

Ms. Mallek said she would support three or four bedrooms.

Ms. McKeel said she had concerns regarding the parking. She said she would support three bedrooms.

Ms. Price said she had concerns about four bedrooms, not as much with three.

Ms. Price said the floor was open if a Supervisor wanted to make a motion to approve the maximum number of bedrooms that the applicant requested, which was four.

Mr. Gallaway **moved** the Board to approve the special exception for four bedrooms.

Ms. Mallek **seconded** the motion. Roll was called and the motion failed by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. McKeel, and Ms. Mallek.

NAYS: Ms. LaPisto-Kirtley and Ms. Price.

Mr. Rosenberg advised the Board to amend the motion to explicitly reference the approval of the resolution and number of bedrooms.

Mr. Herrick advised the Board adopt Attachment F, as amended, to allow for four guestrooms.

Mr. Gallaway **moved** the Board amend the motion to adopt the attached Resolution (Attachment F), as amended to allow for four bedrooms.

Ms. Mallek **seconded** the motion. Roll was called and the motion failed by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. McKeel, and Ms. Mallek.

NAYS: Ms. LaPisto-Kirtley and Ms. Price.

**RESOLUTION TO APPROVE
SE2022-00065 GREENFIELD SHORT TERM RENTAL HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2022-00065 Greenfield Short Term Rental Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the proposed special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the Greenfield Short Term Rental Homestay, the Albemarle County Board of Supervisors hereby approves the special exception to increase the maximum number of guest rooms used for sleeping with a homestay use from two to three.

Agenda Item No. 10. **Work Session:** VDOT/Albemarle County FY 24-29 Secondary Six-Year Plan.

The Executive Summary as forwarded to the Board states that this agenda item is intended to present information on the Albemarle County Secondary Six-Year Plan (SSYP) and road paving priorities in advance of the development and approval of the FY 2024-2029 SSYP in May 2023.

The SSYP allocates funding for construction, maintenance, and improvement of roads in the state secondary system. The funds allocated to Albemarle County through the SSYP include state and federal funds for a variety of road improvement programs. The SSYP for Albemarle County is updated and approved annually and identifies the specific funding source, use, and levels allocated for the immediate fiscal year. The SSYP also identifies projected funding allocations for the next five fiscal years. The Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads is a listing of all Secondary Roads that either the public, a county department, or the Board of Supervisors have requested be paved. This list is reviewed and approved by the Board annually and forms the basis of the SSYP for Albemarle County.

The Secondary Six-Year Plan Report April 2023 (Attachment A) provides more detailed background on the SSYP. This report is used to inform the development of the SSYP Draft. The Draft Secondary Six-Year Plan (Attachment A.1) from VDOT provides price projections and fund allocations for projects in the SSYP. The report provides recommendations for projects and the methodology for project ranking. Attachment A.2 provides the Albemarle County Unpaved Road Policies and Review Process, which is used to develop the SSYP Draft. The Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads (Attachment A.3) is a list organized by staff that ranks upcoming paving projects including those that have been added to the paving list by the Board but still need signature approval, or projects that were requested by a community member that received enough signatures and now need Board approval in order to be formally added to the SSYP.

In its discussion, the Board may recommend any changes that should be made to the Draft SSYP. County staff will use the feedback and continue to work with VDOT to finalize the SSYP for public hearing and adoption in May.

The SSYP outlines the expenditure of State/VDOT secondary road construction funds allocated to the County. The SSYP does not require the expenditure of County funds, unless the Board directs additional funding be appropriated to a project.

Staff recommends that the Board review the Draft Secondary Six-Year Plan Report and provide feedback on changes in advance of Board action in May 2023..

Ms. Jessica Hersh-Ballering, Principal Planner, said the secondary six-year plan (SSYP) was a document which applied to roads in the secondary system. She explained that secondary system roads tended to connect local destinations and were labeled with a route number of 600 or higher. She explained secondary roads differed from primary roads, which tended to connect cities and towns to each other.

Ms. Hersh-Ballering said the purpose of the SSYP was to identify the funding allocated to the County for the secondary road system for the next fiscal year, and it estimated the available funding for the next five fiscal years. She said the funding programs included in the SSYP were telefee and district grant unpaved funds. She explained that telefee was funded through the fees utility companies paid to have their infrastructure within the VDOT right-of-way. She said telefee funds could be used for a broad range of secondary road improvements. She said the district grant unpaved funds was a larger funding source, but it could only be used for the hard surfacing of unpaved, secondary roads.

Ms. Hersh-Ballering said that between the two programs, there was \$1 million available to the County for FY 24. She said that because most of the money was from the district grant unpaved funds

program, most of the funds were for paving unpaved roads. She said the SSYP document listed specific County projects which would receive funding from the funding sources. She noted that the document was updated and adopted annually by the Board.

Ms. Hersh-Ballering said the plan was informed by the County priority list for secondary road improvements of unpaved roads. She said the process for determining how roads were added to the list was guided by the County unpaved road policies and review process. She said that the policy document was last updated in May 2022. She said that a major change in that update was that requests to pave an unpaved road had to be supported by a petition signed by 2/3 of the property owners along the roadway.

Ms. Hersh-Ballering said that any request for paving added to the priority list before the May 2022 update still required a petition signed by 2/3 of property owners along the road to be added to the SSYP. She said that there were several letters prepared to be sent to the individuals who originally requested road paving before the May 2022 update, and the letter would inform people of the changes in policy and specify the deadline for submitting the petition.

Ms. Hersh-Ballering said there were two main options for paving unpaved roads in the County. She said that there was traditional reconstruction with additional right-of-way, which was done if significant improvements to the roadway were needed or if significant development was expected in the area in the near term. She said that with traditional reconstruction, a minimum 40-foot right-of-way was typically required.

Ms. Hersh-Ballering said that there was the rural rustic road paving program. She said if the roadway did not require significant improvements and the other criteria were met, the rural rustic road paving program was preferred. She said that the program maintained the character of the rural area, minimized the impacts to adjacent properties, and it was more cost effective. She said that the Board had previously determined that all roads which qualified for this program should be prioritized over projects that would use the traditional reconstruction program.

Mr. Alberic Karina-Plun, Transportation Planner, said for the draft FY24–FY29 SSYP recommendations, Arrowhead Valley Road, Blenheim Road, and Sutherland Road have the required 2/3 signatures, and they were new additions to the rural rustic list, so signatures were needed before being added on to the list. He said Beam Road, Stoney Point Pass East and West, and Old Dominion Road had been on the list for years as prioritized projects, but they still required signatures.

Mr. Karina-Plun said that if the Board approved the draft of the SSYP, property owners on those aforementioned roads would be sent notification letters. He said if they were on one of the roads with signatures already collected, they would be notified of what was happening and provided contact information to voice opposition or ask other questions. He said people who lived on roads without the required signatures would be notified with instructions on how to show support for paving and what was required.

Mr. Karina-Plun said they would return for a public hearing on the SSYP on May 17. He said that they would require a resolution for the SSYP and for each road on the priority list. He said that if the Board approved the resolutions, VDOT would be able to begin work. He said Burnt Mill Road, Hammocks Gap Road, Red Hill School Road, and Harris Creek Road had been paved as of fall 2022. He said Coves Garden Road would be completed in the spring.

Mr. Karina-Plun said Berkmar Drive Extended had been funded through telefee and Revenue Sharing funds. He said the road would connect to Airport Road and Lewis and Clark Drive at a roundabout. He said the project kickoff meeting was held with the design team, VDOT, and County staff. He said that a shortfall in funding was identified, and staff was working with VDOT on how to address the shortfall. He said that they had received an updated draft of the SSYP with a new cost estimate for Berkmar Drive of \$17 million. He said telefee funding would be used for the next five years to fund the project.

Mr. Karina-Plun said staff was requesting feedback from the Board. He asked if the Board supported the proposed additions to the SSYP and the Albemarle County Priority List for Secondary Road Improvements – Unpaved Roads. He asked if the Board supported using telefee funding to close the funding shortfall for Berkmar Drive Extended.

Mr. Andrews asked for clarification about telefee funds.

Mr. Karina-Plun explained that the telefee funds were fees collected by VDOT from companies which located transmission lines in the VDOT right-of-way.

Mr. Andrews asked if the telefee funds were sufficient to close the funding gap for Berkmar Drive Extended.

Mr. Kevin McDermott, acting Planning Director, said that they were still working on how to address the Berkmar Drive Extended funding shortfall. He said they received an updated cost estimate, which was significantly higher than the initial cost estimate. He said that the initial cost estimate was fully funded through 2025 with Revenue Sharing and telefee funds. He said to close the funding gap, it was suggested to use the rest of the telefee funds from the SSYP, but it would not be quite enough to cover the full \$17 million cost.

Mr. Andrews clarified that someone had to respond to the notice to be added to the signature petition.

Mr. Karina-Plun said yes.

Mr. Gallaway said a resident had brought up concerns about the condition of Reas Ford Lane. He said that the road was gravel, and that when it rained, there would be problems. He said drainage could be solution. He noted that VDOT had reviewed the road, and they did not approve it for the rural rustic road program. He said that the width was problematic in places. He said that he had taken his concern directly to VDOT and asked what he needed to do to have the County look into improvements for the road.

Mr. McDermott said they would confirm that the concern had been reviewed by VDOT, and they would discuss the best way to address the issue. He said that maintenance funds and a regular maintenance schedule was the next best option if residents did not want the road to be paved.

Mr. Gallaway said that he understood that the Berkmar Extension costs had increased, but that it was an important parallel road, and there were some big development projects coming out there, and he appreciated staff's efforts to keep working to figure that out.

Ms. LaPisto-Kirtley asked if gravel and chip and tar were the same.

Mr. Karina-Plun said that they were different.

Mr. McDermott said they were different. He explained that a chip and tar was similar to a hard surface. He said they could follow up with the Board with more information.

Ms. LaPisto-Kirtley clarified that a 40-foot right-of-way was required to pave a road.

Mr. McDermott said that was the width of the right-of-way, and the actual hard surface of the pavement was different.

Ms. LaPisto-Kirtley clarified only a portion of Hammocks Gap Road was paved.

Mr. Karina-Plun responded only a portion of the road was completed. He said last summer, he visited the area with a VDOT representative and a resident on the road to evaluate the remainder of the road to determine if it would qualify for the rural rustic program. He said there were places where the road was too narrow, or the grade was not good enough. He said that VDOT would not be able to complete the road under the current rural rustic guidelines. He said if residents wanted the last section of Hammocks Gap Road paved, it would be a different type of project.

Ms. LaPisto-Kirtley clarified the remainder of the road could be paved under a different program.

Mr. Karina-Plun said if paving were to happen, it would have to be completed under a different program since it did not qualify for the rural rustic program.

Ms. LaPisto-Kirtley asked if the narrow areas would be widened if it were approved under a different program.

Mr. Karina-Plun responded yes. He said that VDOT required 18 feet of roadway width to allow two vehicles to pass safely.

Ms. LaPisto-Kirtley asked if hard paving meant gravel, tar and chip, or regular paving.

Mr. Karina-Plun responded it meant regular paving.

Ms. LaPisto-Kirtley clarified that the entirety of Stony Point Pass would be paved.

Mr. Karina-Plun responded yes. He said the road was separated into two projects; east and west.

Mr. McDermott said that Stony Point Passs was only getting paved on the two ends, and the central part as it went over the mountain would remain unpaved because it did not meet the clearance width requirements.

Ms. LaPisto-Kirtley clarified that Turkey Sag Road was not being entirely paved.

Mr. McDermott said that was correct. He said that the edges of the road were paved, but there were no other paving projects.

Ms. Mallek said she supported using telefee funds for Berkmar Extended until 2040 if that was what it took. She asked if that meant that they could get going with the project and just know that the future income would be set aside.

Mr. McDermott responded yes. He said they were moving forward with design because of the existing funding. He said he wanted to have the project completed before 2029.

Ms. Mallek asked for an update on the Board's discussion in the fall regarding the unpaved roads. She said that other localities in the state were using the funds to improve drainage. She requested more information about potential road improvements for Reas Ford Lane, which was flat, resulting in poor drainage and recurring potholes. She encouraged staff to be neutral when inviting residents who lived on the roads for their input. She said that Rio Mills was still listed as a paving project, and she thought that could be erased.

Ms. McKeel noted that Berkmar Drive Extended was critical to UVA. She asked whether there had been outreach to UVA.

Mr. McDermott said that UVA Foundation was aware of the funding shortfall.

Ms. McKeel asked if the state would increase the funding in response to the increased costs.

Mr. McDermott said that they had not received confirmation from the state that they would increase funding. He said that it had been implied that the state was willing to add additional funding to several projects to make up for the change based on inflation.

Ms. McKeel said that the Board should consider a similar item for the legislative packet to address inflation costs.

Ms. Mallek clarified whether legislation was necessary to apply additional funding.

Mr. McDermott said that he was not sure if it was a legislative issue or if it was discretionary of the Commonwealth Transportation Board (CTB) to provide the funding. He said VDOT had discussed possibly covering the inflation costs for projects across the state, but there had been no final confirmation. He said that the projects would likely be SMART SCALE projects and Revenue Sharing projects.

Ms. Mallek confirmed that this would be a Revenue Sharing project.

Mr. McDermott said that was correct.

Ms. Price noted that telefee funding was projected to be the same for six years, and she asked if telefee funding would increase if infrastructure increased.

Mr. McDermott responded telefee funds could increase. He said that in the draft SSYP, the projected telefee funds were only estimates, so the figures were likely to change. He said that funding had increased. He explained that it was a statewide funding pool.

Ms. Price confirmed that the County would not receive the gross benefit from the increase from the infrastructure in Albemarle County, we would get some portion of that.

Mr. McDermott said that was correct.

Ms. Price requested information about the previous five years of telefee funding. She asked if it was similar with the district grant unpaved, where the projection increased in the third year, then were consistent going forward from there.

Mr. McDermott said he was not sure, and that he could look into it. He said they received those numbers from the Culpeper District.

Ms. Price said that the Berkmar Drive Extended project was one of the most important in the County. She noted that road paving was controversial in the community, and it caused challenges to improve infrastructure without dramatically changing the nature of the environment. She requested an update on the status of four roads in the Scottsville District which overlapped into the Samuel Miller District.

Ms. McKeel said that the UVA Foundation should contribute funding to the road projects.

Mr. Doug Walker, Deputy County Executive, noted that staff had received the feedback they needed. He noted it was Mr. Karina-Plun's first presentation before the Board.

Agenda Item No.11. **Presentation:** Transportation Planning Quarterly Report.

Ms. Hersh-Ballering, Principal Planner, said that her report would cover the months of January through March 2023, and that she would begin with the SMART SCALE update. She said that in August 2022, 12 projects were submitted by the County, TJPDC, and the Charlottesville-Albemarle MPO. She said in January, VDOT released project scores, rankings, and the recommended funding scenario for the round of SMART SCALE. She said that the highest ranked projects for the district and state were included in the recommended funding scenario.

Ms. Hersh-Ballering said projects in the recommended funding scenario were not guaranteed to be funded, which would happen in June when the CTB would release the consensus funding scenario, which was the final and official list of funded projects. She said that SMART SCALE funding scores are a ratio of project benefit to project cost and that funding for SMART SCALE was accessed through two

main paths. She said one was the district grants program (DGP), which had to be submitted by the County, and competed only against other projects in the County's VDOT district. She said the second was the high priority projects program (HPPP), which could be submitted by the County, the MPO, and other entities, and competed against all of the other projects in the state. She said that they did not typically specify the funding source when projects received SMART SCALE funding, but it did have an impact on what and how much was funded.

Ms. Hersh-Ballering said Belvedere Boulevard and Rio Road intersection improvements, US 250 and Peter Jefferson Parkway intersection improvements and park-and-ride, and Avon Street bike and pedestrian improvements were recommended for HPPP funding in the recommended funding scenario. She said that the highest ranked project was the Avon Street bike and pedestrian improvements from Druid to Avon Court, which was submitted by the MPO. She said that the project was ranked 54 among all projects in the state, and it was recommended for funding.

Ms. Hersh-Ballering said the second highest ranked project was US 250 and Peter Jefferson Parkway intersection improvements and park-and-ride, which was submitted by TJPDC. She said that the project was ranked 92, and it was recommended for HPPP funding. She said the third highest ranked project was the Hydraulic Road and District Avenue roundabout, which was submitted by the MPO. She said the project was ranked 130 for HPPP funds, and it did not make the cutoff, so it was not recommended for funding.

Ms. Hersh-Ballering said the fourth highest rated project was the Belvedere Boulevard and Rio Road intersection improvements, which was submitted by the County. She said the SMART SCALE rank for the project was 132, which did not meet the HPPP cutoff. She said that the project was ranked 13 for the VDOT district, and it qualified for DGP funds.

Ms. Hersh-Ballering said the VDOT Project Pipeline (VPP) program was designed to develop a pipeline of high priority projects that address VTrans (Virginia state-wide Transportation Plan) needs and may be considered for implementation through SMART SCALE, Revenue Sharing, or other funding mechanisms. The program was about to begin two studies in the County. She said the US 29 – US 250/Ivy Road & Old Ivy Road study was intended to identify a suite of projects to address a variety of transportation concerns along the Old Ivy corridor, the Ivy Road corridor, and the US 29 and US 250 interchange. She said that the proposed triangle-roundabout for Old Garth Road was on hold until the study was complete.

Ms. Hersh-Ballering said the second VPP program study would evaluate the Barracks Road corridor. She said the study was used to identify projects to address transportation concerns, including pedestrian, bicycle, and transit access along Barracks Road between Georgetown Road and Emmet Street.

Ms. Hersh-Ballering said the Three Notch'd Trail shared use path master plan project would be funded by a RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant. She explained the grant had been awarded, but they had not signed the agreement with FHWA (Federal Highway Administration). She said the County had submitted a draft agreement to FHWA, and they planned to issue an RFP (Request for Proposal) for consultants late in the first quarter of the next fiscal year, and work on the project would begin shortly after that.

Ms. Hersh-Ballering said the Lambs Lane Campus/Hydraulic Road study was led by FES (Facilities and Environmental Services Department) with support from Transportation Planning, and Schools. She said a consultant had been hired to complete the study which would result in 30% design for the on-campus loop-road and conceptual design for the intersection, bicycle, and pedestrian improvements to the Hydraulic Road corridor. She said funding for the study was from the Board's strategic reserve, and the timeline should allow Transportation Planning staff to submit an application for the next round of Revenue Sharing to fund the loop-road construction. She said Revenue Sharing preapplications were due in July, and final applications were due in October.

Ms. Hersh-Ballering said consultants were completing the final concept package for the promenade design of the Free Bridge Lane conceptual design project. She said a cost estimate for full implementation would be included. She said they were working on developing the promenade pilot program and would return to the Board when they were ready to implement that program.

Ms. Hersh-Ballering said the Route 20 shared use path conceptual design project had completed a site visit and the first of two stakeholder meetings. She said stakeholders included representatives from Monticello, VDOT, MPO (Metropolitan Planning Organization), and the Charlottesville Area Tree Stewards. She said City and PVCC (Piedmont Virginia Community College) staff were invited but unable to attend. She said the project would follow a similar process to the Free Bridge Lane project. She said consultants were developing the two different conceptual designs, and staff would share the designs with the public and the Board, and they would use the feedback to develop a final concept package.

Ms. Hersh-Ballering said in round four of SMART SCALE the MPO submitted an application to approve the Fontaine Avenue/Route 29 interchange with an estimated cost of \$12 million. She said the improvements would replace the existing, unsignalized diamond interchange with a partially displaced left-turn. She said there had been concerns from stakeholders, including UVA, that the displaced left-turn design would not meet the long-term growth needs. She said the County staff were working to determine the next steps.

Ms. Hersh-Ballering said transportation planning staff was awarded a Safe Routes to School

Walkabout mini-grant for Woodbrook Elementary School. She said that at the end of the grant, the Safe Routes to School staff would make recommendations for improvements to the active transportation infrastructure and programming for Woodbrook, and they would identify potential funding sources.

Ms. Hersh-Ballering said staff was in the process of updating the priority list of potential transportation projects, and they would return in June to present the prioritization methodology and the draft rankings for the proposed transportation projects.

Ms. Hersh-Ballering said staff continued to work on the multimodal transportation plan, a component of the Comprehensive Plan update.

Ms. Hersh-Ballering said that they would submit the next round of Revenue Sharing submissions in FY 24. She explained Revenue Sharing projects could receive up to \$10 million per project, and applications required an equal local match. She said they planned to submit an application for the Lambs Lane Campus loop-road, and they would seek additional funding for projects which had previously received Revenue Sharing funds but required additional funding to be completed. She said they were preparing competitive applications for the projects.

Ms. Hersh-Ballering said Transportation Planning staff attended RTP (Regional Transportation Partnership) meetings, and there were recent meetings in January and March. She said the RTP had been working on the Regional Transit Governance study. She said there was a presentation and discussion of peer cities which had effectively implemented transit or transportation authorities. She said they continued to work to install a transit shelter at the Northside Library.

Ms. Hersh-Ballering said there had been progress on transit shelters for Commonwealth Drive. She said the Commonwealth Drive pedestrian improvements was an ongoing Revenue Sharing project which planned to construct several transit shelters in the VDOT right-of-way. She said that Charlottesville Area Transit (CAT) had several shelters on-hand which could be installed as part of the project. She said the location and design of the shelters had to be approved and undergo the same permitting process as a building.

Ms. Hersh-Ballering said CAT released an RFP for a microtransit service provider, and staff would return before the Board during the summer with a more significant update.

Ms. Hersh-Ballering showed a slide that listed the development projects that staff had spent a lot of time working over the last quarter.

Ms. Hersh-Ballering said there had been several requests for pedestrian and bicycle infrastructure, crosswalks, sidewalks, and bicycle lanes. She said that there would be a high-visibility crosswalk installed at the intersection of Old Trail and Bishop Gate and at Whitewood Road. She said Commonwealth Drive would have shared lane markings installed. She said the slide included the speeding and safety concerns staff had heard about.

Mr. Andrews asked if there was an update on the surveys regarding the SMART SCALE process.

Ms. Hersh-Ballering explained the surveys were administered by VDOT with the intention of using the results to improve the SMART SCALE process. She said they would follow up with the Board if there was more information.

Mr. Gallaway clarified that the Belvedere Rio Road project scored highly in SMART SCALE because it was a smaller project cost. He said that he was still interested in the lighted intersection and wanted to make sure that was part of the project ahead of time. He asked for clarification about the timeline for the triangle-roundabout project.

Ms. Hersh-Ballering said that she would get back to him about that, but the intersection was a VDOT priority, so it should start shortly.

Mr. Gallaway noted residents who live south of Airport Road had expressed concerns about pedestrian safety to get across to Lewis and Clark Drive. He suggested installing pedestrian safety improvements before the Berkmar Drive Extended improvements.

Ms. Mallek expressed concern about pedestrians trying to cross 4 lanes on each side where Timberwood looped around by Laurel Hill Church, especially with the cut-through traffic. She clarified that all of the shared use path options for Route 20 were to the east.

Ms. Hersh-Ballering responded that they left the scope open for the consultant. She said they had clarified that the County's intention with the beginning of the study was to look at the eastern side of the roadway because there were fewer ramps to cross.

Ms. Mallek requested that staff look into the Fontaine rezoning proffers that included substantial financial investments in lights on Fontaine Avenue.

Ms. McKeel clarified that the Ivy Road and Old Ivy Road pipeline project would be submitted for a SMART SCALE application in March 2024. She asked if they would evaluate the Barracks Road exit from the Route 250 Bypass.

Ms. Hersh-Ballering responded that the scope of the study included the Barracks Road corridor between Georgetown Road and Emmet Street and the interchange.

Ms. McKeel asked if they would reconsider the Hydraulic Road/District Avenue roundabout.

Ms. Hersh-Ballering said they would still consider it a high priority for the County, but the highlighted projects were part of the recommended funding scenario, not the officially funded list.

Ms. McKeel said that bus shelters built in the VDOT right-of-way were considered a house without a bathroom or kitchen, and they currently had to be reapproved annually.

Agenda Item No.12. **Presentation:** Virginia Department of Transportation (VDOT) Quarterly Report.

Ms. Carrie Shephard, Charlottesville Residency Administrator, said the Route 240/Route 250 roundabout had an advertisement date of winter 2024, but they were working to include it in a bundle of the 5th Street roundabout, the John Warner Parkway/Rio Road roundabout, and Route 53/Route 20 roundabout. She said bundling the projects would increase savings and efficiency.

Ms. Shephard said that the Route 250/Route 20 intersection improvements were combined with the Route 250 east corridor improvements, and the advertisement date was fall 2026. She said the advertisement dates had fallen for several projects due to the adjustment for inflation. She said that as funding became available, they would try to accelerate any project when possible.

Ms. Shephard said the Route 667 Catterton Road bridge replacement over Piney Creek had been awarded, and the final design was being reviewed. She said the closure had a contractual limit of 40 calendar days. She said the Route 708 Red Hill Road bridge replacement had an advertisement date in June. She said that one lane would be open at all times, and the duration was 13 months.

Ms. Shephard said the Hydraulic package expected CTB (Commonwealth Transportation Board) award mid-April with a notice to proceed on May 23.

Ms. Shephard said for the design-build bundle, the DDI (diverging diamond interchange) was still in progress, and paving had started. She said paving had started on Route 151/Route 250.

Ms. Shephard said for the design-build #2, the Route 29/Fontaine Avenue project had a projected advertisement in 2024.

Ms. Shephard said for the Rural Rustic Road program, there was a resolution and full funding for Cove Garden Road, and it was under construction for a pipe replacement with paving to happen shortly thereafter.

Ms. Shephard said after the approval of the SSYP, whatever projects were prioritized would be added to the plan.

Ms. Shephard said there were some additional projects, and the bridge maintenance projects included the Route 600 Watts Passage, which had to be closed in February for an emergency closure. She said the replacement was being fast-tracked, and they performed an emergency procurement for the design, materials, and funding. She said bids opened Monday, and the goal was for construction to start at the end of April. She said they expected completion by early November.

Ms. Shephard said the Route 672 Plank Road superstructure replacement would occur due to concerns raised by the community and the school transportation system. She said the start date had been extended to not conflict with school bus routes, and they anticipated a six-week construction time.

Ms. Shephard said the I-64/Route 29 improvements were underway. She said a field investigation was completed for the Route 240 intersection at Star Hill Brewery, and design was being finalized for pedestrian crossing improvements.

Ms. Shephard said that, to address Ms. Andrews question regarding the changes in procedures for SMART SCALE, the initial finds from the SMART SCALE survey were received in March, and they expected to complete a procedural review in July. She said they would present recommended changes to the CTB in October. She said policy change adoption would occur in December.

Mr. Andrews asked what caused the emergency bridge closure.

Ms. Shephard said that it was closed after a routine inspection. She said that the bridge started to rotate and sink. She said that they hoped the replacement bridge would be twice as long and would not overtop as frequently.

Mr. Andrews asked how the condition was discovered.

Ms. Shephard responded that there was a two-year inspection cycle for all bridges unless the bridge was deteriorating faster, then it was yearly.

Mr. Gallaway asked for clarification about the sign assessment for 1920 Belvedere Boulevard and 1177 Dun Lora Drive.

Ms. Shepherd responded that they received two different requests, one to do a sweep of the neighborhood for non-standard signs that had been added signs, and one to evaluate the different signposts.

Mr. Gallaway asked for information about the viability of drainage improvements for Reas Ford Lane to minimize the constant regrading. He said that VDOT did not think there was a problem there, but the residents disagreed. He suggested safety improvements for Airport Drive.

Ms. Mallek asked if there was an ongoing program to remove the tree remains that are cut at the edge of the pavement.

Ms. Shepherd said the effort had concluded, but they would look into other avenues to address the debris.

Ms. Mallek asked where the detour would be for Catterton Road when it was closed for repairs.

Ms. McKeel asked if the list of critical condition bridges in the County could be shared with the Board. She said a large pile of debris had fallen at the Bypass bridge on Barracks Road. She asked if they still operated a program that retrofitted signs on VDOT-owned neighborhood roads.

Ms. Shepherd responded yes. She said that they took it into consideration when they did the widespread sign reviews.

Ms. McKeel noted issues in the urban ring with downed signs. She asked if cameras could be installed.

Ms. Shepherd said they had discussed the matter frequently, and they determined there was no better route then to continue to replace the signs. She said she did not know if cameras would be cost prohibitive compared to the cost of a sign.

Ms. Mallek said that the stop sign at the west end of Old Ivy Road was missing, and it was a safety hazard for people from out of the area.

Ms. McKeel clarified that the deck of the bridge for the Old Ivy Road over Route 29 was being replaced, not the whole bridge.

Ms. Shepherd said that was correct.

Ms. McKeel clarified that a pedestrian lane would be added to the bridge.

Ms. Shepherd said that was correct, a pedestrian accommodation was still in the plan.

Ms. McKeel asked if the bridge would be widened.

Ms. Shepherd said she did not know.

Ms. Price suggested they work with the Police Department to acquire cameras for high-risk areas.

Ms. LaPisto-Kirtley noted there were several fallen trees on the off- and on-ramps. She asked if VDOT was responsible.

Ms. Shepherd responded that the rights-of-way of the interstates were VDOT's responsibility. She said they would check to see if the debris was on their rights-of-way.

Agenda Item No. 13. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 13.a. Consideration of Reimbursement for Supervisor Participation in an Educational and Leadership Program.

Ms. Price stated that because she was the subject of the request, she was disqualifying herself from participating in the matter as required by the State and Local Government Conflict of Interests Act. She stated she filed a written disclosure statement with the Clerk to the Board further explaining the disqualification. She said Vice Chair Andrews would preside over the Board for consideration of the matter, and she would depart the room.

Mr. Andrews said Ms. Price had been accepted into the Carter School Political Leadership Academy's Richmond Fellowship. He said the Board approved a policy in January which included the addition of the provision to allow for reimbursement for tuition or other costs of participating in non-partisan educational leadership programs that are relevant to and would enhance their services to the Board of Services as long as there were available funds. He said tuition was \$500, and there were funds in the Board budget to cover the tuition. He said a motion was required to approve the reimbursement, and Ms. Price would be reimbursed for participation upon providing proof of successful program

completion.

Mr. Andrews asked the Board for discussion, and hearing support from all of the Board members, said there needed to be a motion.

Ms. LaPisto-Kirtley **moved** to approve reimbursement for Supervisor Price's participation in an educational and leadership program.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. McKeel.

NAYS: None.

ABSTAIN: Ms. Price.

Mr. Andrews asked Ms. Price to return to the meeting.

Item No. 13.b. Other Matters.

Mr. Gallaway said he attended the annual Coming Back Home event hosted by the Regional Housing Partnership (RHP).

Ms. McKeel said the Daily Progress issued an article on March 31 reporting that UVA and Sentara were partnering to open a pediatric mental health clinic.

Agenda Item No. 14. Closed Meeting.

At 3:49 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- under subsection (1), to discuss and consider (a) appointments to various boards and commissions including, without limitation, 5th & Avon Community Advisory Committee, Crozet Community Advisory Committee, Places 29 (North) Community Advisory Committee, Citizens Transportation Advisory Committee (CTAC), Agricultural and Forestal Advisory Committee, Economic Development Authority, Equalization Board, Historic Preservation Committee, Natural Heritage Committee, Rivanna Solid Waste Authority, and Rivanna Water and Sewer Authority, and (b) the six-month performance of the County Attorney; and
- under subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to compensation of certain county officials.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.

NAYS: None.

Agenda Item No. 15. Certify Closed Meeting.

At 6:00 p.m., Ms. LaPisto-Kirtley **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.

NAYS: None.

Agenda Item No. 16. Boards and Commissions.

a. Vacancies and Appointments.

Mr. Andrews **moved** that the Board appoint the following individuals to boards, committees and commissions:

- **Appoint** Mr. Craig Schoaf to the 5th & Avon Community Advisory Committee, with said term to expire September 30, 2025.
- **Reappoint** Ms. Melanie van Roijen to the Agricultural and Forestry District Advisory Committee, with said term to expire April 17, 2027.

- **Reappoint** Mr. Martin Meth to the Citizens Transportation Advisory Committee (CTAC), with said term to expire April 3, 2026.
- **Appoint** Mr. Chapman Munn to the Citizens Transportation Advisory Committee (CTAC), with said term to expire April 3, 2025.
- **Reappoint** Mr. Lee Kondor to the Citizens Transportation Advisory Committee (CTAC), with said term to expire April 3, 2026.
- **Appoint** Bruce Butala to the Crozet Community Advisory Committee, with said term to expire March 31, 2025.
- **Reappoint** Mr. Michael Monaco to the Crozet Community Advisory Committee, with said term to expire March 31, 2025.
- **Appoint** Mr. Craig Schoaf to the Historic Preservation Committee, with said term to expire June 4, 2026.
- **Appoint** Ms. Mona El Khafif to the Natural Heritage Committee, with said term to expire September 30, 2027.
- **Appoint** Mr. Anthony Pagnucco to the Places 29 (North) Community Advisory Committee, with said term to expire August 5, 2024.
- **Reappoint** Mr. Jeff Richardson to the Rivanna Solid Waste Authority (RSWA), with said term to expire April 1, 2025.
- **Reappoint** Mr. Lance Stewart to the Rivanna Solid Waste Authority (RSWA), with said term to expire April 1, 2025.
- **Reappoint** Mr. Gary O'Connell to the Rivanna Water and Sewer Authority (RWSA), with said term to expire April 1, 2025.
- **Reappoint** Mr. Jeff Richardson to the Rivanna Water and Sewer Authority (RWSA), with said term to expire April 1, 2025.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Agenda Item No. 17. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report.

Agenda Item No. 18. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

There were none.

Agenda Item No. 19. **Public Hearing: Fiscal Year 2023 Budget Amendment and Appropriations.**

The Executive Summary as forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year, as shown in the currently adopted budget provided. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The cumulative total of the Fiscal Year 2023 (FY 23) appropriations itemized below is \$12,018,350. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 23 Budget Amendment totals \$12,018,350. The estimated

The budget amendment is comprised of a total of 11 separate appropriations, seven of which have already been approved by the Board of Supervisors.

- Two appropriations approved 02/01/2023
- Five appropriations approved 03/01/2023
- Four appropriation requests for approval on April 5, 2023 as described in Attachment A.

After the public hearing, staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriation for local government and school projects and programs, as described in Attachment A.

PROPOSED FY 2022-23 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$
----------------	----

	41,590
State Revenues	\$
	294,655
Federal Revenues	\$
	51,379
General Fund Balance	\$
	91,438
Other Fund Balances	\$
	<u>11,539,288</u>
TOTAL ESTIMATED REVENUES	<u>\$</u>
	12,018,350

<u>ESTIMATED EXPENDITURES</u>	
General Fund	
Special Revenue Funds	\$
School Fund	118,859
School Special Revenue Funds	\$
Storm Water	611,314
TOTAL ESTIMATED EXPENDITURES	\$
	117,745
	\$ 10,170,432
	<u>\$ 1,000,000</u>
	<u>\$ 12,018,350</u>

Ms.
McKeel **moved**
to adopt the
resolution as
presented in
Attachment B to
approve the
appropriation
for local
government
and school
projects and

programs, as described in Attachment A.

Appropriation #2023038

Sources:	School Special Revenue Funds' Fund Balances	\$10,170,432
	General Fund School Reserve Fund	117,745
Uses:	School Special Revenue Funds	\$10,170,432
	School Fund	117,745
Net Change to Appropriated Budget:		\$10,288,177

Description:

This request is to appropriate the Public Schools' appropriation request approved by the School Board on February 21, 2023:

- ☐ This request is to re-appropriate \$10,288,177 in School Special Revenue Funds and specific programs within the School Fund from FY 22 to FY 23. Following the end of FY 22, balances are retained in each of the Public Schools' Special Revenue Funds. These balances are retained for use in each individual fund or program and will be spent in accordance with the specific requirements for each individual fund or approved use. A list including descriptions and amounts requested for re-appropriation is included in Attachment C.

Appropriation #2023039

Sources:	Local Revenue	\$41,090
Uses:	Housing Fund	\$41,090
Net Change to Appropriated Budget:		\$41,090

Description:

This request is to appropriate \$41,090 in Community Development Block Grant (CDBG) housing loan repayments to the Housing Fund in order to refund that amount to the Virginia Department of Housing and Community Development (DHCD). The original loan was from 2003 and is being repaid to the DHCD through Albemarle County pursuant to the terms of the original grant.

Appropriation #2023040

Sources:	Regional Firearms Training Center (RFTC) Operating Fund's Fund Balance	\$184,414
Uses:	RFTC Operating Fund	\$25,000
	RFTC Capital Fund	\$159,414
Net Change to Appropriated Budget:		\$184,414

Description:

This request is to appropriate \$184,414 from Regional Firearms Training Center (RFTC) Operating

Sources: American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds \$114,000
(SLFRF) (currently appropriated)

Fund's fund balance to the (RFTC) Operating and Capital Funds per unanimous agreement of the partner entities (County of Albemarle, City of Charlottesville, and University of Virginia).

- \$25,000 to the RFTC Operations Fund for a reserve line item per agreement terms to address emergency needs.
- \$22,572 to the RFTC Capital Fund for the increase in shares calculated for the change in the Consumer Price Index per the agreement.
- \$136,842 to the RFTC Capital Fund for the reserve to support future capital needs.

Appropriation #2023041

Uses: Emergency Management Continuity of Operations (COOP) Plan \$114,000

Net Change to Appropriated Budget: \$0

Description:

This request is to designate \$114,000 in the currently appropriated federal ARPA SLFRF to Fire Rescue Emergency Management for the Continuity of Operations (COOP) Plan. This is a business continuity plan designed to sustain essential departmental functions until normal operations can be restored following an emergency or other incident (examples might include a pandemic, blizzard, hurricane, or cyber-attack).

The COOP Plan ensures that essential public services are not interrupted.

Mr. Andy Bowman, Chief of Budget, stated that this was a public hearing and action item to amend the FY23 Budget. He said that under Virginia Code, any time there was a change of more than 1% of the budget, a public hearing was required before there was an amendment. He said that was the case that evening, and that there was a reappropriation of public-school special revenue funds, which was a combination of grants and other restricted uses awarded to the public schools where the programs crossed fiscal years. He said that this amendment would carry forward the balances from the prior year to the current fiscal year. He said the appropriation also included some additional grant and public safety related funding. He said details on all appropriations included in attachments A and C. He stated that staff recommended the Board adopt the resolution, Attachment B, after the public hearing.

Ms. Price opened the public hearing. She asked the Clerk if there were any speakers signed up for this item.

Ms. Borgersen said there were not.

Ms. Price closed the public hearing and brought the matter back before the Board for any comments or a motion that any Supervisor may have.

Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

**RESOLUTION TO APPROVE
ADDITIONAL FISCAL YEAR 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 23 Budget is amended to increase it by \$12,018,350
- 2) That Appropriations #2023038; #2023039; #2023040; and #2023041 are approved;
- 3) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

* * * *

APP#	Account String	Description	Amount
2023038	4-3310-63310-461120-117200-6599	SA2023038 Salaries-Transit Aide	\$ 10,000.00

2023038	4-3310-63310-461120-132100-6599	SA2023038 P/T Wages Teacher	\$ 250,000.00
2023038	4-3310-63310-461120-134100-6599	SA2023038 P/T Wages TA	\$ 40,840.00
2023038	4-3310-63310-461120-137100-6599	SA2023038 P/T Wages Bus Drivers	\$ 25,000.00
2023038	4-3310-63310-461120-210000-6599	SA2023038 FICA	\$ 11,110.00
2023038	4-3310-63310-461120-420110-6599	SA2023038 School Transportation	\$ 50,000.00
2023038	4-3310-63310-461120-601300-6599	SA2023038 Ed & Rec Supplies	\$ 10,000.00
2023038	4-3310-63310-461124-117200-6599	SA2023038 Salaries-Transit Aide	\$ 10,000.00
2023038	4-3310-63310-461124-132100-6599	SA2023038 P/T Wages Teacher	\$ 250,000.00
2023038	4-3310-63310-461124-137100-6599	SA2023038 P/T Wages Bus Drivers	\$ 25,000.00
2023038	4-3310-63310-461124-210000-6599	SA2023038 FICA	\$ 8,050.00
2023038	4-3310-63310-461124-420110-6599	SA2023038 School Transportation	\$ 50,000.00
2023038	4-3310-63310-461124-601300-6599	SA2023038 Ed & Rec Supplies	\$ 10,000.00
2023038	4-3380-63380-461101-132100-6280	SA2023038 PT/Wages-Teacher	\$ 3,000.00
2023038	4-3380-63380-461101-210000-6280	SA2023038 FICA	\$ 230.00
2023038	4-3380-63380-461101-601300-6280	SA2023038 Ed & Rec Supplies	\$ 4,087.97
2023038	4-3501-63501-463080-580000-6599	SA2023038 Miscellaneous Expenses	\$ 15,000.00
2023038	4-3502-63502-460606-601300-6599	SA2023038 Ed & Rec Supplies	\$ 14,956.91
2023038	4-3905-63905-462320-800506-6599	SA2023038 School Bus Replacement	\$ 552,098.64
2023038	4-3907-63907-468200-800700-6599	SA2023038 Technology Equip-Computer	\$ 543,953.53
2023038	4-3909-63909-461101-601200-6599	SA2023038 Books & Subscriptions	\$ 24,049.46
2023038	4-3909-63909-461101-601300-6599	SA2023038 Ed & Rec Supplies	\$ 50,000.00
2023038	4-3909-63909-461101-602000-6599	SA2023038 Textbook Replacement	\$ 150,000.00
2023038	4-3910-63910-462341-600900-6599	SA2023038 Vehicle & Equip Repairs	\$ 55,443.81
2023038	4-3911-63911-461101-112100-6599	SA2023038 Salaries-Teacher	\$ 260,000.00
2023038	4-3911-63911-461101-210000-6599	SA2023038 FICA	\$ 19,000.00
2023038	4-3911-63911-461101-221000-6599	SA2023038 VRS	\$ 20,000.00
2023038	4-3911-63911-461101-231000-6599	SA2023038 Health Insurance	\$ 50,000.00
2023038	4-3911-63911-461101-232000-6599	SA2023038 Dental Insurance	\$ 500.00
2023038	4-3911-63911-461101-241000-6599	SA2023038 VRS Group Life Insurance	\$ 500.00
2023038	4-2000-62433-464600-800201-6505	SA2023038 Furniture & Fixtures- Replacement	\$ 117,745.00
2023038	3-1005-99000-352000-510100-9999	SA2023038 Transfer to School Fund	\$ 117,745.00
2023038	4-1005-99000-493000-932000-9999	SA2023038 Transfer to School Fund	\$ 117,745.00
2023039	3-5801-51400-319000-199930-9999	SA2023039 2003 CDBG Grant Repayment	\$ 41,090.00
2023039	4-5801-51400-481000-580300-9999	SA2023039 2003 CDBG Grant Refund	\$ 41,090.00
2023040	3-5805-31209-315000-510100-9999	SA2023040 RTFC Ops - Emergency Reserve Funding	\$ 25,000.00
2023040	3-5805-31209-315000-510100-9999	SA2023040 Transfer to RTFC Capital Reserve Fund-Shares FY 21-FY 23	\$ 159,414.00
2023040	4-5805-31209-431000-999999-9999	SA2023040 RTFC Operations - Emergency Reserve	\$ 25,000.00
2023040	4-5805-31209-431000-935200-9999	SA2023040 Transfer to RTFC Capital Reserve Fund-Future project	\$ 159,414.00
2023040	3-5806-31209-351000-512000-9999	SA2023040 Transfer to RTFC Capital Reserve Fund-Future project	\$ 159,414.00
2023040	4-5806-31209-431000-999999-9999	SA2023040 RTFC Capital Reserve	\$ 159,414.00
2023041	4-5121-94000-499000-999999-9999	SA2023041 APP2023041 COOP	\$ (114,000.00)
2023041	4-5121-33800-432000-344400-1618	SA2023041 APP2023041 COOP	\$ 114,000.00

Agenda Item No. 20. **Public Hearing: SP202200027, SE202200056, and SE202200057**
Wakefield Kennel.

PROJECT: SP202200027, SE202200056, and SE202200057 Wakefield Kennel
MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL: 03100-00-00-047A0
LOCATION: 790 Wakefield Farm
PROPOSAL: Special use permit amendment for an existing commercial kennel.
PETITION: A request for a special use permit amendment under Section 18-10.2.2 for a new commercial kennel facility and associated parking on a 4.63 acre parcel. The proposed kennel is approximately 11,650 sf with 6,240 sf outdoor runs and has capacity for approximately 100 kennels. The proposal includes a request to operate the existing kennel until the completion of the new facility. Associated with this request are two special exception applications, one for a reduction in the required setbacks from residential properties, and one for a reduction in the required amount of parking for the proposed kennel.
ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre

in development lots)
ENTRANCE CORRIDOR: No
OVERLAY DISTRICT: AIA Airport Impact Area
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) in Rural Area 1 in the Comprehensive Plan.

The Executive Summary as forwarded to the Board stated that at its meeting on January 24, 2023, the Planning Commission (PC) voted 5:0 (Chair Clayborne absent) to recommend approval of SP202000027 for the reasons stated in the staff report with conditions. The PC did not make a recommendation on the special exception applications.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

The PC raised no objections to the Wakefield Kennel's request for a special use permit and associated special exceptions but did ask a few clarifying questions. No members of the public spoke at the public hearing on this proposal.

During the presentation, Staff corrected two errors in the Staff Report. Staff clarified that special exception application SE202200057 is a modification to Section 5.1.11(a) to reduce the 500-foot setback to any agricultural or residential lot line, and not a modification to Section 5.1.11(b), which is a 200-foot setback for fully soundproofed confinements. Staff also clarified that there are 12 existing parking spaces, whereas the Staff report stated that there are 9. Neither of these errors had an impact on Staff's evaluation of the special exceptions. Staff evaluated these special exceptions based on what was submitted in the Applicant's narratives, which correctly cited the applicable Zoning Ordinance sections and number of parking spaces. The Planning Commission had no concerns with these special exceptions during discussion.

Staff recommends that the Board adopt the attached Resolutions (Attachments D, E, and F) to approve SP202200027, SE202200056, and SE202200057 Wakefield Kennel with conditions.

Ms. Price clarified that only item SP202200027 required a public hearing.

Mr. Kevin McCollum, Senior Planner, stated that this item was a proposed special use permit amendment for a commercial kennel, as well as two special exceptions. He stated that the subject property was located at 790 Wakefield Farm in Earlysville, Virginia, was 4.63 acres in size, and was zoned Rural Areas (RA).

Mr. McCollum said that the existing conditions of the site included the commercial kennel that had been in operation since the mid-1950s, which had obtained a special use permit in 1976 and was expanded at that time. He stated that since the time of the issuance of the 1976 special use permit, it had operated to present day without much additional change.

Mr. McCollum said that the kennel had an 8,000 square foot building with associated parking, and 10,500 square feet of outdoor runs for animals.

Mr. McCollum stated that the majority of the surrounding properties were low-density residential, ranging from 0.5 to 2 acres in size, and the parcel was also near other RA uses including a large farm to the east along Wakefield Farm.

Mr. McCollum said that the applicant requested a special use permit for replacement of the existing kennel with a new and expanded facility to be built adjacent to the existing kennel, and the existing kennel would remain operational until the new kennel was completed. He stated that the new kennel was larger, at 11,650 square feet, with 100 kennels, and a slightly smaller area for outdoor runs. He indicated on the screen the conceptual plan for the proposal, which gave an overview of what the facility would look like once construction had been completed.

Mr. McCollum stated that in addition to the special use permit request, the applicant had requested two special exceptions, the first to reduce the 500-foot required setback to any agricultural or residential lot line, and the second to reduce the required number of parking spaces.

Mr. McCollum said that the special use permit application was reviewed under the factors for consideration as outlined in the O. He said that staff found that there was no detriment to the adjacent parcels, there would be no change of character of the nearby area due to the proposal, the proposal would continue to be in harmony with the Rural Areas Zoning District, and the proposal was consistent with the Comprehensive Plan. He concluded that staff recommended that the Board adopt the resolutions (Attachment D, E, and F) to approve the special use permit and exceptions for Wakefield Kennel with conditions.

Mr. McCollum stated that Chair Price had raised a question related to this item that he would address before hearing other Board questions. He stated that Ms. Price had raised a concern about the proposed increase in capacity from the 91 kennels to the 100 kennels, but there would be a decrease in the amount of outdoor space for the dogs. He stated that this question was shared with the applicant, who he would defer to for further comment, but their response was that there were no industry standards for

those outdoor runs, but there were industry standards for the minimum sizes for the indoor kennels. He stated that the applicant had more than 40 years of experience running two dog kennels that led to his creation of this proposal for the outdoor play areas.

Mr. McCollum said that a quote from the applicant's email response was "We feel that our current grass areas are probably larger than they need to be to adequately use them for the purposes and designing them somewhat smaller will allow us a more functional use for our daily routines for the dogs." He said that the applicant had stated that they wanted the outdoor areas to be large enough to play ball and relieve themselves, but not so big that it was difficult to get the dogs back on the leash. He concluded that staff had reviewed this request, and based on all information available, they did not have concern with the proposed amount of outdoor play area.

Mr. Andrews asked if the construction involved the current outdoor area in any way or if it was separate and apart from it.

Mr. McCollum said that the proposed new kennel would be phased, so they would be submitting an initial site plan and a final site plan application. He said that the idea was to keep the existing facility and some of the outdoor area open while the new facility was being constructed. He said that yes, some of the outdoor area would still be available.

Mr. Andrews asked how long construction was expected to take for this project.

Mr. McCollum said that he was unsure.

Ms. LaPisto-Kirtley asked if the size difference between the old and new outdoor play areas was known.

Mr. McCollum said yes, that information was included in the application.

Ms. LaPisto-Kirtley asked if the individual areas were known. She said that she would like more information on why the applicant would not extend the play areas if the larger ones were not functional.

Ms. Mallek said that her questions had been answered at the community meeting for this proposal, so she had no further questions.

Ms. Price stated her appreciation for Mr. McCollum providing the response to her emailed questions, which she may follow up on with the applicant.

Ms. Price opened the public hearing and asked the Clerk if there were any individuals signed up to speak on this item.

Ms. Borgersen said that there were not.

Ms. Kendra Moon, Professional Engineer (PE), Line and Grade Engineering, stated that she was representing the applicant, Wakefield Kennel. She said that Wakefield Kennel was a commercial dog kennel that was already existing in northern Albemarle, and the proposed special use permit was an amendment to an existing special use permit which allowed the expansion of the current kennel. She stated that the request was to demolish and replace the current kennel onsite for two reasons, the first being that there was a growing demand for a different type of dog-boarding experience that the current building could not accommodate, and the second was that the building was originally constructed almost 70 years ago, so the construction of a new facility was easier than trying to renovate the existing building.

Ms. Moon said that the new facility would help this local family business to continue to meet customer needs in Albemarle County. She stated that the parcel was located in RA, surrounded by single-family residences, two of which were residences of the owners of the kennel. She stated that the two special exceptions were submitted along with this request to reduce the required setback from adjacent properties and to reduce the required number of parking spaces.

Ms. Moon stated that the existing conditions of the site included the building that was built in the 1950s and expanded in 1976. She stated that the building had indoor kennels that were connected to outdoor runs where the dogs could enter and exit the building freely between the operating hours of 6:30 a.m. and 6:00 p.m. when staff was present. She stated that there were up to six employees at any given time and 12 parking spaces.

Ms. Moon stated that the site was currently laid out with a small parking area adjacent to the building, and that the outdoor runs surrounded the building. She said that there was a large outdoor turf area behind the building, and that approximately half of the site was forested. She indicated on the screen the photograph in the top righthand corner, which displayed the existing kennels, which led directly to the outdoor areas shown in the bottom righthand corner. She stated that the dogs were able to enter and exit freely and were taken to larger play areas during certain times of the day to run around and play.

Ms. Moon stated that during the construction of the new kennel, the existing kennel would remain operational. She said that the current outdoor run area would be removed for construction of the new building, and there was space behind the building during a temporary area during construction. She stated that construction could last between six to 12 months, so this phasing would allow them to remain

operational because the small family business could not afford to shut down completely during construction.

Ms. Moon said that the proposed conditions were generally that the building would be utilizing the turf area that was existing onsite, and there would be a sound-dampening fence to surround the facility. She said that the larger building allowed for larger indoor suites with more space, since the dogs spent most of their time indoors, and they would have designated outdoor playtime to run and play with the other dogs. She stated that they would have roughly the same hours of operation and same employees, with slightly increased parking.

Ms. Moon indicated on the slide the photograph of the sound-dampening fence, which was shown to have synthetic foliage, but could also be installed as a simple black fence. She indicated in the lower righthand corner a precedent image from Pet Paradise, a similar commercial kennel facility, which showed an example of the larger indoor suite that customers were seeking for their dogs.

Ms. Moon summarized that for the proposed special use permit, there would be 9 additional kennels, a larger building for the larger indoor suites, and a smaller outdoor space, but still enough to accommodate the dogs for playtime, but not so much space that they have to play a catching game with the dogs that want to run around and stay outside. She said there was a sound-dampening fence and double insulation for the building, which would reduce noise and impacts on neighbors. She said there was a slight increase in parking spaces and in projected traffic based on her own calculations and on the assumption of the maximum number of people picking up and dropping off their dogs on the same day.

Ms. Moon stated that the proposed kennel would be approximately 17 feet closer to the nearest property line, with the existing kennel being 80 feet, going to 63. She said it would be 32 feet closer to the nearest residence.

Ms. Moon stated that this proposal supported the local community, which had been affirmed with positive feedback from citizens at the community meeting. She stated that trees onsite would be preserved by building in the turf area.

Ms. Moon stated that, for the special exceptions, the Zoning Ordinance required a 500-foot setback from commercial kennels to any adjacent residential or agricultural property, which would require a 29-acre parcel for this parcel because it was surrounded completely by residential uses, but the site itself was only about 4.5 acres. She indicated on the slide the large blue square around the parcel that represented the size of area necessary to achieve that requirement in the ordinance. She said that the existing kennel was built before the Zoning Ordinance became effective.

Ms. Moon said that the second special exception requested with this proposal was for the required parking, which was stated in the Zoning Ordinance to be 51 parking spaces for this use. She indicated on the slide the blue area which represented the approximate area of 50 parking spaces on the site. She stated that this area was calculated based on the indoor and outdoor space, so the current facility, which was roughly the same size, would require 52 parking spaces by this ordinance, but currently operated with only 12 and there had been no issue. She stated they were requesting eight more to help alleviate peak drop-off times on holidays and weekends.

Mr. Andrews stated that the new rules instated since the start of the facility had drastically increased in requirements. He stated that the facility could continue to operate as it currently were, but if they wanted to expand it, it did require this Board review.

Mr. Gallaway asked if the sound-dampening fence was not there currently.

Ms. Moon said that was correct.

Mr. Gallaway asked if the new requirements for this proposal took the sound into account.

Ms. Moon said that it was just because there was room for improvement. She stated that it was below the threshold of 55 decibels at the property line, but the dogs could still be heard. She stated that the sound-dampening fence was meant to lessen the noise in general.

Mr. Gallaway noted that Planning Commissioner Murray had discussed the fact that people may not be able to see the dogs through the fence.

Ms. Moon said that it was difficult to predict what others would want, so the sound-dampening fence was proposed because that was assumed, but the community had expressed interest in seeing through the fence to see the dogs.

Mr. Gallaway said that he had the same reaction that there should be a viewing area. He clarified that this opinion did not weigh on his decision for the proposal.

Ms. LaPisto-Kirtley asked if the current facility had two levels of kennels for the dogs. She asked if all of those dogs were able to access the outdoor runs.

Ms. Moon said that Ms. LaPisto-Kirtley was correct that the facility had stacked kennels. She said that her understanding was that only the bottom floor could access the outdoor runs, and the upper kennels were meant for smaller dogs, however she would defer to the owners of the kennel on that issue.

Ms. LaPisto-Kirtley asked if the smaller dogs would have to be taken down to access the outdoor area.

Ms. Moon said that she would assume so.

Ms. LaPisto-Kirtley asked if the owners could answer this question.

Ms. Price requested any speakers to address the Board through the microphone and not from the audience seating, as well as to identify themselves to the Board.

Mr. Barry Dofflemyer, Wakefield Kennel, apologized for being unable to hear Ms. LaPisto-Kirtley's question.

Ms. Price asked Ms. LaPisto-Kirtley if she could repeat the question.

Ms. LaPisto-Kirtley indicated the slide showing the kennel space in the upper righthand corner photograph, it was a two-level kennel.

Mr. Dofflemyer said that the kennel was one single level. He said that the lower righthand image on the slide showed the outdoor runs that were currently at the site, and the top righthand corner were the indoor runs, which were connected through a guillotine door.

Ms. LaPisto-Kirtley said that she understood.

Mr. Dofflemyer said that the current position in the industry was that this was not what customers want, and that was known. He said that they would instead have indoor suites, or rooms where the dogs would be ushered out to outside play areas individually. He said that in terms of size, the outdoor runs would be sufficiently large for animals to have time to relieve themselves and play with the other tenants. He stated that it was becoming a more modern approach than what the kennel currently was. He said that the kennel was originally built in 1954, and at that time, dogs were not considered as family members as much as they were today.

Mr. Dofflemyer stated that they were attempting to create a more relaxed, home-type environment for dogs to be in while they were in the facility. He stated that the current kennels were spartan, and the goal was to create more areas inside of the kennel, because the 91 kennels included the outdoor run space, and it became a quandary as to what would be called a "run." He stated that they would have areas where they could sleep and be active in larger indoor areas, and the outdoor areas would also be larger because there would be more of them.

Ms. LaPisto-Kirtley asked if the indoor area was a two-story facility for the cages.

Mr. Dofflemyer said no. He stated that the kennel would be more of a pet apartment.

Ms. LaPisto-Kirtley clarified that it appeared there were two levels of cages.

Mr. Dofflemyer asked if Ms. LaPisto-Kirtley was referring to the bar in the middle of the cages.

Ms. LaPisto-Kirtley stated that she had a clearer-delineated image in the Board packet.

Mr. Dofflemyer said that he did not have access to that material.

Ms. LaPisto-Kirtley asked for clarification that there was only one level of kennels.

Mr. Dofflemyer said yes. He clarified that it would all be on level.

Ms. McKeel stated that her dog had been satisfied with the current kennel conditions, and the upgrade to the kennels was impressive.

Ms. Moon said that there would be a variety of options at the kennel.

Ms. McKeel asked if the kennel still offered walks for the dogs.

Ms. Moon said yes.

Ms. McKeel asked if customers could choose to have their dogs walked during their stay.

Ms. Moon said yes, there were additional charges for the dog to be walked by a staff member outside of their outdoor run area time.

Ms. McKeel asked if in addition to the playtime, a person could provide walks for their dogs at an additional cost.

Ms. Moon said that that was correct.

Ms. Price stated that following Ms. LaPisto-Kirtley's question, the Board had been provided a

slide in the packet that was different than in the application, in which page 3 of the packet clearly stated photo 2, indoor floor level and upper-level kennels. She indicated the photograph within the packet that Ms. LaPisto-Kirtley was referring to. She asked if the applicant could answer this question, because there was confusion about that issue.

Ms. Moon said that her understanding was that there were two levels, and while she had walked into this facility many times, she had not walked back to the dogs.

Mr. Dofflemeyer clarified that the upper kennels were built about 35 years ago and were no longer used, but were used as storage for beds, food, and other items. He stated that the upper level was built per industry theory at the time but was no longer used in that way at all.

Ms. Price thanked Mr. Dofflemeyer for his clarification of the provided material.

Mr. Dofflemeyer said that he understood that the Board assumed they were kennels, because they once were used for that function, but no longer were used for that. He noted that it was too labor-intensive to lift and lower dogs when they needed to be walked.

Ms. Price said that in the staff presentation, on slide 3, there was a large dog park area displayed in addition to the kennel runs that they had.

Mr. Dofflemeyer said that was correct.

Ms. Price asked if that was part of the total square footage of the outdoor area, and the new plan had was more kennel runs and less dog park area.

Mr. Dofflemeyer said that Ms. Price was correct in theory, but there would be more individual dog park areas. He said that there were currently only eight areas of varying sizes, but if a dog were out there that was not excited about being caught, staff would spend a long time chasing the dog around the larger yards. He stated that the newer areas would be smaller so that they were more functional, and they would allow the dogs to run up to the fence and interact with the other dogs.

Ms. Price stated that Mr. Dofflemeyer could use web cameras to allow people to view the people chasing the dogs.

Mr. Dofflemeyer stated that that concept was not entirely out of the question; he knew of kennels in northern Virginia that had cameras that allowed for remote viewing.

Ms. Price said that she appreciated the information. She said that in reviewing the application, the reduction of the outdoor run area was by an amount of almost 40%, which was drastic compared to the other proposed changes, but the explanation sufficiently answered her question in terms of its adequacy. She asked Mr. Dofflemeyer if there had been any complaints from neighbors about the noise of the dogs at the existing facility.

Mr. Dofflemeyer said that the only complaint in 45 years was from a neighbor who began shining a flashlight into each door of the kennel at 11 p.m. to see if there was a dog out at night. He said that the neighbor complained directly to him about the noise at the facility, but the source of the disturbance was the neighbor walking around the facility and disturbing the dogs. He stated that they had prided themselves on being "good neighbors."

Ms. Price asked what the outdoor hours were for the dogs.

Mr. Dofflemeyer stated that he was unsure of the exact time, but the schedule was to bring the dogs inside between 6 p.m. and 6:30 p.m., and they did not go out again until 6:30 a.m. or 7:00 a.m. in the morning. He stated that the original special use permit allowed them to have dogs out until 11:00 p.m., but that was too late in the evening.

Ms. Price said that she understood. She said that she appreciated the efforts for sound mitigation.

Mr. Dofflemeyer thanked the Board for their time.

Ms. Price clarified that Mr. Dofflemeyer had up to five minutes for a rebuttal.

Mr. Dofflemeyer asked if he had to rebut anything.

Ms. Price said that it appeared not.

Mr. Dofflemeyer bid the Board a good night.

Ms. Price asked if there were any further questions for staff. Hearing none, she closed the public hearing and brought the matter before the Board for any comments or a motion.

Ms. Mallek stated that she lived near this business and knew it as an institution for Earlysville for three generations now. She stated that the security and safety of the animals was very important for

facilities such as this, and the applicant was going the extra lengths to ensure that no dogs escaped or were endangered.

Ms. Mallek **moved** the Board to adopt the Resolution (Attachment D) to approve SP202200027 Wakefield Kennel, with the conditions contained therein.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

RESOLUTION TO APPROVE SP 202200027 WAKEFIELD KENNEL

WHEREAS, upon consideration of the staff reports prepared for SP 202200027 Wakefield Kennel and all of their attachments, the information presented at the public hearings, any comments received, and the factors relevant to special use permits in Albemarle County Code § 18-10.2.2(17) and § 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas zoning district, with the applicable provisions of Albemarle County Code § 18-5.1.11, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202200027 Wakefield Kennel, subject to the conditions attached hereto.

* * *

SP2022-27 Wakefield Kennel Special Use Permit Conditions

1. Development of the commercial kennel use must be in general accord with the conceptual plan titled "Wakefield Kennel Diagrammatic Site Layout" drawn by Line and Grade Civil Engineering. To be in general accord with the Conceptual Plan, the proposed use must reflect the following major elements essential to the design of the development:
 - a. Location of buildings;
 - b. Location of parking areas;
 - c. Location of outdoor runs; and
 - d. Location of sound-dampening fence

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The number of kennels may not exceed one hundred (100) dog kennels.

Ms. Mallek **moved** to adopt the Resolution (Attachment E) to approve SE202200056 Wakefield Kennel, to modify Albemarle County Code §18-4.12.6, to reduce the total required parking spaces from 51 to 20

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

RESOLUTION TO APPROVE SE202200056 WAKEFIELD KENNEL

BE IT RESOLVED that, upon consideration of the staff reports prepared in conjunction with SE202200056 and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.12.6, 18-4.12.2(c), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the public health, safety or welfare would be equally or better served by modification of the parking regulations and that the modification would not otherwise be contrary to the purpose and intent of the Zoning Ordinance.

WHEREUPON, the Albemarle County Board of Supervisors hereby approves SE202200056 Wakefield Kennel to modify Albemarle County Code § 18-4.12.6 to reduce the total required parking spaces from 51 to 20 parking spaces.

Ms. Mallek **moved** to adopt the Resolution (Attachment F) to approve SE202200057 Wakefield Kennel, to modify Albemarle County Code §18-5.1.11(a) to allow the structures or areas occupied by

animals to be located approximately 63 feet from a residential lot line.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

**RESOLUTION TO APPROVE
SE202200057 WAKEFIELD KENNEL**

WHEREAS, upon consideration of the staff reports prepared in conjunction with SE202200057 Wakefield Kennel and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.11(a) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SE202200057 Wakefield Kennel, to modify Albemarle County Code § 18-5.1.11(a) to allow the structure(s) or area(s) occupied by animals to be located approximately 63 feet from a residential lot line.

Agenda Item No. 21. **Public Hearing: SP202200028 2240/2241 Gobblers Ridge Development Rights.**

PROJECT: SP202200028 2240/2241 GOBBLERS RIDGE DEVELOPMENT RIGHT
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 09200-00-00-036E0
LOCATION: 2240/2241 Gobblers Ridge, near the intersection with Thomas Jefferson Parkway
PROPOSED: Special Use Permit for one additional development right to create a new parcel for an existing dwelling. The parcel would be a minimum of 2 acres in size. Currently, two dwellings are located on a 4.82 acre parcel.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2.28 Divisions of land as provided in section 10.5.2.1;
ENTRANCE CORRIDOR: No
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre in development lots).

The Executive Summary as forwarded to the Board states that at its meeting on January 24, 2023, the Planning Commission (PC) voted 5:0 (Chair Clayborne absent) to recommend approval of SP202000028, for the reasons stated in the staff report.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes, respectively.

The PC raised no objections to the request for a special use permit but did ask a few clarifying questions. No members of the public spoke at the public hearing on this proposal. No conditions of approval are recommended as there are no impacts identified with this request and the Subdivision Ordinance provides all necessary regulations if the property is subdivided.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202200028 Gobblers Ridge, to grant one additional development right for the existing parcel.

Ms. Rebecca Ragsdale, Planning Manager, stated that this item was a request for one development right related to several errors that occurred in 2003. She indicated on the slide the property outlined in yellow, and stated that it was located along Thomas Jefferson Parkway, with Gobblers Ridge bisecting the parcel. She stated that the parcel was 4.82 acres in size.

Ms. Ragsdale said that there were two existing homes on the parcel, but there were not two development rights associated with the parcel. She indicated on the slide a survey of the parcel. She continued that there was no development planned for this property at this time, but in order for it to occur in the future, the development right would be needed. She explained that there was a plat recorded with an error which stated there were two development rights on this parcel when there should have only been one, which was associated with another lot that was created.

Ms. Ragsdale stated that these homes had existed prior to 1970 and were on two separate lots at one point in time; there had been some subdivision history that began in 1991, but the most relevant was the error that occurred in 2003. She stated that the parcel that was allowed to be created had a house on it that was built subsequent to that subdivision plat issue. She stated that the proposed special use permit was meant to address the existing conditions and correct the compliance and error issues that had occurred over the history of the parcel.

Ms. Ragsdale said that in their typical special use permit analysis, staff found no detriment and no change in character but did note that additional development rights for residential development was not consistent with the Rural Areas section of the Comprehensive Plan, but this was a situation with unique circumstances. She stated that there should not be any changes to parcels that would affect the neighbors, and allowing the creation of two acre lots was similar to the pattern around Gobblers Ridge and nearby. She concluded that staff recommended approval with those findings.

Mr. Andrews asked for clarification that this proposal would not create any additional dwellings on these parcels.

Ms. Ragsdale said that was correct.

Mr. Gallaway asked for clarification that this was restoring what should have originally existed.

Ms. Ragsdale said that it should not have existed but was addressing the two houses that ended up on this lot during the subdivision history. She said that the other lot that was created was the one that was assigned a development right, and subsequently, the house was built. She said that this would address any issues that happened with this subdivision in 2003.

Mr. Gallaway said he understood. He asked if the errors had not been made, how many development rights would have existed.

Ms. Ragsdale said two.

Mr. Gallaway asked if only one existed now and if it was correcting that.

Ms. Ragsdale indicated the map of the parcel on slide 9. She said that the red outline represented the parcels that were a part of these lots of record in 1980. She said that there was 36E and 36, and the present-day parcels of issue were highlighted in yellow. She said that there was a 6-acre parcel that included 36E1, so when the subdivision happened in 2003, 36E had been combined with the parcel that had 2241 on it, which resulted in a 6-acre parcel. She said that in 2003, 36E1 was created and assigned one development right, and two were assigned to 36E. She said that there were only two development rights for the 6-acre parcel, so everything that happened prior to this had assigned development rights correctly, such as plats that occurred in 1991.

Ms. Ragsdale said that multiple errors had occurred associated with this parcel. She said that the subdivision plat was recorded without the County reviewing and approving it, and that was what led to 36E1 constructing a house. She said that the second plat, to correct that issue, was approved after the CO (certificate of occupancy) for the house, and that was when the extra development right was assigned. She stated that development rights could not be assigned in this manner but had to be approved via a Board process to correct this. She stated that the property had been sold since that time, and these issues were discovered by the owners once they began doing deeper historical research into the property.

Mr. Gallaway said that he understood and that he had no further questions.

Ms. LaPisto-Kirtley asked if there was a possibility that this type of mistake could occur again.

Ms. Ragsdale stated that there were procedures in place to prevent such an error from occurring again, including extensive training of staff on development rights and communication with the Clerk's Office. She stated that the development rights determinations were generally significant in ensuring the information could be relied upon, but to a certain degree there was responsibility of the land surveyor as well.

Ms. LaPisto-Kirtley asked if the chances of something new happening were slim.

Ms. Ragsdale said that they hoped so. She said that nothing further should come up related to the history of these parcels.

Ms. McKeel said that it was good to straighten this information out for the future. She clarified that the Planning Commission minutes indicated this proposal would allow the landowners to have a proposal for a subdivision or do something differently with this property.

Ms. Ragsdale said that this proposal would allow for the opportunity for a subdivision.

Ms. McKeel said that she wanted to make that clear.

Ms. Price asked if parcel 92-36E1 was plotted and divided but without appropriate County approval.

Ms. Ragsdale said yes.

Ms. Price asked what the size of 92-36E, which was 2240, was.

Ms. Ragsdale said that that parcel did not exist anymore. She indicated on the screen the 1991

plat that combined 36E.

Ms. Price asked if they were combined.

Ms. Ragsdale said yes. She said that there was a 6-acre parcel with the correct development right assignments.

Ms. Price asked if the six acres included 92-36E1.

Ms. Ragsdale said yes.

Ms. Price asked how many acres were in 92-36E1.

Ms. Ragsdale said that there were two acres.

Ms. Price asked if that left four acres for the rest.

Ms. Ragsdale said yes, it was approximately 4.8 acres.

Ms. Price said that because 2 acres is the minimum in the Rural Area, absent some other change, it was unlikely there could be any further subdivision due to practicalities and legalities. She asked Ms. Ragsdale if that was correct.

Ms. Ragsdale said yes. She said that the parcel could not be subdivided any further because the minimum lot size was 2 acres.

Ms. Price said that it was unlikely that there would be building in contemplation of the Zoning Ordinance.

Mr. Andrews said that in the minutes, it was stated that this gave an opportunity to propose a subdivision. He asked if this meant that lots 2240 and 2241 could be divided into two separate lots because they were currently combined.

Ms. Ragsdale said yes.

Ms. Price opened the public hearing. She asked the Clerk if there were any citizens signed up to speak on this item.

Ms. Borgersen said that there were not.

Mr. Price invited the applicant to speak

Mr. Clayton Poffenberger, property owner of the subject parcel. He said that when he purchased the property, they looked at the County records, and the survey from 2003 had two development rights remaining. He stated that both parcels had homes that had been built prior to 1973. He said that they were attempting to get the paperwork to reflect what was going on. He said that the two dwellings had existed on that road for a long time, and as Ms. Ragsdale stated, it was after months of review that this issue came up. He said that he was present to request the additional development right to reflect the clerical error that had been recorded.

Ms. Price asked if there were any further questions from the Board for the applicant or for staff. Hearing none, she closed the public hearing and returned the matter to the Board for any comments or questions. There were none. She noted that this was in her district and that she would take the privilege of being the Supervisor for the district to make the motion.

Ms. Price **moved** to adopt the resolution as presented in Attachment D to approve SP202200028 Gobblers Ridge, to grant one additional development right for the existing parcel.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

**RESOLUTION TO APPROVE
SP202200028 GOBBLERS RIDGE
DEVELOPMENT RIGHT**

WHEREAS, upon consideration of the staff reports prepared for SP 202200028 Gobblers Ridge Development Right and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(28), 18-10.5.2.1, and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas zoning district, with the applicable provisions of *County Code* § 18-5, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202200028 Gobblers Ridge Development Right.

Agenda Item No. 22. **Public Hearing: SP202200015 Woodridge Solar and SE202200035 Woodridge Solar - Critical Slopes Special Exception.**

PROJECT: SP202200015 Woodridge Solar and SE202200035 Woodridge Solar - Critical Slopes Special Exception

MAGISTERIAL DISTRICT(S): Scottsville

TAX MAP/PARCEL(S): 11400000005100, 11400000005500, 11400000005600, 11400000005800, 11400000006500, 11400000006800, 11400000006900, 11400000007000, 11500000001000

LOCATION: Secretary's Road (Route 708) between Blenheim and Woodridge

PROPOSAL: SP202200015: Solar-energy electrical generation facility, with photovoltaic panels and related equipment. The total property acreage is approximately 2,260 acres with approximately 650 acres used for panels. SE202200035 Woodridge Solar - Critical Slopes

Special Exception: Request to allow disturbance of critical slopes

PETITION: SP202200015: Solar energy system allowed by special use permit under section 10.2.2.58 of the Zoning Ordinance, on nine parcels of land totaling approximately 2,260 acres. No dwellings proposed. SE202200035 Woodridge Solar - Critical Slopes Special Exception: Request to allow disturbance of critical slopes.

ZONING: RA Rural Area, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

ENTRANCE CORRIDOR: No

OVERLAY DISTRICT(S): Flood Hazard Overlay

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

The Executive Summary as forwarded to the Board states that at its meeting on December 13, 2022, the Planning Commission (PC) voted 6:0 (one position vacant) to recommend approval of SP202200014 Woodridge Solar Substation and SP202200015 Woodridge Solar.

The PC endorsed the conditions recommended by staff with the addition of conditions for monitoring of the Vegetation Management Plan, inclusion of as-built plans in the decommissioning plan, and a requirement that the development and updating of the decommissioning plan be done by qualified individuals. The language of these conditions were refined after the PC meeting to be in the proper resolution form and to align with language used in previous commercial solar approvals. The majority of the changes are not substantive and are included in the resolution for approval. However, the applicant has requested two substantive changes: (i) that the use be required to commence within five years instead of three (condition 9) and (ii) that the Zoning Administrator be authorized to approve alternative measures if VA Pollinator-Smart Certification is not possible (condition 16).

The applicant submitted detailed topographic information to address staff concerns about five critical slope areas proposed for a special exception. The staff report presented to the PC included an analysis of the proposed special exception. The PC did not discuss the proposed disturbance of critical slopes. A revised review of the critical slopes exception request is included as Attachment D. After the preparation of the staff report for the PC, additional public comment has been received (Attachment E).

Staff recommends that the Board adopt the attached resolutions to approve SP202200014 Woodridge Solar Substation (Attachment F), SP202200015 Woodridge Solar Project (Attachment G), and SE202200035 Woodridge Solar - Critical Slopes Special Exception (Attachment H).

Ms. Price clarified that the following public hearings were being held in the reverse order of what was in the agenda. She said that there were two items with several subparts, Agenda Items 21 and 22, and they would conduct the public hearings in reverse order from the published agenda to achieve a better flow of discussion and presentation this evening. She stated that if anyone desired to speak on these matters that they signed up before the public hearing was open so that they were given the opportunity to speak.

Mr. Bill Fritz, Development Process Manager, stated that there were three applications with two different public hearings. He said that the first they would deal with was the special use permit for the solar farm and the critical slopes, and the second was the substation. He said that the County had reviewed and approved three solar facilities to date, and they were constantly learning and updating their reviews. He said that to that end, the Board had directed staff to hire a consultant, and that was currently underway. He said that the Planning Commission held a work session on February 28, 2023, and staff and the consultant were preparing for a work session with the Board sometime in May or June.

Mr. Fritz said that the project was in the southeastern part of the County, in a very rural area and low population density compared to other parts of the County. He indicated on slide 5 that the project was very large, with a total acreage of over 2,000 acres with about 600 acres within the developed portion of the property, including panels, cleared areas, stormwater access, and the like. He noted that the area was largely wooded, with scattered fields and residential development. He indicated Secretarys Road, Jefferson Mill, and the powerline, which were all highlighted in red on the slide.

Mr. Fritz said that in the Board packet was a detailed analysis of the special exception request to allow for disturbance of critical slopes. He said that the applicant had conducted an analysis of the critical slopes in these areas, as shown on slide 6, which was a field run topographical map that had better topographic information than the County had access to. He said that in areas A through D, the extended critical slopes was much less than shown in the County's mapping.

Mr. Fritz said that most of the slopes in areas A through D were not actually critical slopes at all, and the areas that were critical slopes were generally small in area and fragmented. He said that the analysis of Area E by the applicant confirmed that the slopes in these areas were critical and did form large, cohesive areas. He said that the disturbance of areas A through D was supported to the extent that there were not any critical slopes in those areas, and disturbance of Area E was not supported. He said that the applicant had stated that they could stay out of Area E, which would be discussed during the applicant's presentation.

Mr. Fritz said that the project was reviewed for compliance with the Comprehensive Plan as part of the review criteria for special use permits and for the provisions of §15.2-22-32 of the Code of Virginia. He said that on December 13, the Planning Commission found the project in compliance with the Comprehensive Plan and recommended approval of the special use permit. He stated that the Planning Commission did not discuss critical slopes. He said that the project was also considered by the AF (Agricultural Forestal) Committee due to the location of AF districts nearby, and no conflict with the AF districts was found.

Mr. Fritz said that when the Planning Commission recommended approval, they did so with additional conditions from the ones originally proposed by staff. He said that these conditions included third-party monitoring of the vegetation management plan, for the County to approve qualifications of the third party, and for reports to be prepared twice per year for the first five years and annually thereafter. He continued that the decommissioning plan was to include as-builts, with the phrase "as built" not being originally included, and development and updating of the decommissioning plan was to be done by qualified individuals. He noted that all of these conditions were included in the Board packet.

Mr. Fritz said that after the Planning Commission meeting, the applicant proposed an amendment to Condition 9, which had been updated to require activity to commence within five years instead of three, and Condition 16, to require the Zoning Administrator to consult with qualified individuals before approving any alternative measures to the Virginia Pollinator-Smart certification. He said that a plan along with substantial documentation was reviewed, which included an application plan, vegetation management plan, visual studies, and more that were all considered during the review and when considering proposed conditions.

Mr. Fritz said that the staff report discussed many of the issues, and the application information was significant, so for that reason, his presentation tonight was limited. He said that the applicant would also be making a presentation and could address any areas of concern they might have, but that he would answer any questions.

Ms. Price asked if there were any questions of staff from Supervisors. Hearing none, she opened the public hearing. She asked the Clerk if there were citizens signed up to speak for this item.

Ms. Borgersen said there were.

Ms. Price invited the applicant to speak.

Mr. Scott Remer, applicant, stated that he resided at 1369 Lanetown Road in Crozet, where he had been for about three years, and that he worked at Hexagon Energy, 321 East Main Street on the Downtown Mall. He stated that they were a local business trying to do local work, attempting to do the work that they did across the country here in their hometown. He said that they took in the lessons they learned across the country to apply them locally. He said that there was a lot of information in the presentation, so 10 minutes was a short time to go through the project in detail. He said that he was grateful for the opportunity to talk with many folks throughout this process.

Mr. Remer said that Woodridge Solar was a dual-action solar project, because it was not only a project addressing climate change with clean energy but was regenerative and good for the land that it was sitting on. He said that the total acreage of the parcels was approximately 2,300 acres, which were all under common ownership and used for timber farming for at least 80 years according to records.

Mr. Remer said that the total acreage for the special use permit was 1,500 acres and included plantings and roadways. He said that the developed area was approximately 650 acres and included where the panels would sit and the fence that would surround them. He stated that within the fences, the

panels would cover between 35% to 50% of the area in the fence, so there would be equal or greater amounts of open ground. He said that the entire panel acreage was 200 acres.

Mr. Remer said that Albemarle County was a leader in attempting to address climate change, and they had put together a Climate Action Plan. He said that they began working on this project and bore several of those ideas. He said that the strategies included enabling and incentivizing utility-scale renewable energy projects in the County Code and during the community development regulatory process, partnering with utilities and renewable energy companies to increase local renewable energy and energy storage initiatives, and to promote and facilitate investment in utility-scale renewable energy by the private sector. He said that the proposal fit all of these requests.

Mr. Remer said that this project would generate 138 Megawatts, which equated to generating power for approximately 25,000 homes. He said that from the beginning of the project, it was decided that there would be at least 200 feet of voluntary setback around the entire property and any boundary whatsoever determined by a survey. He stated that a surveyor would soon be visiting the site to stake out where the formal parcel lines were. He said that there would be no project materials inside of the 200-foot buffer, but it may have more plantings added within the area.

Mr. Remer said that 100 feet of the buffer would be a screening of the trees that already existed, or a pine buffer that would grow quickly. He said that behind that, in most areas, there would be 100 feet of tall-growing meadow grass that was pollinator-friendly and effectively provided habitat for pollinators and other wildlife. He said that there would be about 500 acres of meadow habitat that would be established outside of the panel area.

Mr. Remer said that the project would comply with the Water Protection Ordinance Stream Buffer regulations, which were 100 feet off of any delineated wetland. He stated that their own delineated wetland had been approved by the Army Corps of Engineers. He said that there were many streams on the site, which provided for natural wildlife corridors. He said that there were 1,800 acres of meadowland, and while some timbering would continue, there would be great conservation efforts made for the site.

Mr. Remer said that there was a lot of research around allowing sheep to graze onsite, but there were logistics that still remained to be determined, so it currently was planned to have beekeeping partnerships. He said that they had signed a letter of intent with Thistle Rock Meadery to allow for 100 hives onsite.

Ms. Remer said that the parameters of the decommissioning bond instrument had been written, and it did not account for salvage value. He said that the decommissioning bond was currently \$8 million but would be reviewed every five years to ensure it kept up with inflation. He said that the idea was that after this project's 35-to-40-year life, the current owner could continue to use the site as a solar facility or could pull out the equipment and use the land for other uses, because the proposal included amendment of the acidic soil to make it tenable.

Mr. Remer said that there was a great opportunity to interconnect to the grid and backfill power from the Bremono Coal Power Plant that had been decommissioned in Fluvanna. He stated that there was potential for the project to break ground within about a year because of the clear interconnection if the other parts of the process went smoothly.

Mr. Remer said that the current site was very degraded and was not in good shape. He said that there was not much topsoil as it currently existed. He said that many soil samples were taken.

Mr. Remer indicated on the top righthand side of slide 13 the first solar project he developed in South Deerfield, Massachusetts, and the bottom righthand photograph was a project about an hour north of Albemarle, indicating the vegetation that grew around the panels. He said that there was a robust screening plan in place, which he could provide more detail on.

Mr. Remer said that he had had a lot of meetings with community members, including neighbors, professional organizations, to concerned citizens across the County. He noted that the top four quotes on slide 19 were from neighbors in the Woodridge community, and indicated there was community and County support for the project.

Mr. Andrews asked if there was a comparable measure of the energy output of this project and the energy usage.

Mr. Remer said that the calculations were arrived at using equivalent power. He said that solar power was produced when the sun was shining, so it was most efficient in handling the peak energy usages experienced on hot summer days, but he would likely be returning to the Board in a few years for a battery to be added to be able to round that out and make this a little more long-term.

Mr. Nick Ford stated that he lived at 2500 Plateau Road in Charlottesville.

Ms. Price asked what entity Mr. Ford represented.

Mr. Ford said that he represented Hexagon Energy. He said that the calculation that referred to 25,000 homes was a calculation of the total energy that the array would produce in a year, divided by the amount of energy an average home used in a year, so while the solar power may not be providing power to those homes every hour of every day, the energy equivalent was what was used for the calculation.

Mr. Andrews said that he was concerned about how much grading was expected to go on at this site. He said that it was not a flat site, but panels could be put on different levels. He asked if Mr. Remer could address the 15% grade.

Mr. Remer said that the site would involve grading because there was no way around it. He said that the site was filled with plateaus and valleys, most of which were gently rolling and could be worked with. He said that to be able to build their site, they needed about a 15% slope. He said that they would be using single access trackers on this project, which meant there would be a post in the ground with a pole across the top of it, and there was a panel on top of that pole, which tracked the sun from east to west. He said that that type of panel was less tolerant of slope but more efficient in production, yielding 15% to 20% more than a single panel sitting still.

Mr. Remer said that they were unsure of what the exact amount of grade was needed, but it was estimated to be 1 million cubic yards of grading across the 650 acres. He said that it worked out to not be much over the whole area, but some areas were taller and some were lower. He said that there was a lot of scouring happening across the site, and the grading would actually help reduce some of the really steep sloped areas that experienced erosion and scouring. He said that 15%, when planted with the vegetative cover, would slow the runoff down and help the site be better. He said that the site would not be flattened, and they were working as much as they could to do the minimum required both for environmental concern and because grading was expensive.

Mr. Andrews asked if Mr. Remer accepted not being able to develop Area E.

Mr. Remer said that the critical slopes map had indicated there were more critical slopes than actually existed. He said that by using finer Virginia LIDAR (light detection and ranging) data resolution and field comparison, they found that most of the areas marked as critical slopes were not; there were a few small, discontinuous areas. He said that Area E was the exception to this. He said that it was on an existing northerly-facing critical slope, which was not an ideal use for solar as the panels should be facing south, so northern-facing panels experienced lessened production. He said if they were going to lose an area to a critical slope, Area E was the best area to lose.

Mr. Gallaway asked if Mr. Remer could address the stormwater, especially during the construction and installation, and the mitigation of what could possibly happen when doing all the things to get this project running. He said that it was a huge area.

Mr. Remer agreed that it was a huge area. He said that the site was already bad, so they would be fixing this. He said that they would be using silt fencing as required as a standard best management practice, which the County would review in detail as part of the site plan review. He said that a best practice in Virginia was the creation of sediment basins to hold water before anything left the site. He said that they would preliminarily dig sedimentation basins across the site to make sure the water and sediment had time to settle in the ponds and then were emptied out. He said that these basins could be turned into stormwater ponds and stay on the site permanently if desirable. He said that they would also plant a cover crop before construction to stabilize the ground and to break up the soil so it would be easier to plant everything.

Mr. Gallaway asked for clarification about the power line that was coming through.

Mr. Remer said that there were two sets of power lines that ran through the site. He said that one power line was very large and ran through the northern portion, and one was smaller and ran from the decommissioned Bremono Coal Power Plant in Fluvanna County, which was just fully cleaned up in the last year or so. He said that the line used to carry coal and then gas power out to the substations in Albemarle County and surrounding areas.

Mr. Remer said that with the shutdown of that plant, there was now capacity in that line for the power from the proposed solar farm to flow. He said that the regional power grid manager, PJM, had halted adding solar projects to the grid unless it had a clean interconnection, so this interconnection would allow for the project to proceed much faster than it would have otherwise.

Ms. LaPisto-Kirtley asked if the solar panels would be away from the natural streams in the area.

Mr. Remer said yes.

Mr. LaPisto-Kirtley asked if the streams flooding would put the panels in danger.

Mr. Remer said no. He said that climate patterns were always changing, and they were learning about what was actually happening. He said that there would be 100 feet between any delineated wetland and any fencing, planting, screening, or panels. He said that the 100-foot buffer was a linear measurement, but there were steep hills on the site that sometimes gave as much as 20 feet between the water surface and where any type of panel was.

Mr. Remer said that they were not very concerned about it but had FEMA flood maps that were being used in designing the site in accord with where flooding may be anticipated. He said that if water came up around the panels, they were still sitting several feet off the ground, so a small amount of water flowing underneath them would do no damage.

Ms. LaPisto-Kirtley asked if the applicant would first bring in soil but not topsoil.

Mr. Remer said that there was no plan to bring in any soil, and they hoped to use the dirt onsite for this use. He said that it would be difficult to get anything to grow, and it would require plowing with tractors and soil amendments. He said that they would initially plant a robust groundcover such as a type of oats, but there would be no soil imported or exported.

Ms. Mallek asked if the wiring for the solar panels was underground or on the surface.

Mr. Remer said that under the panels themselves, it was underground by about 18 inches. He said that for some other areas where they were connecting one sub-array to another sub-array, in some areas it was buried, but in others it may be above ground. He said that it would be approximately two to three feet deep where the wiring ran.

Ms. Mallek asked if all of that wiring would be retrieved during the decommissioning process.

Mr. Remer said that in the decommissioning plan, the wording was that they would remove everything above three feet. He clarified that there would be some instances where the wire may be 3.5 feet underneath due to topography, but that would be pulled out as well. He said that there was no intent to leave anything in the ground, but the wording stated that everything above three feet was pulled up.

Ms. Mallek asked if there would be noise generated from a substation.

Mr. Remer said that there was humming that could be heard when standing nearby the substation, similar to other substations. He said that the substation would be sitting completely interior to the site and was not going to be near anyone who would hear anything from it unless they were standing next to it onsite.

Ms. McKeel said that she had been on that property, and it was obvious how degraded the site was. She said that the land had been mistreated, and this proposal was a great opportunity. She asked if Mr. Remer could discuss the surrounding residences, the right-of-way that went through Island Drive, and the responsibilities related to that.

Mr. Remer said that there were homes and residences in the surrounding area, although they were not densely spaced. He said that some neighbors expressed their full support of the project, but others were not happy with the idea of there being a forest growing that had now been cleared and treated with pesticides. He said that in discussing this with residents, he tried to balance the need of the project with the wellbeing of people living around it, and while there were residents who did not see eye-to-eye with them, the solution he presented was the 200-foot planted buffer.

Mr. Remer said that the original site plan for the project would have extended the panels near Island Drive, but several neighbors who lived along Island Drive and Secretarys Road were concerned about those panels. He said that they had guaranteed that no panels would go in that area so that people's homes would be left farther from the project and quieter. He said that on Island Drive, there was a resident who had lived there for a long time, and upon discussing it with the family of the resident, they agreed that the applicant would assume maintenance of the road for her access throughout.

Ms. McKeel clarified that it was a gravel access road and right-of-way.

Mr. Remer said yes. He said that it would be kept in good working condition for them throughout the life of the project.

Ms. McKeel said that the information was within the written documents.

Mr. Remer said that it may not be in the Board packet, but they would hear from the son of the landowner shortly about the subject. He said that they had an agreement that they agreed to enter into, but it was not yet a part of the public record.

Ms. McKeel said that it was important because that road was more than one mile long.

Mr. Remer said that he understood that the road already had some access difficulties, especially during severe weather, so they would keep it as clear as possible.

Ms. McKeel said that there were lots of invasive species at the site.

Mr. Remer said yes.

Ms. McKeel asked if the applicant was interested in planting native plants.

Mr. Remer said that they would be planting as close to native as possible.

Ms. McKeel said that she had heard goats were mentioned as a possible grazing herd on the site, but it concerned her that the goats may affect the facility.

Mr. Remer said that goats were not being considered because they could potentially chew through wires and jump on the solar panels. He said that only sheep were being considered, and along

with the focus on pollinators, there were 500 acres of mostly native plantings that already created habitat for macro- and microfauna. He said that loblolly pine was not native and not a rich, biodiverse habitat for wildlife to live in, so establishing a habitat not only for bees and butterflies but for all wildlife was the goal.

Ms. Price asked if there were any further questions and, hearing none, moved to comments from the public.

Ms. Katie Ebinger, Climate Policy Analyst at Community Climate Collaborative (C3), stated that she was a Charlottesville resident. She said that the organization worked on climate issues in Charlottesville and Albemarle County, and they strongly supported the Woodridge proposal. She said that they understood that a lot of the comments in opposition to the project had centered around environmental concerns, and as environmentalists and climate activists, at C3 they took these concerns very seriously. She said that due to this, they spent months analyzing this project independently for its climate justice, socioeconomic, and environmental impacts.

Ms. Ebinger stated that it was concluded that the project would benefit the County and a nation as a whole on multiple fronts, only after that careful analysis. She said that benefits of the site included that the site was next to a transmission line, which Mr. Remer explained as being important for expediency, but she would point out why it was important from an environmental and climate perspective. She said that it was estimated that for every mile of transmission line built in a forested region like this, they could expect to have to cut down between 5,000 and 14,000 trees per mile, only for the transmission line, so preventing additional transmission lines from being created prevented trees from being lost that might otherwise be felled for another development.

Ms. Ebinger said that in relation to soils, she pointed to peer-reviewed, scientific journal articles, Moscatelli et. al, 2022, and Lambra et. al, 2021, which concluded that while solar farms did change soil biogeochemistry, the impacts were unlikely to compromise the future conversion to agricultural land and soil quality was not significantly statistically different from degradation associated with agricultural uses. She said that in the context of the study, the compared use was vineyards.

Ms. Ebinger said that C3 was passionate about slowing climate change in a just and equitable way, so they would be remised not to mention the climate benefits of this project. She said that in their independent analysis, they estimated that this site would generate electricity equivalent to powering 30,000 homes, and the greenhouse gases avoided in the first year alone would be roughly 126,700 US tons of greenhouse gas emissions. She said that to contextualize that number, it was roughly 8% of the County's annual greenhouse gas emissions.

Ms. Ebinger said that the Virginia Clean Economy Act called for them to clean their grid, and much of this energy would need to be generated at the utility scale. She said that approving the project would allow Albemarle to be a part of this transition as they all built a climate-smart future together, she requested the Board on behalf of C3 and herself to approve the Woodridge Solar Project.

Ms. Patricia Maida, 1945 Secretarys Road, Scottsville, said that her home was right next to the subject property. She stated that she had lived at this address for 23 years, had always been zoned agricultural and historical. She said that they had watched pine trees be cut down, and right across the street, between Island and Secretarys Road, all the pine trees had grown beautifully, but directly next to her home, to the right, they put herbicide and machinery there. She said that behind her home, going to the back of the woods, there was a fire wall, which had been compromised because of erosion of what they had done to that particular area with the over-use of herbicides and the machinery that went through.

Ms. Maida said that the firewall was for Turkey Run and was put up because of fire. She said that just on Saturday, there were eight firetrucks and an ambulance that went by her house on Secretarys Road, which were there because apparently an electrical wire had fallen, and almost three acres of property was on fire. She said that her concerns were that these panels, transmitters, and transformers would create arcs, which would be fire. She said that for most homes, authorities advised for roughly 1.2 miles away from residents, but this would be 200 to 900 feet from local residents' homes and the people living there.

Ms. Maida said that she was concerned about fire and the erosion that had already been happening because of what had been done to the site. She said that many other counties had experienced solar panel projects that created a lot of erosion, and there was a lot of documentation, including from a community meeting in Albemarle where a solar expert said that once the panels were up, they could not turn it back to agricultural.

Mr. Greg McLean, founder and Chair of the Community Climate Collaborative (C3), stated that he lived at 2711 Liberty Hall Lane in the Jack Jouett District. He said that he would speak briefly to the facts and then more to the values. He said that from a facts perspective, this was a solid project, and as they had heard in spades, the climate mitigation impacts were substantial and it was environmentally sound.

Mr. McLean said that in regard to infrastructure, he did not think that the ability for Woodridge to connect to an existing transmission and infrastructure could be overemphasized. He said that there had been a backup in the interconnection at PJM, which was substantial and real, and if they wanted to minimize environmental impacts and facilitate faster deployment of renewable energy, this was the

project to do so.

Mr. McLean said that from a justice perspective, the less solar they deployed in Albemarle, the more solar that must be deployed in other communities in Virginia, and the less solar they deployed in Virginia, the more that had to be deployed throughout the rest of the United States, and the less they deployed in the United States, the more it was exported to the rest of the world. He said that they had an obligation to do their share.

Mr. McLean said that his last point was the love of Virginia. He said that it would be easy to cast this debate as advocates for rural Virginia versus urban and suburban climate advocates, but he believed that that was wrong. He said that he lived on a small farm where they had 90 head of sheep, chickens, and bees, and those bees were in a solar field that had pollinator-friendly plants such as the proposed project.

Mr. McLean said that he loved this community, this landscape, this ecosystem, and Virginia, and that love was why he supported Woodridge. He said that they had to deploy substantial renewable energy to protect their land in Albemarle County, and they must protect the white oaks, the black bear, the indigo bunting, and the brook trout. He said that if they did not, soon enough they would be living in South Carolina. He said that for love and justice, he asked the Board to approve Woodridge Solar.

Mr. Jim Allen, 1926 Secretarys Road, said that he lived immediately adjacent to Island Drive, therefore adjacent to all the dust and traffic that went down that road, which had increased substantially in the 26 years that he had lived there. He said that in Dominion Energy's integrated resource plan, it was stated that the VCEA (Virginia Clean Economy Act) compliance plan would require it to buy 5,000 megawatts of capacity in 2045 and beyond, a strategy that was skewed in the 2021 IRP (Integrated Resource Plan). He said that in the current plan, it said, raised "concerns about system reliability" and "over-reliance on out-of-state capacity," which ultimately amounted to that plan relying on buying significant electricity from neighboring utilities who would not have it to sell, and depended on battery storage that would not last a night.

Mr. Allen said that nevertheless, it was moving forward with these plans rather than trying to halt projects like Woodridge because it would make lots of money from them, and it was the customers who would pay the price. He said that they were already seeing an increase in the price from Dominion, and Dominion would have to have redundant systems to provide electricity around the clock unless they wanted to have California-style blackouts to support the solar fields such as Woodridge.

Mr. Allen said that Woodridge would only produce energy for about one-third of the time each year, and it would not generate electricity at night or for about half the day on average throughout the year and would not do so efficiently when it was cloudy, rainy, or snowing. He said that they had begun to see the costs in their own bill, even without the increases that were to come. He said that they had replaced two heat pumps in the past 14 months, cutting their energy usage by about 25% to 30%, nevertheless, the Dominion bill had increased by about 15% to 20% during that period.

Mr. Allen said that in terms of the Woodridge project, in its December report, the County staff said that the sole unfavorable factor was some visual impacts, and one might conclude that if they did not live next to it and ignored some of the potentials that Ms. Maida had described as well as the noise and dust that would be created in the installation. He said that the most pressing issue was fire, and it did not seem that the County had looked into that issue, but there would have to be redundant resources not only in training Fire and Rescue, but also in dealing with potential fires from the batteries. He said it was also dealing with water and natural resources.

Mr. Rob McGinnis, Piedmont Environmental Council (PEC), said that the PEC continued to recognize that utility-scale solar facilities played a critical role in the Commonwealth's transition to clean energy, however, appropriately siting, designing, constructing, operating, maintaining, and decommissioning these facilities was required to adequately address potential adverse and environmental impacts. He said that he would focus on one topic, which was protection of water resources.

Mr. McGinnis said that Pamplin Solar, Buckingham Solar, Essex Solar, Cunningham Solar, Axton Solar, Leatherwood Solar, Hollyfield Solar, Belcher Solar, River Road Solar, Caden Energex Wytheville Solar, Alta Vista Solar, all had one thing in common, which was that the Virginia Department of Environmental Quality (DEQ) noticed and sent orders regarding violations of the state's water control law and regulations. He said that principally, these were sediment and erosion control violations that were the main problem, discharging sediments and pollutants into waterways and wetlands.

Mr. McGinnis said that large-scale renewable solar energy generation in Albemarle County and protection of Albemarle's water resources were not mutually exclusive, and they could and should have both renewable energy generation and protection of water resources. He said that PEC strongly recommended the following conditions for the special use permit for this project, which were to enhance the erosion and sediment control measures above and beyond the County and Commonwealth standards, qualified third-party review of the engineering and construction documents, qualified third-party inspections of installed erosion and sediment control measures, which should all be paid for by the applicant and with those third-party reports and reviews submitted to the County.

Mr. Matt Hantzmon, CEO and founder of Hexagon Energy, who was developing the Woodridge Solar Project, stated that he lived in Charlottesville, Virginia, where he was born and raised. He said that he had been working in this industry for more than 20 years, which had been a great pleasure, and it was exciting for Hexagon to be developing projects not only in Virginia but in their own backyard in Albemarle County. He said that it was also a responsibility, and one that they took very seriously.

Mr. Hantzmon said that one of their major values that was taught and adhered to within the company was the value of stewardship. He said that they looked at that in a number of ways, at the national level they recognized that developing clean and renewable and domestically-produced energy was critically important to the nation, and at the community level, the stewardship of the neighboring environment related to the issues of stormwater management, increasing and rejuvenating the land and soils within this site, and stewardship of the land itself was essential.

Mr. Hantzmon said that they would be working with the landowners and with their plans for this project to do regenerative development, leaving this site not only in years one, two, and five, but in years 30 and beyond, in much better condition than it currently was. He said that the project would improve the condition of the site and was not degrading it, and he found many of the issues raised to be important and should be focused on, but they were also ones that the plans addressed importantly. He said that stewardship was critical in how they looked at things and underpinned a lot of the work they did as they developed.

Mr. Hantzmon said that he had worked in over 40 states for 20 years, developing projects such as this, and Albemarle County had one of the most thoughtful and comprehensive plans and processes to evaluate projects, and he thought they did a great job. He said that he hoped the Board could see their way to approving the project this evening.

Mr. Kirk Bowers, Sierra Club's Piedmont Group, stated that he had lived in the Rivanna District for 35 years and was a licensed professional engineer. He said that the company he currently worked for was working on numerous projects in the state, and that the Sierra Club's Piedmont Group fully supported this project.

Mr. Bowers said that on a bad note, the IPCC (Intergovernmental Panel on Climate Change) recently issued their final warning on climate change, and they had no time left, so they had to proceed with projects like this immediately.

Mr. Bowers said that however, there were some concerns that he had about the site itself. He said that having been to the site itself, it was highly erodible, and the soils were in bad shape. He said that the problem was that it was not the right type of soil and had been abused for many years, but it could be fixed with some work. He said that in the recent court case with the Mountain Valley Pipeline (MVP), the MVP had had serious erosion problems, and as a result of that, they had been shut down permanently because of the DEQ-issued consent order.

Mr. Bowers said that they had to be very careful about phasing the construction plans for this project to ensure that they did not exceed the limits of clearing that would be able to be controlled by the erosion control measures. He said that it was a big issue that he asked the Board to consider. He clarified that they should not clear too much land at once, otherwise there would be trouble. He said that other than that, it was a great project, and they really needed it.

Mr. Jonathan Baker, Samuel Miller District, stated that he lived in Ivy, where he lived in his grandmother's house, who had moved to the area almost 90 years ago. He said that his grandmother drove a bus for Merriweather Lewis School, his father attended Merriweather Lewis High School, and he had grandchildren on the way, and he was grateful that the five generations had been able to live here. He said that on the farm where he lived, they had 37 kW for a residential ground-mounted system that he could see from his living room, that he had put in last year and screened with hollies, and he was very proud of it as it covered 100% of his electricity.

Mr. Baker said that the County had changed a lot, and in his 56 years, it had become crowded, and a lot of burden was put on administrative costs for the County. He said that this proposal was a source of tax revenue that did not require a new school, new roads, or additional services, and it generated revenue. He said that it was a brilliant site and brilliant opportunity for the County to diversify its revenue base and provide clean power.

Ms. Donna Shaunesey, Chair of the Piedmont Group of the Sierra Club, stated she lived in Charlottesville. She said that she would like to emphasize Mr. Bowers' comments from earlier, who was the conservation chair. She said that they were very enthusiastic about this project, as many of them were terrified of climate change, and this was one way to tackle it in a big and important way. She said that she had also visited the site and seen the incredible erosion that was happening there, so they should be grateful that these folks were willing to take on this project.

Mr. John Kluge, Thistle Rock Mead Company, stated that he grew up in the County and now lived in the Milton area with his wife and daughter. He said that he considered himself very lucky to live here, to raise their daughter here, and to be building a new nature-based business in the County. He said that with the climate targets in place, Albemarle had demonstrated a tremendous commitment to safeguarding their home, their quality and way of life, and their natural resources for future generations. He said that that was an important step in the County, and he thanked them for that.

Mr. Kluge said that they were present today to review a truly outstanding project that put that commitment into action, and he was present to voice his support for Hexagon's proposal as a resident, community member, parent, and CEO of Thistle Rock Mead Company. He said that this company was a new Virginia benefit corporation based on their farm in the Milton area. He said that not long ago, their farm was a similar site to Woodridge, it had been heavily logged in the 1950s, and the soil, environment, and conditions there took a serious hit. He said that when they began stewarding the farm, they began the journey of turning things around and restoring the soil.

Mr. Kluge said that now they had a vibrant, regeneratively managed flower farm, apiary, and soon a farm winery, although they were using fermented honey instead of grapes to produce their wines or meads. He said that this had a net positive effect on the pollinators. He said that it took roughly about a pound of honey to produce a bottle of honey wine, which equated to a bee making between 1 million to 2 million pollination stops within a given environment. He said that with mead, they had by default the purest representation of a given environment in an ecosystem in a glass, and by this June, they would have 70 thriving and healthy honeybee hives under their own management and would be on track for about 150 by next spring.

Mr. Kluge said that they needed more, and so did the County and the state. He said that thanks to partnerships with national electric vehicle companies like Rivian, local solar producers like Sunday Solar and Hexagon, and by sourcing their other ingredients from local farms like Agriberry and Hobbit Hill, they were on track to be the first net-zero meadery in the nation, and the first net-zero winery in the state when they opened this year.

Mr. Kluge said that for them, nature was at the heart of what they did and it was so important that they were in the process of appointing an independent Board director to represent the voice of nature. He said that he shared this to show how much they valued thoughtfulness when it came to their environment, which was what they put into place with their partnership with Hexagon. He said that they would hear from Ms. Allison Wickham, the director of apiaries.

Mr. Rob Propes, 350 Pleasant Place in Charlottesville, Virginia, said that he was speaking in support of the Woodridge Solar Project. He said that there had been a lot said about the environmental attributes associated with this project, and just on that basis alone, the Board of Supervisors should be supportive of the project. He said that he would discuss some of the economic benefits.

Mr. Propes said that he used to do economic development for the state of Delaware and for the Commonwealth of Pennsylvania, and in that role, they looked for companies to recruit to the state, and companies that did not require a lot of infrastructure, had a lot of tax revenue associated with them, and potentially even jobs, were gold. He said that the proposal was gold from an economic development standpoint. He said that there would be a few people associated with the project, meaning no extra teachers, no extra fire and police, no infrastructure required from the County, water, sewer, or roads, but it would be heavy on tax revenues, which was fantastic for the County and for residents such as himself.

Mr. Propes said that also from an economic development standpoint, someone had mentioned the Dominion electricity bills were going up. He said that the amount of solar energy in Dominion's portfolio was very small, and what was driving the cost of energy right now for Dominion and for ratepayers such as himself, were natural gas prices. He said that the cost of natural gas had dramatically increased, and there were several news articles on this that could be read online. He said that that would continue to drive their electricity rates, and solar was such a small fraction of that, it was not having the impact that some believed.

Ms. Laura Young stated that she grew up in Albemarle County and currently lived in the City of Charlottesville. She said that she was speaking tonight in support of the Woodridge Solar Project. She said that her grandmother lived off of Secretarys Road, and her property bordered one of the proposed locations for where solar panels would be placed, and in addition, her driveway would also become an access point to one of the service stations. She said that when she first heard of this project, she had mixed feelings; on one hand she was excited about the possibility of powering 25,000 homes with renewable energy, however, she was worried about the impact on her grandmother's property.

Ms. Young said that this summer, she and her father met with Scott Remer, and at their meeting, Mr. Remer listened to their concerns and had worked to show that he and his team at Hexagon would be good neighbors throughout the entirety of their lease. She said that Albemarle County had set a goal to hit zero net emissions by 2050, and she believed that this project would help them get closer to that goal. She said that she supported the Woodridge Solar Project, and it was her hope that the Board would, too.

Ms. Allison Wickham, Thistle Rock Mead Company and Siller Pollinator Company, said that as Mr. Kluge told the Board, they were interested in keeping beehives on the property in a great partnership that allowed for them to have 100 hives there, which would create a lot of mead. She said that it was great that they could co-create in this space, and multiple businesses could benefit from one location. She said that on behalf of the pollinators, there was nothing better than hundreds and hundreds of acres of flowers.

Ms. Wickham said that pollinators were in trouble, as one-third to one-half of everything humans ate was directly because of pollinators, and the best thing to do for them was to provide habitat. She said that they should provide that habitat. She said that these types of projects, and any type of project the County reviewed, if requesting to plant grass, should be told no and to plant flowers instead. She said that there was no reason not to plant flowers, and helping pollinators was something that they could fix. She said that it was not a huge and complex thing that people could not wrap their minds around like some other problems, because the solution was simply to plant more flowers. She said that they should plant the flowers, feed some pollinators, make honey and mead, and create solar energy.

Mr. Bruce Sullivan, Samuel Miller District, stated that he had lived in Albemarle County since 1973, and his current address was 18 Orchard Road. He said that his 96-year-old mother lived at 4503 Island Drive in the Scottsville District, which had been discussed. He said that when he first found out about this project, he was alarmed, so he did a little research and reached out to Mr. Remer, and over the course of the nine months, they had gotten to know each other, and Mr. Remer had gotten to know his mother's property.

Mr. Sullivan said that he had gone from being opposed to this project to being very, very enthusiastic about the project, and he asked the Board to support it with few restrictions. He said that a question raised was the legal issue of a road maintenance agreement, and he did not want to go into much detail, but his mother was attorney-represented, and there were five pages of road maintenance agreement that had no need to be recorded but was suitable for recording. He said that it more than protected his mother's interest in the road, and the current landowner had not helped her much with the road at all, so that was not an issue.

Mr. Sullivan said that mentioned tonight was the Mountain Valley Pipeline, but he knew from getting to know the applicant and their team that they were not the type of executives to create something like the Mountain Valley Pipeline, and his gut feeling was that the applicants wanted to be good neighbors and do the right thing by taking good care of the property. He asked the Board to please approve this special use permit as proposed.

Mr. Bob Putnam, 2086 Secretarys Road, said that he was right in the center of the Woodridge Solar Project. He said that he was supportive of the project and the creation of clean energy, which was needed, but he was skeptical of the idyllic, green groundcover that was depicted in all the photographs seen of the project. He said that he knew what the soil was like over there and at his own house, and it was not going to be easy to get groundcover to grow there. He said that the idea of having sheep and honeybees and flowers would be great, but it would not be a simple process of throwing out seeds and watching them grow.

Mr. Putnam said that they had to have a management plan, which he knew existed, but it had to be overseen and followed rigorously, because everything depended on that groundcover. He stated that without the groundcover, the erosion and runoff came, and instead of seeing beautiful green grass between the panels, there would be ditches going downhill where all the water was going. He said that this could be a mess if it was not done right, and it was up to the County and the Board to ensure that they followed some of the ideas by the PEC, suggestions by the Sierra Club, and others to ensure they had adequate groundcover.

Mr. Charles Hurt, Samuel Miller District, stated that he lived on a farm in Esmont. He thanked the Supervisors for their willingness to make these difficult decisions and thanked the County staff for their support. He said that it was difficult to interpret the regulations and then make a written report which was subject to criticism by everyone. He said that the County development process worked, thanks to their team, and he appreciated that.

Mr. Hurt said that he wanted to express his support of the project, mostly due to the community engagement that Hexagon had undertaken. He said that there was a robust debate, lots of pros and cons for why things should or should not happen, and he was impressed with the company's willingness to engage in a public conversation to be forthcoming with their plans and intent.

Mr. Hurt said that their community outreach program was an example to other developers that wanted to conduct business in Albemarle County as opposed to trying to force through an approval. He said that they had facilitated the support from pollinators and a rural hunt club to embrace a sustainable power project was admirable, and it spoke to their ability to connect with people and show them the right

path.

Ms. Susan Kruse, Executive Director of the Community Climate Collaborative, said that she had advocated for environmental protection and social justice for nearly 30 years. She said that she offered the Board the full breadth of her experience tonight, when she hoped the Board would unanimously approve the Woodridge Solar Project, the most important and potentially impactful climate vote before the Board in the past four years. She said that she had fought to protect native and national forests across the United States and had walked through many pine plantation monocultures such as the current site proposed for Woodridge Solar. She said that her colleagues and she called them living dead forests for their startling lack of biodiversity and wildlife.

Ms. Kruse said that trees grown as a crop to support disposable paper products was not the highest use of this land in Albemarle County, and instead, Woodridge Solar proposed to retain significant forest cover, allowing native forests to recover and soils to rest throughout the remainder of the site. She said that at the Legal Aid Justice Center, she worked alongside social justice advocates to address systemic inequities disproportionately impacting communities of low-income and people of color. She said that Virginia's current energy mix relied heavily on fossil fuels and concentrated pollution on these same communities, which was not just.

Ms. Kruse said that the Woodridge Solar Project offered Albemarle County a chance to rectify historic inequities by generating clean, non-polluting power at home. She said that more recently, she returned to the environmental field to support a transition to a clean and more just energy system. She said that in her three years at Appalachian Voices, she walked abandoned mine lands, toured communities poisoned by coal ash, and heard the stories of Virginians facing the construction of the Atlantic Coast and Mountain Valley methane gas pipelines. She said that Woodridge Solar supported a just transition for these places.

Ms. Kruse said that at C3, she saw the challenges facing households, businesses, and local governments as they strived to reduce greenhouse gas emissions. She said that everyone was counting on a clean electrical grid to reach their climate goals. She said that to add the same amount of energy to the grid with roof-top solar would require approximately 27,600 Albemarle households to go solar, and would cost Albemarle residents more than \$415 million, and still would not be enough to help the County reach carbon neutrality.

Ms. Kruse said that finally, she offered the Board her expertise as a mother. She said that her two children would be 37 and 40 years old when they reached 2050, and would likely have children of their own, her grandchildren. She said that the climate crisis was the most serious threat facing their generation, and they would be the ones who would inherit the folly or the wisdom of the vote tonight. She asked the Board to please approve Woodridge Solar. She asked the Board to vote for the land and vote for justice for the planet and for future generations.

Mr. Tim Watkins stated that he and his family had lived in the Woodridge area of Albemarle County for about 15 years, and he appreciated the opportunity to address the Supervisors tonight. He stated that he worked for a company that provided research to the U.S. government, but everything he said tonight was his own opinion and was not the opinion of anyone associated with his company or the government. He said that he would be discussing what he saw as supply chain issues for solar in the U.S. and for this area, which he had researched at home on his own time and not in a professional capacity.

Mr. Watkins said that he realized that Hexagon had done a lot of research and work on the background to make this project work and accommodate folks. He said that he shared some of the concerns that neighbors had voiced; his property was about 300 yards away from the project. He said that he shared the same concern regarding the potential fire hazards, water tables, and erosion, but what he wanted to talk about was a bit different. He said that he wanted to talk about the origin of the panels that they would likely use, and if this was approved, he hoped his comments would be taken into account by Hexagon when they sourced their solar panels.

Mr. Watkins stated that the U.S. Commerce Department concluded an investigation that found a predominance of state-backed China producers of solar panels that dominated the U.S. market, and this was despite tariffs that had been in place since the Obama Administration, which Chinese manufacturers had been able to circumvent by producing the panels in China, but not shipping them from China but from intermediary countries such as Malaysia, Thailand, and Vietnam.

Mr. Watkins said that this put at risk the U.S. solar manufacturing industry that needed to now compete against subsidized entities, which was difficult for them to do. He said that they would rely on U.S. companies having a resilient and strong presence in that industry, and it was them they must rely on to make this green transition happen. He said that that his second comment was regarding a human rights concern.

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Mr. Caetano de Campos Lopes, Policy Director of the Community Climate Collaborative, stated that he was a County resident. He said that last week, C3 sent the Supervisors a petition in support of Woodridge Solar, which had the support of companies and positions representing about 30 organizations, and the petition was also signed by over 400 local community members, of which over 100 of those people offered written comments in support of the project. He said that as none of these comments were uploaded to the County's page, he wanted to use some of his time to elevate some of the ones received from County residents, and all of them could be found in the petition letter sent to the Board. He said that he would read the person's name, followed by their comments.

Mr. de Campos Lopes said that the first was John Kluge, "As a CEO of Virginia's first net-zero winery and the country's first net-zero meadery, I was thrilled by Hexagon's invitation to partner with them in restoring their pollinator meadows where we will also place beehives to produce local honey as well as premium honey wine. Fifty percent of our profits are also going to directly support biodiversity protection, habitat preservation, and the livelihoods of BIPOC (Black, Indigenous, People of Color) , veteran, and women beekeepers. We are also enthusiastic about the sheep being tended on the solar site, so while it is a primary solar project, it is uniquely positioned to support the entire ecosystem."

Mr. de Campos Lopes stated that Anna Mendes' comment was "We will be close neighbors to the project site. I cannot think of a better use for the property."

Mr. de Campos Lopes said that Jessica Sern's comment was "This is a great opportunity for the County to be a leader in climate action. The developer's incorporation of community concerns on the local environmental impact is commendable and ensures that the project will bring multiple benefits to the community beyond clean energy.

Mr. de Campos Lopes said that Barry O'Keefe's comment was "Our children need us to overcome our dependence on fossil fuels. Consider your children and your children's children."

Mr. de Campos Lopes said that James King's comment was "I would not recommend a solar farm of this size on most properties in Albemarle County, however, a degraded timber farm would be difficult to reclaim through restorative agriculture and therefore seemed like a good spot to install a solar farm.

Mr. de Campos Lopes said that Jeff Crawley's comment was "We need a project like this in our community. Emissions reductions and rural economic development cannot wait."

Mr. de Campos Lopes said that Doug Lawson's comment was "I would strongly urge us to take a step forward toward better management of climate change.

Mr. de Campos Lopes said that these were all comments from County residents that he elevated to the Board. He said that he urged the Board of Supervisors to approve the Woodridge Solar Project.

Ms. Price asked the Clerk if there were any other speakers.

Ms. Borgersen said there were not.

Ms. Price asked if Supervisors had any additional questions of staff before the applicant made their rebuttal.

Mr. Gallaway said that Condition 16 was related to the vegetation management plan per Condition 19. He said that the end said, "may approve alternative measures to approximate to such certification." He said that it sounded that after the timeframe of five years, if it did not take, then they could have alternative measures. He asked if Mr. Fritz could elaborate on this condition.

Mr. Fritz said that for example, if there were problems with certain availability of certain seeds or plants that required alternative species, or if a different planting technique or areas were necessary, and it was not exactly what was in the Virginia Smart Pollinator Program, after consulting with professionals, they could determine if there was a reasonable alternative to achieve the same end result.

Mr. Gallaway said that Mr. Putnam's concern about the difficulty of producing this was appeased by the condition that stipulated the applicant was required to do this one way or another.

Mr. Fritz said that was correct. He said that the Virginia Smart Pollinator Program or something equivalent to it would be used.

Mr. Gallaway asked if the equivalent was the third party's decision.

Mr. Fritz said that it was the Zoning Administrator's call, after the applicant had met with a third party.

Mr. Gallaway clarified that it was the County's decision but was in consultation with the third party being consulted.

Mr. Fritz said that was correct. He said that the Zoning Administrator could also consult with any additional people they wanted to.

Ms. McKeel said that there were many conditions for the applicant to meet. She said that she became concerned when there were so many conditions for one permit, but this was a large project, and she understood some of the conditions were to protect the County. She asked if Mr. Fritz felt that all 19 conditions listed were enforceable, and that staff could realistically enforce them.

Mr. Fritz said that yes, the staff believed they were enforceable, as they were not developed in a vacuum but with the Zoning Administrator and staff. He said that the reason there were more conditions than perhaps typically seen was because they did not have any performance standards in the ordinance. He said that for a project such as this, those standards would be in the ordinance, and the direction would be to comply with that ordinance, and those 19 things would be in the ordinance. He said that as they learned, they researched what other jurisdictions had in their ordinances and adapted those to language appropriate for Albemarle County and for this project. He said that what they were seeing in these conditions were what were typically seen as ordinance language in other jurisdictions, and for that reason staff believed they were enforceable.

Ms. McKeel said that this spoke to other issues the County must solve moving forward.

Mr. Fritz said that they were working on those, as they shared all this information with their consultant, and they believed that they were in line with best practices with these conditions.

Ms. McKeel said that she saw there was a condition related to lighting, but it must be stressed that the County lighting ordinance was 20 or 25 years old. She asked if this condition was relying on that lighting ordinance.

Mr. Fritz said that that was the only thing they had, and it was referencing what was in the ordinance right now. He said that this use would otherwise not be subject automatically to the lighting provisions and would not have the same restrictions, so this was bringing it under the umbrella of current restrictions.

Ms. McKeel asked if they changed that then this project would be grandfathered in.

Mr. Fritz said that if there were updates to make it more restrictive and the applicant had not already built the facility, they would be subject to the new regulations.

Ms. McKeel asked what the circumstance was if the facility was built.

Mr. Fritz said that just like anything that was built, it would be nonconforming at that point.

Ms. McKeel said that it was sad how old their ordinances were related to these facilities.

Mr. Fritz asked which condition Ms. McKeel was referring to.

Ms. McKeel said that she was looking at Condition 15.

Mr. Fritz said that the condition was more restrictive, as it said that any lighting they had had to comply with the ordinance, but the first sentence stated that outdoor lighting was permitted only during maintenance periods.

Ms. McKeel said that it was stated to be fully shielded.

Mr. Fritz said yes, even what was on only during maintenance had to be fully shielded, so it did help to minimize that impact. He said that the applicant had no intention or purpose for lighting the facility.

Ms. McKeel said that she was attempting to make a point that the references made were to documents 25 years old.

Mr. Fritz said that he agreed, but it was all that they had. He said that staff would continue to work on it.

Ms. McKeel asked if Mr. Fritz felt comfortable with the other conditions.

Mr. Fritz said yes. He said that it was enforceable and represented best practices.

Ms. Price said that while she was not an adjacent property owner, her own house was in close proximity to two sides of this development, and it was pretty poor soils out there even without there being a tree farm for 80 years. She said that she appreciated those remarks, and thought it was important for the public to recognize that this would not be a golf course greenery in any respect, and it would take a while to build it up. She asked Mr. Fritz if he was satisfied that the conditions that had been proposed were sufficient for water protection and erosion control.

Mr. Fritz said yes, because following this, if the special use permit were approved, the applicant would have to go through the site plan process, and it was the site plan process where the details of stormwater were done. He said that Albemarle County had classified solar panels as impervious surfaces before the state updated their guidance to reflect that. He said that many examples or situations that had happened across the Commonwealth had been in localities that did not have a Board that prioritized stormwater management or fund an engineering department that performed its own review.

Mr. Fritz said that Albemarle County had the ability to do a fairly robust review, and they had experience with larger scale projects and phasing those projects. He said that discussed earlier was putting in basins, which was a good proposal because it was actually required by the County. He said that engineering was a part of this review as well, and they did not identify any special measures that needed to be taken for this special use permit, so everything could be handled at the site plan stage.

Ms. Price asked if Mr. Fritz was satisfied through the review process and any site planning or other reviews that there were sufficient steps in place to minimize to a high degree the potential risk of fires.

Mr. Fritz said yes. He said that Fire Rescue and the building official were involved in the special use permit review process to see if there were any special conditions. He said that there was one for Fire Rescue because there was specialized equipment that required specialized training. He said that those officials would also be involved in the site plan review, and building permits would be required, which would minimize any risk by meeting the building code.

Mr. Gallaway asked if Mr. Fritz could estimate how much greater the County's standards were compared to the state or DEQ, and if it was possible for the County to achieve any type of higher standard.

Mr. Fritz said that in the completed review, staff found no need to say that extraordinary or enhanced measures needed to be taken but could be addressed with the normal stormwater regulations. He said that it would involve some significant staff resources while under construction to be constantly monitoring it, which they had known for every large-scale project they had.

Ms. Price stated that Mr. Remer had up to five minutes for rebuttal.

Mr. Remer thanked the Supervisors and community members for their comments. He said that there had been issues with production of where solar panels came from and how that was addressed, but the Inflation Reduction Act did an incredible bipartisan thing to help reshore some of the manufacturing so that solar panel production was ramping up in this country, and it was ramping up because there was demand for it. He said that projects like Woodridge created that demand.

Mr. Remer said that it had been pointed out a few times that Albemarle County had one of the most advanced review processes and one of the best staffs he had encountered. He said that there was a lot of work ahead of them, and while this was the decision for the land use, before they had any type of stormwater signoff, there was a lot of work that County engineers and their own engineers would have to work through to get this right. He said that Albemarle County had the skill level to be able to enforce it.

Mr. Remer said that it had been a delight working with the community, and he learned from his time at UVA for his doctorate was that there was always a trade-off, so doing one thing meant that they could not do something else.

Mr. Remer said that as a company and team, they focused on stewardship and how to balance what they needed for their power with that. He said that everyone involved was working to ensure that

this was a good project for the environment, the grid, the economy, residents, and the County as a whole. He asked the Board to vote to support this project and do something they could all be very proud of.

Mr. Andrews said that the level of community engagement by the applicant and their reception to feedback was admirable, but should not stop, because this process would go on for quite some time. He said that he hoped that this would continue with the community, because it was the applicant's community as well.

Mr. Gallaway asked if Mr. Remer could explain the general stormwater management protocol for when panels were installed, and water was running off.

Mr. Remer said there were a few different steps involved, and all went back to things put in place at the beginning of construction. He said that rain hit the panel, fell off the panel, and fell onto what was going to be a difficult-to-establish but committed and planned vegetation mix planted under and around those panels. He said that the water would not be falling onto a flat impervious surface where the water continued to gain speed, but hit the panel, fell off, and then to the ground where the panels in front of it were.

Mr. Remer said that plantings helped infiltration and slowed down the water, and they would also have vegetated filter strips along roadways to help catch any of that. He said that it was gravel road and not paved, but they still had some increased runoff there. He said that all of that flowed to stormwater management ponds, which was a conventional method and was tried and true. He said that the quality and quantity of runoff from the site after construction had to be the same at any discharge point as the quantity and quality of the site before construction, and stormwater ponds were one of the best ways to do that.

Mr. Remer said that they were looping in other best management practices such as the vegetative filter strips, but stormwater ponds were still the best way, so the sediment basins he mentioned would likely be turned into stormwater ponds. He said that the ponds would use a mix of water-friendly and marsh-friendly natives that the County had dictated for what should be planted in stormwater management ponds.

Mr. Gallaway asked what the plan was to make the vegetation plan work, because it would be intensive.

Mr. Remer said that it would be very difficult. He said that the soil had compacted, degraded, and could not be readily used to grow seeds. He said that there were a few methods that they would have to get into more detail for design, but effectively they would break up the soil by using a plow on a tractor, then add lime and soil amendment to improve the quality so that it would have the nutrients necessary for plants. He said that due to a lot of unhealthy biodegradation, there was a lot of material that the soil should not have, so they would have to do further soil testing after amending it to ensure it got to the point that it could grow.

Mr. Remer said that the cover crop would help by starting to break it up and make room for other plants. He said that they would probably use what had become the best management practice for large sites like this, especially on clay soil sites, where the seeds were put into the ground directly through drill seeding and not thrown and covered with soil. He said that some sites had had trouble with this, but that was because the industry did not know what they were doing at first, but it was being figured out, and many companies were doing this well.

Mr. Gallaway asked if 40 years was the lifespan of the facility. He said that the conditions covered until the decommission, but he would like to know if that was the correct timeframe.

Mr. Remer said that any given project was set for about 40 years. He said that it did not mean that things went bad; panels lost about half a percent of efficiency per year, so even at the end of the 40-year lifecycle, there was still an 80% efficient panel. He said that in order to secure financing for the project, cashflow must be estimated over a time period, and 35 to 40 years was typically used. He said that they were also leasing the land, and the lease was a 35-to-40-year lease with the landowner.

Mr. Remer said that if the landowner wanted to renew the lease and they wanted to continue working with it, his understanding was that the County had no time limit on the special use permit, so the project could continue, but if the landowner did not want to continue it or if the company did not want to continue it, decommissioning was implemented, and everything would be pulled out.

Ms. LaPisto-Kirtley asked if the vegetation management plan included native plants and not invasives.

Mr. Remer said that was correct, the majority would be native, with some naturalized species. He clarified that it was difficult to have only native species, but native and naturalized would be used. He said that there was a detailed plan on how they would fight those invasives.

Ms. LaPisto-Kirtley asked if the applicant knew yet where they would be getting their solar panels from.

Mr. Remer said that he did not know yet, but he hoped that they would be based in the U.S. He said that they would have to look at what supplies were available and where they came from. He said that without demand created by projects like this, there would not be more panels made in the U.S., so at worst this was a continued draw for manufacturing here. He reiterated that the type and origin of panels used for this project were not yet known.

Ms. Mallek asked if the elevation and slope of the property allowed for prediction of stormwater management and remediation to slow down the flow of water in the valleys.

Mr. Remer said that they could research it. He said that the valley Ms. Mallek referred to was not an area the project would touch, and the area next to it would be planted with that 70-foot buffer meadow strip, which should help with that water movement already. He said that they had no direct plan to get down to the creeks because they were not qualified to do so right now, and while they would love to provide access to maintaining and restoring those streams but had no direct plans to do so otherwise.

Ms. McKeel said that this industry was difficult to conceptualize for 40 years in the future. She said that she thought it was important to figure out the details right now, and she hoped that someday Albemarle County could provide the flexibility to allow projects like this to have the ability to change as best practices changed. She said that the land would not be green again next year, and it was difficult to tamper down those expectations, but Mr. Remer said it well that everything was a trade-off. She said that they all had to vote with trade-offs in mind, and it was important for their community to realize that they tried to make the right decisions, but they could not let perfection be the enemy of the good. She said that this project was a good project.

Ms. Price asked if there were any further questions for the applicant. Hearing none, she closed the public hearing and brought the matter back before the Board for discussion and action.

Mr. Andrews stated that he was very supportive of this project. He said that he recognized that in 35 years, there would be many changes, even to the types of plants they considered native, which was why something like this became so vital. He said that he would not get behind it without being thoughtful and critical of what was going on, but he had reviewed this and felt that along with the 19 conditions, this project had done the homework necessary to try to do things right.

Mr. Andrews said that they had talked about several different ordinances tonight, one of which was the solar panel ordinance that was not yet in place. He said that they had a good start because of and through this project, and that was another thing that this project did to help them get further along. He said that the fact that this was a local project was extremely meaningful, because these were people who had to answer to the community and understand the impact of project on the community.

Mr. Gallaway said that the project met a lot of climate action goals. He said that this did not minimize the concerns that still had to be weighed, but the conditions laid out were satisfactory in helping the mitigation or dealing with those concerns. He said that he appreciated the benefits not only outlined in the Climate Action Plan, but to economic development. He said that another speaker had noted that many large-scale developments came before the Board that required roads and schools to be considered for impacts, but this project had different types of impacts that the conditions were able to answer to.

Mr. Gallaway said that because this could be returned to what was currently there, and because this project did not appear to be worse than what was there now if the infrastructure was removed. He stated his appreciation of staff and the applicant working with the local community, and the citizens who came out to speak tonight.

Ms. LaPisto-Kirtley said that she appreciated the community engagement from the community and the innovation. She said that she was supportive of this project. She said that the community was on the forefront of doing things, and this was just the beginning which would set them up for a standard across the Commonwealth of what they could do and what could be done.

Ms. LaPisto-Kirtley said that it was not the perfect long-term solution for 50 years in the future, but they had to start somewhere by being innovative and trying these things. She stated that they had to do something about climate change, and this worked by providing electricity for 25,000 homes, and took them a long way on what they were trying to achieve. She reiterated that it was not enough, and they needed more, but this was the beginning of that. She expressed her pride in the community.

Ms. Mallek said that she was grateful to benefit from the lessons learned in other communities, and the applicant and worked very hard to glean from those other things to bring this forward. She said that she was also grateful for the input from all residents who had made this a better project in the end due to the concerns they brought forward. She said that the bar had been set even higher than they had before for the development of the new ordinance. She stated that she was happy to support this project.

Ms. McKeel said that she was very supportive of this project, which was moving them forward at a time when they needed to. She agreed that if they learned the lessons from other localities and from their own mistakes, it was a good thing. She said that she appreciated the community. She said that she had learned so much through this project that it had been extremely helpful. She reiterated her support for the project.

Ms. Price said that she had yet to see a perfect proposal in her time on the Board, but she thought this proposal was very good. She said that she had known about this project for about 2.5 years,

when she was first made aware of the potential proposal.

Ms. Price thanked County staff for working during that time toward what would be a very good ordinance, and that was seen in the conditions proposed this evening.

Ms. Price expressed her appreciation for Mr. Remer's proposal for building these ditches, which would focus on stopping soil before it became siltation.

Ms. Price said that there was practically no electricity currently generated in Albemarle County, although they did use a lot. She said that this project would generate sufficient energy for about 25,000 homes. She said that the electricity was not all going to stay in Albemarle County, just like none of the electricity they had been using was generated in Albemarle County, but this was their way of contributing to a better plan.

Ms. Price said that she appreciated the mention of the consequences of the Fluvanna Coal Plan, which were 6.2 million tons of toxic coal ash. She said that a train car could carry 100 tons, so 6.2 million tons would mean it would take 62,000 railroad cars to take that toxic coal ash away from that plant. She stated that she was not in favor of acid rain and air pollution that came from nitrogen oxides and sulfur oxides from coal or other petroleum carbon-based energy plants.

Ms. Price said that the proposal was not a perfect project but was much better than that. She said that 25,000 homes or 60,000 residents was over half the population of Albemarle County. She said that Albemarle County was 726 square miles and 465,000 acres. She said that on the 2,250-acre plot, 1,500 acres would be impacted, and the panels would only take up 200 acres of the 600 acres where the panels would be located. She noted that this area was 1/2325 of the County to produce enough energy for half of the County.

Ms. Price said that she was concerned about compaction as heavy equipment moved through the property and was concerned about clearcutting as she would be with any housing development being proposed, but the reality was that this was a pine tree farm. She said that a pine tree farm was not a forest but was a food desert for animals. She said that she was fortunate to live on 21 acres near this, most of which was hardwood forest that had food for animals. She said that that the applicant was proposing creating a habitat that would be better for the fauna and flora.

Ms. Price said that she did not believe there was no concern for potential of a fire, but she was far less concerned about a fire at a solar installation than she was a dry pine tree farm.

Ms. Price agreed with Ms. Mallek's comment that perfect should not be the enemy of good. She said that this plan was clearly a contribution to the energy production that was needed in Albemarle County, and she was very pleased to support it.

Ms. Price asked the County Attorney for clarification on what attachments would be voted on with each public hearing.

Mr. Rosenberg said that the Clerk had reversed the order of the items in the agenda online prior to the meeting.

Ms. Price asked if attachments G and H were for the first item and Attachment F was for the second.

Ms. Borgersen said that that was correct.

Mr. Fritz said that he had the revised motions.

Ms. Price asked if it was an amended Attachment G.

Mr. Fritz said yes, it was what was included in the Board materials, with the revised language, which matches the revised motion in yellow in front of you.

Mr. Herrick stated that the motion could be as simple as moving to adopt the amended Attachment G, as provided to the Board.

Ms. Price **moved** to adopt the resolution to approve SP202200015 Woodridge Solar Project as presented in Attachment G, as amended.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

**REVISED RESOLUTION TO APPROVE
SP202200015 WOODRIDGE SOLAR**

WHEREAS, upon consideration of the staff report prepared for SP 202200015 Woodridge Solar and the attachments thereto, including staff's supporting analysis, the recommendation of the Planning Commission, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(58) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. change the character of the adjacent parcels and the nearby area only minimally until the screening trees mature;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202200015 Woodridge Solar, subject to the conditions attached hereto.

* * *

SP202200015 Woodridge Solar Special Use Permit Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plans prepared by Timmons Group titled "Woodridge Solar," last revised September 12, 2022 (hereinafter, the "Concept Plan") and included as Attachment A3. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
 - a. Location of solar development envelopes,
 - b. Location of equipment yard, and
 - c. Retention of wooded vegetation in stream buffersLand disturbance, which includes (but is not limited to): grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, is limited to the area(s) either (i) designated for such disturbance on the Concept Plan and/or (ii) necessary to implement the Woodridge Solar Facility Vegetation Management Plan prepared by Timmons Group, and dated September 2022. The location of the entrances and access to the solar facility is not subject to this condition. Upon the approval of the Zoning Administrator and the Director of Planning, minor modifications may be made to the Concept Plan that (i) do not otherwise conflict with the elements listed above and (ii) ensure compliance with the Zoning Ordinance, and State or Federal laws.
2. Landscaping and screening must be substantially the same (as determined by the Director of Planning and the Zoning Administrator) as shown on the Concept Plan. Additional landscaping and/or screening may be required for compliance with the screening provisions of the Albemarle County Code. The County's site plant agent will determine and specify any required planting materials during site plan review.
3. All inverters and solar panels must be set back at least two hundred (200) feet from property lines and rights-of-way.
4. The owner(s) must submit a decommissioning and site rehabilitation plan (hereinafter, the "Decommissioning Plan") with the building permit application. The Decommissioning Plan must include the following items:
 - a. A description of any agreement(s) (e.g. lease) with the landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being utilized at the site;
 - d. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
 - e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to 36 inches below grade or down to bedrock, whichever is less;
 - f. An estimate of all costs associated with rehabilitation of the site; and
 - g. Provisions to recycle materials to the maximum extent possible.The Decommissioning Plan must be prepared by a qualified third-party engineer and approved by both the party responsible for decommissioning and all landowners subject to the project. The Decommissioning Plan is subject to review and approval by the County Attorney and County Engineer, and must be in a form and style suitable for recordation with the Circuit Court Clerk of the County of Albemarle.
5. Before a grading permit may be issued:
 - a. The owner(s) must record the Decommissioning Plan with the Circuit Court Clerk of the County of Albemarle; and

- b. To guarantee performance of Condition 8, the owner(s) must furnish to the Zoning Administrator a certified or official check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County (collectively, the "Guarantee"), in an amount sufficient for, and conditioned upon compliance with Condition 8. The amount of the Guarantee must fully cover the costs identified in Conditions 4(e) and 4(f), and be updated as costs are updated as provided in Condition 6. The type of Guarantee must be to the satisfaction of the Zoning Administrator and the County Attorney.
6. The Decommissioning Plan and estimated costs must be updated by qualified individual(s) upon (a) change of ownership of either the property or the project's owner(s) or (b) written request from the Zoning Administrator, but in any event at least once every five years. All updated decommissioning plan(s) must include as-built plans. The owner(s) must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
7. The owner(s) must notify the Zoning Administrator in writing within 30 days of any abandonment or discontinuance of the use.
8. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site rehabilitated as described in the Decommissioning Plan, within 180 days of any abandonment or discontinuance of the use. Any piece(s) of any underground component(s) must be excavated to a depth of at least 36 inches below the ground surface.
9. If the use, structure, or activity for which this special use permit is issued is not commenced by April 5, 2028, the permit will be deemed abandoned and will thereupon terminate.
10. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14.
11. Panels may be cleaned only with water and biodegradable cleaning products.
12. No above ground wires are permitted except for those (a) associated with the panels and attached to the panel support structure, (b) tying into the existing overhead transmission wires, and/or (c) necessary to avoid impacting wetlands or stream buffers.
13. Before activating the site, the owner(s) must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
14. The property owner(s) must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
15. Outdoor lighting for the facility is permitted only during maintenance periods. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required by *County Code* § 18-4.17, except for any outdoor lighting required by state or federal law.
16. The owner(s) must use diligent efforts to achieve VA Pollinator-Smart Certification under the Virginia Pollinator-Smart Solar program. If the project fails to obtain or maintain such certification, upon a demonstration to the Zoning Administrator's reasonable satisfaction that such certification (or maintenance of such certification) is not commercially viable despite at least five years of the owner(s)' diligent efforts and adherence to the Woodridge Solar Facility Vegetation Management Plan, the Zoning Administrator, with input from the qualified consultant that is monitoring the Vegetation Management Plan per Condition 19, may approve alternative measures to approximate such certification.
17. Until commencement of decommissioning, plantings and vegetation management on the site must be in general accord with the "Woodridge Solar Facility Vegetation Management Plan," prepared by Timmons Group, and dated September 2022.
18. During or after grading of the site and prior to planting and seeding, soil amendments as recommended in the Vegetation Management Plan must be applied to all areas of the site to be planted or seeded.
19. The Vegetation Management Plan must be monitored by a third-party approved by the Zoning Administrator. The monitor must submit a report twice per year for the first five years of the project's operation, and the annually thereafter until the project is decommissioned.

Slopes Special Exception as presented in Attachment H, as amended.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

**RESOLUTION TO APPROVE
SE202200035 WOODRIDGE SOLAR - CRITICAL SLOPES SPECIAL EXCEPTION**

WHEREAS, upon consideration of the staff report prepared for SE202200035 Woodridge Solar - Critical Slopes Special Exception, the information presented at the public hearing, any comments received, and all of the factors relevant to the special exception in Albemarle County Code § 18-4.2.5 and § 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

1. The proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties;
2. The proposed special exception would not be contrary to sound engineering practices; and
3. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of Albemarle County Code § 18-4.2 to at least an equivalent degree.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SE202200035 Woodridge Solar - Critical Slopes Special Exception to allow disturbance of those critical slopes shown as Areas A-D on staff's "Revised Critical Slopes Special Exception Analysis" (Attachment D), as excerpted from the plans prepared by Timmons Group titled "Woodridge Solar," dated 9/12/22 (Attachment A3), provided that disturbed areas of critical slopes must meet the required design standards of County Code § 18-30.7.5.

Agenda Item No. 23. **Public Hearing: SP202200014 Woodridge Solar Substation.**

PROJECT: SP202200014 Woodridge Solar Substation

MAGISTERIAL DISTRICT(S): Scottsville

TAX MAP/PARCEL(S): 11400000007000

LOCATION: Secretary's Road (Route 708) between Blenheim and Woodridge

PROPOSAL: SP202200014: A new electrical substation for transmission of power generated by the solar energy system proposed in SP202200015.

PETITION: SP202200014: Energy and communications transmission facilities under Section 10.2.2(6) of the Zoning Ordinance, on parcel 11400000007000 that consist of approximately 1,728 acres. No dwelling units proposed.

ZONING: RA Rural Area, which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

ENTRANCE CORRIDOR: No

OVERLAY DISTRICT(S): Flood Hazard Overlay

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

Mr. Fritz said that this item was the special use permit for the substation. He said that the area with the substation on the site was located along the powerline and was very internal to the property and isolated. He said that this project was reviewed by staff and the Planning Commission for compliance with the Comprehensive Plan, which the Planning Commission found to be in compliance at their December meeting.

Ms. Price asked the Clerk if there was anyone signed up to speak on this item.

Ms. Borgersen said there was not.

Ms. Price opened the public hearing.

Mr. Remer said that this item was for the substation that connected the project to the powerlines, would look like any other substation, and was in the interior of the site and would not have visual impact on anyone.

Ms. Price asked if there were any further questions from Supervisors.

Ms. Price closed the public hearing and asked if there were further comments from Supervisors.

Ms. Mallek said that she was grateful the substation was interior to the project.

Ms. Price asked for the proposed motion to be displayed.

Mr. Fritz said it would be a motion for approval with revised Attachment F.

Ms. Price said that there was a scrivener's error that stated Attachment F was SP2021 as opposed to SP2022, but she understood it to be SP2022 as articulated on page 1.

Ms. Price **moved** the Board adopt the revised resolution to approve SP202200014 Woodridge Solar Substation (Attachment F), as amended.

Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

**RESOLUTION TO APPROVE
SP202200014 WOODRIDGE SOLAR SUBSTATION**

WHEREAS, upon consideration of the staff report prepared for SP 202200014 Woodridge Solar Substation and the attachments thereto, including staff's supporting analysis, the recommendation of the Planning Commission, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(6), 18-5.1.12, and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202100014 Woodridge Solar Substation, subject to the conditions attached hereto.

* * *

SP202100014 Woodridge Solar Substation Special Use Permit Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plans prepared by Timmons Group titled "Woodridge Solar," last revised September 12, 2022 (hereinafter, the "Concept Plan") and included as Attachment A3. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
 - a. Location of solar development envelopes,
 - b. Location of equipment yard, and
 - c. Retention of wooded vegetation in stream buffersLand disturbance, which includes (but is not limited to): grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, is limited to the area(s) either (i) designated for such disturbance on the Concept Plan and/or (ii) necessary to implement the Woodridge Solar Facility Vegetation Management Plan prepared by Timmons Group, and dated September 2022. The location of the entrances and access to the solar facility is not subject to this condition. Upon the approval of the Zoning Administrator and the Director of Planning, minor modifications may be made to the Concept Plan that (i) do not otherwise conflict with the elements listed above and (ii) ensure compliance with the Zoning Ordinance, and State or Federal laws.
2. Landscaping and screening must be substantially the same (as determined by the Director of Planning and the Zoning Administrator) as shown on the Concept Plan. Additional landscaping and/or screening may be required for compliance with the screening provisions of the Albemarle County Code. The County's site plan agent will determine and specify any required planting materials during site plan review.
3. All inverters and solar panels must be set back at least two hundred (200) feet from property lines and rights-of-way.
4. The owner(s) must submit a decommissioning and site rehabilitation plan (hereinafter, the "Decommissioning Plan") with the building permit application. The Decommissioning Plan must include the following items:
 - a. A description of any agreement(s) (e.g. lease) with the landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being utilized at the site;

- d. Standard procedures for removal of facilities and site rehabilitation, including recompact and reseeding;
- e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to 36 inches below grade or down to bedrock, whichever is less;
- f. An estimate of all costs associated with rehabilitation of the site; and
- g. Provisions to recycle materials to the maximum extent possible.

The Decommissioning Plan must be prepared by a qualified third-party engineer and approved by both the party responsible for decommissioning and all landowners subject to the project. The Decommissioning Plan is subject to review and approval by the County Attorney and County Engineer, and must be in a form and style suitable for recordation with the Circuit Court Clerk of the County of Albemarle.

5. Before a grading permit may be issued:
 - a. The owner(s) must record the Decommissioning Plan with the Circuit Court Clerk of the County of Albemarle; and
 - b. To guarantee performance of Condition 8, the owner(s) must furnish to the Zoning Administrator a certified or official check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County (collectively, the "Guarantee"), in an amount sufficient for, and conditioned upon compliance with Condition 8. The amount of the Guarantee must fully cover the costs identified in Conditions 4(e) and 4(f), and be updated as costs are updated as provided in Condition 6. The type of Guarantee must be to the satisfaction of the Zoning Administrator and the County Attorney.
6. The Decommissioning Plan and estimated costs must be updated by qualified individual(s) upon (a) change of ownership of either the property or the project's owner(s) or (b) written request from the Zoning Administrator, but in any event at least once every five years. All updated decommissioning plan(s) must include as-built plans. The owner(s) must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
7. The owner(s) must notify the Zoning Administrator in writing within 30 days of any abandonment or discontinuance of the use.
8. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site rehabilitated as described in the Decommissioning Plan, within 180 days of any abandonment or discontinuance of the use. Any piece(s) of any underground component(s) must be excavated to a depth of at least 36 inches below the ground surface.
9. If the use, structure, or activity for which this special use permit is issued is not commenced by April 5, 2028, the permit will be deemed abandoned and will thereupon terminate.
10. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14.
11. Panels may be cleaned only with water and biodegradable cleaning products.
12. No above ground wires are permitted except for those (a) associated with the panels and attached to the panel support structure, (b) tying into the existing overhead transmission wires, and/or (c) necessary to avoid impacting wetlands or stream buffers.
13. Before activating the site, the owner(s) must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
14. The property owner(s) must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
15. Outdoor lighting for the facility is permitted only during maintenance periods. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required by *County Code* § 184.17, except for any outdoor lighting required by state or federal law.
16. The owner(s) must use diligent efforts to achieve VA Pollinator-Smart Certification under the Virginia Pollinator-Smart Solar program. If the project fails to obtain or maintain such certification, upon a demonstration to the Zoning Administrator's reasonable satisfaction that such certification (or maintenance of such certification) is not commercially viable despite at least three years of the owner(s)' diligent efforts and adherence to the Woodridge Solar Facility Vegetation Management Plan, the Zoning Administrator may approve alternative measures to approximate such certification.
17. Until commencement of decommissioning, plantings and vegetation management on the site must be in general accord with the "Woodridge Solar Facility Vegetation Management Plan," prepared by Timmons Group, and dated September 2022.

- 18. During or after grading of the site and prior to planting and seeding, soil amendments as recommended in the Vegetation Management Plan must be applied to all areas of the site to be planted or seeded.
- 19. The Vegetation Management Plan must be monitored by a third-party approved by the Zoning Administrator. The monitor must submit a report twice per year for the first five years of the project's operation, and the annually thereafter until the project is decommissioned.

Agenda Item No. 24. Adjourn to April 19, 2023, 1:00 p.m. Lane Auditorium.

At 9:10 p.m., the Board adjourned its meeting to April 19, 2023, 1:00 p.m. Lane Auditorium. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date: 05/21/25
Initials: CKB