

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of January 14, 2026</p>		
		January 15, 2026
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The meeting was called to order at 4:01 p.m. by the Chair, Mr. Gallaway. All BOS members were present. Also present were Ann Wall, Andy Herrick, and Claudette Borgersen. 		
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Announced an upcoming seed swap event at Highland in conjunction with the Piedmont Master Gardeners, scheduled for Saturday, January 24 at 10:00 a.m. Stated that the previous day, the Fluvanna Planning Commission voted 3-1 to deny the Tenaska gas power plant, which had been proposed to be located near the Scottsville District and many of his constituents had been following the issue. Mentioned that the General Assembly was in session and they would be considering constitutional amendments and other issues directly related to County government and encouraged the public to review the County's priorities and stay engaged in the process. Addressed Immigration and Customs Enforcement (ICE) resolution. <p><u>Fred Missel:</u></p> <ul style="list-style-type: none"> Extend a special thank you to Ed Brooks, for facilitating the opportunity to better know the citizens of Yancey and Esmont during his campaign. Announced that on Friday, there would be a retreat and an opportunity for members of the Yancey School community to learn about various aspects of their County governance, including the Orange Dot report, linear pathway reviews, and roundtable discussions with other agencies and community partners. He encouraged community members to attend. <p><u>Sally Duncan:</u></p> <ul style="list-style-type: none"> Announced that on January 19, from 12:30 p.m. to 1:00 p.m., a historic Riverview Farm tour would be held at Ivy Creek, and she encouraged community members to attend. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Address the annual report for the Thomas Jefferson Soil and Water Conservation District. which highlighted numerous programs that allow homeowners, tenants, local governments, farmers, and urban residents to 		

[Link to Video](#)

<p>improve their sustainability on their properties.</p> <ul style="list-style-type: none"> • Reported that the Three Notch'd Trail was under review and could be found on the engage.albemarle.org website. • Report on hazardous household waste (HHW) collection days: <ul style="list-style-type: none"> • Household Hazardous Waste - April 17 and April 18 from 9:00 a.m. to 3:00 p.m. • Bulky Waste - April 25 from 8:30 p.m. to 4:00 p.m. • Appliances - May 2 from 8:30 p.m. to 4:00 p.m. • Tires - May 9 from 8:30 p.m. to 4:00 p.m. • Thank the Crozet Community Association for their collaboration with the Blue Ridge District Police Patrol and encouraged community members to lock their cars and keep their firearms in a secure, locked location, as guns stolen from unlocked cars were a major source of the firearms used in crimes. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Reported that the previous Thursday, he attended the swearing-in of two new School Board members, Bob Beard of the Samuel Miller District and Jim Dillenbeck of the Rio District. • Thank Leslie Pryor for completing the term left vacant by the passing of Chuck Pace, serving through the end of the calendar year. • Stated that Rebecca Berlin had been named Chair of the School Board, and Allison Spillman had been named Vice Chair. • Offered his sympathies and condolences on the passing of, Marie Coles Baker, who had passed away in December just before her 92nd birthday. He said that Ms. Coles Baker was a fierce, wonderful, and kind lady, and she had been a strong supporter of the African American Teaching Fellows. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> • Remarkd on the passing of Jimmy Dean, noting that he was involved in their Community Advisory Committees (CAC). She said that he was a very kind, gentle soul, and he and his wife Sally were great pillars of the community. 		
<p>7. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).</p> <ul style="list-style-type: none"> • <u>Phil Riese</u>, Rivanna District, spoke regarding the School Boards funding request to build a new high school, shared data points, and asked the Board to consider that data before deciding. • <u>Anika Johnson</u>, Rivanna District, addressed the Board to request that they fully fund the Capital 		

	Improvement project at Stony Point Elementary.	
8.1	<p>Fiscal Year 2026 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve the appropriations #2026025; #2026026; #2026027; #2026028; and #2026029 for County government projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 1)
8.2	<p>Community Policy Management Team (CPMT) Resolution Reconstitution and Appointment.</p> <ul style="list-style-type: none"> • ADOPTED resolution reconstituting the CPMT. • ADOPTED resolution appointing the members of the CPMT. 	<u>Clerk:</u> Forward copy of signed resolutions to Human Services and County Attorney's office. (Attachments 2 and 3)
8.3	<p>Authorize Scheduling a Public Hearing for Health Equity and Access in Rural Regions Organization (HEARR) Lease Yancey Community Center.</p> <ul style="list-style-type: none"> • AUTHORIZED a public hearing to consider authorizing the County Executive to sign a proposed lease of Yancey Community Center space to HEARR. 	<u>Clerk:</u> Schedule on future agenda and advertise in the Daily Progress.
8.4	<p>Utility Easements Across County-Owned Parcel 09100-00-00-002E0.</p> <ul style="list-style-type: none"> • SCHEDULED a public hearing to consider approval of the easements and licensed use areas. 	<u>Clerk:</u> Schedule on future agenda and advertise in the Daily Progress.
8.5	<p>SE-2025-00038 Stepback for Premier Circle.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to grant the variation to the approved code of development. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)
8.6	<p>Approval of Design-Build Procurement for Rivanna Futures and Eastern Avenue Road & Bridge.</p> <ul style="list-style-type: none"> • ADOPTED resolution to authorize staff to use the Design-Build procurement method for the Rivanna Futures Road and Bridge and the Eastern Avenue Road and Bridge projects. 	<u>Clerk:</u> Forward copy of signed resolution to Facilities and Environment Services and County Attorney's office. (Attachment 5)
9.	<p>Presentation: VDOT Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
10.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 4:35 pm., 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 of Supervisors as members or liaisons to various County public bodies, including, without limitation, various community advisory committees and the Darden Towe Memorial Park Committee; • 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 Rio 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; 	

<ul style="list-style-type: none"> • under subsection (6), to discuss and consider the investment of public funds related to potential agreements 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; and • under subsection (29), to discuss the negotiation of separate public contracts with 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>11. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:00 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
<p>Non-Agenda. Resolution Approving a Development Grant Agreement Among the County of Albemarle, Virginia, The Economic Development Authority of Albemarle County, Virginia, and Southern Development Group, Inc.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Economic Development office and County Attorney's office. (Attachment 6)</p>	
<p>Non-Agenda. Board Member Committee Appointments:</p> <p><u>Sally Duncan:</u></p> <ul style="list-style-type: none"> • Places 29 (Hydraulic) Community Advisory Committee with said term to expire on December 31, 2026. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Darden Towe Memorial Park Committee, with said term to expire on December 31, 2026. • Places 29 (North) Community Advisory Committee with said term to expire on December 31, 2026. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> • Darden Towe Memorial Park Committee, with said term to expire on December 31, 2026. • Pantops Community Advisory Committee, with said term to expire on December 31, 2026. • Places 29 (North) Community Advisory Committee with said term to expire on December 31, 2026. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Crozet Community Advisory Committee with said term to expire on December 31, 2026. <p><u>Fred Missel:</u></p> <ul style="list-style-type: none"> • 5th & Avon Community Advisory Committee with said term to expire on December 31, 2026. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> • 5th & Avon Community Advisory Committee with said term to expire on December 31, 2026. • Pantops Community Advisory Committee, with 		

	<p>said term to expire on December 31, 2026.</p> <ul style="list-style-type: none"> Village of Rivanna Community Advisory Committee with said term to expire on December 31, 2026. 	
12.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none. 	
13.	<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"> <u>The following individuals spoke regarding the School Board's request for funding to build a new high school:</u> <ul style="list-style-type: none"> <u>Bridgette Rogers</u> <u>Rupert Egan</u> <u>Heidi Gilman-Bennett</u> <u>Kyle Smoot</u> <u>Robert Perez</u> <u>Brad Uhl</u>, Rivanna District, addressed the Board regarding his support for the proposed renovations at Stony Point Elementary School. <u>The following individuals spoke regarding a resolution regarding Immigration and Customs Enforcement (ICE):</u> <ul style="list-style-type: none"> Alicia Lenahan Joann Robertson Sarah Tueting Susan McCulley 	
14.	<p><u>Pb. Hrg.: Public Hearing for the Conveyance of a Portion of County-owned Parcel 76-54P.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution approving the easements and conveyance of portions of County Parcel 76-54P to VDOT and authorizing the County Executive to sign the easement documents. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)</p>
15.	<p><u>Pb. Hrg.: Proposed Ordinance to Amend Open Burning Regulations.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the Ordinance attached to the staff report as Attachment B, as amended: <ul style="list-style-type: none"> to identify Section 6-407 and add its title to the initial recitals; by adding: "provided that the following conditions are met" at the end of the opening paragraph of Section 6-406(B). 	<p><u>Clerk:</u> Forward copy of signed ordinance to Fire Rescue and County Attorney's office. (Attachment 8)</p>
16.	<p><u>Pb. Hrg.: SP-2025-00003 Flow Honda/CDJR Outdoor Storage, Display, and Sales Expansion.</u></p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP-2025-00003 with conditions. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 9)</p>
17.	<p><u>Pb. Hrg.: SP-2025-00006 Woolen Mills Industrial Fill in the Floodplain.</u></p> <ul style="list-style-type: none"> By a vote of 4:2 (Mallek, Missel), ADOPTED the Resolution to approve SP-2025-00006 with 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)</p>

conditions.		
<p>18. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> a. Ordinance to Require Shoveling Sidewalks. <ul style="list-style-type: none"> • Deferred to the January 21, 2026, meeting. b. AC44 Implementation on Inventorying and Mapping Cemeteries. <ul style="list-style-type: none"> • Deferred to the January 21, 2026, meeting. c. Update Safer Chemical Policy. <ul style="list-style-type: none"> • Deferred to the January 21, 2026, meeting. <p>Other Matters:</p> <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> • Requested more information regarding whether the County was in another planning and consulting phase with respect to CARTA. Deputy County Executive replied that the prioritization study had started in December and staff were expected to have preliminary data available by early summer. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> • Reported that at the 29 North CAC (Community Advisory Committee) meeting a 147-unit development in the Rio District, Cornerstone Village, was discussed. She said there was another development at Reuben Lane with 110 units. <p><u>Sally Duncan:</u></p> <ul style="list-style-type: none"> • Reported that on that Monday, the Hydraulic CAC held a meeting, which included presentations for the Charlotte-Humphreys Park improvement project. • Stated that she had attended the Chamber Public Policy Committee meeting where they received updates regarding the state of the community, the General Assembly, and the Chamber Day at the Capitol, and the Transit Day and Commonwealth Housing Coalition Day, both scheduled for January 26. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Reported that she and Mr. Missel had taken a hike to a cabin built in 1805 and the landowner had requested that they try to find some information about who had lived at the cabin. She said this discovery was particularly significant to her as a member of the Historic Preservation Committee. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Said that the NACo (National Association of Counties) Community Economic and Workforce Development Committee met prior to the Board meeting and that he would share links including a map tool, available on the NACo website, which provided a comprehensive view of the United States and where they could explore housing costs and population growth in 		

Albemarle County. He said that the site and tools provided offered insights into what localities were doing nationwide to address affordable housing.		
19. Adjourn to January 21, 2026, 1:00 p.m. Lane Auditorium. • The meeting was adjourned at 10:42 p.m.		

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 2026 Appropriations

Attachment 2 – Resolution Reconstituting the Community Policy and Management Team

Attachment 3 – Resolution Appointing Members of the Albemarle County Community and Policy Management Team

Attachment 4 – Resolution to Approve SE 2025-00038 Premier Circle Stepback Variation

Attachment 5 – Resolution to Approve the Use of Design-Build Method of Procurement for Construction of the Rivanna Futures Road

Attachment 6 – Resolution Approving a Development Grant Agreement Among the County, the EDA and Southern Development Group, Inc

Attachment 7 – Resolution to Convey a Portion of County Property to the Commonwealth of Virginia

Attachment 8 – Ordinance No. 26-6(1)

Attachment 9 – Resolution to Approve SP202500003 Flow Honda/CDJR Outdoor Storage, Display and Sales

Attachment 10 – Resolution to Approve SP202500006 Woolen Mills Industrial Fill In Floodplain

**RESOLUTION TO APPROVE
ADDITIONAL FY 2026 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 26 Budget is amended to increase it by \$460,690;
- 2) That Appropriations #2026025; 2026026; 2026027; 2026028; and #2026029 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, 2026.

**RESOLUTION RECONSTITUTING THE
COMMUNITY POLICY AND MANAGEMENT TEAM**

WHEREAS, pursuant to Virginia Code §§ 2.2-5204 et seq., the County desires to reconstitute the Community Policy and Management Team (CPMT); and

WHEREAS, the CPMT shall have the powers and duties as set forth in Virginia Code 2.2-5206 and 2.2-5207; and

WHEREAS, the CPMT shall be comprised of the following members appointed by the County:

1. An elected official or appointed official from the County or their designees;
2. The agency head from the local Community Services Board or their designees;
3. The agency head from the local Juvenile Court Services Unit or their designees;
4. The agency head from the local Department of Health or their designees;
5. The agency head from the local Department of Social Services or their designees;
6. The agency head from local school division or their designees;
7. A representative of a private organization or association of providers for children's or family services within the locality; and
8. A parent representative from the locality; and

WHEREAS, the term of appointment for members holding public positions shall be for so long as they serve in that public position or until replaced by the Board; and

WHEREAS, the term of appointment for the private organization or association representative and the parent representative shall be for three (3) years, such term commencing from the date of appointment, or until replaced by the Board of Supervisors. The private organization or association representative shall not be eligible for reappointment, and the parent representative may be appointed to one additional three (3) year term or until replaced by the Board; and

WHEREAS, the County CPMT will conduct joint meetings with the City of Charlottesville CPMT to ensure continuing efficiency and consistency within Albemarle County and the City of Charlottesville.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby reconstitutes a CPMT pursuant to Virginia Code §§ 2.2-5204 et seq. with all the powers and duties as set forth in Virginia Code §§ 2.2-5205, 2.2-5206 and 2.2-5207 consisting of the members identified above for the prescribed terms of service.

**RESOLUTION APPOINTING MEMBERS OF THE
ALBEMARLE COUNTY COMMUNITY AND POLICY MANAGEMENT TEAM**

WHEREAS, there exists pursuant to the Children's Services Act (Virginia Code § 2.2-5200 *et seq.*) the Albemarle County Community and Policy Management Team ("CPMT"), previously established and reconstituted by Albemarle County, Virginia (the "County");

WHEREAS, pursuant to Virginia Code §2.2-5204, all appointments to the CPMT are properly made by the Board of Supervisors of Albemarle County, Virginia (the "Board of Supervisors");

WHEREAS, Virginia Code § 2.2-5205 establishes the composition of the CPMT, to include, in part, the local agency heads or their designees of certain community agencies, including the community services board, the juvenile court services unit, the department of health, the department of social services, and the local school division;

WHEREAS, in certain circumstances, the heads of such community agencies have identified to the County their designees for appointment to the CPMT; and

WHEREAS, the Board of Supervisors desires to confirm the appointments to the CPMT of the following individuals and their designees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that the following individuals are appointed or reappointed to the CPMT, effective retroactively to the date of the commencement of their prior service as members of the CPMT:

1. Jacob Sumner, Chief Financial Officer of Albemarle County, for Albemarle County, and Ryan Davidson or Thomas Unsworth as his designees;
2. Lisa Beitz, Executive Director of Region Ten Community Service Board, for Region Ten Community Service Board, and Neta Davis, LPC or Ellen Krag, LPC as her designee;
3. Christa Galleo, Director of the Sixteenth Judicial District Court Service Unit, for the Sixteenth Judicial District Court Service Unit, and Aaron Vincion, Probation Supervisor, as her designee;
4. Ryan McKay, Health Director of Blue Ridge Health District, for the Blue Ridge Health District, and Hope Peritz as his designee;
5. Mary Stebbins, Director of the Albemarle County Department of Social Services, for the Albemarle County Department of Social Services, and Kaki Dimock or Kurt Emmerling as her designee;
6. Matthew Haas, Superintendent of Albemarle County Public Schools, for the Albemarle County Public Schools, and Leslie Glover, Assistant Director of Special Education or Ashley Struzik as his designee; and
7. Eugene Conti, Paraclete Therapeutics, as the private organization representative, for a term commencing on July 16, 2025, and expiring on June 5, 2028.

Designees may attend any and all CPMT meetings but may vote only in the absence of their CPMT member.

**RESOLUTION TO APPROVE
SE 2025-00038 Premier Circle Stepback Variation**

WHEREAS, upon consideration of the staff reports prepared for SE2025-00038 Premier Circle Stepback Variation and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-8.5.5.3(c) and 18-33.9(A), the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) is consistent with the goals and objectives of the comprehensive plan;
- (ii) does not increase the overall approved development density or intensity of development;
- (iii) does not adversely affect the timing or phasing of other development in the zoning district;
- (iv) does not require a special use permit; and
- (v) is in general accord with the purpose and intent of the approved application.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby grants a special exception to eliminate the 15-foot minimum rear setback in the approved code of development on Parcel 061M0-00-00-006C0 wherever the building face is setback 65 feet from the rear property line in Block 2, as shown on the Special Exception – Stepback memo, Attachment 1 by BRWA Architects, dated October 27, 2025.

**RESOLUTION TO APPROVE THE USE OF THE DESIGN-BUILD METHOD OF PROCUREMENT FOR
THE CONSTRUCTION OF THE RIVANNA FUTURES ROAD AND BRIDGE AND THE EASTERN
AVENUE EXTENSION ROAD AND BRIDGE PROJECTS**

WHEREAS, the County's Purchasing Manual Chapter 10, Design-Build Procurement, outlines the process for all departments, agencies, and institutions of the County for the procurement, as well as the administration of, Design-Build contracts.

WHEREAS, within the procedures it states that staff must submit a written letter to the Board of Supervisors outlining the need for the use of procurement of Design-Build prior to taking any action to pursue and request authorization for the utilization of the Design-Build procurement method;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes staff to utilize the Design-Build method of procurement for the construction of (1) the Rivanna Futures Road and Bridge and (2) the Eastern Avenue Extension Road and Bridge projects.

RESOLUTION APPROVING A DEVELOPMENT GRANT AGREEMENT AMONG THE COUNTY OF ALBEMARLE, VIRGINIA, THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA, AND SOUTHERN DEVELOPMENT GROUP, INC.

WHEREAS, the Board of Supervisors of Albemarle County, Virginia ("Board") finds it is in the best interest of Albemarle County, Virginia ("County") to enter into a Development Grant Agreement with the Economic Development Authority of Albemarle County, Virginia ("EDA") and Southern Development Group, Inc. ("Southern Development") to support the development and improvement of Albemarle County Parcel ID 03200-00-00-022M0 ("Parcel No. 32-22M"), located adjacent to the intersection of U.S. Route 29 and Northside Drive;

WHEREAS, Southern Development intends to purchase and develop Parcel No. 32-22M for industrial uses, including the development that is the subject of a submitted Proposal (the "Project");

WHEREAS, the County seeks to promote the economic development, improvement, and increased vitality of the Places29-North area; and ensure certainty concerning the occurrence and timing of the Project;

WHEREAS, the Project is consistent with, promotes, and implements several Goals, Objectives, and Actions of the Albemarle County 2044 (AC44) Comprehensive Plan;

WHEREAS, Southern Development seeks the County's and EDA's financial support through a development grant gauged to the incremental increase in real property taxes that will be paid to the County as a direct result of the Project; and

WHEREAS, a Development Grant Agreement will promote the welfare, convenience, and prosperity of the inhabitants of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia:

1. Approves a Development Grant Agreement among the County, the EDA, and Southern Development, to support the development and improvement of Albemarle County Parcel ID 03200-00-00-022M0;
2. Authorizes the County Executive to execute a Development Grant Agreement once approved as to form and substance by the County Attorney; and
3. Authorizes the County Executive or his designee to execute on behalf of the County such other requisite documents in connection with the transaction contemplated by the Development Grant Agreement. Such officer or his designee is authorized to execute and deliver on behalf of the County such instruments, documents, or certificates, and to do and perform such things and acts, as they shall deem necessary or appropriate in connection with the transaction authorized by this Resolution or contemplated by the Development Grant Agreement; and all of the foregoing, previously done or performed by such officer or agents of the County are in all respects approved, ratified, and confirmed.

**RESOLUTION TO CONVEY A PORTION OF COUNTY PROPERTY
TO THE COMMONWEALTH OF VIRGINIA**

WHEREAS, the Virginia Department of Transportation (VDOT) is constructing road improvements at the entrance of the County Office Building located at 1600 5th Street, Parcel 07600-00-00-054P0 (County Property); and

WHEREAS, VDOT needs to acquire easements and a portion of the County Property for the construction of the road improvements; and

WHEREAS, the Board finds it is in the best interest of the County to convey to the Commonwealth of Virginia the following easements and a portion of County Property in support of VDOT's road improvements at the intersection of 5th Street and Old Lynchburg Road:

- 2,714 square feet of permanent slope easement;
- 23,882 square feet of temporary construction easement; and
- 28,264 square feet of permanent right-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, after a public hearing, hereby approves the conveyance of a portion of County Property and easements as described above to the Commonwealth of Virginia, in support of VDOT's road improvements at the intersection of 5th Street and Old Lynchburg Road, and authorizes the County Executive to sign all necessary documents on behalf of the County for such conveyance, once said documents have been approved as to form and substance by the County Attorney.

ORDINANCE NO. 26-6(1)

AN ORDINANCE TO AMEND CHAPTER 6, FIRE PROTECTION, ARTICLE IV, BURNING OF BRUSH, ETC., 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 6, Fire Protection, Article IV, Burning of Brush, Etc., is hereby amended and reordained as follows:

By Amending:

Sec. 6-400	Title
Sec. 6-401	Purpose
Sec. 6-402	Adoption of Virginia State Air Pollution Control Board regulations
Sec. 6-403	Definitions
Sec. 6-404	Prohibitions on open burning
Sec. 6-405	Exemptions
Sec. 6-406	Permissible open burning
Sec. 6-407	Permits
Sec. 6-408	Penalties for violation.

ARTICLE IV REGULATION OF OPEN BURNING

Sec. 6-400 Title.

This article is known as the Albemarle County Ordinance for the Regulation of Open Burning.

(Code 1988, § 9-21; Ord. 98-A(1), 8-5-98)

Sec. 6-401 Purpose.

The purpose of this article is to protect public health, safety, and welfare by regulating open burning within Albemarle County to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development:

(a.) This Article supplements the applicable regulations promulgated by the state air pollution control board and other applicable regulations and laws.

(b.) The Fire Official as defined in Sec. 6-201 is responsible for enforcing this Article.

(Code 1988, § 9-21.1; Ord. 98-A(1), 8-5-98)

Sec. 6-402 Adoption of Virginia State Air Pollution Control Board regulations.

The Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, Part IV, Emissions Standards for Open Burning (9VAC5, Ch. 130), in current form and as amended in the future, are hereby adopted and incorporated by reference; provided, however, any county regulation specified in this article more restrictive than such state regulations takes precedence over the state regulations. Any permits required by such state regulations may be issued by the county, if authorized by the state agency otherwise responsible.

(Code 1988, § 9-21.1; Ord. 98-A(1), 8-5-98; Ord. 18-6(1), 10-3-18)

Sec. 6-403 Definitions.

A. For the purpose of this article and subsequent amendments or any orders issued by Albemarle County, the words or phrases have the meaning given them in this section.

1. *Automobile graveyard.* The term "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.
2. *Bonfire.* The term "bonfire" means an outdoor fire built and used for the same purposes as recreational open burning that is larger than that permitted for recreational open burning but no larger than 25 square feet in ground surface area and/or 5 feet in height.
3. *Built-up area.* The term "built-up area" means any area with a substantial portion covered by industrial, commercial, or residential buildings.
4. *Building.* The term "building" means any structure having a roof supported by columns or walls.
5. *Clean burning waste.* The term "clean burning waste" means waste that is not prohibited to be burned under this ordinance and that consists of only (i) 100 percent wood waste, (ii) 100 percent clean lumber or clean wood, (iii) 100 percent yard waste, or (iv) 100 percent mixture of only any combination of wood waste, clean lumber, clean wood or yard waste.
6. *Clean lumber.* The term "clean lumber" means wood or wood products that have been cut or shaped and includes wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.
7. *Clean wood.* The term "clean wood" means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, byproducts of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders or resins; or painted, stained or coated.
8. *Commercial waste.* The term "commercial waste" means all solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.
9. *Construction waste.* The term "construction waste" means solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.
10. *Debris waste.* The term "debris waste" means waste resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.
11. *Demolition waste.* The term "demolition waste" means solid waste that is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.
12. *Garbage.* The term "garbage" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.
13. *Hazardous waste.* The term "hazardous waste" means a "hazardous waste" as described in 9VAC20-60 (Hazardous Waste Management Regulations).

14. *Household waste*. The term "household waste" means any waste material, including garbage, trash and refuse derived from households. For purposes of this regulation, households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household waste does not include sanitary waste in septic tanks (septage) that is regulated by other state agencies.
15. *Industrial waste*. The term "industrial waste" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.
16. *Junk*. The term "junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
17. *Junkyard*. The term "junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary fills.
18. *Landfill*. The term "landfill" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill. See Part 1 (9VAC20-81-10 et seq.) of 9VAC20-81 (Solid Waste Management Regulations) for further definitions of these terms.
19. *Local landfill*. The term "local landfill" means any landfill located within the jurisdiction of a local government.
20. *Open burning*. The term "open burning" means the combustion of solid waste without:
 - a. Control of combustion air to maintain adequate temperature for efficient combustion;
 - b. Containment of the combustion reaction in an enclosed device to produce sufficient residence time and mixing for complete combustion; and
 - c. Control of the combustion products' emission.
21. *Open pit incinerator*. The term "open pit incinerator" means a device used to burn waste for the primary purpose of reducing volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion by-products emitted into the atmosphere. The term also includes trench burners, air curtain destructors and overdraft incinerators.
22. *Property maintenance or land/lot clearing open burning*. This term means open burning for development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, building or building areas, sanitary landfills, or any other clearing operations which must be approved in advance by the Fire Official and be subject of a permit.
 - a. Material typically consists of brush, stumps, and similar debris waste.
23. *Recreational Open Burning*. An outdoor, controlled fire no greater than 9 square feet in ground surface area and/or 2 feet in height that is built for enjoyment, warmth, or ambiance, and used for leisure activities like camping, socializing, or relaxing outdoors:
 - a. Typically set in designated areas such as fixed or portable outdoor fireplaces, fire pits, fire rings, other contained structures.
 - b. Such fires must be made and fueled with wood, coal, or similar materials.
 - c. Such fires do not include or involve the burning of trash, rubbish, or garbage.

24. *Residential Open Burning*. Burning yard or garden debris on private property:
- Occurs in backyards, gardens, or other open areas near residential buildings and structures;
 - Occurs without the use of controlled or contained methods like incinerators or fire pits designed for safe burning; and
 - Involves yard debris and other similar organic substances, such as leaves, grass, and bush and tree branches.
25. *Refuse*. The term "refuse" means all solid waste products having the characteristics of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up spoils or contamination or other discarded materials.
26. *Salvage operation*. The term "salvage operation" means any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.
27. *Sanitary landfill*. The term "sanitary landfill" means an engineered land burial facility for the disposal of household waste that is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction, demolition, or debris waste and nonhazardous industrial solid waste. See Part I (9VAC20-81-10 et seq.) of 9VAC20-81 (Solid Waste Management Regulations) for further definitions of these terms.
28. *Smoke*. The term "smoke" means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.
29. *Special incineration device*. The term "special incineration device" means an open pit incinerator, conical or tepee burner, or any other device specifically designed to provide good combustion performance.
30. *Structure*. The term "structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, barns, decks, sheds, pergolas, and arbors.
31. *Wood waste*. The term "wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:
- Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
 - Construction, renovation, or demolition wastes.
 - Clean lumber.
32. *Yard waste*. The term "yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands:
- Yard waste does not include:
 - Construction, renovation, and demolition waste or
 - Clean wood.

(Code 1988, § 9-21.3; Ord. 98-A(1), 8-5-98; Ord. 13-6(1), 1-9-13)

Sec. 6-404 Prohibitions on open burning.

- A. No owner or other person may cause or permit open burning or the use of a special incineration device for disposal of refuse except as provided in this ordinance.
- B. No owner or other person may cause or permit the open burning or the use of special incineration device for the open burning of garbage, refuse, trash, rubbish and other forms of solid, liquid waste, including, but not limited to wastes resulting from residential, agricultural, commercial, industrial, trade, or construction activities.
- C. No owner or other person may cause or permit open burning or the use of a special incineration device for disposal of rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum-based materials except when conducting bona fide firefighting instruction at firefighting training schools having permanent facilities.
- D. No owner or other person may cause or permit open burning or the use of a special incineration device for disposal of hazardous waste or containers for such materials.
- E. No owner or other person may cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the disposal of commercial/industrial waste.
- F. No owner or other person may cause or permit open burning or the use of a special incineration device for disposal of household waste or garbage.
- G. Open burning or the use of special incineration devices permitted under the provisions of this ordinance does not exempt or excuse any owner or other person from the consequences, liability, damages or injuries which may result from such conduct; nor does it excuse or exempt any owner or other person from complying with other applicable laws, ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard special attention should be directed to § 10.1-1142 of the Forest Fire Law of Virginia, the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.
- H. Open burning is prohibited when atmospheric conditions or local circumstances make such fires hazardous as described in Chapter 70 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution, Air Pollution Episode Prevention. When open burning creates or adds to a hazardous situation, creates or constitutes a nuisance, threatens the health or welfare of the public, or lacks a required permit for open burning, the Fire Marshal is authorized to order the extinguishment of the open burning operation or to otherwise cause the open burning operation to be extinguished.
- I. The Fire Official or designee may prohibit open burning when weather, atmospheric conditions or local circumstances make such fires hazardous. The Fire Official or designee must order the owner, any other responsible person, or the fire department to extinguish any open burning which creates or adds to a hazardous situation, any open burning violating this ordinance, or any unattended open burning.

(Code 1988, § 9-22; Ord. 98-A(1), 8-5-98; Ord. 13-6(1), 1-9-13; Ord. 18-6(1), 10-3-18)
State Law reference – Va. Code § 15.2-922.1

Sec. 6-405 Exemptions.

The following activities are exempt from this Article only to the extent they are subject of and preempted by the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution:

- A. Open burning for training and instruction of government and public fire fighters who are under the supervision of the designated official, or industrial in-house firefighting personnel.

- B. Open burning for campfires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, or for warming of outdoor workers.
- C. Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack.
- D. Open burning for forest management and agriculture practices approved by the State Air Pollution Control Board; and
- E. Open burning for the destruction of classified military documents.
- F. Forestry activities, such as prescribed burns, conducted under the supervision of State Forestry or Federal Forestry Officials.

(Code 1988, § 9-22.1; Ord. 98-A(1), 8-5-98)

Sec. 6-406 Permissible open burning.

- A. Residential open burning is allowed for the disposal of leaves and tree, yard, and garden trimmings originating from and located on the premises of private property, without a permit from the Office of the Fire Marshal, provided that the following conditions are met:
1. The burning takes place on the premises of the private property;
 2. The location of the burning is not less than 300 feet from any neighboring building or occupied building unless the occupants have given prior written permission maintained by the property owner, other than a building located on the property on which the burning is conducted and is at least fifty (50) feet from other buildings located on the property on which the burning is conducted;
 3. The burning must be conducted at the greatest distance practicable from highways, public and private right-of-way;
 4. Prior to commencing any residential open burning, notification must be made to the Fire Official through the County Emergency Communications Center. The notification must include the name of the property owner and responsible party, contact information that allows 24-hour access to a responsible party, address where the burning is to take place, materials to be burnt, expected start date, and expected end date;
 5. The burning must be constantly attended by a competent adult, eighteen (18) years of age or older;
 6. A minimum of one 4-A rated portable fire extinguisher or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck must be available for immediate utilization; and
 7. Upon the completion of any open burning, notification must be made to the Fire Official through the County Emergency Communications Center.
- B. Recreational open burning, including campfires, cooking fires, or warming fires, where the fuel consists only of seasoned dry firewood ignited with a small quantity of paper, and are in accordance with the fire prevention code and the following are allowed without a permit from the fire official. No notification to the Fire Official is required, provided that the following conditions are met:
1. The fire must not be used for waste disposal purposes and the fuel must be chosen to minimize the generation of air contaminants. No trash, oil, tires, refuse, or similar materials may be used;
 2. The location of campfires, fire pits, and open container fires, such as burn barrels, must be at least 25 feet from any building or structure located on the property where the burning is conducted;
- C. Bonfires must not burn longer than three (3) hours and must be at least 50 feet from any building or structure. The size and duration of a bonfire can only be increased by the Fire Marshal when the Fire Marshal determines that fire safety requirements can be maintained strictly and an increased burn duration is reasonably warranted under a totality of the circumstances;
1. Prior to commencing any bonfire, notification must be made to the Fire Official through the County Emergency Communications Center. The notification must include the name of the property owner and responsible party, contact information that allows 24-hour access to a responsible party, address where the burning is to occur, materials to be burnt, expected start date, and expected end date;
 2. A bonfire must not be used for waste disposal purposes and the fuel must be chosen to minimize the generation of air contaminants. No trash, oil, tires, refuse, or similar materials may be used
 3. Upon the completion of any bonfire, notification must be made to the Fire Official through the County Emergency Communications Center;
 4. Any bonfire must be constantly attended by a competent adult, eighteen (18) years of age or older, until the fire is extinguished; and
 5. A minimum of one 4-A rated portable fire extinguisher or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, must be available for immediate utilization during burning operations.
- D. Property maintenance or land/lot clearing open burning is permitted for disposal of debris waste resulting from land and site clearing for the development or modification of roads and highways,

parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or any other clearing operations which the Fire Marshal must approve if all of the following conditions are met:

1. A permit for such burning is obtained from the Fire Official;
 2. All reasonable effort must be made to minimize the amount of material burned, with the number and size of the debris piles approved by the Fire Official;
 3. The material to be burned must only consist of debris waste, as defined in this Article, originating from the site where the clearing occurs;
 4. The open burning must be located on the site where the clearing occurs and must not include demolition material;
 5. The burning must be at least 2,000 feet from any occupied building unless the occupant of the building gives prior written permission for the burning to occur at a closer distance;
 - a. This distance can be reduced to 1,000 feet from any occupied building, unless the occupant of the building gives prior written permission for the burning to occur at a closer distance, if a special incinerator device, also known as an air curtain, is utilized at all times the open-air burning occurs;
 6. The burning must be conducted at the greatest distance practicable from highways;
 7. The burning must be conducted at least 2,500 feet from airfields, schools, and healthcare facilities;
 8. The burning must be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Open burning under this section must be constantly attended by a competent person, eighteen (18) years of age or older, until the fire is extinguished. Any permit holder found in violation of this subsection shall have his permit revoked for a period of sixty (60) days unless a court of competent jurisdiction restores the permit sooner;
 9. The burning must not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials;
 10. The burning must be conducted only between 8:00 a.m. and 8:00 p.m.;
 11. The burning must be conducted only Monday through Friday;
 12. The burning must not be conducted during the restricted dates of February 15 through April 30 of each year; and
 13. The burning must be conducted only when the prevailing winds blow away from any city, town, or built-up area, as defined in this Article, that is located within one-half mile of the burning location.
- E. Local landfill open burning is allowed for disposal of debris waste provided that the burning does not take place on land that has been filled and covered so as to present an underground fire hazard due to the presence of methane gas if all of the following conditions are met:
1. A permit is obtained from the Fire Official;
 2. The burning must take place on the premises of a local sanitary landfill which meets the provisions of the regulations of the Virginia Waste Management Board;
 3. The burning must be attended at all times;
 4. The material to be burned must consist only of brush, tree trimmings, yard and garden trimmings, clean burning construction waste, clean burning debris waste, or clean burning demolition waste;
 5. All reasonable effort must be made to minimize the amount of material that is burned; and
 6. No material may be burned in violation of the regulations of the Virginia Waste Management Board or the State Air Pollution Control Board.

The exact site of the burning on a local landfill must be established in coordination with the regional director and the Fire Official; another site must not be used without the advance written approval of these officials. The Fire Official must be notified of the days during which the burning will occur.

(Code 1988, § 9-22.1; Ord. 98-A(1), 8-5-98; Ord. 13-6(1), 1-9-13; Ord. 18-6(1), 10-3-18)

State law reference(s)—Va. Code § 10.1-1142.

Sec. 6-407 Permits.

- A. *Permit for open burning required.* When open burning of debris waste under section 6-406(C) or open burning of debris on the site of a local landfill under section 6-406(D) is to occur within Albemarle County, the person responsible for the burning must obtain a permit from the Fire Official prior to the burning.
- B. *Application for permit.* The person responsible for the burning must submit a complete application for a permit, which must include proof of liability insurance in an amount of no less than \$1.5 million and must be issued by a company registered with the Virginia Bureau of Insurance. A written site and burn plan must also be included with any application.
- C. *Issuance of permit.* Such a permit may be granted only after confirmation by the Fire Official that the burning can and will comply with the provisions of this Article, with all other conditions which are deemed necessary to ensure that the burning will not endanger the public health and welfare, and with all applicable provisions of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. The permit may be issued for each occasion of burning or for a specific period of time deemed appropriate by the Fire Official and in conformance with this article.
- D. *Number of permits.* No more than three permits may be issued per year for any parcel.
- E. *Permit for use of special incineration device.* Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, the person responsible for the burning must obtain a permit from the Fire Official, such permits to be granted only after confirmation by the Fire Official that the burning can and will comply with the applicable provisions in Regulations for the Control and Abatement of Air Pollution and that all conditions that the Fire Official deems necessary to ensure that the operation of the devices will not endanger the public health and welfare are met. Permits granted for the use of special incineration devices must at a minimum contain the following conditions:
 - 1. All reasonable efforts must be made to minimize the amount of material that is burned in a special incinerator device. Such efforts must include, but are not limited to, the removal of pulpwood, sawlogs, and firewood;
 - 2. The material to be burned must only consist of brush, stumps, and similar debris waste and must not include demolition material;
 - 3. The special incinerator burning must be at least 1,000 feet from any occupied building unless the occupants have given prior written permission;
 - 4. The special incinerator burning must be conducted at the greatest distance practicable from highways;
 - 5. The special incinerator burning must be conducted at least 2,500 feet from airfields, schools, and healthcare facilities. If the Fire Official or designee determines that it is necessary to protect public health and welfare, the Fire Official or designee may increase any of the distances cited in this section;
 - 6. The special incinerator burning must be attended at all times and conducted to ensure the best possible combustion with the minimum amount of smoke production. The burning must not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials;
 - 7. The special incinerator burning must be conducted only when the prevailing winds blow away from any city, town or built-up area;
 - 8. The use of special incineration devices must only be allowed for the disposal of debris waste, clean burning construction waste, and clean burning demolition waste; and
 - 9. Permits issued under this section must be limited to a specific period of time deemed appropriate by the Fire Official or designee and in conformance with this Article.
- F. *Fees.* An application for a permit under section 6-407(A) or 6-407(E) must be accompanied by a processing fee as set forth in the fee schedule maintained by the Fire Official, as may be amended from time to time. An application is not complete without payment of the processing fee.

(Code 1988, § 9-24; Ord. 98-A(1), 8-5-98; Ord. 13-6(1), 1-9-13; Ord. 18-6(1), 10-3-18)

Sec. 6-408 Penalties for violation.

- A. A violation of any ordinance under this Article is a Class 1 misdemeanor, punishable upon conviction by confinement in jail for a period not exceeding 12 months or by a fine of not more than \$2,500, either or both.

- B. Each separate incident constitutes a new violation.
- C. Any person convicted of a second offense committed within three years after a prior offense under this section shall upon conviction of the second offense be punished by a minimum fine of \$1,000. Any person convicted of a third or subsequent offense under this section committed within a three-year period shall upon conviction of the third or subsequent offense be punished by a minimum fine of \$2,500.
- D. In addition to the above penalties, any person so convicted shall be liable to the County for all expenses reasonably incurred by the County in suppressing any fire subject of the offense.

(Code 1988, § 9-25; Ord. 98-A(1), 8-5-98; Ord. 18-6(1), 10-3-18)

State Law reference – Virginia Code §§ 15.2-1429 and 27-100

**RESOLUTION TO APPROVE SP202500003
FLOW HONDA/CDJR OUTDOOR STORAGE, DISPLAY, AND SALES**

WHEREAS, upon consideration of the staff reports prepared for SP202500003 Flow Honda/CDJR Outdoor Storage, Display, and Sales and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-30.6.3(a)(2)(b) 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 Highway Commercial (HC) zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan and the applicable design guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202500003 Flow Honda/CDJR Outdoor Storage, Display, and Sales, subject to the conditions attached hereto.

* * * *

SP202500003 Flow Honda/CDJR Outdoor Storage, Display, And Sales Special Use Permit Conditions

1. Use of this site must be in general accord with the Flow Honda/CDJR Concept Plan + Exhibits by Shimp Engineering dated September 26, 2025. To be in general accord, vehicles for sales, storage and/or display must be parked only in the spaces indicated for sales, storage and display on the Flow Honda/CDJR Concept Plan.
2. Vehicles must be parked in striped parking spaces.
3. Vehicles must not be elevated anywhere outside of a building on site.
4. Final site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan). Landscaping shown on the plan may be required to be in excess of the minimum requirements of the ARB guidelines and/or the Zoning Ordinance to mitigate the visual impacts of the proposed use.
5. Final site plan approval is subject to ARB approval of the lighting plan (submitted with the site plan). Maximum light levels must not exceed 30 footcandles in the display lot and 20 footcandles in all other locations. The maximum height of pole lights must not exceed 20'. All fixtures must have lamps whose color temperature is between 2000 and 3000 Kelvin.

**RESOLUTION TO APPROVE SP202500006
WOOLEN MILLS INDUSTRIAL FILL IN FLOODPLAIN**

WHEREAS, upon consideration of the staff report prepared for SP202500006 Woolen Mills Industrial Fill in Floodplain, the recommendation of the Planning Commission and the information presented at the public hearing on December 16, 2025, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-30.3 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 Light Industrial zoning district, with the applicable provisions of Albemarle County Code § 18-30.3, 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 SP202500006 Woolen Mills Light Industrial Fill in the Floodplain, subject to the conditions attached hereto.

* * * *

SP202500006 Woolen Mills Industrial Fill in Floodplain- Conditions

1. The fill in the floodplain must be shown on a site development plan and must be in general accord with the Concept Plan titled "SP-2025-00006 Special Use Permit for Fill in the Floodplain Woolen Mills Light industrial Park," except as may be modified in order to meet the requirements of the County's Water Protection Ordinance, as determined by the County Engineer. The site must be filled to at least one-foot above the Base Flood Elevation (BFE).
2. The owner must submit a Virginia Erosion and Stormwater Management Plan (VESMP) application for the fill activity within 6 months of the approved special use permit. Fill activities, including the retaining wall and mitigation plan, must be completed within 2 years of approval of the VESMP application.
3. Fill is limited only to fill already located on the site or abutting parcels.
4. The applicant must apply for a Letter of Map Revision (LOMR) within 6 months of completing fill activities.
5. The applicant must submit and obtain approval of a mitigation plan with the VESMP application specifically for the portion of the property that was formerly proposed as a stormwater management facility and the immediate area surrounding that former facility that was disturbed to establish the storm water flow equalization basin as shown on SDP 2018-00065. Mitigation plant species must be native and listed as appropriate for the "Piedmont" region in the brochure titled "Native Plants for Conservation, Restoration, and Landscaping: Virginia Riparian Buffer Zones," published by the Virginia Department of Conservation and Recreation.
6. Stormwater treatment must be provided on-site and must equal twice the total required phosphorus load reduction.
7. A phase I archeological survey must be conducted prior to approval of the VESMP application for the fill area and any prior disturbed areas.