

ACTIONS		
Board of Supervisors Meeting of July 16, 2025		
		July 17, 2025
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
1. Call to Order. <ul style="list-style-type: none"> The Meeting was called to order at 1:00 p.m. by the Chair, Mr. Andrews. All BOS members were present. Also present were Jeff Richardson, Andy Herrick, Claudette Borgersen, and Travis Morris. 		Link to Video
4. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED final agenda. 		
5. Brief Announcements by Board Members. <u>Mike Pruitt:</u> <ul style="list-style-type: none"> Reminded community members that there were upcoming elections in Virginia. Cautioned community members to be mindful of the summer heat and urged everyone to exercise reasonable judgment when working in that environment. Noted that the increased heat could put additional strain on heating and cooling systems and that if tenants' cooling systems were not functioning, they could address this issue with their landlord and/or seek assistance from organizations like Legal Aid Justice Center and Central Virginia Legal Aid. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Provided an update on her attendance at the recent National Association of Counties (NACo) meeting, specifically regarding per- and polyfluoroalkyl substances PFAS's, small modular reactors (SMRs) to provide sufficient power for data centers, and Natural Hazard Task Force. <u>Ned Gallaway:</u> <ul style="list-style-type: none"> Provided an update on his attendance at the recent National Association of Counties (NACo) meeting, specifically regarding the work of the Community, Economic Development, and Workforce Committees. <u>Diantha McKeel:</u> <ul style="list-style-type: none"> Commented that she had recently come across a Sunday, July 13, 2025, edition insert on climate in The New York Times and that she would share the article with the Board. <u>Bea LaPisto-Kirtley:</u> <ul style="list-style-type: none"> Reported that there had been sightings of the invasive spotted lanternfly in Albemarle County, and she encouraged the public to destroy any that were found. Mentioned that the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) was hosting "Defining Us," a regional identity workshop, throughout the month of July, with four in-person sessions being held in White Hall, Samuel Miller, and the Rivanna Districts, as well as the City of Charlottesville. She encouraged the public to visit WeSeeYouCville.org for more information, 		
6. Proclamations and Recognitions. <ul style="list-style-type: none"> a. Resolution Recognizing Colonel Eric Haas. By a vote of 6:0, ADOPTED resolution, and presented to Col. Eric Haas. 	(Attachment 1)	
7. Public Comment on: Matters Previously		

	<p>Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).</p> <ul style="list-style-type: none"> • <u>Gary Grant</u>, Rio District, spoke regarding General Assembly school constructions funding, the recent County cybersecurity incident, AC44, and payment for snow cones. • <u>Peter Krebs</u>, Piedmont Environmental Council (PEC), spoke regarding the Monacan Nation Tribute Park in Southwood. • <u>Meghan Rapp</u>, White Hall District, spoke regarding the benefits of outdoor schools and camps. • <u>Emily Dreyfus</u>, Rio District, spoke regarding rent stabilization in the Board's legislative priorities packet. 	
8.1	<p>Fiscal Year 2025 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED resolution approving appropriations #2025053 and #2025054 for the County government projects and programs. 	<p><u>Clerk</u>: Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 2)</p>
8.2	<p>Fiscal Year 2026 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED resolution approving appropriation #20260001 for the County government project/program. 	<p><u>Clerk</u>: Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 3)</p>
8.3	<p>Personnel Policy Amendment.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to amend personnel policy § P-18 as proposed. 	<p><u>Clerk</u>: Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachment 4)</p>
8.4	<p>Amendments to Albemarle County Fire Rescue FY26 Pay Scale.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve the revised FY 26 ACFR Amended Pay Scale. 	<p><u>Clerk</u>: Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachment 5)</p>
8.5	<p>Review of Proposed Changes to the Outside Agency Funding Process.</p> <ul style="list-style-type: none"> • APPROVED attachment (a) Eligibility Criteria, (b) Human Services Funding Process Framework, (c) Cultural, Arts, and Festivals Process Framework, and (d) Community Non-Profit Capital Process Framework that reflect this updated framework to guide FY 27 funding recommendations. 	<p><u>Clerk</u>: Finance and Budget, and Human Services proceed as approved. (Attachments 6 – 9)</p>
8.6	<p>Resolution to Participate in VDOT Economic Development Access Program (EDAP) Boulders Road Extension Design.</p> <ul style="list-style-type: none"> • ADOPTED resolution enabling staff to apply to the VDOT EDAP for design of the Boulders Road Extension project. 	<p><u>Clerk</u>: Forward copy of signed resolution to Economic Development office and County Attorney's office. (Attachment 10)</p>
9.	<p>Work Session: AC44 – Draft Implementation Chapter.</p> <ul style="list-style-type: none"> • HELD. 	<p><u>Community Development</u>: Proceed as discussed.</p>
	<p>Recess.</p> <ul style="list-style-type: none"> • At 3:05 p.m., the Board recessed and reconvened at 3:18 p.m. 	
10.	<p>Work Session: Review of 2025 Legislative Priorities and Initial Discussion of 2026 Legislative Priorities.</p> <ul style="list-style-type: none"> • HELD. 	
11.	<p>Presentation: VDOT Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
12.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:19 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia: • under subsection (1) to discuss and consider appointments to various boards and commissions including, without limitation: the 	

<p>Albemarle Conservation Easement Authority, the Community Policy and Management Team (CPMT), the Pantops Community Advisory Committee, the Region Ten Community Services Board, and the Board of Directors of the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals;</p> <ul style="list-style-type: none"> • under subsection (5) to discuss and consider a prospective business or industry or the expansion of an existing business or industry in the vicinity of Seminole Trail in the Rivanna Magisterial District where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; • under subsection (6) to discuss and consider the investment of public funds related to an existing performance agreement with Bonumose, Inc. and related to a potential performance agreement for a commercial development on Seminole Trail in the Rio Magisterial District, where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County; • under subsection (8), to consult with legal counsel regarding specific legal matters, including both a performance agreement with Bonumose, Inc. and a contract payment issue, requiring the provision of legal advice by such counsel; and • under subsection (29), to discuss the negotiation or re-negotiation of separate public contracts with Bonumose, Inc., and a commercial development on Seminole Trail in the Rio Magisterial District, each involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County and the Board. 		
<p>13. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:04 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
<p>14. Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • APPOINTED Mr. Rex Linville to the Albemarle Conservation Easement Authority to fill an unexpired term ending December 13, 2025. • APPOINTED Mr. Eugene Conti to the Community Policy and Management Team (CPMT) as the Private Service Provider with said term to expire June 5, 2028. • REAPPOINTED Ms. Megan Nedostup and Mr. Richard Ruffin to the Pantops Community Advisory Committee with said term to expire on June 30, 2027. • APPOINTED Ms. Nelsie Birch to the Charlottesville Albemarle SPCA Board of Directors, with said term to expire on June 30, 2028. 		
<p>15. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Jeff Richardson:</u></p> <ul style="list-style-type: none"> • Presented the July 2025 Progress Albemarle Report. 		

16.	<p>Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).</p> <ul style="list-style-type: none"> The following individuals spoke regarding Immigration and Customs Enforcement (ICE) and the Effects of National Policy Changes on Albemarle County. <ul style="list-style-type: none"> <u>Mary Stewart</u> <u>Alicia Lenahan</u> <u>Ron Ignatz</u> <u>Karen Mann</u> <u>Sage Bradburn</u> 		
17.	<p><u>Pb. Hrg.: Spot Blight Declaration – 50 Churchill Lane, Parcel ID 07400-00-00-08200 (Samuel Miller District).</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED ordinance declaring this property blighted and authorizing staff to implement the County's abatement plan. 	Clerk: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 11)	
18.	<p><u>Pb. Hrg.: SP202400024 Spring Hill Farm Subdivision.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP202400024, subject to the conditions contained in the staff report. 	Clerk: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 12)	
19.	<p><u>Pb. Hrg.: ZTA 2023-01 Commercial Solar.</u></p> <ul style="list-style-type: none"> By a vote of 5:1 (Mallek), ADOPTED ordinance (ZTA 2023-01 Commercial Solar). 	Clerk: Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 13)	
20.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 		
21.	<p>Adjourn to August 6, 2025, 1:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> The meeting was adjourned at 10:29 p.m. 		

ckb/tom

Attachment 1 – Resolution Recognizing Colonel Eric Haas

Attachment 2 – Resolution to Approve Additional FY 2025 Appropriations

Attachment 3 – Resolution to Approve Additional FY 2026 Appropriations

Attachment 4 – Resolution – Personnel Policies Amendment

Attachment 5 – Resolution FY 2026 Amended ACFR Pay Scale

Attachment 6 – Outside Agency Funding - Eligibility Criteria

Attachment 7 – Outside Agency Funding - Human Services Funding Process Framework

Attachment 8 – Outside Agency Funding - Cultural, Arts, and Festivals Process Framework

Attachment 9 – Outside Agency Funding - Community Non-Profit Capital Process Framework

Attachment 10 – Resolution Request for Commonwealth Transportation Board Economic Devel. Access Funds

Attachment 11 – Ordinance No. 25-A(2)

Attachment 12 – Resolution to Approve SP202400024 Spring Hill Farm

Attachment 13 – Ordinance No. 25-18(2)

Resolution Recognizing Colonel Eric Haas

WHEREAS, Colonel Eric Haas, a native of Williamsburg, Virginia, and a graduate of the College of William and Mary, was commissioned as a Military Intelligence Leader as a Second Lieutenant in 1999 and has served his country with distinction since his commissioning; and

WHEREAS, Colonel Eric Haas assumed command of the National Ground Intelligence Center (NGIC) in Charlottesville, Virginia, in July, 2023, overseeing the day-to-day operations of NGIC, whose mission includes the production of scientific and technical intelligence and military capabilities analysis on foreign ground forces required by warfighting commanders, the force modernization and research and development communities, Department of Defense, and national policymakers; and

WHEREAS, Colonel Eric Haas during his tenure at NGIC has been instrumental in supporting the significant expansion of NGIC via the ongoing construction of an 80,800 SF addition and multi-level 150,000 SF parking garage at NGIC scheduled to open later this year; and

WHEREAS, Colonel Eric Haas has been a key partner to Albemarle County Staff and the Board of Supervisors in improving regional collaboration, to include partnering with Albemarle County Public Safety leadership to coordinate emergency responses to Rivanna Station, the Albemarle County Executive's and Economic Development Office in supporting the development of Rivanna Futures and, finally, has answered the call in many ways to publicly represent the military at various regional events and has served as a role model of partnership overall within the community.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby honor and commend Colonel Eric Haas for his years of service to our Country and to the residents of Albemarle County and wish him well in his next duty assignment at Ft. Bragg.

Signed this 16th day of July 2025

**RESOLUTION TO APPROVE
ADDITIONAL FY 2025 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 25 Budget is amended to increase it by \$697,418;
- 2) That Appropriations #2025053 and #2025054 are approved;
- 3) That the appropriations referenced in Paragraph #2, 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, 2025.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2026 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 26 Budget is amended to increase it by \$200,000;
- 2) That Appropriation #2026001 is approved;
- 3) That the appropriation referenced in Paragraph #2, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2026.

RESOLUTION

WHEREAS, the Board of Supervisors may adopt Personnel Policies under Albemarle County Code §2-901; and

WHEREAS, the Board of Supervisors desires to amend and re-number: Policy §P-61 Staff Schedules, Time Tracking, and Compensation as §P-18 Pay Administration.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Albemarle County, Virginia, hereby approves the amendment to the County's Personnel Policies as set forth in the documents attached hereto.

RESOLUTION
FY 2026 Amended ACFR Pay Scale

WHEREAS, the County's budget for Fiscal Year 2026 ("FY26") was adopted on May 7, 2025, and included funding for employee compensation based on the pay scales outlined in the COUNTY OF ALBEMARLE Classified and Public Safety Pay Scales, to include the Department of Fire and Rescue pay scale; and

WHEREAS, the Department of Fire and Rescue has proposed modifications to its pay scale as detailed in the attached amended COUNTY OF ALBEMARLE Fire Rescue public safety pay scale to better align with industry standards and its competitive market and to address projected leadership gaps through succession planning; and

WHEREAS, the amended Fire Rescue public safety pay scale was relied upon in developing the budget for FY26 and approval of the amended Fire Rescue public safety pay scale will reflect the budget approved by the Board of Supervisors on May 7, 2025; and

WHEREAS, the Department of Fire and Rescue has paid its employees in accordance with the amended Fire Rescue public safety pay scale beginning on July 1, 2025;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County hereby approves the amended Fire Rescue public safety pay scale for the Fiscal Year 2026, as presented, to be effective on July 1, 2025.

* * * *

Attachment A: Albemarle County FY 27 Agency Funding Applications

Conditions of eligibility and award requirements

- 501(c)3 Nonprofit (or equivalent)
- Substantial service provision in the County
- Agency in existence and program in operation for minimum of two years
- Incorporated and registered with Virginia Dept of Agriculture and Consumer Services (VDACS)
- Annual audit if budget is over \$750,000 and every three years if less than \$750 000
- Fundraising and administration less than 25% of overall expenses
- Agency is overseen by a volunteer board
- Before receiving funding appropriated by the Board of Supervisors, external recipients must also agree to any expectations set out in the annual appropriations resolution.

Attachment B: Human Services Funding Process Framework

Background & Board Direction

The Human Services Funding Process evolved through a series of strategic decisions and guidance set by the Board of Supervisors implemented in FYs 25 and 26. These changes were intended to allocate new funding towards programs that will most likely drive outcomes and impacts of the Board's FY 24 –28 Strategic Plan Objective 1.2: Enhance and develop human services initiatives to assist community in accessing existing resources.

At the June 21, 2023, Board of Supervisors meeting, staff presented an initial Albemarle County Human Services Needs Assessment and discussed opportunities to address the identified needs through an expanded agency funding process. This initial assessment presented data and contextual information from the areas of homelessness, housing, criminal justice, food insecurity, behavioral health and financial need. Emerging needs in the areas of family homelessness, adolescent mental health, community safety, and navigation for seniors were identified based on data and analysis of current community capacity and context. On July 19, 2023, the Board approved an updated framework for funding recommendations where:

- Funding is first prioritized for programs that most directly align with the four emerging needs areas identified in the Albemarle County Human Services Needs Assessment (family homelessness, adolescent mental health, community safety, and navigation for seniors). This potentially higher level of funding is intended to include performance agreements or contracts, that could be renewed for additional years based on measured impact, for activities specifically intended to address the concerns or gaps in service for these four areas.
- Additionally, staff would no longer consider the "50% of the funding request" historical precedent when making funding recommendations for new programs; new programs would be considered for full funding of their request, in the context of the total budget recommendation.
- Funding for existing agencies and programs that do not as closely align with the four emerging needs areas would receive funding recommendations based on their program ratings.

After the first year of implementation of this process in the FY 25 budget process, on July 17, 2024, the Board of Supervisors updated this framework. These changes to the County funding process better reflect best practices and the County's human services needs. Changes implemented in FY 26 included:

- Changing the name to 'Albemarle County Human Services Funding Process'.
- Improving descriptions on the County website.
- Reviewing which agencies are included in the contractual obligations pool, and,
- Applying a prioritization rubric to the recommendations process based on whether the agency contributes to a basic needs safety net or serves a vulnerable population. In the FY 26 budget, these tiers were:
 - Tier 1 - Direct service and impact on basic needs and vulnerable populations
 - Tier 2 - Important and critical services
 - Tier 3 - Positive impact and protective community factors
 - Tier 4 - Preventative Community Programs
- Applicants were asked to submit an abbreviated application reporting on significant changes in programming, progress, number of county community members served in the current year and anticipated in the funding year.

Review Process

Applications are reviewed by volunteer citizens and County staff members whose charge is to review funding requests from community non-profit agencies using a team approach to reach consensus on rating each program. Team members reviewed and rated applications individually and collectively. The work of the teams was facilitated and supported by a temporary County staff member as well as other County staff as needed and designated by the Department of Finance and Budget. Funding recommendations are not made by the review teams, whose role is to review and rate the applications. Recommendations for funding amounts are formulated by County staff and are based upon program rating and Human Services Needs Assessment prioritization. Recommendations for funding amounts continue to be made in the context of the overall County budget development process, and while taking this process's inputs into account and subject to the availability of funds.

Attachment C – Cultural, Arts, and Festivals Process Framework

The County has historically evaluated contributions to cultural, arts, and festival community non-profits separately from other non-profits, because the criteria used for the Human Services Funding Process does not align well for evaluating cultural, arts, and festival non-profits.

At its July 19, 2023 meeting, the Board of Supervisors updated and approved the following framework for this process:

- Community non-profit agencies are grouped into four categories: larger programs that bring visitors to the community and support the local economy, smaller local cultural programs, programs that are arts-focused, or programs that may provide recreational or educational opportunities.
- The evaluation process focuses on qualification as an eligible program request, rather than a prior prioritization of programs based on 13 criteria by 5 County staff from different departments, which was in place prior to the FY 25 budget process. This change was made in part to streamline the administrative review process.
- Funding recommendations are tiered by category that consider prior funding decisions by category, e.g. larger programs that bring visitors to the community and support the local economy are historically funded greater than smaller local cultural programs.
- Funding recommendations provide funding among agencies regardless of whether they were new or existing in the prior budget. Depending on the context of the total recommended budget, staff may recommend funding more agencies at a lower amount per agency rather than a greater amount of funding for fewer agencies.
- Funding will continue to be subject to total budget considerations including, but not limited to: County mandates and obligations, investment in the Strategic Plan, and available revenues.

Attachment D – Community Non-Profit Capital Request Process

On September 7, 2022 the Board of Supervisors approved a budget process modification to create a community non-profit capital request process where non-profit community partners could bring forward for formal consideration capital funds. The intent of this process was to create a process similar to those in place for operating reviews so that all requests may be considered at the same time when developing the CIP, rather than outside the annual budget process. After the first year of the process, the Board approved updated direction on July 19, 2023 to provide greater clarity on expectations to community non-profits and the guidance for funding recommendations made to the Board. These expectations included:

1. Projects must meet the County's definition of a capital project, as applied to County Government and Public School requests.
2. Prioritized projects will align with objectives identified in the FY 24-28 Strategic Plan.
3. Projects will be evaluated in the context of the total five-year Capital Improvement Plan. For example, the first four years of the upcoming CIP will use the adopted CIP as a starting point for updating the plan.
4. The project should leverage funding from other sources, meaning that the County should not be requested to fund 100% of a project.
 - a. Related, if the project serves a significant portion of another locality or localities, the community non-profit should seek a commitment from those localities.
5. The community non-profit should have the capacity to administratively manage the project, meaning this should not be work assumed to be done by County staff.
6. Projects should have documentation that they are far enough along to provide confidence that it will succeed, and the request timeline should reflect that status. For example, a project with completed design and substantial fundraising support in-hand would be considered sooner in the CIP than a project that was at a more conceptual stage with fundraising in earlier stages.
7. Projects should increase services, not only maintain existing facilities. For example, projects are not intended be prioritized for items such as replacing water heaters or other projects that would normally be contemplated by the County as a maintenance/replacement project for its own facilities.
8. Projects from community non-profits where the County may have a long-standing obligation to continue to provide services if the entity did not exist will be prioritized over those where such as obligation does exist.

**RESOLUTION
REQUEST FOR COMMONWEALTH TRANSPORTATION BOARD
ECONOMIC DEVELOPMENT ACCESS FUNDS**

WHEREAS, the Albemarle County Board of Supervisors desires to design the extension of Boulders Road to the county-owned property referred to as Rivanna Futures for the purpose of economic development in Albemarle County; and

WHEREAS, the Rivanna Futures property is expected to be the site of new private capital investment in land, building, and manufacturing equipment which will provide substantial employment and has been designated as a Major Employment and Investment site by the Virginia Economic Development Partnership; and

WHEREAS, the existing public road network does not provide for adequate access to these properties and an access road improvement project is necessary; and

WHEREAS, the County of Albemarle hereby guarantees that the necessary environmental analysis, mitigation, fee simple rights-of-way and utility relocations or adjustments, if necessary, for this project will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and

WHEREAS, the County of Albemarle acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to appropriate notification from the Department of Transportation as a condition of the use of the Economic Development, Airport and Rail Access Fund; and

WHEREAS, the County of Albemarle hereby acknowledges that the Virginia Department of Transportation's Economic Development Access (EDA) Program may provide up to a maximum of \$650,000 for a project and requires matching funding, up to \$150,000, from the County of Albemarle for estimated eligible project costs over \$500,000, up to \$800,000; and

WHEREAS, the County of Albemarle hereby guarantees that financing of all ineligible project costs, project costs exceeding the EDA Program project allocation, EDA Program required locality matching funds, if applicable, will be provided from sources other than those administered by the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby requests the Commonwealth Transportation Board provide Economic Development Access Program funding for the design of an adequate access road to Rivanna Futures; and

BE IT FURTHER RESOLVED, that the County of Albemarle hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the Commonwealth Transportation Board's allocation, prior to the Department of Transportation's authorization of Economic Development Access funds; and

BE IT FURTHER RESOLVED, that the County Executive and/or his designee(s) be authorized to act on behalf of the Board of Supervisors to execute any and all documents necessary to secure funding in the maximum amount eligible under the Economic Development Access Program.

ORDINANCE NO. 25-A(2)

AN ORDINANCE TO DECLARE THE PROPERTY LOCATED AT 50 CHURCHILL LANE
A BLIGHTED PROPERTY

WHEREAS, on July 17, 2024, the County's Director of Community Development, as designee of the County Executive, made a preliminary determination that the property located at 50 Churchill Lane, further described as Parcel ID 07400-00-00-08200 ("Property"), is a blighted property; and

WHEREAS, notice of the determination was provided to the owner of the Property in accordance with *Virginia Code* § 36-49.1:1(B)

WHEREAS, the Property owner failed to respond with a spot blight abatement plan to address the blight within a reasonable time; and

WHEREAS, at a duly-noticed public hearing, the Board of Supervisors has considered all of the information and recommendations presented;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Albemarle County hereby finds and declares the Property located at 50 Churchill Lane to be a "blighted property," as that term is defined in *Virginia Code* § 36-3. The County Executive or his designee is authorized, on behalf of the Board, to implement the County's abatement plan, to acquire or repair the Property, with the power to hold, clear, repair, manage or dispose of such Property, and to recover the costs of any repair or disposal of such Property from the owner or owners of record, all in accordance with *Virginia Code* § 36-49.1:1.

**RESOLUTION TO APPROVE SP202400024
SPRING HILL FARM**

WHEREAS, upon consideration of the staff report prepared for SP202400024 Spring Hill Farm, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.1 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 zoning district, with the applicable provisions of Albemarle 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 SP202400024 Spring Hill Farm, subject to the conditions attached hereto.

* * * *

SP202400024 Spring Hill Farm - Conditions

1. Development of the parcel must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan titled "Preliminary Plat" prepared by Kirk Hughes & Associates, last revised 4-25-2025. To be in general accord with the Preliminary Plat, development must reflect the following major elements essential to its design:
 - a. Location of proposed Tracts
 - b. Location of Conservation Areas
 - c. Location of entrance and access to proposed Tracts
 - d. Location of proposed hiking trails
 Minor modifications to the Plat that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Only one dwelling unit is permitted on each new Tract.
3. Stream buffers must be established and maintained consistent with Albemarle County Code § 17-601 along all streams; provided, however, that any existing entrance driveway and stream crossing that is permitted under Albemarle County Code Chapter 17 (the "Water Protection Ordinance") may remain within the stream buffer. The owner(s) must obtain approval by the Agent (in consultation with the County Engineer) of a tree planting plan within the stream buffers to protect the currently open (non-forested) areas adjacent to the streams, prior to the final subdivision plat creating any new Tracts.
4. Prior to engaging in agricultural use on any parcel subdivided after [SP approval date], the owner(s) must obtain County approval of a best management practices plan, which at a minimum must include:
 - Fencing livestock out of streams;
 - Installing alternative watering systems for livestock;
 - Planting riparian buffers with native vegetation; and
 - Establishing nutrient management plans.
5. Land clearing for residential development (including driveways, accessory structures such as sheds or pools) may not exceed two acres per parcel. This condition does not apply to agricultural or forestry use(s). For purposes of this condition, land clearing for the construction of farm buildings, such as barns for the storage of tractors and other agricultural equipment, is considered agricultural use and not residential development, but may require permitting under the Water Protection Ordinance.
6. Prior to any land disturbance for residential uses, the owner(s) must obtain approval of a grading plan and erosion and sediment control plan meeting the requirements of Water Protection Ordinance.
 - a. This subdivision will create a common plan of development. All land disturbing activities to construct dwellings will require land disturbance permits in addition to building permits. Land disturbance includes residential development under Condition 5, including driveways, home sites, and drainfield sites.

- b. Driveway designs must be submitted with the building and land disturbance permit applications.
- 7. Any driveway, shared driveway, or private street must provide a turnaround area adequate for emergency vehicles, as determined by the Fire Marshal.

ORDINANCE NO. 25-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, AND CHAPTER 18, ZONING, ARTICLE III, DISTRICT REGULATIONS OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions and Chapter 18, Zoning, Article II, Basic Regulations and Chapter 18, Zoning, Article III, District Regulations are hereby reordained and amended as follows:

By Amending:

Sec. 3.1 Definitions
 Sec. 10.2 Permitted uses
 Sec. 26.2 Permitted primary and accessory uses and structures; prohibited uses and structures

By Adding:

Sec. 4.22 Accessory solar energy facility and accessory battery energy storage facility
 Sec. 5.1.66 Energy Facility

Chapter 18: Zoning

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Article I, GENERAL PROVISIONS**Sec. 3.1 Definitions**

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Section 3.1—Definitions.

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Accessory solar energy facility. “Accessory solar energy facility” means a solar energy facility that is both (a) either roof- or ground-mounted and (b) producing energy primarily for use on site. .

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Accessory battery energy storage facility. “Accessory battery energy storage facility” means a battery energy storage facility not exceeding a combined total area of 500 square feet.

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Battery energy storage facility. “Battery energy storage facility” means a physical container or collection of containers that both (a) has a combined total area greater than 500 square feet, (b) provides secondary containment to battery cells, and (c) is equipped with cooling, ventilation, fire suppression, and related technical and safety components.

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Energy facility. “Energy facility” means an accessory battery energy storage facility, a battery energy storage facility, an accessory solar energy facility or a solar energy facility, each as defined in this section.

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Fenced area. “Fenced area” means the developed area within the fence line of a facility containing solar panels, inter-row spacing, and any equipment or design features to be located within the fence line, including stormwater management.

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Panel zone. “Panel zone” means the area underneath solar arrays, including inter-row spacing.

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Solar energy facility. “Solar energy facility” means a system (other than an accessory solar energy facility) that captures and converts solar energy into electricity for distribution to the power grid. A solar energy facility includes, but is not limited to, photovoltaic solar panels; racking systems; solar inverters; access roads; associated equipment necessary to tie into the grid; fencing; and screening and buffering.

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Wildlife corridor. “Wildlife corridor” means an area of habitat that both (a) provides passage for wildlife across artificial obstacles such as dams, roads, and railways, and (b) facilitates the movement, reproduction, and migration of animals.

(§ 3.1: 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; Ord. 01-18(9), 10-17-01; Ord. 02-18(2), 2-6-02; Ord. 02-18(5), 7-3-02; Ord. 02-18(7), 10-9-02; Ord. 03-18(1), 2-5-03; Ord. 03-18(2), 3-19-03; Ord. 04-18(2), 10-13-04; Ord. 05-18(2), 2-2-05; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 07-18(1), 7-11-07; Ord. 07-18(2), 10-3-07; Ord. 08-18(3), 6-11-08; Ord. 08-18(4), 6-11-08; Ord. 08-18(6), 11-12-08; Ord. 08-18(7), 11-12-08; Ord. 09-18(3), 7-1-09; Ord. 09-18(5), 7-1-09; Ord. 09-18(8), 8-5-09; Ord. 09-18(9), 10-14-09; Ord. 09-18(10), 12-2-09; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 11-18(5), 6-1-11; Ord. 11-18(6), 6-1-11; Ord. 12-18(3), 6-6-12; Ord. 12-18(4), 7-11-12; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(1), 4-3-13; Ord. 13-18(2), 4-3-13; Ord. 13-18(3), 5-8-13; Ord. 13-18(5), 9-11-13; Ord. 13-18(6), 11-13-13, effective 1-1-14; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(2), 3-5-14; Ord. 14-18(4), 11-12-14; Ord. 15-18(1), 2-11-15; Ord. 15-18(2), 4-8-15; Ord. 15-18(4), 6-3-15; Ord. 15-18(5), 7-8-15; Ord. 15-18(10), 12-9-15; Ord. 16-18(1), 3-2-16; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 17-18(5), 10-11-17; Ord. 18-18(1), 1-10-18; Ord. 18-18(4), 10-3-18; Ord. 19-18(3), 6-5-19) (§ 4.15.03: 12-10-80; 7-8-92, § 4.15.03, Ord. 01-18(3), 5-9-01; Ord. 05-18(4), 3-16-05; Ord. 10-18(1), 1-13-10; Ord. 10-18(3), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(2), 3-14-12; Ord. 14-18(3), 6-4-14; Ord. 15-18(3), 5-6-15; § 4.15.3; Ord. 15-18(11), 12-9-15; Ord. 17-18(4), 8-9-17) (§ 4.17.3: Ord. 98-18(1), 8-12-98; Ord. 01-18(8), 10-17-01; Ord. 17-18(5), 10-11-17) (§ 4.18.2: Ord. 00-18(3), 6-14-00; Ord. 13-18(4), 9-4-13) (§ 10.3.3.1: § 20-10.3.3.1, 11-8-89; § 18-10.3.3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01) (§ 30.2.4: § 30.2.4, 12-10-80) (§ 30.3.5: § 30.3.02.1 (part), 12-10-80; 6-10-87; Ord. 05-18(1), 1-5-05, effective 2-5-05; § 30.3.5; Ord. 14-18(1), 3-5-14; Ord. 17-18(4), 8-9-17); § 3.1, Ord. 19-18(3), 6-5-19; Ord. 19-18(6), 8-7-19; Ord. 20-18(2), 9-2-20; Ord. 20-18(3), 9-16-20; Ord. 21-18(3), 6-2-21; Ord. 22-18(2), 4-6-22; Ord. 22-18(1), 8-3-22; Ord. 23-18(3), 12-6-23; Ord. 24-A(1), 1-10-24, effective 7-1-24; Ord. 24-18(3), 9-4-24; Ord. 25-18(1), 4-2-25)

Chapter 18. Zoning

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Article II, BASIC REGULATIONS

Sec. 4.22 Accessory solar energy facility and accessory battery energy storage facility

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Sec. 4.22- Accessory solar energy facility and accessory battery energy storage facility.

Accessory solar energy facilities and accessory battery energy storage facilities are permitted by right in all zoning districts, provided that they comply with section 5.1.66.

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Chapter 18. Zoning

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Article II, BASIC REGULATIONS

Sec. 5.1.66 Energy Facility

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Sec. 5.1.66- Energy Facility.

A. Minimum Development Requirements for Energy Facilities.

1. The maximum height of the lowest edge of all ground-mounted photovoltaic panels is 10 feet as measured from the finished grade. The maximum height of panels, buildings, structures, and other components of a solar facility is 20 feet, as measured from the highest natural grade below each element. This limit does not apply to utility poles, substations, roof-mounted solar facilities, or the interconnection to the overhead electric utility grid.

2. Accessory solar energy facilities, whether roof- or ground-mounted, are subject to the applicable structure setbacks of the zoning district in which the facility is located. The setback standards do not apply to parcels under common ownership.
3. Ground-mounted accessory solar energy facilities located outside the Rural Areas (RA) zoning district are limited to 500 square feet of fenced area, or 400 square feet of panel zone when placed over existing pervious areas.
4. By-right solar energy facilities in the Rural Areas (RA) zoning district are subject to the following separation standards from other by-right solar energy facilities.

Project A Fenced Area	Project B Fenced Area			
	<i>Less than 1 acre</i>	<i>1 acre to 4.99 acres</i>	<i>5 acres to 9.99 acres</i>	<i>10 acres to 21 acres</i>
<i>Less than 1 acre</i>	No separation	No separation	No separation	No separation
<i>1 acre to 4.99 acres</i>	No separation	300 feet	500 feet	1,000 feet
<i>5 acres to 9.99 acres</i>	No separation	500 feet	1,000 feet	1,500 feet
<i>10 acres to 21 acres</i>	No separation	1,000 feet	1,500 feet	2,000 feet

5. By-right ground mounted solar energy facilities in the Rural Areas (RA) zoning district are limited to a maximum of 21 acres of fenced area on any parcel in existence at the time of adoption of this ordinance. Any solar energy facility with a panel zone of one acre or greater must be fenced.
6. Any solar energy facility with greater than one acre of fenced area within five nautical miles of a licensed airport must provide the Chief Operation Officer of the airport with both (i) written notice to stating the system's location, technology to be used, and total land coverage and (ii) a glint/glare study.
7. Ground-mounted solar energy facilities with greater than 21 fenced acres, are subject to the following setbacks:
 - a. 100 feet from adjacent parcels, not under common ownership, and all public rights-of-way, and;
 - b. 300 feet from dwellings on adjacent parcels, not under common ownership.
8. No energy facility may be located within riparian buffers, nontidal wetlands, and floodplains, each as defined in Chapter 17 of the Albemarle County Code.
9. Energy facilities must maintain sufficient separation between rows of photovoltaic panels or battery energy storage facilities to provide fire access and meet clear zone requirements.
10. All ground-mounted solar energy facilities with a fenced area of two acres or greater must obtain Gold Certified Virginia Pollinator Smart status within three years of issuance of a building permit. Gold Certified Virginia Pollinator status must be maintained for the life of the facility.
11. Energy facilities with a fenced area of at least 10 acres must be screened from public streets and abutting parcels not under common ownership. Screening provided must meet the screening level provided by a triple staggered row of evergreen trees and screening shrubs planted 15 feet on center with screening shrubs making up not more than 33% of the plantings and equally dispersed. The director of community development may approve any plan providing equal or greater screening. All new plantings must include a variety of species from the County's approved list.
12. Energy Facilities must be constructed, maintained, and operated in accord with all applicable codes and standards, including (but not limited to): applicable fire, electrical, and building

codes adopted by the County; the National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems, 2023 Edition and subsequent additions; and the Underwriters Laboratories (UL) 9540A Ed. 4-2019, Standard for Test Method for Evaluating Thermal Runway Fire Propagation in Battery Energy Storage Systems and subsequent editions.

13. Battery energy storage facilities must have the following setbacks:
 - a. 100 feet from adjacent parcels not under common ownership, and all public rights-of-way, and;
 - b. 300 feet from dwellings on adjacent parcels not under common ownership.
14. Any fencing on the interior of the buffer/screening area of ground-mounted energy facilities may not be at a height of less than 61 inches or greater than 96 inches (inclusive of razor/barbed wire). Fences of 61 inches or less in height may not include razor/barbed wire. Such fenced areas must provide wildlife corridors through the facility. All such fencing must allow for movement and migration of small wildlife species.
15. Energy facilities are not permitted within any large forest block with a score of 4.1 or greater as shown on "Map 2: Ranking the Conservation Value of Large Forest Blocks" in the Biodiversity Action Plan. .
16. By-right projects must not disturb more than 10 acres in the aggregate of habitat cores, forest blocks, or corridors connecting habitat areas, as these features are identified in the Comprehensive Plan/Biodiversity Action Plan, except that the Board of Supervisors may permit disturbance of more than 10 acres by special exception. When considering impacts to habitat areas, on both special exception and special use permit applications, the Board of Supervisors should consider the Comprehensive Plan/Biodiversity Action Plan, the Virginia Department of Conservation and Recreation Natural Heritage Data Explorer, or other County-designated resources for this purpose, as well as determine the particular mix of species and composition of affected habitat areas.
17. By-right projects must not disturb either (a) more than 10 acres of prime farmland (as determined/identified by the United States Department of Agriculture's Natural Resources Conservation Service) and/or (b) areas used for an agricultural activity within the five years preceding an application, unless portions of the parcels used for the facility will continue to be used for an agricultural activity.
18. Notwithstanding any exemption in *County Code* Chapter 17, all ground-mounted energy facilities whose total land disturbance area, including the horizontal projected areas underneath panels, is at least 10,000 square feet, must comply with *County Code* Chapter 17.
19. Notwithstanding [section 32.2](#), a site plan is not required for an energy facility, but the energy facility is subject to the requirements of [section 32](#). An applicant must submit all schematics, plans, calculations, drawings, and other information required by the director of community development to determine whether the facility complies with [section 32](#). In making this determination, the director of community development may impose reasonable conditions authorized by [section 32](#) in order to ensure compliance.
20. Any new associated electrical transmission lines, whether connecting internal portions of the project or connecting to a switchyard, substation, or point of interconnection, and whether above or below ground, must be located in a manner to minimize intrusiveness and mitigate their impact to surrounding parcels.
21. Except for any outdoor lighting required by federal law:
 - a. Outdoor lighting is permitted only during maintenance periods.
 - b. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded to the standard of [section 4.17](#).

B. Special Use Permit Process.

1. The County may engage independent consultant(s) to review any special use permit application

for an energy facility and all associated documents for completeness and compliance with applicable County, state, and federal laws. Any costs associated with the review must be paid by the applicant, and are in addition to any other required fees.

2. As part of its review of special use permit applications for energy facilities, the Commission will also conduct a Comprehensive Plan review under Virginia Code § 15.2-2232 and will specify whether the facility is in substantial accord with the County's Comprehensive Plan.

C. Construction, Operational, and Decommissioning Requirements for Solar Energy Generating Facilities and Battery Energy Storage Facilities.

Non-accessory ground-mounted solar energy facilities must meet the following requirements both during the construction phase and throughout their operational life:

1. **Coordination of Local Emergency Services.** Prior to completion of construction, the owner or operator of a facility must provide materials, education, and/or training to the County's emergency services departments on how to safely respond to on-site emergencies, and develop, implement, periodically update, and perform exercises on an emergency response plan. County emergency personnel must be provided with a key or code to access the site in case of an on-site emergency.
2. **County Inspection of Facility.** The owner or operator of a facility must allow designated County representatives or employees access to a facility for inspection purposes. The County will provide the facility operator with 24-hours' notice prior to an inspection when practicable. The owner of a facility must reimburse the County the costs of any required independent inspections.
3. **Maintenance of Facility.** The owner or operator of an energy facility must monitor and maintain the facility in good condition. Such monitoring and maintenance must include (but is not limited to): painting, evaluating the structural integrity of equipment, foundations, structures, fencing and security barriers, as applicable, maintenance of the buffer areas, landscaping, and cleaning of equipment. Any cleaning products used to maintain photovoltaic materials must be biodegradable. Site access must be maintained at a level acceptable to the County.

D. Decommissioning and Site Rehabilitation

1. Solar facilities that have reached the end of their operation or have not been in active and continuous service for a period of six months must be removed at the owner's or operator's expense. However, the County may extend this period upon a satisfactory showing that the project is being repowered, or a force majeure event is requiring longer repairs.
2. The owner or operator of a facility must notify the director of community development by certified mail of the proposed date of discontinued operations and plans for removal.
3. Decommissioning must be performed in compliance with an approved decommissioning plan. The applicant, owner, lessee, or developer of the real property must submit a decommissioning plan for approval by the director of community development, prior to the issuance of a Zoning Permit. The director of community development may waive the requirement of a decommissioning plan based on the size of the solar facility. The director of community development may approve any appropriate amendments to, or modifications of, the decommissioning plan.
4. Decommissioning must include removal of all electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses. The site must be graded and re-seeded to restore it to as natural a condition as possible, except that the director of community development may approve a written request that access roads or other land surface areas not be restored if other conditions are determined to be more beneficial or desirable at that time.
5. Any topsoil graded during reclamation must be returned during reclamation of land.
6. Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, must be requested by the owner in writing, and is subject to approval of the director of community development.

7. Hazardous material from the site must be disposed in accordance with federal and state law.
8. When a decommissioning plan is required, the estimated cost of decommissioning must be guaranteed by the deposit of sufficient funds in an escrow account at a financial institution approved by the County.
 - a. The applicant must deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
 - b. The escrow account agreement must prohibit the release of the escrow funds without the written consent of the County. The County will consent to the release of the escrow funds upon the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
 - c. The full amount of the estimated decommissioning cost, excluding salvage value, must be deposited in escrow.
 - d. The owner or occupant must recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by at least 10 percent, the owner or occupant must deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than 90 percent of the original estimated cost of decommissioning, the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
 - e. The County may approve alternative methods to secure available funds to pay for the decommissioning of a solar facility, such as a performance bond, letter of credit, or other security approved by the County.
9. If the owner or operator of the solar facility fails to remove the facility in accordance with this section or the facility's approved decommissioning plan, the County may collect the surety and the County or its agent(s) may enter the site and perform any work necessary to complete the decommissioning.

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Chapter 18. Zoning

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Article III District Regulations

Sec. 10 – Rural Areas District - RA

Sec. 10.2.1 - By right

The following uses are permitted by right in the Rural Areas (RA) district, subject to the applicable requirements of this chapter:

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35. Solar energy facilities with a fenced area of 21 acres or less (reference 5.1.66).

(§ 20-10.2.1, 12-10-80; 12-16-81; 7-6-83; 11-1-89; 11-8-89; 11-11-92; 5-12-93; Ord. 95-20(5), 11-15-95; § 18-10.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(3), 6-6-12; Ord. 13-18(5), 9-11-13; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18; Ord. 18-18(2), 9-5-18; Ord. 19-18(3), 6-5-19; Ord. 19-18(6), 8-7-19; Ord. 19-18(8), 12-18-19)

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Sec. 10.2.2 - By special use permit

The following uses are permitted by special use permit in the Rural Areas (RA) district, subject to

the applicable requirements of this chapter:

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58. Solar energy facilities with a fenced area of greater than 21 acres (reference 5.1.66).

59. Battery energy storage facilities (reference 5.1.66).

(§ 20-10.2.2, 12-10-80; 3-18-81; 2-10-82; 4-28-82; 7-6-83; 3-5-86; 1-1-87; 12-2-87; 11-8-89; 6-10-92; 11-11-92; Ord. 95-20(1), 3-15-95; Ord. 95-20(3), 10-11-95; Ord. 95-20(5), 11-15-95; § 18-10.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 00-18(6), 10-18-00; Ord. 01-18(2), 3-21-01; Ord. 02-18(6), 10-9-02; Ord. 04-18(1), 5-5-04 effective 7-1-04; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18; Ord. 18-18(2), 9-5-18; Ord. 19-18(3), 6-5-19; Ord. 19-18(8), 12-18-19; Ord. 20-18(2), 9-2-20)

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Chapter 18. Zoning

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Article III District Regulations

Sec. 26 – Industrial Districts - Generally

Sec. 26.2 - Permitted primary and accessory uses and structures; prohibited uses and structures

Uses and structures within the industrial districts are permitted as follows:

a. *Primary uses and structures.* Primary uses and structures within the industrial districts are permitted by right, by special use permit, and by special exception as provided in the following table, subject to the applicable requirements of this chapter:

Use	LI	HI	PD- IP Cat 1.	PD-IP Cat 2.
Public Uses, Utilities and Services, and Telecommunications Uses**				
Battery energy storage facilities (reference 5.1.66).	SP	SP	SP	SP

(§ 26.2, Ord. 13-18(1), 4-3-13; § 26.3, 12-10-80; 11-7-84; Ord. 18-18-(1), 1-10-18; Ord. 25-18(1) 4-2-25)