

A regular meeting of the Board of Supervisors of Albemarle County, Virginia was held on June 17, 2026, at 3:00 p.m. in Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Ms. Sally A. Duncan, Mr. Ned L. Gallaway, Ms. Beatrice “Bea” J.S. LaPisto-Kirtley (Absent after 4:32 p.m.), Ms. Ann H. Mallek, Mr. Frederick “Fred” A. Missel.

ABSENT: Mr. Mike O. D. Pruitt.

OFFICERS PRESENT: Deputy County Executive, Trevor Henry; Deputy County Executive, Ann Wall; County Attorney, Andy Herrick; Clerk, Claudette K. Borgersen; and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 3:00 p.m. by the Chair, Mr. Ned Gallaway.

Mr. Gallaway noted that Mr. Pruitt was absent.

Mr. Gallaway stated that they had a request from Supervisor LaPisto-Kirtley to participate remotely in accordance with the applicable Board Rules of Procedure, specifically rule number 8.B.1.d, enacted pursuant to the Freedom of Information Act. He asked Ms. LaPisto-Kirtley to state the reason for her remote participation and her location.

Ms. LaPisto-Kirtley said that she was traveling on personal business and was currently at Dulles Airport.

Ms. Mallek **moved** to allow Ms. LaPisto-Kirtley to participate remotely.

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSTAIN: Ms. LaPisto-Kirtley

ABSENT: Mr. Pruitt.

Mr. Gallaway introduced the following Albemarle County Police Department officers present: Officer Tayvaun Richardson and Police Sergeant Joshua Wright.

Agenda Item No. 2. Pledge of Allegiance.

Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway noted the following changes to the agenda:

- Attachment G for Item #19., Riparian Buffer Protection Standards, was updated online the previous day and copies of the updated ordinance were available by the signup sheets.
- Supervisor LaPisto-Kirtley requested to add a Proposed Request for an SCC (State Corporation Commission) Public Hearing on Dominion Energy’s Charlottesville-Gordonsville 230kV Rebuild Project to Item #20. From the Board: Committee Reports and Matters Not Listed on the Agenda.
- Moved the Proposed Request for an SCC Public Hearing on Dominion Energy’s Charlottesville-Gordonsville 230kV Rebuild Project to earlier on the agenda, to be held after public comment.
- Supervisor Ann Mallek requested to add a Discussion Regarding Implementing HB1072 to Item #20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek **moved** to adopt the final agenda as amended.

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Mr. Pruitt.

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

Mr. Gallaway asked if Ms. LaPisto-Kirtley would like to discuss her proposed request during her announcements.

Ms. LaPisto-Kirtley explained that Dominion was proposing to the State Corporation Commission to build and double the size of the current transmission lines that went through the Hollymead, Forest Lakes, Pantops, all the way up to Gordonsville, through Keswick. She said that the procedure was that the SCC wanted to receive comments by July 8, 2026. She said that the Board had been receiving letters from their constituents asking for the SCC to have a full public hearing. She said that legally, what they needed to do was to have a legal pleading to show the justification for a public hearing to be held in Albemarle, other than the written comments. She said that she was requesting that this Board give authorization to Chair Gallaway to work with their County Attorney and to send a letter to the SCC for that request.

Mr. Gallaway asked if Supervisors had any questions about what was being asked. He asked the County Attorney if there were any additional items they needed to be aware of.

Mr. Andy Herrick, County Attorney, stated that there were actually three possible avenues that the Board could take, and they were not mutually exclusive. He said that the first option would be to register a public comment. He said that the Board could register public comments by July 8, 2026. The second option would be to participate in the proceedings going forward. He said that that was a higher level of participation, where they had to show what their interest was in the proceeding. The third option, as Ms. LaPisto-Kirtley had indicated, would be to request a public hearing to be held either in the Charlottesville area or at the SCC in Richmond.

Mr. Herrick said that the level of participation could be either at the comment level or at the full participation level, and whether or not to have a public hearing was a separate consideration. He said that he would be looking for the Board's direction as to which of those alternatives was desired, if any. The deadline for each of those was July 8, 2026.

Mr. Gallaway asked, if they requested the public hearing, then it was up to the SCC to decide whether they would honor that request or not.

Mr. Herrick confirmed that was correct, and that could be done without the County itself making public comment or participating, if the Board so chose.

Mr. Gallaway said that assuming they held the public hearing, then Supervisors may want to participate at that point, but it would at least give citizens an opportunity.

Mr. Herrick confirmed that was correct; and one did not need to comment or participate in order to request the public hearing. He said that staff would just look for clarification as to the Board's anticipated role.

Mr. Gallaway asked if other Supervisors had any objections to this request. He said that the vote would be to authorize him to work with the County Attorney to send the letter to request the public hearing, and then they would just wait for a response.

Ms. Mallek said that she wholeheartedly supported that level because when they previously had to deal with the transmission towers in the western part of the White Hall District, they went through this public hearing process. She said that if a request was made and there were enough people to join the request, they would have to have it locally. She said that hundreds of people attended the meeting in this room, and it was very impactful to the SCC's decision at the time.

Mr. Missel agreed with Ms. Mallek, and he would stress that they should try to have the meeting here.

Mr. Herrick said that it was ultimately up to the State Corporation Commission where the hearings were held. He said that typically, the hearings were held in Richmond, but they sometimes held local hearings if they were requested.

Mr. Missel suggested that they include their preference for the public hearing to be held in Albemarle as part of the request. He asked if they also had to determine participation as a separate aspect, or if it was assumed they would participate in the public hearing.

Mr. Herrick replied that if the Board intended to comment or participate, that would need to be noted with the State Corporation Commission.

Mr. Missel said that he believed their intent to participate should be included in the letter, as well.

Mr. Gallaway asked if that was assuming they could do both.

Mr. Herrick confirmed that one could do both. He asked that the Board should keep in mind that the standard for participation was a higher bar, so the County had to identify its specific interest in the proceedings.

Ms. Mallek noted that thousands of affected residents in the eastern part of the County would be an adequate reason from her perspective.

Mr. Herrick confirmed that would be the case that would be made.

Ms. LaPisto-Kirtley said that before she made the motion, she wanted to thank all the constituents who wrote letters to the Board and who were writing letters to the SCC.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors present a legal pleading to show the justification as to why a hearing should be held in Albemarle County, with participation by the County.

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Mr. Pruitt.

Ms. Mallek gave formal thanks to Barbara Barrett, who for the last nine years had been a parent representative on the Region Ten Community Service Board. She said that before her time living in Crozet with her daughter, who was a client at Region Ten, and her husband, they had lived in the valley and been a member of that regional community service board in that region. She said that she worked really hard, was a chair for many years, and she really appreciated all of her effort.

Ms. Mallek announced that the Albemarle Amateur Radio Club would be participating in the annual Field Day, which was a global event taking place on Saturday, June 27 at 2:00 p.m. through Sunday, June 28, at 2:00 p.m., for a total of 24 hours. The location was the Earlysville Volunteer Fire Department, 283 Reas Ford Road. She said that it was a wonderful place for all ages, and everybody could get involved in talking to people across the globe. She said that Alaska was where her grandkids spoke with somebody ten years ago.

Ms. Mallek said that Field Day combined public service, emergency preparedness, community outreach, and the technical skills all in a single event. She said that the event started in 1933 and it was really important to the community when absolute disasters occurred and all of the modern communication facilities went down. She said that it was these Ham radio people who kept everybody going and in touch. She said that she hoped that many people would come out and appreciate the work that these people had been doing and have a good time.

Ms. Mallek stated that the White Hall District was blessed and had been for over 50 years with three Fourth of July parades. She said that the first event was on July 4 at 10:00 a.m. in Earlysville, at the intersection of Earlysville Forest Drive and Earlysville Road. She said that this was the 30th anniversary of that parade this year. She said that also on July 4, at 5:00 p.m., would be the Crozet parade on Half Mile Branch, which had been run for 50 years by the Crozet Volunteer Fire Department. The parade would leave from Crozet Elementary, go to Crozet Park, and then the whole scene would move to King Family Vineyards for food, music, and fireworks.

Ms. Mallek said that July 5, the Free Union Homemakers were in their 31st year of sponsoring their parade, which left from the Church of the Brethren at 4:00 p.m. and went through the village to the Baptist Church on the other end. She said that each parade had its own quirky characteristics, and she hoped that people would come out to see and celebrate their country's birthday.

Mr. Gallaway reported that he recently received notice from Virginia Department of Transportation (VDOT) Residency Administrator Carrie Shephard that the mini-roundabout that they had been trying to get in place at the Hillsdale-Greenbrier intersection was finally going to be installed. The funding for that had been put in place this past year, so they would complete it after doing what they needed to do. He said that they were going to start work on June 22 and it would take no more than three days to complete.

Mr. Gallaway explained that it was a modified roundabout that had also been used in Chesterfield, which provided a roundabout without the full construction effort like the one in front of the Charlottesville Area Technical Education Center (CATEC). He said that if it did not work, it could be easily removed, so it was the type of solution that he would be very interested to see how it worked out there. He thought it would help solve some of the issues happening at that intersection and potentially in other parts of the County.

Mr. Gallaway noted that the local community had been aware that this was coming; the Community Advisory Committee (CAC) that covered that area had received a presentation on it in the past. He said that they were originally going to do the installation overnight, but the machinery they needed to pull up the striping that was already there was rather noisy, so they did not want to be disruptive during sleeping hours. He said that there was a message board and press release out for the project, and he asked the public to be mindful of this new roundabout.

Ms. Mallek asked if north and south Hillsdale would be closed, with only right turns all the way around.

Mr. Gallaway said yes; that was his understanding.

Mr. Gallaway said that once it was in, that would be the third roundabout in that area. He said that it was designed to help with speeding, traffic, and pedestrians being able to make left turns, etcetera, and he believed it would get the job done.

Mr. Gallaway commented that they were approaching the end of June, and they still did not have any light at the end of the tunnel with regard to a state budget being passed. He said that he wanted to personally encourage the state legislators to put aside interparty politics and pass the budget soon. If they did not pass a budget, the consequences for local government, not to mention other state institutions, would be problematic. They had made these comments before about the federal government and the concerns that people had at that federal level, but the impact of having no state budget was much more impactful on the County government and Albemarle County Public Schools (ACPS).

Mr. Gallaway said that they needed to get their act together and get the budget passed. He said that the \$0.01 sales tax referendum was supposed to be part of the budget because it was not developed as a bill, and there were timeline restrictions associated with it that would be affected if the state budget was not passed. He said that if it were a more partisan legislature negotiating the budget, he could understand the delay, but there was no excuse for that this year.

Ms. Mallek suggested that it might be worth reaching out to their delegates because it was not in the 90 pages in the Senate proposal that came out Tuesday. She said that she looked very carefully for it and did not see it. She said that the House had another document that she had not found yet, so it might be in there. She said that they needed to perhaps get their delegates to dig in a little harder on that and make sure that they were not left out.

Mr. Gallaway encouraged their citizens to send emails to their legislators as well, because this was a big deal for all of their County operations and other local agencies.

Ms. LaPisto-Kirtley added that the Key West Fourth of July Parade was a great event that she hoped everyone would attend.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Recognizing Charles Ridgeway "Ridge" Schuyler III.

Ms. Mallek **moved** to adopt the proclamation recognizing Charles Ridgeway "Ridge" Schuyler III, which she read aloud.

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Mr. Pruitt.

Resolution Recognizing Charles Ridgeway "Ridge" Schuyler III Upon His Retirement

WHEREAS, Charles Ridgeway "Ridge" Schuyler III has dedicated his career to advancing economic opportunity and strengthening communities through innovative, collaborative approaches; and

WHEREAS, as Dean of Student Support & Community Partnerships and Director of Network2Work at Piedmont Virginia Community College, Ridge has provided visionary leadership in addressing systemic barriers to employment and creating pathways to family-sustaining careers; and

WHEREAS, Ridge led the development of a coordinated, community-wide approach that brings together employers, service providers, and trusted community members to support individuals seeking meaningful and lasting employment; and

WHEREAS, the Network2Work model, pioneered under Ridge's leadership, has demonstrated measurable and transformative impact, with nearly 70 percent of participants securing employment and achieving significant wage growth, thereby enhancing economic mobility for individuals and families across the region; and

WHEREAS, throughout his distinguished career, including service on Capitol Hill, Ridge has exemplified a deep commitment to public service, cross-sector collaboration, and the well-being of the community.

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors do hereby honor, commend, and express sincere gratitude to Charles Ridgeway "Ridge" Schuyler III for his outstanding service, leadership, and lasting contributions to the community.

* * * *

Mr. Charles Ridgeway "Ridge" Schuyler III accepted the proclamation and thanked the Board. He said that he was truly humbled and almost speechless. He said that one of the occupational hazards of having worked in the United States Senate was the tendency to filibuster, but he said that he would

surprise all who knew him and not take his full three minutes. He said that at a time when it felt like the nation was being torn apart, he felt blessed to have worked on a framework intentionally built to bring people together. Employers were looking for their next great employee, community connectors saw the potential in others that they may not see in themselves, and resource providers who knocked down barriers and opened up opportunities.

Mr. Schuyler said that they were united in lifting up their neighbors, striving for a better life and a better future for themselves and for their families. He thanked Piedmont Virginia Community College (PVCC) and local governments like Albemarle County who had believed in him, but more importantly, who believed in the potential of the people he had been honored to serve. He said that he tried, to the best of his ability that his mother gave him, to live the words of Robert F. Kennedy, the Senator, not the Cabinet member, who encouraged them to dedicate themselves to what the Greeks wrote so many years ago, to tame the savagery of man and make gentle the life of this world.

Ms. LaPisto-Kirtley thanked Mr. Schuyler for his dedication and his public service. She said that Americans like him enabled them to tame the wild beasts that they all had within them. She said that she really commended him on doing that. She said that she had a great life and a great upbringing, and that showed in his service to their country.

Mr. Missel expressed his appreciation for Mr. Schuyler's words more than anything he could say. He said that they had not worked together, but it was notable that he had spent his career helping people find opportunity, and he commended him for that.

Ms. Duncan said that she first met Mr. Schuyler last fall when he presented at their all-CAC meeting, and he was very impressive and inspiring. She said that clearly he had done a lot of great work, and she thanked him for everything he had done.

Ms. Mallek said that Mr. Schuyler was too young to retire. She said that bringing people together was such an admirable goal and was essential to their survival anywhere, in any community, but particularly in this one. In the last ten years, they had been lacking that, and she thought it was a great time to get back to Mr. Schuyler's "grandmother plan." She said she was totally captivated by the "grandmother plan" because that was how one managed teenagers and children who had not had a model of someone who had a steady job and got them to work on time, with clean clothes and combed hair and other soft skills that everybody needed. She thanked him for that wonderful inspiration and plan to make it work.

Ms. Mallek said that as someone who had been struggling in the local level of the Workforce Innovation and Opportunity Act (WIOA) program since 2008, sometimes they made progress and sometimes they did not; they were trying to cut it all again for next year. She said that the examples that he had given were ways that they could ensure their local program at the Workforce Center was doing the best job they could. She said that they were running really good partnerships, and those were all ways that he got them going. She thanked him very much.

Mr. Gallaway noted that they had just made a chamber-to-chamber visit to Chapel Hill. He said that they had a good neighbor initiative program and they also had a land trust model there. He said that they took a tour of a traditionally African American community where the community was working to prevent gentrification. He said that they were achieving the objective, and when they learned about the reasons as they related to both the good neighbor initiative and their relationship with the university and the land trust model, it was because they had the people in the community who were the point person or the network, the direct link to all the other people in that community.

Mr. Gallaway said that as soon as he heard that on the tour, he immediately understood because Mr. Schuyler had given presentations on that very topic that explained why it was critical. He said that if there was no way to communicate and connect two people to the program, then there was no need for the program. He said that sometimes policy issues were very complex things, but it was possible to break them down into the very specific actions the program did to help individuals. He said that connecting them with personal transportation or job training were the things that actually mattered to get people set up and get them back into meaningful employment.

Mr. Gallaway said that he applauded Mr. Schuyler's efforts to do that. He said that he also wanted to mention child psychologist Robert Coles' book "The Call for Service." He said that he had quoted this book once or twice in the past, and it was interesting that the subtitle was "A Witness to Idealism," and when Mr. Schuyler mentioned that, he was right. He said that what he had done and the work he had done with Network to Work and the people he had helped answered the call for service in the spirit of what Robert Coles and the Kennedys were talking about. He commended him for that, and he knew that this community would be forever grateful for all the efforts and work he had done. He sincerely thanked Mr. Schuyler.

Agenda Item No. 7. Public Comment on Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

There were none.

Agenda Item No. 8. Consent Agenda.

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

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Mr. Pruitt.

Item No. 8.1. Proposed Amendment to the 1997 UVA / County / Charlottesville Ground Lease Agreement for the Emergency Communications Center (ECC).

The Executive Summary forwarded to the Board states that the Emergency Communications Center (ECC), serves three member organizations that include Albemarle County, the City of Charlottesville, and UVA. The ECC is responsible for providing Emergency Communication services for its member organizations. The ECC was originally established in 1986 and has answered over 235,000 administrative calls and over 180,000 calls for service during the past calendar year. The ECC has been accredited through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) since 2006. The ECC currently has 65 staff members, including communications professionals, Information Technology staff, and support staff.

The ECC operates on property leased from the University of Virginia (UVA) under a fifty-year ground lease executed on October 3, 1997 (Attachment A), between the County of Albemarle and the City of Charlottesville for one dollar (\$1) per year.

In 2019, UVA installed a modular unit located at 2304 Ivy Road (Attachments B and C), adjacent to the existing ECC facility, for use by the UVA Department of Safety and Security. The department has since relocated to a new headquarters at Zehmer Hall on Midmont Lane, vacating the modular unit.

UVA proposes a minor amendment (Attachment D) to the 1997 ground lease to formally incorporate this modular unit into the leased premises at no cost to the Tenant. The title of the unit would remain with UVA, and all lease terms that apply to existing improvements would also apply to the modular unit. The additional space gained by adding the existing modular unit will primarily be used for meeting and training space. The additional space will improve the function and efficiency of the ECC and allow it to consolidate office space into the modular unit, bringing its primary operations to a single location.

Because the 1997 lease structure lists the County and City, and not the ECC, as co-tenants, both jurisdictions must formally approve the amendment. County staff confirm that the amendment aligns with the original lease's intent and does not alter the financial obligations or expand the lease footprint beyond the addition of the modular unit. The amendment supports the ECC's operational objectives and improves the utilization of existing facilities without incurring additional lease costs.

Coordination with the City Attorney's Office and City Manager is ongoing to ensure both jurisdictions adopt consistent versions of the amendment. The City Council approved a similar resolution at its May 4 City Council meeting.

Approval of this agreement would have no additional impact on the County budget.

Staff recommends that the Board adopt the attached resolution (Attachment E) authorizing the County Executive to execute the agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

By the above-recorded vote, the Board adopt the attached resolution (Attachment E) authorizing the County Executive to execute the agreement on behalf of the County once it has been approved as to substance and form by the County Attorney:

**RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO GROUND LEASE FOR
EMERGENCY COMMUNICATIONS CENTER PREMISES**

WHEREAS, the City of Charlottesville (the "City"), the County of Albemarle (the "County", and, together with the City, "Tenant"), and the Rector and Visitors of the University of Virginia ("Landlord") entered into a Ground Lease in 1997 for the operation of the Charlottesville-UVA-Albemarle Emergency Communications Center (the "ECC") located in the County at 2306 Ivy Road, Charlottesville, Virginia; and

WHEREAS, a Modular Unit, located at 2304 Ivy Road, has been added to the leased Premises for use by the ECC; and

WHEREAS, the Modular Unit constitutes part of the Premises and an Improvement and will be used, operated, insured and maintained by the Tenant pursuant to the Ground Lease; and

WHEREAS, all other terms and conditions of the Ground Lease applicable to the Premises and Improvements will apply to the Modular Unit and to Tenant's use and occupancy. Title to the Modular Unit will remain vested in Landlord; and

WHEREAS, under the terms of the 1997 Agreement, both the City and County must consent to and execute this Amendment to the Ground Lease; and

WHEREAS, the Board of Supervisors of the County of Albemarle finds that executing the Amendment to the Ground Lease serves a public purpose by improving the function of the ECC;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the Amendment to the Ground Lease, once approved by the County Attorney as to form and substance.

* * * *



#R-26-063

RESOLUTION

**Authorizing Execution of Amendment to Ground Lease for
Emergency Communications Center Premises**

WHEREAS, the City of Charlottesville (the "City"), the County of Albemarle (the "County", and, together with the City, "Tenant"), and the Rector and Visitors of the University of Virginia ("Landlord") entered into a Ground Lease in 1997 for the operation of the Charlottesville-UVA-Albemarle Emergency Communications Center (the "ECC") located in the County at 2306 Ivy Road, Charlottesville, Virginia; and

WHEREAS, a Modular Unit, located at 2304 Ivy Road, has been added to the leased Premises for use by the ECC; and

WHEREAS, the Modular Unit constitutes part of the Premises and an Improvement and will be used, operated, insured and maintained by the Tenant pursuant to the Ground Lease; and

WHEREAS, all other terms and conditions of the Ground Lease applicable to the Premises and Improvements will apply to the Modular Unit and to Tenant's use and occupancy. Title to the Modular Unit will remain vested in Landlord; and

WHEREAS, under the terms of the 1997 Agreement, both the City and County must consent to and execute this Amendment to the Ground Lease; and

WHEREAS, the Council of the City of Charlottesville finds that executing the Amendment to the Ground Lease serves a public purpose by improving the function of the ECC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that Amendment to the Ground Lease is approved and that the City Manager or his designee is authorized to execute the Agreement and to take any additional administrative actions necessary.

Date Adopted: May 4, 2026

Certified: Kyna Thomas
Clerk of Council

	<u>Aye</u>	<u>No</u>
Fleisher	<u>x</u>	<u> </u>
Oschrin	<u>x</u>	<u> </u>
Payne	<u>x</u>	<u> </u>
Snook	<u>x</u>	<u> </u>
Wade	<u>x</u>	<u> </u>

**RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO GROUND
LEASE FOR EMERGENCY COMMUNICATIONS CENTER PREMISES**

WHEREAS, the City of Charlottesville (the “City”), the County of Albemarle (the “County”, and, together with the City, “Tenant”), and the Rector and Visitors of the University of Virginia (“Landlord”) entered into a Ground Lease in 1997 for the operation of the Charlottesville-UVA-Albemarle Emergency Communications Center (the “ECC”) located in the County at 2306 Ivy Road, Charlottesville, Virginia; and

WHEREAS, a Modular Unit, located at 2304 Ivy Road, has been added to the leased Premises for use by the ECC; and

WHEREAS, the Modular Unit constitutes part of the Premises and an Improvement and will be used, operated, insured and maintained by the Tenant pursuant to the Ground Lease; and

WHEREAS, all other terms and conditions of the Ground Lease applicable to the Premises and Improvements will apply to the Modular Unit and to Tenant’s use and occupancy. Title to the Modular Unit will remain vested in Landlord; and

WHEREAS, under the terms of the 1997 Agreement, both the City and County must consent to and execute this Amendment to the Ground Lease; and

WHEREAS, the Board of Supervisors of the County of Albemarle finds that executing the Amendment to the Ground Lease serves a public purpose by improving the function of the ECC;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute the Amendment to the Ground Lease, once approved by the County Attorney as to form and substance.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County by a vote of five to zero, as recorded below, at a meeting held on June 17, 2026.


Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Ms. Duncan	<u>Y</u>	___
Mr. Gallaway	<u>Y</u>	___
Ms. LaPisto-Kirtley	<u>Y</u>	___
Ms. Mallek	<u>Y</u>	___
Mr. Missel	<u>Y</u>	___
Mr. Pruitt	<u>Absent</u>	___



Office of the Architect
Real Estate and Leasing Services

April 24, 2026

By Email

The City of Charlottesville

The County of Albemarle, Virginia

Re: Ground Lease Agreement among The Rector and Visitors of the University of Virginia ("Landlord"), the City of Charlottesville, Virginia ("City"), and the County of Albemarle, Virginia ("County", and, together with the City, "Tenant"), dated October 3rd, 1997 (UVA Lease Number 207-L0131), with respect to certain real property described therein and currently designated as County of Albemarle Tax map Parcel number 060000000030F0 (the "Ground Lease")

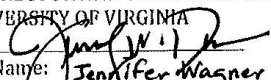
Capitalized terms used but not defined in this letter shall have the meaning set forth in the Ground Lease. Landlord has installed within the Premises a modular unit located at 2304 Ivy Road, Charlottesville, VA 22903, as described in greater detail in the Exhibits attached hereto (the "Modular Unit").

The Modular Unit constitutes part of the Premises and an Improvement and will be used, operated, insured and maintained by Tenant pursuant to the Ground Lease. All other terms and conditions of the Ground Lease applicable to the Premises and Improvements will apply to the Modular Unit and to Tenant's use and occupancy thereof. Title to the Modular Unit will remain vested in Landlord. Tenant accepts the Modular Unit in its current condition, without any representation or warranty from Landlord.

Please sign below to signify your agreement to the above. This letter agreement shall be effective as of the date of the last signature below.

LANDLORD:

THE RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA

By: 
Name: Jennifer Wagner Davis
Title: Executive Vice President and Chief Operating Officer
Date: August 3, 2026

- Exhibits: A Modular Unit Description
B Modular Unit Plans
C Site/Location Map



Office of the Architect
Real Estate and Leasing Services

Reviewed and Approved
As to Legal Form and Sufficiency:

By: Richard Naddeo
Richard Naddeo
Senior Assistant University Counsel and
Associate University Counsel

Date: August 3, 2026

Seen and Agreed:

CHARLOTTESVILLE-UVA-ALBEMARLE COUNTY EMERGENCY COMMUNICATIONS CENTER

TENANT:

THE CITY OF CHARLOTTESVILLE, VIRGINIA

By: Samuel Sudders Jr
Name: Samuel Sudders Jr
Title: City Manager
Date: 06/05/2026

Approved as to form:
Sau Chan - Deputy City Attorney

THE COUNTY OF ALBEMARLE, VIRGINIA

By: Jeff Richardson
Name: Jeff Richardson
Title: County Executive
Date: 7/1/2026

Approved as to form:

Andre H. Hirsch
County Attorney

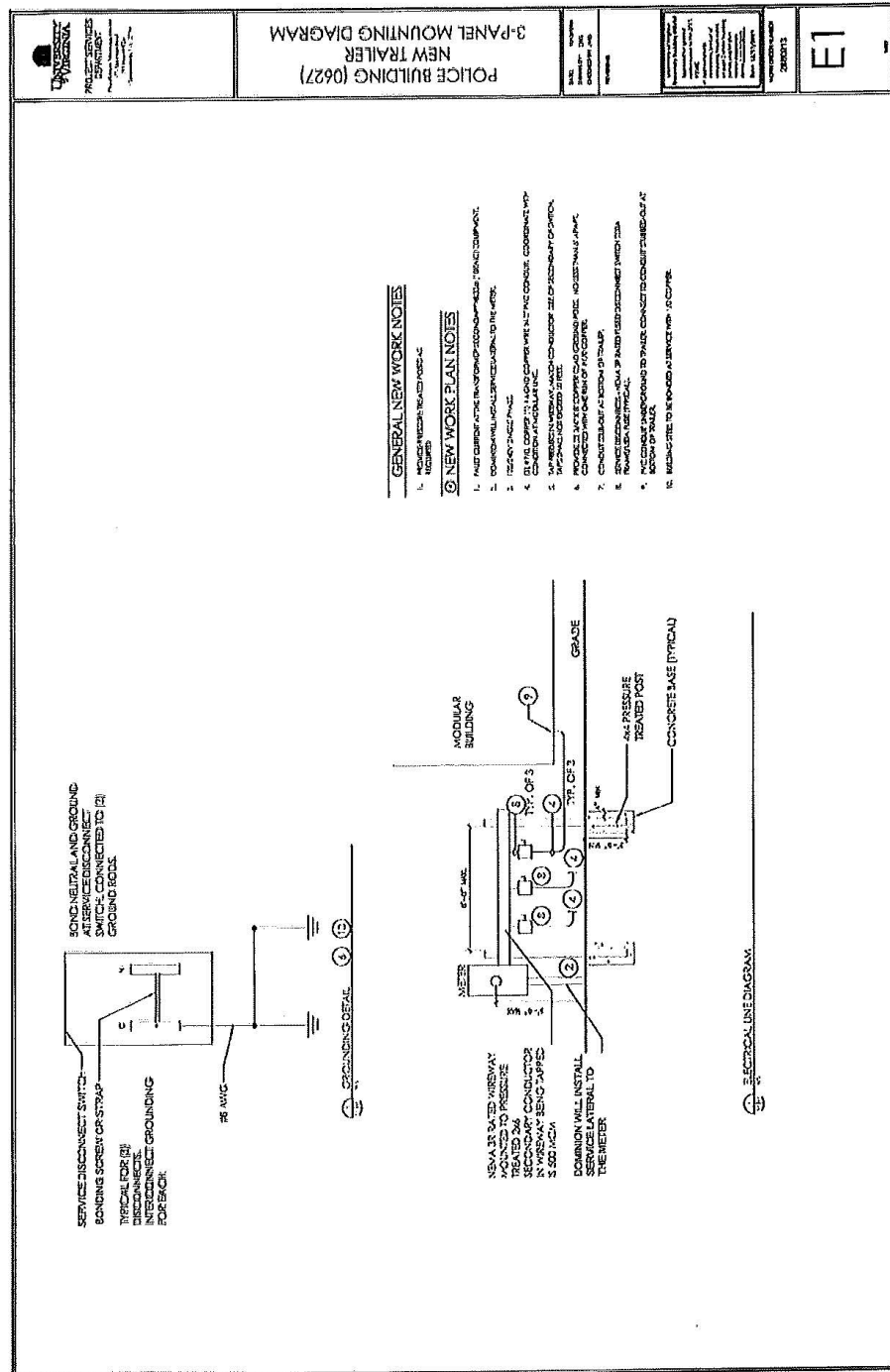
Exhibit A

Modular Unit Description

- One (1) modular unit described as:
UPD Modular Annex, Facility #0623, 36' x 60' modular police station to include block, level anchor on abs pads, vinyl skirt, ramps and decks
- Manufacturer: Boxx Modular, Installation Faulconer
- Serial Number(s): W.O.#2880913 P053374
- Size/Configuration: 36' x 60' (see attached plans)
- Current Location: 2304 Ivy Road, Charlottesville, VA 22903.

Exhibit B
Modular Unit Plans
(attached)

BCC Ground Lease - Modular Unit
April 24, 2026
Exhibit B



Architectural drawings of the Vanguard Modular Key Plan (2-Plan to B-Plan). The drawings include a top plan view, a side elevation, and a section view. The top plan view shows a rectangular building footprint with internal walls and a central corridor. The side elevation shows the building's profile with a flat roof and a series of windows. The section view shows a cross-section of the building, illustrating the internal structure and the placement of the modular units. The drawings are labeled with 'KEY PLAN - 2-PLAN' and 'KEY PLAN - 3-PLAN'.

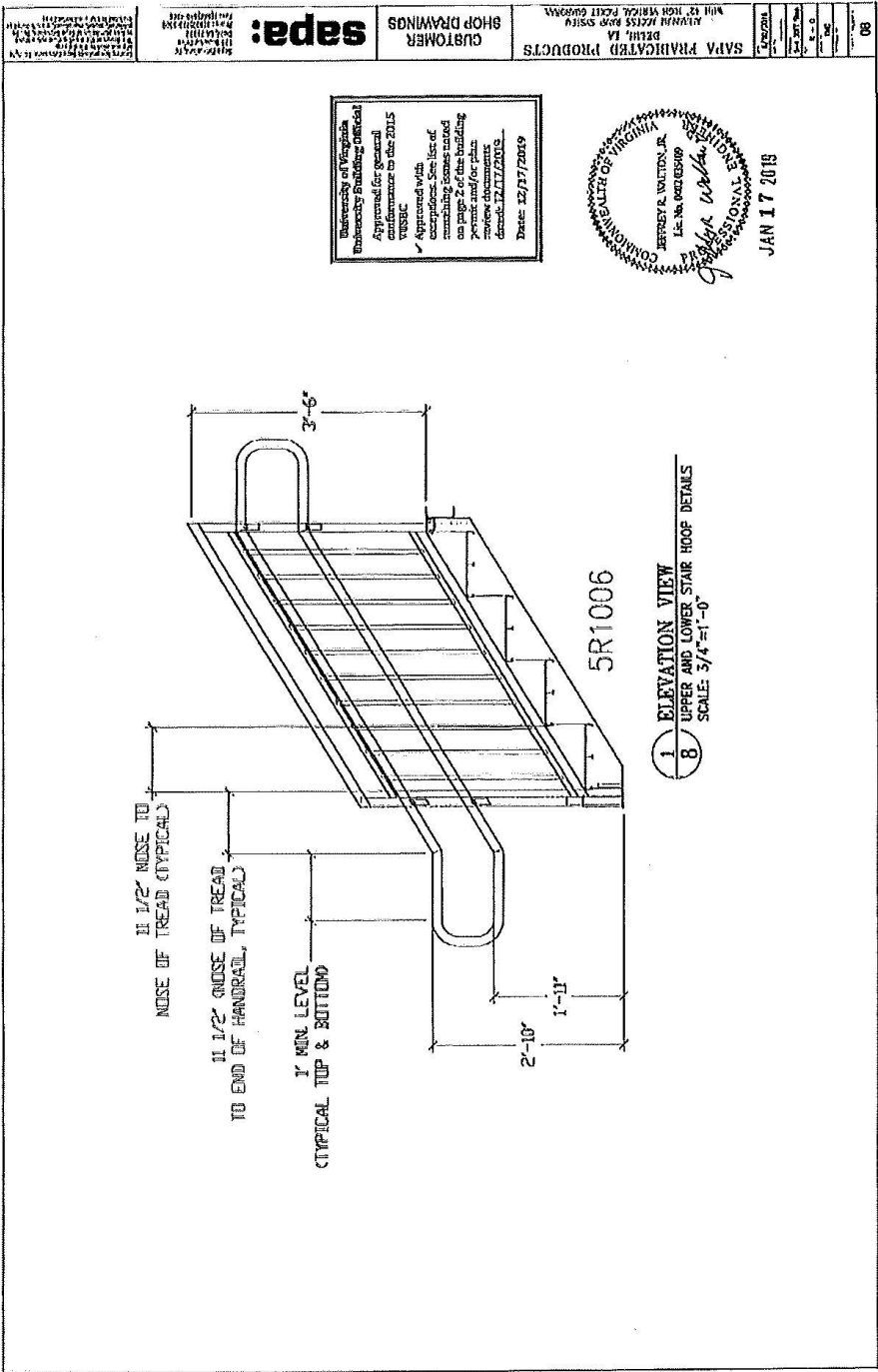
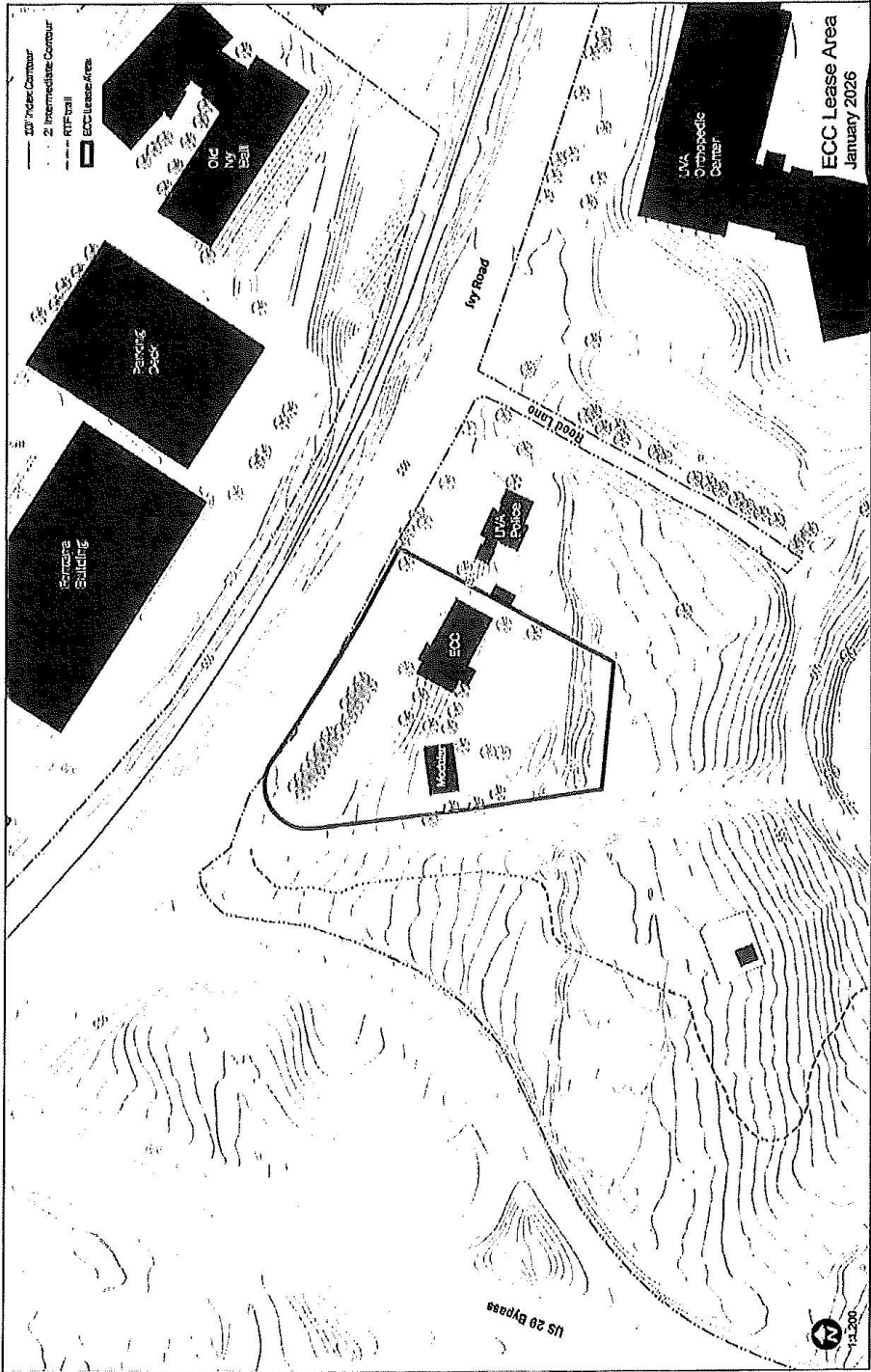


Exhibit C
Site/Location Map
(attached)

ECC Ground Lease – Modular Unit
April 24, 2026
Exhibit C



Item No. 8.2. Resolutions of Intent to Address Changes in the Code of Virginia for Solar Facilities, Parking Requirements, Battery Energy Storage Systems, Manufactured Housing, Wireless Facilities, Affordable Housing and Project Review Timelines.

The Executive Summary forwarded to the Board states that the 2025 and 2026 General Assembly sessions resulted in changes to the Code of Virginia. The County Code is not consistent with these changes to the Code of Virginia.

In the 2026 session of the General Assembly, a multitude of bills were adopted that amended the Code of Virginia and impact local government's authority to regulate and review a variety of uses. These changes require amendments to the County's zoning ordinance. The bills impacting the County Code are:

1. HB 711 / SB 347 Solar facilities; local regulation, permits, special exceptions-Unless permitted by-right the zoning ordinance must be amended to mandate special exception/special use permit review for all projects ≥ 1 MW in every zoning district, incorporate new state-required criteria (setbacks, screening, height, decommissioning, and SCC reporting), and treat these applications even when inconsistent with the County's Comprehensive Plan;
2. HB 888 Minimum off-street parking requirements; definitions, administrative reductions-Requires the County to rewrite its parking ordinance to apply strict parking maximums in designated transit-adjacent areas and to provide a mandatory administrative reduction of at least 20% for residential

- and mixed-use projects outside those areas, along with revising single family dwelling parking requirements to comply with new caps;
3. HB 891 / SB 443 Siting of battery energy storage projects (BESS); commercial solar photovoltaic generation facilities, etc.--The zoning ordinance must be amended to allow BESS by-right on parcels already approved for utility-scale solar SUPs, without additional discretionary land-use approval, while preserving all prior siting agreement terms and ensuring compliance with safety-related codes;
 4. HB 655 / SB 346 Zoning; manufactured housing--The zoning ordinance must be updated to permit manufactured housing in all districts where site-built housing is allowed;
 5. HB 1463 Zoning; nonconforming uses, manufactured homes--The zoning ordinance must be updated to revise the nonconforming manufactured home park provisions so replacement units are allowed by-right, aligned with new statutory conditions regarding real-property conversion, age limits, and lot standards;
 6. HB 876 Zoning; wireless facilities, temporary support structures-- The County Code must be amended to conform to new state requirements for temporary wireless support structures, including allowing installations for 30 days (extendable to 180), requiring building permits for structures over 80 feet, and avoiding "deemed approved" outcomes if timelines or procedures are not met; and
 7. HB 1279 Affordable housing; religious organizations and other nonprofit tax-exempt properties.-- The County must adopt zoning amendments enabling by-right development of up to 20 units/acre on qualifying religious and nonprofit properties (effective Jan. 1, 2027), and may additionally adopt optional ordinances to expanded density bonus tools to preserve or increase affordable units.

In the 2025 session of the General Assembly, the Code of Virginia was amended to change the review times for subdivisions and site plans. The review times in the County's zoning ordinance and subdivision ordinance must be amended to match the new statutory review framework and be consistent with the Code of Virginia. The bill that changed the review times was HB2660 Subdivision ordinance; shortens timeframe for local approvals.

Information on all these bills may be found on the General Assembly website:
<https://vga.virginia.gov>.

No budget impact is expected.

Staff recommends the Board adopt the attached Resolutions of Intent (Attachments A through I).

By the above-recorded vote, the Board adopt the attached Resolutions of Intent (Attachments A through I):

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
ENERGY FACILITIES**

WHEREAS, the County's authority to regulate energy facilities has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-5.1.66, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

* * * *

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
PARKING REGULATIONS**

WHEREAS, the County's authority to regulate parking has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-4.12, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

* * * *

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
BATTERY ENERGY STORAGE SYSTEMS**

WHEREAS, the County's authority to regulate battery energy storage systems has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §§18-3, 18-4.22, 18-5.1.66 and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

* * * *

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
MANUFACTURED HOUSING**

WHEREAS, the County's authority to regulate manufactured housing has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §§18-2.4, 18-3.1, 18-5.1.21, 18-10.2, 18-11.2, 18-12.2, 18-13.2, 18-14.2, 18-15.2, 18-16.2, 18-17.2, 18-18.2, 18-19.2, 18-20.2, 18-20C.6, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

* * * *

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
MANUFACTURED HOUSING NONCONFORMITIES**

WHEREAS, the County's authority to regulate nonconforming manufactured housing has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-6.2 and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

* * * *

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
TEMPORARY WIRELESS FACILITIES**

WHEREAS, the County's authority to regulate temporary wireless facilities has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §§ 18-3, 18-4, 18-5.1.40 and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

* * * *

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
RELIGIOUS AND OTHER NONPROFIT HOUSING**

WHEREAS, the County's authority to regulate religious and other nonprofit housing has been amended in the *Code of Virginia*; and

WHEREAS, the *Albemarle County Code* is not consistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience,

general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-4 and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

* * * *

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
SITE PLAN REVIEW TIMELINES**

WHEREAS, the review timelines for subdivisions and site plans were amended by the Virginia General Assembly in 2025; and

WHEREAS, the *Albemarle County Code* includes review timelines that are inconsistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §18-32.4, and any other section(s) of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

* * * *

**RESOLUTION OF INTENT
SUBDIVISION TEXT AMENDMENT
SUBDIVISION REVIEW TIMELINES**

WHEREAS, the review timelines for subdivisions and site plans were amended by the Virginia General Assembly in 2025; and

WHEREAS, the *Albemarle County Code* includes review timelines that are inconsistent with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending *Albemarle County Code* §§14-22214-230, and any other section(s) of the Subdivision Ordinance deemed to be appropriate to achieve the purposes described herein.

Item No. 8.3. Resolution Affirming Commitment to Fund the Locality Share of Projects Under Agreement with the Virginia Department of Transportation.

The Executive Summary forward to the Board states that the SMART SCALE grant program is the primary method for funding large-scale transportation projects in Virginia. The program provides state funds for up to 100 percent of the design and engineering, right-of-way, and construction of transportation projects. It is administered by the Virginia Office of Intermodal Planning and Investment (OIPI) under the Commonwealth Transportation Board (CTB).

Localities and Metropolitan Planning Organizations can apply for SMART SCALE funding every two years. Albemarle County and the Charlottesville-Albemarle Metropolitan Planning Organization (CA-MPO) can each submit up to four applications each funding cycle. OIPI is accepting applications for the current SMART SCALE funding cycle through August 3, 2026.

On March 4, 2026, the Board reviewed eight transportation projects in Albemarle County for SMART SCALE applications. On April 1, 2026, County staff submitted pre-applications for four of the projects, and CA-MPO staff submitted pre-applications for the other four projects.

On April 22, 2026, the CA-MPO Policy Board adopted resolutions endorsing the submission of SMART SCALE applications requesting funding for the eight transportation projects in Albemarle County previously discussed.

The SMART SCALE program requires a Resolution of Support from the local governing body for all projects to be constructed within the jurisdiction. The attached resolution (Attachment A) lists the eight transportation projects in Albemarle County. This resolution will be included with the SMART SCALE application submissions, which are due on August 3, 2026.

Descriptions of each proposed project are included as Attachment B. Current sketches of each proposed project are included as Attachment C.

These applications are for state funding to implement these projects. No County match is required, and staff is not proposing to include any County match in these project applications. If approved, VDOT would administer these projects and maintain these facilities. Therefore, no County funds would be necessary to support future maintenance or operations of the projects.

Staff recommends the Board adopt the resolution provided as Attachment A.

By the above-recorded vote, the Board adopted the resolution provided as Attachment A:

**RESOLUTION TO SUPPORT SMART SCALE PROJECT APPLICATIONS
IN ALBEMARLE COUNTY**

WHEREAS, the County of Albemarle desires to submit applications for transportation projects to be funded through the SMART SCALE Program in the Fiscal Year 28-33 Six-Year Improvement Plan; and

WHEREAS, the County of Albemarle also desires the Charlottesville-Albemarle Metropolitan Planning Organization to submit applications for transportation projects located within Albemarle County, to be funded through the SMART SCALE Program in the Fiscal Year 28-33 Six-Year Improvement Plan; and

WHEREAS, these applications are requesting funds to implement the following projects:

Albemarle County:

1. Barracks Road SB Right Turn Lane at US 29/250 Bypass
2. US 250 and Old Trail Drive Intersection Improvements
3. US 250 / Rte 601 Roundabout Corridor Improvements
4. US 250 / Rte 601 / Canterbury Intersection Improvements

Charlottesville-Albemarle Metropolitan Planning District Commission

5. US 29 NB/US 250 EB Ramp Extension/Barracks Road Off-Ramp
6. I-64 – 5th St Interchange Improvements
7. US 29/250 SB Off-Ramp Extension to Old Ivy Rd
8. Old Ivy Rd On-Ramp/Leonard Sandridge Rd Off-Ramp Aux. Lane

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby supports the submittal of the SMART SCALE applications for funding for the above-listed projects on behalf of Albemarle County.

Item No. 8.4. SE-2026-00012 1652 State Farm Boulevard Special Exception.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception to allow a “Laboratories/Research and Development/Experimental Testing” use with a gross floor area of 4,895 square feet in the Planned Development Mixed Commercial (PD-MC) Zoning District on Parcel ID 07800-00-00-06100.

County Code §18-24.2.1 (47) permits “Laboratories/Research and Development/Experimental Testing” uses by-right in the PD-MC district if the gross floor area is less than 4,000 square feet. Gross floor area of more than 4,000 square feet within a given site would require a special exception by the Board of Supervisors.

The applicant’s request is provided in Attachment A.

Please see Attachment B for staff’s full analysis. Based on the findings therein, staff recommends approval of the applicant’s request with the following condition:

1. The gross floor area of the Laboratories/Research and Development/Experimental Testing use is limited to 4,900 square feet.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve a special exception to allow more than 4,000 square feet of gross floor area for Laboratories/Research and Development/Experimental Testing.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment C) to approve a special exception to allow more than 4,000 square feet of gross floor area for Laboratories/Research and Development/Experimental Testing:

**RESOLUTION TO APPROVE SE-2026-00012
1652 STATE FARM BOULEVARD SPECIAL EXCEPTION**

WHEREAS, upon consideration of the staff reports prepared for SE-2026-00012 1652 State Farm Boulevard and the attachments thereto, including staff’s supporting analysis, any comments received, the relevant factors in *Albemarle County Code* §§ 18-24.2.1 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would:

1. Be consistent with the goals and objectives of the comprehensive plan;
2. Be consistent with the scale and character of nearby commercial uses;
3. Be consistent with the purpose and intent of Albemarle County Code § 18-25A.2.1(1) Planned Development - Mixed Commercial – PD-MC; and

4. Does not adversely affect surrounding commercial and office structures;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception for SE 2026-00012 1652 State Farm Boulevard on Parcel 07800-00-00-06100 to allow a Laboratories/Research and Development/Experimental Testing use of more than 4,000 square feet of the gross floor area of the existing structure, limited to 4,900 square feet of gross floor area.

Agenda Item No. 9. **Action Item:** Proposed Project for the Albemarle Housing Investment Fund.

The Executive Summary forwarded to the Board states that the Albemarle Housing Investment Fund (AHIF) was established in 2019 for the purpose of supporting the creation and preservation of affordable housing with one-time funds. Eligible activities include development of affordable rental units, affordable home ownership, rehabilitation and preservation of existing affordable units, and activities associated with implementing Housing Albemarle.

The Board approved a process for the distribution of the AHIF in May 2025 which included 20% for staff-initiated projects that responded to emerging housing needs or implemented projects recommended by Housing Albemarle.

On March 18, 2026, the Board of Supervisors approved \$3,518,176 in grants and \$450,000 in loans from the AHIF to support rental development and housing preservation projects, leaving \$840,000 in the AHIF for staff-initiated projects.

Albemarle County has experienced a steady increase in the value and median sales prices of its owner-occupied housing stock since 2016. According to the U.S. Census Bureau, in 2024 (the most recent year for which data is available), the median value of owner-occupied homes located within the County was \$545,800. This value represents a 34% increase over the median home value for the County in 2019: \$406,000. While this increase in value is good news for established homeowners, families currently seeking to purchase a home within the County face high-cost barriers to purchasing. The Virginia Association of Realtors reported the median sales price of homes sold in Albemarle County at \$554,083 for May 2026 with a median list price of \$630,000.

In order for a home at this price point to be affordable, a homebuyer would need an annual household income of at least \$130,764 for a traditional bank mortgage, or \$100,640 for a FannieMae HomeReady mortgage product. According to the Albemarle County Office of Human Resources, 85% of Albemarle County staff earn less than \$100,640 per year:

- Police officers start at \$60,798
- Firefighters start at \$59,825
- Family support workers start at \$54,583
- Teachers start at \$57,511

The U.S. Department of Housing and Urban Development has established the area median income (AMI) for our metropolitan service area at \$139,800. AMI is used as a tool for determining eligibility for services and subsidies in federal programs. Importantly, affordable housing is targeted at households with annual incomes at or below 80% AMI, or \$111,840.

Staff propose a pilot program to test the interest in and impact of an employer assisted housing program which would provide down payment assistance and rental assistance to Albemarle County employees. This program is enabled by Virginia Code § 15.2-542. Specifically, the program would provide a \$20,000 loan to county employees that meet the following eligibility requirements:

- Household income at or below 80% AMI
- Completion of homebuyer education classes
- In good standing with Albemarle County
- Subject to cap of purchase price, meeting HUD's definition of affordability, or where no more than 30% of household income is spent on housing · Matching funds of \$10,000
- Ability to obtain traditional bank financing
- Property must be within Albemarle County limits
- Must live in the home as primary residence

This loan would be secured with a lien on the property and forgivable at the rate of 20% per year, as long as the recipient remains employed with Albemarle County. Rental support, in the amount of \$2,500, would be provided to households earning less than 60% AMI, as a 100% match for security deposit expenses. Pending approval of the by the Board, guidelines further detailing eligibility requirements and the application process will be developed prior to the program beginning.

Staff propose a five-year pilot program to test the interest in and impact of an employer-assisted housing program, using \$840,000 in AHIF funds to provide down payment assistance or rental security deposit assistance.

Employer assisted housing programs are closely associated with improved employee recruitment and retention, improved productivity and work-life balance, and environmental benefits associated with reduced commute times. Many local and regional jurisdictions provide housing assistance to employees to live in their employment community including Baltimore, MD, Washington D.C., Henrico County, Loudon County, Chesterfield County, Arlington, and Chapel Hill, N.C. In addition, an employer housing

assistance program is consistent with Housing Albemarle Objective 3: Improve access to affordable and workforce homeownership opportunities. Data on usage rates and impacts would be periodically reported to the Board throughout the pilot period.

If approved, \$840,000 remaining in the FY2026 appropriated AHIF would be sequestered for exclusive use for the administration of this employer assisted housing program between July 1, 2026 June 30, 2031.

Staff recommends the Board adopt the Proposed Ordinance (Attachment A) approving the use of AHIF funds to pilot an employer assisted housing program for Albemarle County employees.

Ms. Kaki Dimock, Chief Human Services Officer, stated that she would present this recommendation for the use of the Albemarle Housing Investment Fund (AHIF) to the Board. She said that the work to create the program, both in terms of the research and the structure, was from Shaqual Reynolds and Stacey Pethia from the Office of Housing. They started this work almost three years ago to look at a program like this for the County.

Ms. Dimock stated that they were recommending a proposed employer-assisted housing program pilot for the use of the remaining funds in the AHIF, which was about \$840,000. She said she would walk through some local housing data, discuss household income and salary data for their community, review their enabling legislation, examine other jurisdictions, review the proposed structure for the pilot, and then conclude with comments and questions.

Ms. Dimock stated that they all knew that housing affordability had been a subject of great conversation over both the budget period and before and after the budget period. She said that right now, their community members were experiencing significant hurdles regarding the purchase of a home in their community. She said that their median sale value in May for a home in their community was \$554,000. She said that the median listing value was \$630,000, with a high in early May of over \$700,000.

Ms. Dimock said that their median rent was approximately \$2,200. She said that 49% of renters paid more than 30% of household income on housing costs, the 30% referring to the Housing and Urban Development (HUD) definition for affordable housing. She explained that in order to purchase a home for \$554,000, a household would need to have \$130,763.63 required for a traditional mortgage. She said that that would traditionally be 10% to 20% down payment with 6% interest and no additional consumer debt. She said that that would yield a mortgage payment of \$3,596.

Ms. Dimock said that a household would need to have \$100,640 in order to be eligible for a Fannie Mae Home Ready Mortgage product, which would provide another opportunity to purchase that home. She said that importantly, Albemarle County salaries generally fell under \$100,640, which was the threshold for the Fannie Mae product. She said that 85% of full-time County staff earned less than \$100,640. She said that sampling of salaries included those of traditional helpers in their community, knowing that all County employees were interested in public service and therefore helpers.

Ms. Dimock said that police officers started at \$60,798, firefighters started at \$59,825, teachers, recognizing that there was some variation based on certifications, started at \$57,511. She said that family support workers, traditional social workers in the Department of Social Services started at \$54,583. She said that even if they had two earners roughly in the same category, she might not have been eligible for that traditional bank-financed mortgage. She said that the state had provided enabling legislation for communities to provide assistance, loans, or grants to employees to assist with the purchase or rental of residences within the County, and this required the adoption of an ordinance.

Ms. Dimock said that other jurisdictions had been doing this for a while in all different kinds of formats across the board. Baltimore matched \$1,000 to \$2,500 for a down payment, while New York City provided \$5,000 for housing expenses, but interestingly, only to certain teachers, teachers that were hard to recruit. Washington, D.C. loaned \$20,000 and matched \$5,000 for all government employers but did a little more for first responders and teachers. Henrico County provided a \$25,000 forgivable loan over five years, while Loudoun County provided the same over five years.

Ms. Dimock said that Chesterfield and Arlington provided a variety of live-where-you-work grants that changed based on their budget from year to year. She said that she included Chapel Hill because of their recent chamber-to-chamber visit, but also because they provided down payment assistance and one-time rental assistance to staff members. The down payment assistance was for living within the town limits, but the rental assistance was for living within the urban ring, recognizing that the community had an interest in bringing people within five miles of the town limits.

Ms. Dimock said that there were documented benefits to providing an employer-assisted housing program, including improved recruitment and retention, improved productivity, and work-life balance. There were some environmental benefits that were realized by other communities. Most of those communities were urban communities where someone was swapping a commute for mass transit. Fewer people on the roads certainly resulted in reduced emissions. She said that employer reputation led by example in terms of supporting staff around housing. Most importantly, improved community connection and engagement resulted; they lived where they worked and where they served.

Ms. Dimock said that the proposed pilot was to provide down payment assistance for full-time regular County employees to purchase a home in Albemarle County in the form of a \$20,000 loan

secured with a lien forgivable after five years at the rate of 20% per year. Also proposed was a \$2,500 grant for one-time rental assistance for County employees who rented and were paying more than 50% of their household income on rent. She said that this was intentionally targeting County employees who were both severely rent-burdened.

Ms. Dimock explained that this would be a five-year pilot. The data would be collected, assessed, and reported back, and then certainly in the middle of the process and again at the end of the five years. The intention would be to establish a loan committee that recognized that this was a program that lived in multiple departments in the County. This involved a little bit of Human Resources, Finance, and Housing, so they would want a loan committee that represented all three of those departments.

Ms. Dimock said that eligibility requirements would include completion of a homebuyer education class, engagement with a housing counselor, continuous residence in the supported unit as the principal residence, obtaining traditional or some kind of bank mortgage financing as opposed to financing it through a personal lender, household income below 80% area median income (AMI) for the down payment assistance, and below 60% AMI for the one-time rental assistance, \$2,500 in matching funds for down payment assistance, and \$500 in matching funds for the one-time rental assistance.

Ms. Dimock said that these matching funds were the funds that the staff person would need to demonstrate they had in order to be eligible for the loan or for the grant. They also must be in good standing with the County, which she acknowledged was a vague statement, and they were looking at other communities and working with their HR department. She said that Ms. Rice had been thinking about what it meant to be in good standing and what other communities used so that they could establish a standard that was defensible and reasonable. She said that there would be a cap on the maximum purchase price, which would likely be based on what the Virginia home standards were around purchase price.

Ms. Dimock said that they would, of course, require that the employee purchase or rent in Albemarle County. She summarized that staff's recommendation was that the Board consider approving the use of \$840,000 of already appropriated Affordable Housing Investment Funds to support a pilot program to test the effectiveness and utility of an employer-assisted housing program between July 1, 2026, and June 30, 2031. Based on the Board's decision, they would move forward with creating more formal program guidelines and begin to market them to staff.

Ms. Dimock said that this was eligible to Albemarle County's broadly defined group, which would include School Board employees. She said that staff would additionally ask that the Board authorize staff to move forward with the appropriate notice requirements for an ordinance. She said that they would work with the Clerk to identify the next available item on the consent agenda for that ordinance.

Mr. Missel said that this applied to full-time, regular County employees. He asked what "regular" meant.

Ms. Dimock said that it was referring to employees who were not temporary.

Mr. Missel asked if the \$840,000 was for the entire five years.

Ms. Dimock confirmed that was correct.

Mr. Missel said that he understood it was convenient to use that amount because it was funding appropriated to AHIF that was not dedicated to any other projects. He asked if staff had identified what the number should be for this program, or if it was too early to tell because that was part of the pilot.

Ms. Dimock replied that she thought it was too early to tell for two reasons. She explained that most communities that had these employer-assisted housing programs did not have many employees who took advantage of them, even when they were eligible. She said that they would have to gain some experience; that was why the pilot process was five years. It might take employees a couple of years to believe this was real and save their matching amount for them to see what a real annual number might look like.

Ms. Dimock said that there also was a mix between what the rental subsidy piece would be compared to the down payment assistance; that was what that blend would be. She said that she thought those were two pieces of experience that would help inform the answer to Mr. Missel's question, which was what an annual appropriation would be if they wanted to sustain this. She said that they would anticipate reporting to the Board prior to five years and would provide incremental updates.

Mr. Missel said that his last question had to do with affordability. He said that it was 80% or 60% for a one-time rental. He said that however, knowing that the greatest need in this community was for deeply affordable homes, if the percentage went as high as 80%, that was a pretty large population. He asked if they gave any thought to saying actually 40% and below. He asked how they came up with that percentage.

Ms. Dimock said that the lower end of AMI, below 40%, based on their housing investments in the past and other communities, required an ongoing subsidy, not a one-time event. She said that that was one thing to consider. Additionally, they did not know what to anticipate in terms of the demand for this product. If there were so much demand that they needed to prioritize, this Board had historically suggested that they prioritize based on vulnerability.

Ms. Dimock said that they might return to the Board and ask how they would like them to divide this money if they had more people than they could afford to support, so they would likely propose based on vulnerability. She said that there was a balance between whether this was an anti-poverty self-sufficiency program or whether it was a community connection and engagement program, so there was a relationship between the two in the implementation.

Ms. Duncan asked if there was any information on price per square foot as it related to their median home prices.

Ms. Dimock said that she could follow up with that information. She said that with \$554,000 as the median, it meant half the houses were less and half were greater. She said that there was some inventory that would be appropriate, and some recognition that a lot of those below \$554,000 were likely to be townhomes or condos.

Ms. Mallek asked if the County would be hosting the homebuyer education program, or if they would have a community organization like Habitat for Humanity host them. She said that it was very important that prospective homebuyers understand what they were taking on and whether they had the ability to sustain it.

Ms. Dimock said that they would not be taking that on themselves. She said that there were a variety of places, including several organizations at the state level that provided those homebuyer education classes. She said that they would be taking advantage of programs already created.

Ms. Mallek asked if they anticipated that in their discussions and preparation, they would learn about people's primary barriers and adjust as they went along.

Ms. Dimock said that she would not commit to adjusting to all the barriers they would discover, but they would certainly note them and then identify them.

Mr. Gallaway said that with regard to the median sale price versus median listing value, it could sometimes only be accurate for a certain point in time. He said that looking at Zillow right now, there was only one house below \$500,000, the rest being town homes. He said that all of the other houses were in the \$750,000 range. He asked if this was addressed in the cap and sales price, considering the market was still strong enough that people could successfully charge more than the assessed value of the home. He asked how this program played out in reality for someone trying to get something in a hot market.

Ms. Dimock said that the cap was not connected to home value; it was connected to affordability for the buyer.

Mr. Gallaway said that if one had a spouse who was separate and earning, that would help them with total debt to income. He asked if the program was only taking into consideration the employee income, or if it was based on household income.

Ms. Dimock said that it was based on household income.

Mr. Gallaway asked if someone with a spouse earning income would be less qualified for this program.

Ms. Dimock said that it was assumed that the maximum home price would be similar, but not exactly the same, as the cap of what they would qualify for.

Mr. Gallaway said that regarding the five-year pilot, he understood there would be updates throughout the time period, but they had had other programs like their sewer connection program where they did not get as many people to participate as anticipated, so they would like to use this money for something else because otherwise, it would just be parked in this bucket being unused. He said that the Housing Investment Fund certainly qualified as a place where they did not want idle dollars sitting around.

Mr. Gallaway said that he also knew that with pilots given, there had to be some time given for learning and communication if it moved forward. He asked what staff could say about the potential future results, such as if there were significantly more renters than homeowners, needing more money for the program, or not expending as much of the funds as anticipated. He said that he would assume they would get more than one update throughout the lifetime of the pilot program.

Ms. Dimock said that she would assume that they would conduct at least an annual check-in, whether that was on the record as part of a presentation, whether that was an email communication to the Board, or a combination such as a two-on-two meeting. She said that they anticipated that it would take them a couple of years to see what the interest really was. She said that she would not want them to make any judgments about this pilot in year one or year two. By mid-year through year three, they should be able to assess whether there was interest and whether people could meet the eligibility requirements.

Ms. Dimock said that one of the questions was, in an environment where they had both the salary data that they had described and the affordability challenges that they had described, would anyone ever be able to qualify? She said that those were levers for staff to consider moving, and they would need to make some of that assessment mid-year. She reiterated that most organizations that had these programs did not have significant participation.

Ms. Dimock said that for example, the Police Foundation had down payment assistance for police officers, and their highest year was four and their average was two. She said that she was not anticipating a huge amount of participation, but she also would not want them to declare it unsuccessful prior to the end of year three. She said that she might suggest they change or move a lever or two to see if they could get more people in the program.

Mr. Gallaway said that he had not had a chance to do his own research on this, but he would like to know if the participation rates between rental assistance and homeowner assistance were different in other communities.

Ms. Dimock replied yes.

Mr. Gallaway asked if the rental was usually higher.

Ms. Dimock replied yes.

Mr. Gallaway asked if they had a sense of what was being done in other places in Virginia, particularly in northern Virginia where costs were significantly higher.

Ms. Dimock said that it was difficult to make direct comparisons, but there was absolutely some data around that. She said that some provided blanket assistance to renters every year in recognition of salary level and affordability, some provided rental assistance to new employees who were moving to the area, some provided rental assistance to people who were moving from outside the area into the area. She thought that it was a little bit different, but they anticipated that they automatically knew that the eligibility threshold was significantly lower for renters because of the assets and all of the other requirements for home purchase, which would result in a significantly higher number of employees who were eligible for that program.

Mr. Gallaway asked if they referred to those other communities to determine the amounts for the program. He said that looking at the assistance for rent versus homeowners, he wondered if the amount of impact to get them into a safe living situation was comparable.

Ms. Dimock said that these were levers to tweak. She said that many places that offered homeownership assistance or mortgage assistance required only \$1,000 of cash from the employer to qualify. She said that they initially started with a one-to-one match in their thinking, then moved to \$5,000, and then they moved to \$2,500 because many of those programs stated that if that threshold was too high, low-wage households could not afford to save that much money to reach a point where they could provide the match. She said that \$2,500 seemed like hard work but also achievable.

Ms. Dimock stated that in terms of rental assistance, she knew that those individuals who were particularly rent-burdened, with over 50% of their household income spent on rent and below 60% AMI, that \$2,500 would help, but only for a little while. She said that that was one of the questions regarding ongoing subsidy versus a one-time payment. She said that she thought it was right in the middle in terms of what there were, as some communities provided higher rental assistance and there were some communities that provided rental assistance in a more ongoing way, while others provided homeownership at a lower match rate. These were all numbers the Board could move around for their pilot.

Mr. Gallaway asked the County Attorney what the legal procedure would be if the Board chose to move forward with this program.

Mr. Herrick answered that if the Board was interested in moving forward with this ordinance, it would need to be revisited at a separate date because an ordinance did not necessarily require a public hearing, but it required advanced public notice. He said that that public notice had not yet been given, so if the Board was interested in moving forward, he would look to set it on a future agenda at the level the Board wanted to bring it back. It could be a consent agenda, an action item, or a public hearing, depending on the Board's level of interest.

Mr. Gallaway asked if the Board was giving consensus or taking action today.

Mr. Herrick said that they would be giving staff direction as to what type of item they wanted to bring back for action.

Ms. LaPisto-Kirtley said that she liked how the program had been organized as a five-year pilot so they could see what worked and what did not work. She said that she thought it was very well thought out. She said that adjustments and yearly updates could allow them to respond to any unknown conditions in the future. She said that she also thought that this was a way of really telling their employees how much they valued them and how much they cared about them. She said that this was a great way to do that, saying they were investing in them and they wanted them to work for Albemarle.

Mr. Missel thanked staff for this important work. He said that he would be supportive of moving this forward. With regard to how that happened, the process that they undertook to distribute AHIF funds might be a good roadmap to follow because these were AHIF funds. He said that that process and how it went about might be the right way to go. He said that the original goal of AHIF was to create and preserve

affordable housing units, so this was a little different. He said that he thought there was no problem with that, but it was a little different than what the original Fund set out to do.

Mr. Missel said that he thought it would be good to think through whether they were slowly changing this Fund in a different direction or if this was just a one-off program. He said that with regard to the insignificant participation, he wondered if it was an advertising issue or what they needed to do to get people to participate so they could use these funds effectively. He said that the demand was unknown, but he thought prioritizing deeply affordable housing, looking at basing that on vulnerability, etcetera, was really important, and he supported that.

Mr. Missel said that he thought the timeline for follow-up was a little unclear, so as they went into the next step, he would like to see some structure for that. He said that he wondered what made the most sense, whether it was an annual check-in or as needed, something that might be codified, or something aligned with some of the work they were doing already with AHIF. He said that the makeup of the loan committee would be important in terms of member experience, goals, and charge. He thought that expediting the distribution of these funds, once they were identified and the recipients were identified, needed to be streamlined.

Mr. Missel said that he did not know what that looked like, but considering homebuyers needed the funds within a short period of time, they should be disbursed expeditiously. He said that he also supported the idea of leveraging existing resources.

Ms. Duncan said that she was excited for this initiative. She said that it was interesting timing because the Harvard State of the Nation housing report came out that morning, and one statistic they provided was that the number of listings affordable to households earning under \$75,000 was down more than 60% since March 2019. One of their recommendations was that governments at all levels needed to intervene and participate in order for people to afford housing. She thought one reason this was a great program was because they had to use every tool that they had and there was not one solution to solving the housing crisis.

Ms. Duncan said that the second reason was that this eliminated one big hurdle to homeownership. She said that she was really surprised that other communities had not had participation because she personally knew the single most difficult obstacle was the down payment for a house. She said that often, people who could afford rent could afford a mortgage but could not afford the down payment. She said that research was conducted at the end of last year that indicated the typical buyer nationwide paid about \$14,000 in down payment in 2019, and the typical down payment was \$30,000 at the end of 2025. It currently took the typical U.S. household seven years to save for a down payment, and in high-cost markets, it could take over 20 years to save.

Ms. Duncan said that she was listening to a Jamelle Bouie video that morning while she was thinking about all of this, and he said something that made her realize something new about this situation. They obviously had a significant wealth gap in the country, and the gap was growing faster than the cost of living adjustments (COLA). She said that it was not too hard to imagine a scenario if they did nothing, a few years down the road, a community could be made up of wealthy landowners and staff who commuted in to serve their desires. She thought it was really important that they create a path for people to be able to afford to stay in the community where they worked.

Ms. Duncan said that no one entered public service to get rich; people did it because they were civic-minded and they wanted to serve others. She said that often, people gave up higher salaries to do this work. She said that public employees were not just public servants, as they were also participants in the community where they lived. If they valued local government and thought it was important for community members to be involved in local government, then they did need to invest in people and create ways where they could have a long-term good life, where they were not sacrificing their future because they had decided to serve people.

Ms. Duncan said that in this country, homeownership was one of the easiest ways to do that. She said that she thought it was really important that they create a path where people could have some control over their economic future. She said that obviously, not everybody wanted to buy a house, but if one did, she thought this was a great opportunity to give people that opportunity.

Ms. Mallek noted there had been significant changes in national ownership and how many residential houses of all sizes were now owned by real estate investment trusts (REIT) from out of the country. This was another change that was quite awful from where they were when she and her husband started out in 1971, when their closing costs were literally \$100. She said that she was shocked at how low these reported years to save up for a down payment were. She said that in northern Virginia fifteen years ago, it was six figures, even back then, for a small 1950s ranch.

Ms. Mallek said that it was obviously not like that in Albemarle, thankfully. She remembered her father describing a lovely community up in northern Virginia in Fauquier County, where the grand majority of all ownership was held by the 0.1% wealthiest residents, and everyone else worked for them. Her father said this was not a good place to live, and they needed a place like Albemarle where there was an enormous middle class. She said that their middle was shrinking now, and she did not want to be the last middle there was, so she really hoped that this would work.

Ms. Mallek said that one advantage of their program with employees was that they had better communication with all their staff connections. She said that she was hopeful that that would make it

easier to get people interested. She said that one of the biggest problems that Local Energy Alliance Program (LEAP) had was reaching out to the low-income housing residents who could benefit from the Dominion money and weatherization and all those kinds of things; it was getting their attention and connecting with them.

Ms. Mallek recalled that during the recession in 2009, it was a follow-on to the George W. Bush administration, where they put all the 100% mortgages to try to boost homeownership and make their administration look good. She said that they were very frank about what they were doing, because they wanted people to own houses as it was the only way to get ahead. She said that there were hundreds of thousands of people who could not sustain it. She said that it was very cruel, so she asked that staff think about ways this program could make some guardrails on the mortgages. She said that she did not know if it was possible to not have out-of-town, out-of-state loaners.

Ms. Mallek said that those were people who sold their mortgage to somebody in Canada, and there was no chance when they robbed them. She said that one of her stockbroker constituents explained to her, during the recession, they had all these mortgages where someone bought up all the kitchens, somebody bought all the front porches, somebody bought all the living rooms, and somebody bought all the dining rooms. When these people tried to refinance to be able to get ahead, but they could not because of the barriers that the system had created.

Ms. Mallek said that all these other people made a great deal of money and left the cleanup for everybody else. She said that that was a very big burden to put on staff, but she was worried about that. She said that she did not want their program to be misled by bad mortgage practices. She said that she thought it was a fabulous thing otherwise. She said that having grown up with state police right up the street and a police officer around the corner from her now, she thought it was wonderful to grow their community organically.

Ms. Mallek said that finding a way to connect their naturally occurring affordable housing (NOAH) with the people who needed them was also important, similar to the Farmer-to-Farmer program that the U.S. Department of Agriculture (USDA) had tried to implement to connect retiring farmers with younger people who needed a place to get started. She said that there may be some ways they could help with that too.

Mr. Gallaway asked what staff's plan was for making sure Albemarle County Public Schools (ACPS) employees were aware of the program.

Ms. Dimock said that they had had a preliminary conversation with the school leadership to let them know that this was on the agenda and what their intention was. She said that they had some experience with a shared marketing method for promoting access to this particular tool for their employee clinic. She said that they would likely have to do more than that.

Ms. Dimock said that they would have to do some education and outreach, and the staff were prepared to answer questions and provide support to employees to figure out whether they were eligible or how long it would take them to become eligible for one of these programs. She said that they would lean on their experience with the marketing for the employee health clinic as their starting point for marketing this particular benefit for employees.

Mr. Gallaway stated that they had received some advocacy from different locations regarding assistance for public safety. He said that he liked the idea that this was a pilot program that would be open to all first, and then the Board could consider as it went on what they could do in terms of providing different things for different segments, as others had done. Outside of helping with affordability, a lot of communities had used this as an employee retention tool and an employee acquisition tool.

Mr. Gallaway noted that it was a best practice in some ways in some places to do this, and they had done it for decades. He said that he would be curious to see as they moved forward and through the pilot as they learned who took advantage of it and how they could adjust the program to better suit their employees' needs. He said that they had to be ready to be open for that, and it would be disappointing that they did not have that conversation for two and a half or five years, as it was something that they could work on thinking about more quickly.

Mr. Gallaway said he was going to restate what he had said earlier. This was a bucket of money, the Investment Fund, that had been used, and they had usually received a lot of requests for it. He said that he would be very scrutinizing that money was not sitting unused when it could be used for another project. He said that he would know this would be coming to the Board at some point, but with regard to Mr. Missel's comment about the Investment Fund and what it could be used for, they were going to reach a point where their housing advisory committee, which should be doing a lot of that work for the Board in a similar fashion to what the Economic Development Authority did for them on economic development projects. He said that this would allow for better scrutiny before the proposals were presented to the Board for final decision.

Ms. Dimock said that staff looked forward to a thorough conversation regarding Housing Albemarle requirements and criteria, including the housing advisory committee, on August 5.

Mr. Missel said that he had three suggestions for the language of the ordinance. The first suggestion was regarding the "at or below 80%," which he thought should also include the 60% for rentals, as written in the staff notes. He said that the second suggestion was to note the establishment of

a loan committee as part of the process. The third suggestion was for the reporting timeframe to be specified, such as annual reporting at a minimum.

Mr. Gallaway said that he would prefer this item to come back as an action item on the Board agenda, rather than a consent agenda item. He said that they did not need a full public hearing, but it would be best to give advance notice and opportunity for public comment that day.

Ms. Duncan **moved** that the Board of Supervisors authorize staff to move forward with the appropriate noticing requirement for the ordinance and bring it back as an action item at a future meeting.

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Mr. Pruitt.

Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

- a. Other Matters.
- b. Discussion Regarding Implementing HB1072.
- c. Proposed Request for an SCC Public Hearing on Dominion Energy's Charlottesville-Gordonsville 230kV Rebuild Project.

Mr. Gallaway recommended that since they had time, they could move up Agenda Item No. 20: From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Duncan reported that she went to a special meeting of Charlottesville-Albemarle Regional Transit Authority (CARTA) almost two weeks before, where they received presentations from the Central Virginia Transportation Authority and Department of Rail and Public Transportation (DRPT). She said that they talked about the Virginia Breeze bus, which was up and running and that they were adding extra routes for Fourth of July fireworks to Washington, D.C. They also informed Charlottesville Albemarle Regional Transit Authority (CARTA) on how they were funded and how they operated.

Ms. Duncan said that she also took a tour of the VIA Centers for Neurodevelopment, and it was amazing to see all of the things that they did, the schooling and education they gave, and the support they gave for adults with various autism needs. It was incredible to see the work they did and was a very fun tour.

Ms. Mallek recalled that about eight or nine years ago, before renovations began, the Planning Commission and Board of Supervisors toured Birdwood, and it was very exciting to see how they had brought back to life this important 19th century home and the grounds.

Ms. Mallek reported that the Crozet Community Advisory Committee recently met and involved a lot of talk about how they returned to the short-term issues that were the short-term priorities in the Crozet Master Plan adopted in 2021. The most important topic that kept coming to the top in meetings was the inventory of naturally occurring affordable homes and also the inventory of sidewalk gaps so that they could make more constructive and data-driven decisions for those kinds of programs, and it helped community members know how they could be involved with grants and things like that.

Ms. Mallek said that they did not take up any official business at the meeting, but it was a great discussion. She also reported that she attended the very well-done meeting on the clean fill draft on Monday night over at Fifth Street. She said that there were quite a few members of the public there to learn more about the latest draft, and that would come back to the Board at some point. She encouraged everybody to dig into that information.

Mr. Missel reported that he had an opportunity to tour the Foothills Children's Advocacy Center, which provided a welcoming space for children who may have experienced abuse, trafficking, or witnessed violence. He gave a special shout-out to Sherri McKinney and encouraged his colleagues to tour the facility when possible. He said that one thing that really stood out to him was the partnership it had with the Albemarle County Police Department and how those two were so integrated. He initially thought of them as being separate, but there was a lot of cross-communication during the intake of those who had experienced domestic violence or other issues, and the focus on the children. He wanted to recognize Foothills and give a reminder that the County had funded a fair portion of their overall budget, which he thought was absolutely important and critical.

Mr. Gallaway reported that the Thomas Jefferson Planning District Commission (TJPDC) met the day after the Board's past meeting. He said that the Commission endorsed and passed the resolution to support the County and Metropolitan Planning Organization (MPO) Smart Scale applications, which was usually just a procedural process without much controversy. He said that with the TJPDC, the Commissioner turnover was the fiscal year, not the calendar year, so they honored outgoing Chair Keith Smith, who had been serving on the TJPDC for about 12 or 14 years.

Mr. Gallaway said that the new Chair of the Commission was Michael Payne of the City, the new Vice Chair was Manning Woodward of Louisa County, he took over Treasurer responsibilities a few months ago and had now been appointed to be the Treasurer, and the Secretary had always usually

been the Executive Director, so Christine Jacobs continued as Secretary. He said that the Commission also approved the Virginia Department of Housing's Community Development Block Grant (CDBG) regional priorities.

Mr. Gallaway said that they also took up all the final touches with compensation and other matters with the Executive Director position at this past meeting. He said that the Chamber public policy group did meet, and it was great that they had seemed to have a new level of engagement from Chamber members. He said that their board had officially made that a committee of the Chamber, but he guessed that he had missed that it was not an official board when doing some of the work there anyway. He said that it elevated that policy group, and they were working on getting their bylaws and their charge all clear to formalize what that should be under their own requirements.

Mr. Gallaway said that he appreciated the fact that Chamber members were reengaged on issues, as the unhoused situation was often a high topic of conversation, as was affordability in addition to other things that the Chamber should be commenting on, such as land use and taxation. He said that he looked forward to an invigorated committee this year. He additionally reported that he was not an appointee to this board from this body, but he did sit on the GOVirginia Region 9 committee, where they recently received a presentation from their consulting group on the tech corridor. The steering committee did work and they gave their presentation on how to move that forward in a more regionalized and partnered way. He said that obviously, Albemarle was pretty well engaged in that.

Mr. Gallaway said that Ms. Kilroy was typically in attendance at these meetings and the Defense Affairs Committee (DAC) was involved with this. He said that it was interesting how different things that were critical to Albemarle and their economic development plans could be strengthened with good regional partnerships within that body as well. It was nice to see that some of their efforts were being incorporated into the regional efforts. It seemed like a good group of people in all these different places making sure they all stayed connected. He asked if Ms. Mallek would like to discuss HB 1072.

Ms. Mallek explained that on March 31, they received information about two items coming from the General Assembly, but HB 1072 was not one of them. She said they also got information on the tasks required to implement HB 1072, and since there was an ordinance required for 1072, she thought packaging the ordinance that had been discussed for years by this Board was important to provide that better process would protect the farmers, the neighbors, and the water quality. She said that having brought these issues up repeatedly, she wanted to know when the timelines were established.

Ms. Mallek said that even if there was no answer today, they needed to understand what the process going forward would be. She said that all of these items on the General Assembly list obviously had an obligation to which HB 1072 needed to be added. She added that because this was the season for annual meetings, the GOVirginia folks were at the Workforce meeting yesterday afternoon, as well as the Central Virginia Partnership for Economic Development (CVPED), who talked about their successes this year and the importance of job training for their anticipated new businesses.

Ms. Ann Wall, Deputy County Executive, asked if Ms. Mallek was inquiring about the timeline for HB 1072.

Ms. Mallek confirmed that was correct; since it was not included in the list of other things, she would like some sense of how it fit in with all the other assignments they had.

Ms. Wall explained that those items on the Board's agenda for that evening to pass on consent were the resolutions of intent. These resolutions were related to bills that the General Assembly had passed, which required the County to take action. She clarified that HB 1072 was a bill that gave the County the opportunity to take action but did not require it, and that was the reason there was a slight distinction between those two.

Ms. Wall stated that she had provided the Board with the inventory of projects that were under consideration for the Community Development Department, and that the memo indicated that she would bring all of them a work plan in July that would lay out all the work that they had and the timeline. She said that the crafting of an ordinance was probably not the difficult part of HB 1072. The difficulty related to HB 1072 was determining which were the appropriate testing companies and how the Board would procure those services if it chose to move forward with the testing opportunity.

Ms. Mallek asked if it would be different from their normal procurement.

Ms. Wall replied no, but there was some work related to how HB 1072 identified who the appropriate sources were. It was indicated that they had to follow a testing method authorized by the U.S. Environmental Protection Agency (EPA), so there was some homework they needed to do related to that.

Ms. Mallek suggested that Rivanna Authorities could likely help, as they had extensive experience with testing their water sources for contaminants.

Ms. Wall reiterated that staff planned to bring a work plan to the Board in July that included associated timelines.

Ms. Mallek said that there was a long list of jobs and there were different categories of staff, each with different roles, so they would all be working on different aspects to keep things moving forward. She said that the Board also received another communication from the Don't Spread on Me group. Those

advocates had done a lot of work gathering information, similar to what other groups were doing for agriculture matters in places where other Counties in Virginia were using authority that they had not yet taken advantage of.

Ms. Mallek said that there were many distinguishing characteristics in the Right to Farm Act, for example. She said that it was not just hands-off; there were all sorts of things that they were not doing that they used to do before 2014. She said that there used to be buffers for cropland until 2014 when the Board unknowingly erased all those things. Now, they were trying to work their way back to address all those issues impacting water quality. She thanked Ms. Wall for the update and looked forward to receiving the work plan in July.

Mr. Missel noted that the bill prohibited any expenses from such testing and monitoring from being eligible for reimbursement from the state, from the sludge management fund. He said that thinking about not only how they did it but how they paid for it was important.

Ms. Mallek stated that they had the authority to charge the landowner or the spreader. She said that someone had given the example of asbestos requirements and things like that. She said that she thought they had been deterred from doing this by the assumption of cost, but it was not the County's cost; it was the people who were benefiting from the sludge spreading.

Ms. LaPisto-Kirtley left the meeting at 4:32 p.m.

Agenda Item No. 10. Closed Meeting.

At 4:33 p.m. Ms. Duncan **moved** that the Board of Supervisors convene a closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to discuss and consider the appointment of the Director of Community Development.

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley and Mr. Pruitt.

Agenda Item No. 11. Certify Closed Meeting.

Ms. Duncan **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting.

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley and Mr. Pruitt.

Non-Agenda Item. Resolution Appointing Bart J. Svoboda as Director of Community Development.

Mr. Missel **moved** that the Board of Supervisors adopt a resolution appointing Bart Svoboda as Director of Community Development.

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley and Mr. Pruitt.

**RESOLUTION APPOINTING BART J. SVOBODA
AS DIRECTOR OF COMMUNITY DEVELOPMENT**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia ("Board") that:

1. Upon the recommendation of the County Executive, Bart J. Svoboda ("Mr. Svoboda") is hereby appointed the Director of Community Development for the County of Albemarle, Virginia, pursuant to

Virginia Code § 15.2-512, effective June 18, 2026;

2. Mr. Svoboda will serve as Director of Community Development at the pleasure of the Board and for an indefinite term pursuant to Virginia Code § 15.2-513;
3. Mr. Svoboda will have the powers and duties authorized by State and County laws; and
4. Mr. Svoboda will act under the supervision of the County Executive.

Mr. Bart Svoboda, Director of Community Development, stated that he was honored by the Board appointing him and grateful for the opportunity. He said that he had been serving Albemarle County for a number of years, but he was really looking forward to this new role. He was grateful to his family, his friends, and his colleagues for their constant support.

Mr. Svoboda said that community development played an important part in shaping the places where people lived and thrived, and he was encouraged by Albemarle County's commitment, thoughtful growth, and high quality of life. He looked forward to working together to strengthen their services, support their staff and their partners, and ensure their efforts reflected the needs and values of their community.

Mr. Missel congratulated Mr. Svoboda. He said it had been and would continue to be a great pleasure to work with him with the County as well as in his other job. He noted Mr. Svoboda was very action-focused, empowering, collaborative, humble, clear and kind. He was truly grateful for him and looked forward to working with him in his new role.

Ms. Duncan commended Mr. Svoboda on his natural talent for making complex and confusing topics very clear and understandable, which was a tremendous skill. She knew he did this for a lot of people, and she was very excited to have him in this new role.

Ms. Mallek thanked Mr. Svoboda and noted the White Hall District had given him lots of opportunities to practice diplomacy and explanations of complicated planning and zoning issues. She congratulated him and looked forward to continuing to work together.

Mr. Gallaway noted that in their process of appointing someone to this position, the County undertook an outside search and Mr. Svoboda successfully competed against all the other qualified folks. He thought that spoke a lot to his ability and experience, and he gave him kudos for that. Additionally, his pragmatism was especially helpful in finding a way to make things work for everyone involved, and he appreciated that. Furthermore, this was a community-facing and interactive role, and Mr. Svoboda had always excelled in that aspect. He thanked him for agreeing to step up and apply for the role, and the Board had full confidence that Mr. Svoboda would manage this department and continue to make progress.

Agenda Item No. 12. From the County Executive: Report on Matters Not Listed on the Agenda.

Ms. Abbey Stumpf, Director of Communications and Public Engagement, stated that for this month's report, she would be highlighting some of the awards and recognitions received by County staff over the last several months. She reported that the Department of Finance and Budget earned the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting. This recognition was one of the most prestigious honors in public sector finance, recognizing governments that went beyond minimum requirements to achieve transparency and full disclosure in their financial reporting. This award really reinforced the County's longstanding commitment to fiscal accountability.

Ms. Stumpf reported that Albemarle County received the Virginia Association of Counties (VACo) Achievement Award for AC44, which recognized the community-focused approach to comprehensive planning. The award recognized not only the substance of the AC44 plan but also the engagement process that they went through in order to make that plan and formalize it. It showed the community's values and priorities were reflected in how the County was going to grow and change over the next 20 years. Representatives from VACo would be here in August to formally present the award and recognize their AC44 team.

Ms. Stumpf reported said that Amanda Stevens was awarded a Virginia Department of Social Services Fraud Management Recognition Award. This award was presented annually to a small number of investigators from across the state who demonstrated exceptional dedication, integrity, and investigative excellence. She said that some words from her peers were that she conducted careful analysis and unwavering pursuit of the truth to safeguard their programs and the community they served.

Ms. Stumpf next reported said that Adaline Masah was named a Community Resilience Leader by the Greater Charlottesville Trauma-Informed Community Network. The Community Resilience Leader designation recognized individuals who had made a meaningful and sustained contribution to trauma-informed work in the greater Charlottesville area. She said that Ms. Masah's work exemplified the human-centered, whole-person approach that defined effective social services. This meant meeting residents not just at their point of need, but also with an understanding of the broader circumstances that were currently

shaping their lives.

Ms. Stumpf reported that Robin Jackson of their Victim Witness team recently received a Sexual Assault Resource Agency (SARA) Award in recognition of her sustained advocacy on behalf of survivors. This award recognized individuals who had demonstrated an exceptional commitment to supporting survivors of sexual violence and advancing the systems that served them. As Victim Witness Assistant Director, Ms. Jackson served at the intersection of the criminal justice system and survivor support to ensure that individuals navigating some of the most difficult experiences of their lives were met with dignity, information, and consistent advocacy. The Victim Witness team last year in 2025 assisted more than 1,200 victims, helped nine individuals with claims to the Virginia Victims Fund, and facilitated 495 preliminary and 172 full protective orders.

Ms. Stumpf reported that Albemarle County Fire Rescue (ACFR) received a STEMI Recognition Award for rapid assessment and early intervention during a critical chest pain call. She explained that an acute ST-segment elevation myocardial infarction (STEMI) was a life-threatening type of heart attack that required immediate intervention, and outcomes were often highly time-dependent. She said that Sentara Martha Jefferson recognized this team and presented the crews who demonstrated exceptional speed, accuracy, and coordination in identifying and responding to these events, particularly in a situation where a patient was saved because of the quick work of this crew.

Ms. Stumpf said that this was a great reminder of how the Fire Rescue system was an extension of the medical care system in the community and how vital it was for them to provide that quick professional care. She said that the American Red Cross First Responders Hero Award recognized individuals who demonstrated extraordinary courage and selfless action. She said that Officer Austin Monroe was recognized, and he responded to a structure fire when there were two people still in the home. He was the first responder on scene and when he got there, he found a trailer fully engulfed in flames and heard screams from inside the building.

Ms. Stumpf said that he was able to locate the two individuals and pull them out to reach safety. In addition to the fire, he also found and heard hundreds of rounds of ammunition and fireworks going off within the building. Regardless, he still ran in and was able to get them. He got them out of the home into their vehicle, where they were able to drive away before fire crews arrived. He said that it was also worth noting that this happened during his first week after being released from field training orientation, so this event was his first real work during his first real week on the job. She said she thought it was a fitting close to this month's report. It was just a reminder that behind every award and every credential are these wonderful humans who had dedicated their lives to public service to make the community a little bit better.

Agenda Item No. 13. Public Comment on Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Mr. Claude Convisser, White Hall District, said that at the last meeting, he addressed the Board in the public comments and also submitted comments that he expected to make this evening which would have explained why the fossil fuel industry was targeting the Charlottesville area for the establishment of an unnecessary and dangerous low-barrier shelter for the homeless, where intelligence and criminal agents would have a base for operating. He said that over the last four meetings, he had had an opportunity to address the Board and he thanked them very much for listening to him.

Mr. Convisser said that he had said some negative things about individuals and organizations in the community, which he did not like to do that publicly, so he would like to simply rest on the comments that he submitted last time, which were part of the record of the last meeting. He said that if he may, for some remaining time, he would briefly address a matter that was coming up that evening, which was Supervisor pay. He said that he would like to speak in favor of the pay increase, as he could not stay for the public hearing, so he hoped they would allow him to speak for a minute or so about that now.

Mr. Convisser said that his first job out of college in 1985 was to work as the aide for a member of the Board of Supervisors of Fairfax County, Virginia. He said that at that time in 1985, the Supervisor's pay was \$21,000, which he remembered because his pay had to be less than that. He said that for a supervisor who was in mid-career and had a family, \$21,000 in 1985 was a real pittance. He said that he wanted to note that the pay for the Fairfax supervisors had been around that level, \$20,000 or \$21,000, for a number of years.

Mr. Convisser said that his supervisor, Jim Scott, who served on the board last year in 1986, increased it to \$35,000 a year. He said that he hoped that next year the staff or this Board would see fit to make a substantial increase to that level in the proposal for their pay. He said that he knew how much time he put into his jobs working for the citizens of Albemarle County, not only here, which was on television, but their meetings in the community, countless meetings with constituents, and events in their magisterial districts, and a huge amount of time they spent at home preparing for these meetings, reading, and talking to staff. He thanked them for their service to the community.

Mr. Mat Miller stated that he sent the Board of Supervisors an email about Biscuit Run earlier that day and hoped they all had a chance to look at it. He explained that it was about a County fair/venue area there. He said that he talked to Mr. Missel at a meeting and talked to Parks and Recreation about it, and they had no clue. He said that he realized it was not in the budget this year, but it could be considered in the future budget. He said that the Parks and Recreation Department said they would never consider it.

He said that Biscuit Run was 1,200 acres, with an 80/20 percentage, and he suggested a 75/25 percentage, as there were always ways to help with the drainage and so make it work.

Mr. Miller said that they saw that with Meadow Creek right there, and it went underneath multiple areas, and they never saw it. He said that it was a great opportunity for the fairground to bring to the County. He said that, as far as revenue, it helped the residents bring them together. He said that right now, it was at Monroe's house, which was very small. He said that it previously was out at Pippin Hill in North Garden. He said that it was great to bring everybody together as a County and that it was not just sports. He said that right now, there are two ball fields there that were being built, with two additional planned fields.

Mr. Miller said that it was a great opportunity to use those ball fields. He said that it would bring multiple revenues to this County to help enhance its historical character, and it would highlight the skills and the creativity of the County residents and that it would also help to show the diversity of their agriculture and their technology in this County. The venue would create memories that would last a lifetime for everybody who went. He said that they knew people entered things and that it may start entering things that never did before and that he could do that.

Mr. Miller said that it could bring the whole County together, not just teams from here and there, and that it was a great opportunity for the County to step up and have something that would be a legacy for the Board. He said that as noted in his email, all the venues and avenues to bring it in from Biscuit Run from Route 20, 29, and 64. He also said that it would be a great opportunity for sponsors to help build this and that the County may not have to use any of its own money.

Agenda Item No. 14. **Public Hearing to Consider the Adoption of an Ordinance to Join the Virginia Municipal Investment Trust.** To receive public comment on its intent to adopt an ordinance to allow the County of Albemarle to become a participating locality in the Virginia Municipal Investment Trust Fund (VA MINT).

The Executive Summary forwarded to the Board states that under Virginia Code § 2.2-4501, the Virginia Investment Public Funds Act, the County has authority to invest its funds and has created investment safeguards within the County's Investment Policy. The County's Investment Policy Document was revised and approved by the Board of Supervisors on May 6, 2026.

The County currently invests operating and reserve funds primarily in the Local Government Investment Pool (LGIP) and bank deposits. These instruments provide safety and liquidity; however, they offer limited diversification and lower yields in the current interest rate environment.

Several Virginia localities have expanded their investment options by participating in the Virginia Municipal Investment Trust (VA MINT), a pooled investment program authorized under Virginia Code § 15.2-1300 and compliant with the Investment of Public Funds Act. VA MINT would complement the County's current investment program by providing an additional safe and liquid investment tool with the potential for improved interest earnings. Under Virginia Code § 15.2-1300, the County has the authority to join the trust.

Staff recommend expanding the current investment program by joining the VA MINT.

VA MINT is a pooled investment trust established by agreement for Virginia local governments to provide professionally managed fixed income portfolios that comply with the Investment of Public Funds Act. VA MINT offers multiple portfolios with varying durations and risk profiles, including an Enhanced Cash Portfolio with daily liquidity and short and intermediate-term bond portfolios designed to improve diversification and long-term returns. Management fees are embedded in fund performance and are competitive with similar pooled investment programs.

Participation would expand the County's investment toolkit, allowing staff to match investment duration to cash flow needs while maintaining safety and liquidity. Staff would continue to report investment balances and performance as part of regular quarterly financial reporting.

To join the Virginia Municipal Investment Trust, steps include:

- 1) The County's Investment Policy should allow for the County's participation. This was completed as part of the Board's approval of the policy update on May 6, 2026.
- 2) The County must adopt an ordinance to join the Trust pursuant to Virginia Code § 15.2-1300, which is recommended for a public hearing on June 17, 2026 (Attachment A).
- 3) All new participants of the Trust must sign a Trust Agreement and Joinder (Attachment B), which would follow Board approval and be delegated by ordinance to the Chief Financial Officer.
- 4) Finally, a shareholder account application is submitted, also delegated to the Chief Financial Officer.

There is no budget impact for joining VA MINT. Management fees are netted from portfolio performance and are comparable to other pooled investment programs. Participation is expected to improve investment earnings through broader diversification and access to professionally managed fixed income portfolios. Staff time required to establish accounts is minimal and can be absorbed within existing resources.

After the public hearing, staff recommend that the Board adopt the ordinance (Attachment A) to authorize participation in the VA MINT and to authorize the Chief Financial Officer to sign the Trust Joinder and VA MINT shareholder account application...

Mr. Jacob Sumner, Chief Financial Officer, said that he was joined this evening by Lindsay Huff, Deputy Chief for the Office of Investment and Debt Management. He said would give a brief introduction on the topic and a little bit about the work that the office undertook. He explained that the Office of Investment and Debt Management was within the Department of Finance and Budget, with its two staff being Ms. Huff and Mr. Daniel Greene, who were charged with investing the County's cash in its investment portfolio. On average, the County had about \$200 million, and it varied throughout the year because they were cyclical in their cash flow. They managed the cash flow and utilized those funds to help get larger returns or as much return as possible on that investment.

Mr. Sumner stated that they had been very successful these past couple of years. He said that in 2024 and 2025, their revenue from the investments had been over \$10 million each year. This year, even though interest rates had dropped a little bit, they had still been able to manage the portfolio and bring in over \$7 million in FY26. He stated that the topic of tonight's presentation was to add another tool into their investment toolbox.

Ms. Lindsay Huff, Deputy Chief of the Office of Investment and Debt Management, stated that she would present the proposed ordinance to join the Virginia Municipal Investment Trust (VA MINT). She said that for tonight's agenda, she would present an overview of the County's investment program and share with them VA MINT's benefits and structure, as well as the steps to join VA MINT. Following that would be the public hearing and then the Board's action.

Ms. Huff stated that as an overview of their program, their investment authority was established by the Virginia Investment of Public Funds Act, which gave them their guardrails for investing. She said that their investment policy, which the Board recently saw in May, had been updated and was also one of their governing documents for their program. They provided an update to the program through their Board's quarterly financial report. Their current investment tools were the Local Government Investment Pool (LGIP) from the state, and their bank deposits through their contracted banking service provider. She said that she was pleased to propose to the Board this evening the VA MINT vehicle as a new tool to help expand and diversify their County investments and potentially earn higher yields.

Ms. Huff said that to give them more of an overview of VA MINT, it was an investment trust for Virginia local governments formed under the Joint Exercise of Powers Act and was compliant with the Investment of Public Funds Act. It was also professionally managed. The portfolios were reported monthly and provided reports about their balances and performance. She said that the management fees were netted from the fund performance. She said that as of May 31, the assets were \$161.7 million, and there were 15 participants, and the number was growing.

Ms. Huff said that she would like to highlight the benefits to the County, specifically for joining VA MINT in investing. She said that this met the County's investment objectives, specifically stated in their policy, and in order of priority for safety, liquidity, and yield. This provided additional safe and liquid investment options, as well as potential for higher interest earnings. This also improved their diversification, offering multiple portfolio options with varying maturity. They also reviewed the risk for the portfolio that it offered. It was very similar to LGIP; it was very low risk and very safe.

Ms. Huff noted that the only difference was the availability of funds, which was the next day instead of the same day, but staff had no concern with that timing since they modeled cash and investments on a daily basis and they forecasted out. She said that adding VA MINT as an investment tool would require minimal staff time and would be absorbed within existing resources. She said that to join VA MINT, there were several steps. She explained that they had completed the first by adding the ability to join their updated investment policy. The next step was before the Board this evening, which was adopting the ordinance.

Ms. Huff explained that within the ordinance was the delegated authority to the Chief Financial Officer to execute the trust agreement and joinder and submit the shareholder account application. She said that once the County became a member, the membership was continuous. She said that this brought them to their recommendation this evening, which was that after the public hearing, staff recommended that the Board first adopt the ordinance in Attachment A to authorize participation in the Virginia Municipal Investment Trust, and second, to authorize the Chief Financial Officer to sign the trust joinder and VA MINT shareholder application.

Mr. Missel said that staff had mentioned the benefits, but he was interested in knowing if there were any drawbacks or risks.

Mr. Sumner replied that with all investments, there was always interest rate risk. He said that even with LGIP, which was a very safe investment used across local governments and across the state, VA MINT carried that same small risk. It was there, but it was definitely one that was manageable and was an acceptable risk from staff's perspective.

Mr. Missel asked if this was a relatively new fund.

Ms. Huff confirmed that was correct; it was established about a year ago in 2025.

Mr. Missel asked if there were other opportunities for investment diversity they were looking into, or if this was a one-off they learned about and decided they should pursue.

Mr. Sumner replied that he was always on the lookout for other ways to invest, going back to the principles of safety, liquidity, and yield. They were conservative in their investment approaches, so when they found those types of options that fit that profile, those were the ones that he was really interested in pursuing, and VA MINT fit that profile.

Ms. Mallek asked for clarification on what a "contracted banking service provider" was, and whether they had already used that intermediary to manage their other reported bank accounts.

Mr. Sumner explained that banking services were procured on a regular basis, just like any other services that they may need for local government operations. He said that this provided everything from checking accounts and various accounts he used for depository accounts to receive revenues, and also for expenditure accounts for payroll and accounts payable, and any other banking services related aspects. He said that this was bid out on a regular basis.

Ms. Mallek asked if this was an ADP type operation, but for investments instead.

Mr. Sumner clarified that this was taking some of that extra cash and moving it out of their checking account and putting it more into an investment vehicle.

Ms. Mallek said that they had mentioned continuous membership, but they could decide to leave whenever they wanted and get their money back.

Ms. Huff confirmed that was correct.

Ms. Mallek said that this was a very young operation, and she was hesitant to be the beta tester for anything. She said that they started out with two counties, but she did not know anything about the others. She asked if there were any concerns about this being fairly unproven.

Mr. Sumner answered that before bringing this item to the Board, staff researched their investment philosophy and how they were able to achieve a higher rate of return. They had some questions, such as what his investment strategy was. He said that it was managed by a board of directors, and on that board of directors were other localities, so they did have some comfort in those localities, which were also providing the oversight.

Mr. Sumner said that the chair of the board of trustees was also the former state treasurer, so they had high confidence in that oversight as well. He said that the principals who were working and managing the fund themselves had long experience in the investment industry. Looking through their backgrounds and how they had structured this portfolio option, they believed that it was a good opportunity.

Ms. Mallek said that the homework discussed the tiers of people, including the custodians and the consultants, and all the other people who were taking a share. She asked if that was a customary level of layers for all these investment managers that they had dealt with before.

Mr. Sumner confirmed that it was typical that most investment fees were taken out of the proceeds or the investment itself. He said that the rate of return that he was receiving was net of those fees, so even with the fees charged for the investment, they were able to achieve a higher return than LGIP or their contracted bank.

Ms. Mallek asked if there was a known cap, or if it was based on performance.

Mr. Sumner said that he would have to research whether there was a cap or not, but what he recalled was that the fees were in line with what was seen with other industry fees. He said that there was no concern about those being excessive, absorbent, or out of the ordinary. He confirmed they were in line with what was seen with other investment-related options.

Mr. Gallaway said that he assumed this conversation happened with their consultants as well. He said that when they met with their credit agencies, he assumed it was a backward-looking review of what they had been doing. He asked if they had conversed with them about what they were considering and whether they had a chance to react to that, or if they would go all-in and see what the response was when they came back around.

Mr. Sumner explained that part of the homework was to work closely with Davenport, their financial consultants. He said that when they were working through their investment strategy, this was an opportunity that they brought to them and asked how it fit into their investment strategy. He said that their consultants saw that it fit very well, as they were looking to move into some longer-term investments that would have a larger return. He said that it was good feedback to receive from them.

Mr. Sumner said that when they talked about the credit rating agencies, they were looking at them holistically and typically did not drill down until their specific investment options. He said that they were able to demonstrate a continued track record of having safe liquid investments, and investment revenue

was available for their consultants to review if they had questions.

Mr. Gallaway opened the public hearing. Seeing no speakers, he closed the public hearing and said the matter rested with the Board.

Ms. Mallek **moved** that the Board of Supervisors adopt the ordinance (Attachment A) to authorize participation in the Virginia Municipal Investment Trust and to authorize the Chief Financial Officer to sign the Trust Joinder and VA MINT shareholder account application.

Mr. Missel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Duncan, Mr. Gallaway, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley and Mr. Pruitt.

ORDINANCE NO. 26-A(5)

AN ORDINANCE TO APPROVE PARTICIPATION IN THE VIRGINIA MUNICIPAL INVESTMENT TRUST FUND FOR THE PURPOSE OF INVESTING MONEYS BELONGING TO OR WITHIN THE COUNTY OF ALBEMARLE, VIRGINIA'S CONTROL, OTHER THAN SINKING FUNDS, IN CERTAIN AUTHORIZED INVESTMENTS IN ACCORDANCE WITH VIRGINIA CODE SECTION 2.2-4501.

WHEREAS, Virginia Code Section 15.2-1500 provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary to carry out the functions of the government; and

WHEREAS, Virginia Code Section 2.2-4501 provides that all municipal corporations and other political subdivisions may invest any and all moneys belonging to them or within their control, other than sinking funds, in certain authorized investments; and

WHEREAS, Virginia Code Section 15.2-1300 provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority pursuant to agreements with one another for joint action pursuant to the provisions of that section; and

WHEREAS, any two or more political subdivisions may enter into agreements with one another for joint action pursuant to the provisions of Section 15.2-1300 of the Virginia Code provided that the participating political subdivisions shall approve such agreement before the agreement may enter into force; and

WHEREAS, the City of Danville, Virginia and the County of Henry, Virginia have determined to jointly establish and participate in the Virginia Municipal Investment Trust Fund (the "Trust Fund") for each such locality; and

WHEREAS, the Board of Supervisors of the County of Albemarle, Virginia has determined that it is in the best interests of the County of Albemarle, Virginia to become a participating locality in the Trust Fund; and

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

1. The Board of Supervisors of the County of Albemarle shall participate in the Trust Fund for the purpose of investing moneys determined to derive the most benefit from this investment strategy, belonging to it or within its control, other than sinking funds, in certain authorized investments in accordance with Virginia Code Section 2.2-4501, which Trust Fund has been established and shall operate as set forth in the Virginia Municipal Investment Trust Fund Agreement (the "Agreement").

2. The Board of Supervisors of the County of Albemarle become a "Participating Political Subdivision" in the Trust Fund, as further defined in the Agreement.

3. The Board of Supervisors of the County of Albemarle hereby designates the Chief Financial Officer of the County of Albemarle to serve as the trustee of the County of Albemarle with respect to the Trust Fund, to determine what funds under the control of the Chief Financial Officer control shall be invested in the Trust Fund and to perform the responsibilities of the "Chief Investment Officer," as described in the Agreement, on behalf of the County of Albemarle (locality).

4. The Board of Supervisors of the County of Albemarle hereby authorizes the Chief Financial Officer to execute and deliver the Joint Exercise of Powers Agreement for Participating Political Subdivisions Virginia Municipal Investment Trust ("Joint Exercise of Powers Agreement").

5. This ordinance shall be in force and effect upon its adoption or passage.

Agenda Item No. 15. **Public Hearing for a Compensation Increase for Board of Supervisors Members**. To receive public comment on a proposed ordinance to amend *Albemarle County Code* § 2-202 (Compensation of Board of Supervisors) to increase the annual compensation of the members of the Board of Supervisors by 2.0% from \$20,805 to \$21,221, and the additional annual stipend of the Chair of the Board from \$1,891 to \$1,929, and Vice-Chair stipend from \$630 to \$643, all effective July 1, 2026.

The Executive Summary forwarded to the Board states that Virginia Code § 15.2-1414.3 enables boards of supervisors to establish board members' salaries annually by ordinance, and limits the maximum annual salary based on localities' populations.

The Board of Supervisors adopted an ordinance in 1984, establishing the Board members' salaries effective July 1, 1985. Since 1998, the Board has consistently increased members' salaries by the Cost of Living increase provided to the County's Classified employees.

With the FY27 budget adoption on April 22, 2026, the County implemented a 2% Cost of Living Adjustment for staff, effective July 1, 2026, to support increasing wages in response to changes in the cost of living in our area.

Staff have proposed an ordinance (Attachment A) to amend County Code § 2-202 to increase the compensation of Board members by 2%, to include the stipends for the Board chair and vice-chair, which the Board can consider following the public hearing. Because Virginia Code § 15.2-1414.3 provides that board members' salaries shall be established on a fiscal year basis, the ordinance includes an effective date of July 1, 2026.

The proposed 2% adjustment will increase Board members' annual compensation from \$20,805 to \$21,221 in FY 27. The proposed stipend for the Board Chair will increase from \$1,891 to \$1,929, and the proposed stipend increase for the vice-chair is from \$630 to \$643. Funding for these compensation changes was included in the adopted FY27 budget.

Staff recommends adopting the proposed ordinance (Attachment A), following the public hearing.

Ms. Jessica Rice, Director of Human Resources, stated that this public hearing was to receive public comment on a proposed ordinance that would amend Albemarle County Code §2-202, regarding compensation for the Board of Supervisors. She explained that they were looking to increase that compensation by 2% effective July 1, 2026. Beginning in Fiscal Year (FY) 25, the Board expressed a desire to increase pay that would coincide with any cost-of-living increases approved through the budget process for staff.

Ms. Rice said that on April 22 of this year, the Board adopted the FY27 budget, which included a 2% cost of living increase for staff effective July 1, which was in response to the rising costs in their area. She said that for consideration tonight was this ordinance that would make an amendment to change the compensation for Board members. She said that the actual impact of that change was provided in the presentation, and the increase for the Board members would change from \$20,805 annually to \$21,221. She said that there was a stipend for both the Board Chair and the Vice Chair, which would change from \$1,891 to \$1,929 and from \$630 to \$643, respectively. Those were annual payments that were distributed every pay period that the County received paychecks throughout the year.

Mr. Missel asked if staff would benchmark for these compensations and other boards and commissions.

Ms. Rice replied that they had not actually executed a benchmarking process for the Board or their other boards and commissions, such as the Planning Commission. She said that it had been a topic of discussion over the past couple of years, but the Board had not directed staff to execute that work. She said that if the Board desired to pursue that, they could talk about the next steps to initiate that process this year.

Mr. Gallaway opened the public hearing. Seeing no speakers, he closed the public hearing and said the matter rested with the Board.

Ms. Duncan stated that she thought more people should talk about money and salaries, even though it was somewhat awkward because it was the Board's own in this case. She said that she was going to repeat one thing that she had said earlier: no one went into public service to get rich. She said that people who were in local government did it because they were civic-minded people and they wanted to serve others. She said that if they valued local government and thought it was important, and it was important for community members to be involved, then they needed to invest in the people who did the work.

Ms. Duncan said that doing this job well was a lot of work, and it was definitely more work than she had realized beforehand. She said that in addition to the work, the hours were really unusual. She said that typically, boards like these were made up of retired people or wealthy people, and this particular board was unusual because there were so many people there who worked and had jobs. She thought it was incredibly valuable to have a wide range of experiences in government roles.

Ms. Duncan said that the only way to achieve that was by paying people for their time. She would

not have done this if the pay were any lower because it was very time-consuming, especially if one had a family. She said that with the affordability crisis, many people had to work two or three jobs to make ends meet. Currently, time was money, and it was even more so now. She said that they had heard earlier that the 80% AMI for this community was \$111,000, compared to this yearly compensation of \$20,000. She said that if they wanted people to invest their time in this particular way, then they needed to pay them for it.

Ms. Duncan said that with regard to Mr. Missel's question, she had done some research and learned that municipalities treated this in a wide variety of ways in Virginia. She looked up what Fairfax County paid, and while she was not advocating for that high of a salary, she would be interested in what a study looked like, what best practices were for compensation, what a part-time salary for a community like this would look like, and what benchmarking would entail.

Ms. Mallek said that when she started serving on this Board, the compensation was \$13,000. She said that the small increases to this compensation were typically to match the percent increases given to staff, rather than more. She said that this was appropriate from her perspective. She said that there were many years when staff did not get raises at all. She thanked Ms. Rice for her work on this.

Mr. Gallaway said that it was always probably the strangest or the weirdest part of the year to have to talk about what they were paying themselves. He said that there was a very specific process, not benchmarking, but if the Board desired it, just like they had to hold a public hearing, if they wanted to do a jump similar to what the City of Charlottesville recently did, there was a whole process that they had to go through that the state defined.

Mr. Gallaway said that it was not something that the Board could arbitrarily do, even if they wished to do it. He said that they had to check some boxes and do some things like that before they could go that way. He said that it was tied to elections, and the implementation was delayed. He said that he had never really thought about the benchmarking, so if that was something that the Board wished to do, they would have to provide direction for that. It might be more useful to have that conversation when all six members were present.

Ms. Rice said that her department already had benchmarked staff and compared them to the market, and that it was an established competitive market that was similar in either size and operation or population and geographic location. She said that it would not be a far stretch to use that same approach for the Board because this was the direction that they had taken in the past. She said that they could apply the same process that they used for staff to their approach to their boards. She said that the Board could think about that, perhaps with a discussion at another public meeting or during their two-on-two meetings. She recommended that they could work that into their budget process and everything for the next cycle.

Mr. Gallaway noted that it was difficult to benchmark this because each County handled it differently, so there was no base number, as well as other variances.

Ms. Mallek **moved** that the Board adopt the ordinance as presented in Attachment A.

Mr. Missel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Duncan, Mr. Gallaway, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley and Mr. Pruitt.

ORDINANCE NO. 26-2(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 2, BOARD OF SUPERVISORS, 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 2, Administration, Article 2, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 2-202 Compensation of the Board of Supervisors.

Chapter 2. Administration

Article 2. Board of Supervisors

Sec. 2-202 Compensation of the Board of Supervisors.

The Board of Supervisors' compensation is as follows:

A. *Salary*. The salary of each member is \$21,221 per year, effective July 1, 2026.

B. *Stipend for the chair*. In addition to the salary, the chair shall receive an annual stipend of \$1,929.

- C. *Stipend for the vice-chair.* In addition to the salary, the vice-chair shall receive a stipend of \$643, per year.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; § 2-202, Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17; Ord. 18-2(2), 4-11-18; Ord. 18-2(3), 6-13-18; Ord. 19-2(1), 6-5-19; Ord. 21-2(1), 6-16-21, Ord 22-2(1), 6-1-22, effective 7-1-22; Ord. 23-2(3), 5-3-23, effective 7-1-23; Ord. 24-2(), 6-12-24, effective 7-1-24; Ord. 25-2(1), 6-18-25, effective 7-1-25; Ord. 26-2(1), 6-17-26, effective 7-1-26.

State law reference -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

This ordinance is effective on and after July 1, 2026.

Agenda Item No. 16. **Public Hearing for a Compensation Increase for Planning Commission and Other Appointed Boards.** To receive public comment on a proposed ordinance to amend *Albemarle County Code* § 2-401 to increase the annual compensation of the voting members of the Planning Commission, from \$7,916 to \$8,074; and to amend *Albemarle County Code* § 2-905 to increase the compensation of members of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals for each regular or special meeting attended from \$88 to \$90. These increases would take effect July 1, 2026.

The Executive Summary forwarded to the Board states that Albemarle County Local Government provides compensation to members serving on the following Boards and Commissions, at rates codified in the County Code: the Architectural Review Board, the Board of Zoning Appeals, the Equalization Board, and the Fire Prevention Board of Appeals/Local Board of Building Code Appeals (known as the Other Boards), as well as the Planning Commission (PC).

On June 7, 2023, the Board of Supervisors adopted an ordinance that increased compensation for members of the Other Boards and PC at the same rate of increase that Board of Supervisors (BOS) members received. Since that time, it has been the BOS's expressed desire to increase pay in the same manner in subsequent years.

With the FY27 budget adoption on April 22, 2026, the County implemented a 2% Cost of Living Adjustment for classified staff, effective July 1, 2026, to support increasing wages in response to inflation and to remain competitive with employers in our area. This public hearing is for consideration of adopting an ordinance to increase compensation for Planning Commission and appointed members of the Other Boards, as named in County Code, by 2%, effective July 1, 2026, in alignment with the staff increase.

The proposed ordinance will increase Planning Commission compensation from \$7,916 to \$8,074 annually, and increase compensation for members serving on Other Boards from \$88 to \$90 per meeting attended in FY27. Funding for these increases was included in the FY27 budget.

Staff recommends adopting the proposed ordinance (Attachment A), following the public hearing.

Ms. Jessica Rice, Director of Human Resources, stated that this public hearing was to receive comment on the proposed ordinance that would amend County Code §2-401 to increase the annual compensation of the voting members of the Planning Commission by 2%, and to amend Albemarle County Code §2-905 to increase the compensation of members of the Architectural Review Board (ARB), the Board of Zoning Appeals (BZA), the Building Code Board of Appeals, the Board of Equalization (BOE), and the Fire Prevention Code Board of Appeals.

Ms. Rice stated that this increase would also be 2%, in alignment with what was adopted for staff and what the Board had just approved for themselves. She explained that with the FY27 budget adoption on April 22, a 2% cost of living adjustment was approved for staff and the changes to their actual pay. She said that the Planning Commission's increase of 2% would be \$7,916 to \$8,074 for the year. She said that for all of the other boards named therein would have an increase from \$88 to \$90 per meeting attended.

Mr. Gallaway asked if they did some benchmarking to establish the Planning Commission compensation.

Ms. Rice said that in Fiscal Year 2025, it was recognized that these boards and commissions had not received pay increases in the same way that the Board of Supervisors had. She said that staff went back and did the historical research of what the pay increases would have been, so they worked to catch them up.

Mr. Gallaway clarified that it was not benchmarking, as they were just catching them up.

Ms. Rice confirmed that was correct.

Mr. Gallaway opened the public hearing. Seeing no speakers, he closed the public hearing and said the matter rested with the Board.

Ms. Duncan said she would reiterate her previous comments for the record.

Ms. Mallek **moved** that the Board adopt the ordinance as presented in Attachment A.

Mr. Missel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Duncan, Mr. Gallaway, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley and Mr. Pruitt.

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ORDINANCE NO. 26-2(2)

AN ORDINANCE TO ADOPT AND REORDAIN CHAPTER 2, ADMINISTRATION 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 2, Administration, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

Sec. 2-401 Composition, appointment, terms, and compensation.
Sec. 2-905 Identified appointed boards; compensation and reimbursement.

CHAPTER 2. ADMINISTRATION

ARTICLE 2

Sec. 2-401 Composition, appointment, terms, and compensation.

The composition of the Planning Commission and the appointment, terms, and compensation of its members are as follows:

- A. *Composition.* The Planning Commission is composed of eight members, seven of whom are voting members and one of whom is a non-voting member.
- B. *Qualifications.* All members of the Planning Commission shall be County residents and qualified by knowledge and experience to make decisions on questions of community growth and development. Members are not required to be residents of the magisterial district represented by the member of the Board of Supervisors who nominated them. At least one-half of the members shall be owners of real property.
- C. *Nomination and appointment.* Each member of the Planning Commission is appointed by the Board of Supervisors. Before being appointed by the Board, each member of the Planning Commission is nominated as follows:
 - 1. *Voting members.* Of the seven voting members, one is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district, and one is nominated to serve at-large.
 - 2. *Non-voting member.* The non-voting member is nominated by the President of the University of Virginia.
- D. *Terms.* The terms served by members of the Planning Commission are as follows:
 - 1. *Voting members, other than at-large member.* The voting members, other than the at-large member, are appointed for four-year terms. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.
 - 2. *Voting member, at-large.* The at-large member is appointed for a two-year term, and is appointed each even-numbered year following County elections for the Board of Supervisors.
 - 3. *Non-voting member.* The non-voting member is appointed for a one-year term.
- E. *Compensation and Expense Reimbursement.*

1. *Compensation.* Each voting member of the Planning Commission shall be paid \$8,074 per year, to be paid in monthly installments. The chair of the Planning Commission shall be paid an additional \$1,576 per year, to be paid in monthly installments.
 2. *Reimbursement for travel and related expenses.* Each voting member of the Planning Commission shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.
- F. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.
- G. *Holdover until successor appointed.* Any member of the Planning Commission whose term has expired shall continue as a member until the Board of Supervisors re-appoints the member or appoints a successor.

(4-21-66, § 1; 2-15-68, § 1; 1-16-69; 10-16-69; 1-21-71; 7-19-73; 4-17-75; 1-15-76; 4-21-76; 1-3-77; 5-2-79; 2-13-80; 12-10-80; 2-10-82; 6-13-84; 11-14-84; 3-12-86; 9-10-86; Ord. of 8-1-90; Code 1988, § 2-4; § 2-401, Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00; Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 24-2(2), 8-7-24; Ord. 25-2(), 6-18-25, effective 7-1-25; Ord 26-2(2), 6-17-26, effective 7-1-26

State law reference(s)—Va. Code § 15.2-2212.

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CHAPTER 2. ADMINISTRATION

ARTICLE 9

Sec. 2-905 Identified appointed boards; compensation and reimbursement.

The duly appointed members of the boards identified in this section shall be compensated and entitled to reimbursement for their travel and related expenses as follows:

- A. *Eligible boards.* Each member of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals is entitled to compensation and reimbursement as provided in subsections (B) and (C).
- B. *Compensation to attend meetings.* Each member shall be paid \$90 for each regular and special meeting attended, provided that any member of the Board of Supervisors and any County employee appointed to a board shall not be compensated for attending meetings.
- C. *Reimbursement for travel and related expenses.* Each member shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

((§ 2-1105: 6-20-74; 3-20-75; 10-16-75; 10-10-84; 4-13-88; Ord. of 8-1-90; Ord. of 7-17-91; Ord. of 12-11-91; Code 1988, § 15-2; Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00); (§ 2-1106: 6-20-74; 3-20-75; 1-15-76; 4-21-76; 10-10-84; 4-13-88; Ord. of 8-1-90; Code 1988, § 15-3; Ord. 98-A(1), 8-5-98); (§ 2-1107: 6-2-74; 3-20-75; 10-10-84; Ord. of 8-1-90; Code 1988, § 15-4; Ord. 98-A(1), 8-5-98); § 2-904, Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 24-2(2), 8-7-24; Ord. 25-2(), 6-18-25, effective 7-1-25; Ord 26-2(2), 6-17-26, effective 7-1-26.

State law reference(s)—Va. Code § 15.2-514.

This ordinance is effective on and after July 1, 2026.

Agenda Item No. 17. **Public Hearing: 26-3(1) – Agricultural and Forestal Districts.** Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, to withdraw part of a parcel from the Lanark Agricultural and Forestal District: **AFD 2025-01 Lanark District Withdrawal.** The proposed ordinance would amend Section 3-225, Lanark Agricultural and Forestal District, to add “(part)” to Tax Map 103 Parcel 2B to indicate part of the parcel has been withdrawn.

The Executive Summary forwarded to the Board states that the Agricultural and Forestal Districts (AFD) program is a voluntary land conservation program in which landowners limit the development potential of their land to help protect the rural landscape. Localities are enabled to establish AFDs under the Agricultural and Forestal Districts Act (Virginia Code § 15.24300 et seq.). The program is structured to protect the following public interests: production of food and other agricultural and silvicultural products; provision of essential open spaces; strong agricultural and silvicultural economies; and protection and preservation of natural resources and retention of continuous and unfragmented land. The County currently has 27 districts covering approximately 62,000 acres, or 14% of the Rural Area.

Any landowner may withdraw from an AFD by right during its regular district review, which typically occurs once every ten years. A landowner may also apply to withdraw at the discretion of the

Board of Supervisors at any time between district reviews (§ 15.2-4314). Such application may only be approved “for good and reasonable cause,” based on four criteria listed below (County Code Sec. 3-205(D)).

Virginia Code § 15.2-4314 requires the Agricultural and Forestal Districts Advisory Committee and the Planning Commission to review such applications and report their recommendations to the Board of Supervisors, which must hold a public hearing and, by ordinance, may withdraw land from an existing district.

The AFD Advisory Committee (6:1) and the Planning Commission (6:0) reviewed the following application and recommended approval.

AFD-2026-00001 Lanark Withdrawal

The applicant requests to withdraw from the Lanark District a 7.5-acre portion of a 50-acre parcel (Tax Map 103 Parcel 2B) on Presidents Road, which would allow the owner to perform a 7.5-acre subdivision that is prohibited by the conditions of the District. The 7.5-acre portion contains an old house site with a dwelling and other accessory structures, all of which are in significant disrepair, and which the prospective buyer would like to renovate. No additional dwellings are proposed. The remainder of the property consists of hardwood forest and would remain in the District. (See Attachment B for further application details.)

Applications for withdrawal must be assessed against the four criteria in County Code Sec. 3-205(D): no significant adverse impact; consistent with the Comprehensive Plan; consistent with the public interest; and changed circumstances. See Attachment C for an assessment of the application against these criteria.

The withdrawal of parcels from AFDs has no budget impact.

Staff recommends that the Board adopt the ordinance (Attachment A) to withdraw the 7.5-acre portion of 103-2B from the Lanark AFD.

Mr. James Van Vranken, Conservation Program Planner, said that he was joined by Scott Clark, Conservation Program Manager, and they were both available to answer any questions. He stated that they were reviewing three applications that night: one application to withdraw land from a district and two applications to add land to a district. He explained that the County had three conservation programs, the first being conservation easements, which were permanent protections, and the restrictions were quite intense, intentionally so. He said that the Agricultural and Forestal District (AFD) program was a different type of conservation program, which was not permanent and the restrictions were lesser.

Mr. Van Vranken said that it also provided certain benefits to landowners and benefits to the County. On the one side, landowners received certain protections against state takings and nuisance laws, and there were higher review standards for special use permits in and adjacent to districts. Additionally, districts could also be used to qualify land for the land use tax program. He said that most parcels in AFDs were not using the districts to qualify for land use. He noted that a lot of them were in land use, but they qualified through active production agriculture or active forestry management.

Mr. Van Vranken said that it could be used to qualify for the open space land use category. He said that the flip side was the restrictions that were placed on landowners in the districts, which were various, but the most significant was the prohibition on small lot subdivisions. As a reminder, in the Rural Area, there were two types of subdivision: by-right subdivision where parcels were 21 acres or larger, and small lot subdivisions that used development rights and could create parcels as small as two acres. He said that those second types of subdivisions were generally prohibited in the districts.

Mr. Van Vranken said that specifically regarding the withdrawal application, there were four ways in which landowners could withdraw from districts. He said that the first way was a technicality that stated they could withdraw the application before it was finished. He said that the second way was the most common; that was during the regular district reviews. Districts were reviewed every five to ten years, and at that time, a landowner could tell them they wanted out, and it happened by right. The third way was that if a landowner died, their heirs could ask to be removed from a district. The fourth way was withdrawal at the discretion of the Board, which was the request before them this evening.

Mr. Van Vranken said that the district in question was the Lanark District. He said that it was south of Charlottesville around Carters Mountain Road and President's Road. He said that it fronted on President's Road, a long 50-acre parcel, mostly in hardwood forest. He said that the front portion, which was the portion that the landowners were asking to remove from the district, was a 7.5-acre home site. He said that it had an old house and accessory structures, which used to be cleared, but now it had grown up in cedar.

Mr. Van Vranken said that the application was for that portion only to be removed from the district, and that the rest of the land would stay in the district. The landowners were applying for this because they wanted to subdivide off this 7.5-acre portion, and this was something that was not permitted in districts. He said that they wanted to do so because they felt they could not maintain or renovate that house, and they had a friend who would like to renovate the house. The applicants were here tonight, and he would let them speak in more detail about the application.

Mr. Van Vranken said that these requests for withdrawal might only be approved for good and reasonable cause based on the provided four criteria. He said that the staff report contained an analysis of the application using these four criteria, and he was happy to take any questions if there were any questions about that analysis. He summarized that no new land use was being proposed; it was proposed to remain residential and there would be no new dwellings created as part of this proposal.

Mr. Van Vranken said that additionally, there was no identified adverse impact to agriculture or forestry in the district because of this proposed withdrawal. On the other hand, the withdrawal was mostly in the interest of the landowner and less in the interests of the public. The proposal would also only allocate one development right to this subdivided parcel. The applicant had said they would be willing to be held to that with a condition, but unfortunately, the County could not put a condition on this approval as there was no way of holding them to that.

Mr. Van Vranken said that theoretically, if this was approved tonight, they could do something other than what they said and allocate two or three development rights, which would create the potential for more dwellings. He said that on balance, staff recommended that the Board should approve this withdrawal. The request also been reviewed by the AFD Committee and the Planning Commission, and both bodies recommended approval. He said that the applicant was also here this evening to answer any questions.

Ms. Mallek said that historically, many conservation easement holders began with AFDs, which spoke to the value of this program. She asked if the approval at the discretion of the Board was because the request was not being made during the normal review period.

Mr. Van Vranken confirmed that was correct.

Ms. Mallek asked if the current house on this parcel was unoccupied.

Mr. Van Vranken said that it was not habitable in its current state.

Ms. Mallek asked how many potential subdivision rights were on this parcel.

Mr. Van Vranken said that the parcel currently held five development rights, and theoretically, they could allocate as many as three to the 7.5-acre parcel. He said that that was not their intention and the landowner wanted to keep the four intact.

Mr. Gallaway opened the public hearing and invited members of the public to speak.

Mr. John Baroncelli thanked the Board members for their public service and providing for their community. He said that his own mother was a Board of Supervisors member in a rural community, so he appreciated the discussion that they all had before this. He said that he absolutely agreed that they were basically volunteering to be there in his time with the amount of hours they had to spend here while juggling their other full-time commitments. He said that regardless of the decision they reached tonight on this application, he respected and appreciated all their efforts for this community.

Mr. Baroncelli said that, as he had said in his letter, he loved living in this community, and there were many reasons for this. He said that he looked upon the representatives right there in front of him and he had a reason to be proud of this community. He said that they had equal representation of women and men on their Board of Supervisors, which was not the case when his mother was a Board of Supervisors member and the misogyny that she dealt with on a daily basis. He said that this was a community that valued their differences and effects.

Mr. Baroncelli said that they had a special group of diverse individuals representing their community in every facet of community governance. He said that they were blessed to live in this community. He said that when he first moved there in 2013 to attend law school at the University of Virginia, he got to see some of the inner workings of this community. For example, he had the wonderful opportunity of working for Jim Hingeley at the time at the Charlottesville Public Defender's Office. He said that it was extremely atypical and unusual that they had a Commonwealth's Attorney who was a former public defender.

Mr. Baroncelli said that in and of itself, this showed him that this community placed justice, equity, and fairness above other individual interests, and that they cared about their community first. He said that he had the wonderful pleasure of also working for the Federal Public Defender's Office here, where he received a lot of wonderful guidance from Fred Heblich, may he rest in peace. He said that he was actually the first person who helped convince him that it was okay to walk away from being a lawyer and follow his bliss, which was why he was currently working as a construction superintendent for the University of Virginia.

Mr. Baroncelli said that he had received much more guidance and assistance from community members at times of adversity. He said that when he moved to the border of Mexico and Del Rio, Texas, he served at the Federal Public Defender's Office in what became the busiest division of any federal criminal docket in the country. He had faced the hardships every day regarding what it took for his fellow immigrants to succeed in America and what it took to earn a minimum wage. He said that as he worked in construction now, he got to bring that full circle by assisting and using some of his poor Spanish to help

his fellow immigrants on job sites every day and feel comfortable in this community.

Mr. Baroncelli said that they had programs like the International Rescue Committee, Sin Barreras, and the Africans United Communities where they looked out for immigrants and refugees. He said that they had members who served through the Legal Aid Justice Center and provided mental health and substance abuse services through programs such as Region 10. He said that there were many examples in this community of how they put their people first. He was very much in favor of a community that did not just talk; it put those principles into action, so he appreciated the comment about the affordability crisis.

Mr. Baroncelli said that what was at hand here was a small contribution to helping to improve that affordability crisis. He said that he very much appreciated the efforts of this community to fund affordable housing projects. He said that he believed it was one of the most effective ways to provide more affordable housing, but it was not the only one by any means. He said that he fully supported these efforts while also trying to provide for growth in an economically viable and environmentally conscious way by creating new residential development areas.

Mr. Baroncelli said that all this and many other things that he did not mention emphasized the consistent theme of this wonderful community putting its people first, and he was proud to call this County his home. He said that this application may seem like a small blip on that radar, but it was now another example of whether they as a community were going to put their people first or were they going to make deliberate choices that harmed their own people's path to financial security. He said that as of 2024, over half of renters in this country were cost burdened, and there were now 242 cities in America where a starter home could cost a million dollars.

Mr. Baroncelli said that the first-time homebuyers in this country had an average age of almost 40 years old. He said that he did not want to get into specifics of how they got there, but he assured them they got there from their own choices. He said that they had the ability to make choices to slowly improve those circumstances. He said that this request was a start. He said that as required by law, this request was good and reasonable under the relevant factors that the Board of Supervisors members were supposed to consider. It was good and reasonable to allow two individuals, his wife and he, who worked at University of Virginia (UVA) and UVA Health, to renovate a part of the County's dilapidated rural housing supply.

Mr. Baroncelli said that hopefully this would allow them to call this place home for many years to come. He said that he was genuinely astonished when he drove around this County; with how much money they had, how many rural homes were terribly dilapidated and needed repair. He said that it was honestly shocking how wealthy this community was, and there was no excuse for it. He said that the issue that they would run into if they cared about housing affordability was that, according to many studies, the average age of a U.S. home was now 44 years old. He said that according to the National Association of Home Builders, around 40% of America's homes were over 50 years old.

Mr. Baroncelli said that these were stick-framed homes made of 2x4s that were not meant to last much more than 50 years. He said that they needed to act fast to renovate their current housing supply. He said that more land was not going to appear out of thin air, as it was a finite resource. He said that the only way to properly fix their housing affordability issues was not by disincentivizing new home building, but by equally incentivizing people to fix up the dilapidated housing stock. He said that if they were also environmentalists like himself, the greenest homes were the ones that were already built.

Mr. Baroncelli said that this was a great place to start. He said that allowing for this subdivision would revive the housing supply and assist with the lack of affordable housing caused by these supply shortages. He said that every time the community needlessly restricted itself from fixing up the County's rural housing supply, they were favoring the interests of developers over their own community. He said that for every individual unable to renovate existing rural homes, they were forcing more individuals to compete with other community members for newly built homes within those Development Areas, which drove up the cost of housing for everybody.

Mr. Baroncelli said that for the countless reasons stated in his application, if Agriculture and Forestal Districts were what the Board sought to protect, voting against this subdivision did not serve that purpose. He said that the land that he was asking to remove had already been deemed by the County as non-qualified for forestry use, specifically those 7.5 acres of the total 50 acres. He said that there was no interest served in protecting agriculture or forestry land by allowing that land to stay in the district. He said that if the concern was real estate development consuming land in the Rural Areas, this parcel would have no new development rights. He said that the landowners had no interest in giving him more development rights, and he did not care for any.

Mr. Baroncelli concluded that a vote in favor of this application was a vote in favor of improving housing affordability for all of their community members, and that was the real question at hand. He said that he trusted that, just like the examples stated herein, they lived in a community that put their people first. Therefore, in consideration of the foregoing discussion, he asked the Board of Supervisors to allow the owners of 3744 President's Road to remove these seven and a half acres from this Forestal District and allow his wife and him to purchase this land.

Mr. Gallaway closed the public hearing and said the matter rested with the Board.

Mr. Missel stated that he was fully supportive of the request and wished the applicant the best of

luck in the renovation process. He agreed that the most sustainable dwelling was the one that was already existing. He congratulated Mr. Baroncelli and hoped this worked well.

Ms. Duncan said that Mr. Baroncelli had effectively stated her position, and she would be in favor of additional homes being built on the parcel as well.

Ms. Mallek agreed that it was very compelling when a falling-down house found someone who loved it and could bring it back to life. She expressed her appreciation to Mr. Baroncelli for that effort and her support of the application.

Mr. Gallaway expressed his support as well. He noted that the development rights were not extinguished in any way because the County could not condition that.

Mr. Van Vranken clarified that the 7.5-acre portion would only have the right to build one house, but the other portion would retain the right to build four houses.

Mr. Missel **moved** that the Board of Supervisors adopt the Ordinance (Attachment A).

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

AYES: Ms. Duncan, Mr. Gallaway, Ms. Mallek, and Mr. Missel.

NAYS: None.

ABSENT: Ms. LaPisto-Kirtley and Mr. Pruitt.

ORDINANCE NO. 26-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-225 Lanark Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE

DIVISION 2. DISTRICTS

Sec. 3-225 Lanark Agricultural and Forestal District.

The district known as the "Lanark Agricultural and Forestal District" was created and continues as follows:

A. *Date created.* The district was created on April 20, 1988.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 90: parcels 12, 14A.
2. Tax map 92: parcel 64C.
3. Tax map 102: parcels 33, 35, 35A, 35B, 35C.
4. Tax map 103: parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1J, 1K, 1L, 1M, 2A, 2B_(part), 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part).

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to September 18, 2029.

(Code 1988, § 2.1-4(k); § 3-221, Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(5), 10-6-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 15-3(1), 12-2-15; § 3-225, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19; Ord. 26-3(2), 6-17-26)

Agenda Item No. 18. **Public Hearing: 26-3(2) – Agricultural and Forestal Districts.** Ordinance to amend County Code Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, to add lands to the Green Mountain and Chalk Mountain Agricultural and Forestal Districts:

- a. **AFD 2026-02 Green Mountain District Addition.** The proposed ordinance would amend Section 3-217, Green Mountain Agricultural and Forestal District, to add Tax Map 120 Parcel 20 and Tax Map 128 Parcel 1. The district has a review period of 10 years and will next be reviewed in December 2035.
- b. **AFD 2026-03 Chalk Mountain District Addition.** The proposed ordinance would amend Section 3-212, Chalk Mountain Agricultural and Forestal District, to add Tax Map 98 Parcel 4. The district has a review period of 10 years and will next be reviewed in December 2029.

The Executive Summary forwarded to the Board states that The Agricultural and Forestal Districts (AFD) program is a voluntary land conservation program in which landowners limit the development potential of their land to help protect the rural landscape. Localities are enabled to establish AFDs under the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 et seq.). The program is structured to protect the following public interests: production of food and other agricultural and silvicultural products; provision of essential open spaces; strong agricultural and silvicultural economies; and protection and preservation of natural resources and retention of continuous and unfragmented land. The County currently has 27 districts covering approximately 62,000 acres, or 14% of the Rural Area.

A landowner may apply to add land to an AFD at any time (Virginia Code § 15.2-4310). Virginia Code §§ 15.2-4307 and 15.2-4309 require the Agricultural and Forestal Districts Advisory Committee and the Planning Commission to review such applications and report their recommendations to the Board of Supervisors, which must hold a public hearing and, by ordinance, may add land to an existing district as applied for or with any modifications the Board of Supervisors deems appropriate.

The AFD Advisory Committee and the Planning Commission reviewed the following applications and recommended approval unanimously in both cases.

AFD-2026-00002 Green Mountain Addition

The proposed 753-acre addition consists of two parcels (Tax Map 120 Parcel 20 and Tax Map 128 Parcel 1) on Alberene Road, just north of Esmont, which together comprise the historic property known as Guthrie Hall. The property is currently used for agriculture (horses) and forestry, and is protected by a conservation easement that was donated to the ACEA in 2022.

AFD-2026-00003 Chalk Mountain Addition

The proposed 234-acre addition consists of one parcel (Tax Map 98 Parcel 4) on Sutherland Road, just west of the North Garden crossroads. The property is currently used for agriculture (hay) and forestry.

Staff has reviewed both applications against the addition criteria in County Code Sec. 3-201(F) and recommends approval in both cases. See Attachment B for more information on the two applications and an assessment of their merits against those criteria.

The addition of parcels to AFDs has no budget impact.

Staff recommends that the Board adopt the ordinance (Attachment A) to approve the Green Mountain and Chalk Mountain District Additions.

Mr. James Van Vranken, Conservation Program Planner, said that for this item, there were two applications for adding land to two AFDs, with a combined public hearing. He explained that the first application was to add two parcels of just over 750 acres to the Green Mountain District, just north of Esmont, surrounding Green Mountain Road. He said that there were two parcels, but they were under one ownership and were actively used for agriculture and forestry. He said that one of the important factors when adding land to these districts was that it must have some unused development potential to be protected, or it must be in a conservation easement so that it was already being protected. In this case, these parcels were under a conservation easement held by the County. He said that staff, the AFD Committee, and the Planning Commission recommended approval of this addition.

Mr. Van Vranken stated that the second application was to add one parcel of 234 acres to the Chalk Mountain District. He said that this was located southwest of Crossroads, where Plank Road met 29 South. This parcel was inactive agriculture and forestry. He said that it had a lot of important soils and, importantly, one unused development that would be restricted by being in the district. He said that staff, the Committee, and the Planning Commission recommended approval of this addition.

Mr. Gallaway opened the public hearing.

Ms. Paula Beasley, Samuel Miller District, said that she was a resident of Esmont and had all of her land in the Green Mountain Agricultural Forestal District. She heartily recommended and asked the Board to approve this very hefty addition. She said that it was a great farm, and she thought it would greatly add to the Green Mountain Agricultural Forestal District.

Mr. Gallaway closed the public hearing and said the matter rested with the Board.

Mr. Missel **moved** that the Board of Supervisors adopt the Ordinance (Attachment A) to approve the Green Mountain and Chalk Mountain District Additions.

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

AYES: Mr. Gallaway, Ms. Mallek, and Mr. Missel.
NAYS: Ms. Duncan.
ABSENT: Ms. LaPisto-Kirtley and Mr. Pruitt.

ORDINANCE NO. 26-3(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, 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 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-212 Chalk Mountain Agricultural and Forestal District
Sec. 3-217 Green Mountain Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE

DIVISION 2. DISTRICTS

Sec. 3-212 Chalk Mountain Agricultural and Forestal District.

The district known as the "Chalk Mountain Agricultural and Forestal District" was created and continues as follows:

A. *Date created.* The district was created on September 6, 1989.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 97: parcels 2, 21A1, 21B, 21B1, 21C, 21D, 22, 22A, 22B, 27.
2. Tax map 98: parcels 1G (part), 4, 11, 12, 13, 14.
3. Tax map 99: parcel 30.

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to December 18, 2029.

(Code 1988, § 2.1-4(r); § 3-211, Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09, Ord. 12-3(1), 7-11-12; § 3-212, Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19; Ord. 26-3(1), 6-17-26)

Sec. 3-217 Green Mountain Agricultural and Forestal District.

The district known as the "Green Mountain Agricultural and Forestal District" was created and continues as follows:

A. *Date created.* The district was created on December 2, 2015.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 120: parcels 15A, 15B, 16C (part), 18A, 18A1, 20.
2. Tax map 121: parcel 2.
3. Tax map 128: parcel 1.

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to December 3, 2035.

(§ 3-213.6, Ord. 15-3(1), 12-2-15; § 3-217, Ord. 18-3(1), 11-7-18; Ord. No. 25-3(3), 12-3-25; Ord. 26-3(1), 6-17-26)

OTA202400002 Riparian Buffer Protection Standards. To receive comments on a proposed ordinance to regulate vegetation management and land-use impacts adjacent to water bodies, including the following amendments to the Albemarle County Code: repealing: § 17-406 (Mitigation plan if development allowed in stream buffer; form and content); and, Article VI (Stream buffers); amending: § 7-503 (Exemptions), § 14-234 (Procedure to authorize private street and related matters), § 14-302 (Contents of preliminary plat), § 14-307 (Stream crossings), § 14-404 (Lot location to allow access from lot onto street or shared driveway), § 14-409 (Coordination and extension of streets), § 14-410 (Standards for all streets and alleys), § 14-422 (Sidewalks and planting strips), § 17-103 (Applicability), § 17-205 (Definitions), § 17-401 (Land-disturbance permit application; form and content), § 17-500 (Erosion and sediment control plans; applicable technical criteria), § 17-501 (Applicability of other laws and regulations; time limits on applicability of approved design criteria), § 18-3.1 (Definitions), § 18-4.2 (Critical slopes), § 18-4.19 (Setbacks and stepbacks in residential districts), § 18-4.20 (Setbacks and stepbacks in conventional commercial and industrial districts), § 18-5.1.28 (Clean earth and inert waste fill activity), § 18-5.1.44 (Farm worker housing), § 18-20C.8 (Building standards), § 18-30.7.4 (Permitted uses), § 18-30.3.11 (Permitted and prohibited uses and structures); Adding: § 18-4.23 (Riparian buffer protection standards).

The Executive Summary forwarded to the Board states that the Planning Commission (PC) held a public hearing on February 10, 2026, and by a vote of 6:0 (Scottsville District vacant) recommended approval of ZTA202300006, WPTA202300003, STA202300003 and OTA202400002 Riparian Buffer Protection Standards. The main addition to the County Code would be in the Zoning Ordinance (Attachment G), with the riparian buffer protection standards in Section 4.23. The other attached ordinances that contain related amendments and deletions include Chapter 7, Health and Safety (Attachment D); Chapter 14, Subdivision of Land (Attachment E); and Chapter 17, Water Protection (Attachment F).

The proposed zoning ordinance amendment establishes performance standards for vegetation management and land uses within riparian buffers in all zoning districts. As summarized in Attachment A, the proposed ordinance would permit certain uses by right within the riparian buffers and would permit certain other uses only with Riparian Buffer Administrator approval and implementation of mitigation plans. Specific procedures for special exceptions are established in Section 4.23.10 and the relevant factors for the Board to consider mirror the criteria set forth in the Virginia Administrative Code.

PC Discussion

During the public hearing, the PC expressed concern about the proposed requirement for County approval of any removal of invasive species within the riparian buffers. The draft ordinance provided at the PC hearing (Attachment A1) required that landowners obtain approval from the Riparian Buffer Administrator before carrying out any removal of invasives. The PC was concerned that this requirement would dissuade landowners from carrying out beneficial removals of invasive plants, given the time and effort required to obtain County approval.

In response to the PC's concerns, staff revised section 4.23.7(K) of the current draft Zoning ordinance (Attachment G) to remove the requirement for Riparian Buffer Administrator approval of invasive-plant removals.

Ordinance Implementation

The draft Zoning Ordinance includes a delayed effective date of September 1, 2026. This date allows for time to publish changes to the Engineering Design Standards Manual (Attachment H) that are needed for implementation of the proposed ordinances. Staff can also use this time to provide information on the new ordinances to County residents.

Staff recommends that the Board adopt the attached ordinances provided in Attachments D, E, F, and G (ZTA202300006, WPTA202300003, STA202300003, OTA202400002 Riparian Buffer Protection Standards).

Mr. Scott Clark, Conservation Program Manager, stated that this item was a presentation on the proposed Riparian Buffer Protection Standards and the related zoning and several other text amendments. He explained that the project they were discussing that night was an outcome of the Stream Health Initiative, a Board-initiated project in which the County conducted extensive community outreach, working with stakeholder work groups to develop multiple strategies for protecting water quality in the County.

Mr. Clark stated that this very large effort led to 14 community-developed recommendations for stream health protection at the end of Phase 2 of the initiative. He said that recommendation number one on that list was better protection of riparian buffers in the Zoning Ordinance. He said that as they could see in the provided illustration, a riparian buffer was an area of vegetation adjacent to a stream, wetland, reservoir, or pond. The Board adopted a resolution of intent to amend the Zoning Ordinance for this purpose in March 2022. More recently, the Board had a work session last August, and the Planning Commission held a public hearing in February at which they recommended the adoption of these ordinance amendments.

Mr. Clark said that the scope of this project was first and overall to move the riparian buffer protections that the County currently had from the Water Protection Ordinance (WPO) into the Zoning Ordinance. This would involve implementing standards that protected buffer vegetation Countywide and applying riparian buffer requirements whether or not there was a regulated land disturbance under review on any given property. This also involved updates to the design standards manual, kept the current

exemptions for agriculture and forestry, and provided an opportunity to update the County Ordinance language to be more consistent with the Chesapeake Bay Preservation Act and the associated administrative code that went with that Act.

Mr. Clark explained that there was no change proposed from the current Water Protection Ordinance buffers to the location of the buffers as listed in the Zoning Ordinance. He said that in the Development Areas, in most of the areas which were outside of a water supply watershed, there were 100-foot buffers on perennial streams and contiguous wetlands. For a Development Area within the water supply watershed, which at the moment was only Crozet, there were additional 100-foot buffers in intermittent streams and to the limits of the flood hazard overlay district. He said that structures were permitted in the outer 50 feet of those buffers for intermittent streams.

Mr. Clark said that in the Rural Area around the public water supply impoundments and the major reservoirs, there was a 200-foot buffer outward from the landward edge of the Flood Hazard Overlay District. Elsewhere in the Rural Area, there were 100 feet of perennial and intermittent streams, and it extended to the edge of the Flood Hazard Overlay District where there was one. He reiterated that that was exactly the same location of buffers that they had now. He said that again, the current buffer regulations were located in the Water Protection Ordinance and were only triggered for land disturbances of 10,000 square feet or more.

Mr. Clark said that for disturbances smaller than that, on outside regulated land disturbances, there were no particular protections for buffer vegetation in the current Water Protection Ordinance. He said that changes in land use were not regulate; however, new structures that required building permits were not permitted in those buffers. He said that the major point of the proposal tonight was to move those standards into the Zoning Ordinance. He said that the provided outline showed the general structure of the new Section 4.23.

Mr. Clark said that his presentation would mainly discuss these latter five sections: performance standards; permitted uses; structures, improvements, and activities; mitigation plans; and special exceptions. He said that he would explain how things were changing. He stated that the vegetation requirements and performance standards under the Water Protection Ordinance were changing. Currently, only disturbances of 10,000 square feet or more were to be protected. In contrast, the proposed ordinance stated that except for permitted uses, native vegetation in the buffers must not be disturbed or removed.

Mr. Clark said that this applied whether or not there was a development application on the property. He said that all buffers throughout the County were to be subject to this requirement. He said that the buffers must be maintained in as natural a condition as possible. He said Regarding permitted uses there that were an exception, this ordinance would permit two categories of uses within the buffers, some by right, and some by administrator approval only with a mitigation plan. He said that by-right uses generally included agriculture and forestry, but also many water-dependent uses or low-impact uses such as pervious recreation trails and minor installations like posts and poles.

Mr. Clark said that the list was included in the presentation, but these were generally by-right uses that were relatively low-impact and were permitted as proposed in the ordinance. He said that the second category included uses that were permitted by buffer administrator approval with a mitigation plan. He said that there were temporary and sediment control facilities, structures that were needed for the reasonable use of the lot, stream crossings, flood management facilities, etcetera. Mr. Clark stated that these were uses that needed to be located often in stream buffers, but they could be mitigated. The impacts of these facilities being built could be mitigated by the installation of appropriate riparian vegetation elsewhere in the buffer.

Mr. Clark continued to explain that the mitigation plans he had just mentioned, either for permitted uses or for violations and disturbances of the buffer, needed to be replanted at a two to one ratio by area. Those plantings must include only native species, there was guidance in the design standards manual for how it was done, and the riparian buffer administrator could require bonds until plants were established to ensure that the mitigation was actually effective.

Mr. Clark said that the last section he wanted to talk about was special exceptions. These were permitted only for exceptions to the uses that were permitted and the vegetation management standards. He said that similar to other recent sections in the ordinance permitting special exceptions, there were requirements such as notification of abutting landowners. In this case, a water quality impact assessment could be required. There could be conditions and performance bonds to ensure that the permitted use, under the exception, appropriately protected the streams.

Mr. Clark said that there had been a few changes to the proposed ordinances that they had attached to their reports since the Planning Commission hearing. He noted that the Commission was quite concerned that the requirement for the Riparian Buffer Administrator to approve any invasive species removal would dissuade landowners, especially individual landowners, from doing necessary invasive removal projects on their own properties, so that requirement was removed.

Mr. Clark said that an effective date was added, which would be September 1. He said that additionally, the standards for the surveys required for projects in the buffers in the design standards manual were upgraded. He said that there was one other change that had come up recently, and the Board had been notified of this the day before. He said that there was a conflict between the original version of the buffer ordinance, which would have prohibited new agricultural structures entirely from the

buffers.

Mr. Clark said that in the Rural Areas, that would mean that the entire floodplain, where a floodplain occurred, would be off-limits to agricultural structures. This was quite restrictive, and there were a lot of open floodplains in the Rural Areas where there was important agricultural land, so it seemed unreasonable to prohibit all agricultural structures. Furthermore, the flood hazard overlays and regulations did permit the agricultural structures to be there outside of the floodway itself. He said that in the floodway fringe, agricultural structures could be routinely located in the Flood Hazard Overlay District.

Mr. Clark said that to resolve this conflict, staff was recommending a change to Section 4.23.7.A. He said that rather than saying that new agricultural structures were prohibited in the buffers, they were saying that new agricultural structures were prohibited within the first 100 feet of the buffers, so they were not prohibited in the remainder of that buffer where it was wider because of a floodplain.

Mr. Clark said that before he proceeded, he wanted to mention the next steps before they went on. He said that if the ordinance was adopted, Community Development Department staff would work with Community and Public Engagement to increase public awareness of the new regulations. They would do outreach through various channels, including working with partner organizations. Also, the buffer-related changes to the Design Standards Manual would need to be posted for public review and comment for 30 days, which was part of the reason they needed to have that delayed adoption or effective date until September 1, 2026.

Mr. Missel asked staff if education was part of this overall plan.

Mr. Clark answered that they had talked with CAPE staff about various kinds of outreach, again through partner organizations, through the County's own podcasts, publications, and emails. They had not discussed ongoing education after the effective date, but they had discussed extensive outreach to take place between now and the effective date. He acknowledged they should continue to provide long-term information, at least on the County website.

Mr. Missel agreed that would be helpful. He recalled the Planning Commission had previously discussed an issue regarding required permits for invasive plants, where it seemed unnecessary to ask for a permit to continually remove invasive species in order to preserve the riparian buffer. He said that if there was a situation where there were only invasives, and one pulled all of them out, leaving denuded soil, and there was a situation that was actually more hazardous and dangerous to the quality of the water because of runoff, he would ask if there was any stipulation that required replanting in that case.

Mr. Frank Pohl, County Engineer, said that the way they would handle a situation like that was to assess the situation and determine if there was a threat to water or erosion. They would then work with the owner to reestablish the area first to stabilize it and then to reestablish it. They first also would try to determine if it was truly invasive or if it was just clearing.

Mr. Missel asked how the County would be aware of a situation that may require remediation if there was no requirement for a permit.

Mr. Pohl clarified that no permits were required for any of the allowed uses. The initial concern was that they had to get approval, and that requirement seemed too onerous.

Mr. Missel asked, if a landowner noticed a bank of invasives along the side of a stream that was part of either their property or the adjoining landowner's property, and that adjoining landowner removed all those invasives and left an area that was denuded and problematic, could the landowner call the County and express concern if it was in the Rural Area.

Mr. Pohl replied yes, and the County would then have to determine if they were invasives or not.

Mr. Missel asked if staff could provide an overview of monitoring and enforcement for these standards.

Mr. Bart Svoboda, Director of Community Development and Zoning Administrator, explained that they would follow the same process they have now. He said that they would create a new complaint type, and they could track that to enable them to see what kind of resources they needed. He said that over the next year or so, they would develop a program and if there was a budgetary need for an additional staff member or whatever the data revealed to them, then they would return to the Board.

Mr. Svoboda said that this was similar to some of the other projects or the other ordinance that they did. He said that they wanted to see what they got instead of first jumping in with a bunch of resources, so they would track that and see how they went. He stated that they had the capacity to deal with it on a complaint basis, like they did now, between Engineering and likely Zoning. They would work together on establishing that program and the protocol for separating invasive removal or if someone removed trees that were not invasive, or whether that ventured into Water Protection Ordinance (WPO) or planting, and they would coordinate similarly with anything that happened within the floodplain.

Mr. Missel asked for clarification on the language related to new agricultural structures located within 100 feet of the top bank of any perennial or intermittent stream or its contiguous wetland.

Mr. Pohl explained that the permitted structures excluded 100 feet from the bank. He said that

structures were not allowed within that 100 feet. He said that the buffers were only from the top of the bank, regardless of the width of the stream, and they were always measured from the top of the bank.

Mr. Pohl addressed Mr. Missel's previous question about invasive plants. He said he would note there was a provision in paragraph K which stated that the administrator could require a mitigation plan for invasive removals. If there was no evidence that it was invasive, they had tried to cover some type of replanting for egregious buffer removal.

Mr. Missel asked if that would be okay if it were not invasive, but if it were invasive, they would all get removed.

Mr. Pohl confirmed that was correct.

Mr. Missel said that, however, they could not recommend a remediation plan in that case.

Mr. Pohl confirmed that was correct.

Mr. Missel said that to frame this within the context of water quality and stream health, he would like to know if they had considered heavy impacts on stream buffers from agriculture. He acknowledged they must also consider the Right to Farm Act and DEQ oversight of agricultural lands. He asked how they incorporated those subjects in this ordinance, or if they purely excluded agriculture of any kind.

Mr. Svoboda said that he stayed pretty focused on the scope of this as far as where they started with the stream buffers. He said that some recent meetings brought forward the issue of CAFO's (Concentrated Animal Feeding Operations) that were denser than average, and staff could look further into that aspect if directed by the Board. It would not be part of this particular revision, but they could include it in their work plan or at another point in the future. He reiterated that this particular ordinance was adjusted to what they considered as agriculture at the start of this project.

Ms. Duncan asked if the reason they were moving this to the Zoning Ordinance was because they wanted to protect and improve all streams, not only streams impacted by development.

Mr. Clark confirmed that was correct; water quality protections would include areas outside of the Development Area and areas within the Rural Area that were not being actively developed.

Ms. Mallek stated that she appreciated the stipulation in the staff report that the goal was to try to be more consistent than they had been with the Chesapeake Bay Act. She said that any time they could think of something that pointed to where they were doing that as they went along and answered questions, that would be helpful. She was also very grateful that they had found a way to get away from the 10,000-square-foot minimum because she recalled that when she moved her driveway at the direction of Virginia Department of Transportation (VDOT) in 1982, they disturbed 2,000 square feet, which was a highly regulated way back then.

Ms. Mallek said that she had to put up a bond for all that to move a tiny area. She said that there was no problem with that, so she saw no problem with going back to the rules that were in effect for 50 years beforehand, as a general philosophy. She said that they had mentioned for approved uses, stream crossings, outer 50 feet only, and all those performance standards that were in there. She said that this was emphasizing it was for a single crossing only, unless all the other performance criteria were triggered. It was not proposing that stream crossings were fine or that there would be unlimited stream crossings going forward, which was a little vague in the presentation.

Mr. Pohl confirmed that was correct.

Ms. Mallek said that there was also mention of the water quality assessment in certain circumstances by the Riparian Buffer Administrator. She asked about water quantity assessment when the canopy being removed and therefore the velocity of the water was going to be greatly increased.

Mr. Pohl said that when looking at the Chesapeake Bay localities, they conducted a water quality impact assessment. He said that he could not find any water quantity impact assessments, so it was all based on pollutants, pollutant loading, and quality.

Ms. Mallek said that she supposed that the federal programs were the ones trying to reduce the velocity with the CREP (Conservation Reserve Enhancement Program) to try to slow the water down so it did not damage things so much. She stated that she was troubled by the approach they would figure out afterwards regarding the invasive plants question. She said that she thought that put a terrible burden on staff to have to go back and recreate something.

Ms. Mallek said that she could understand that this required an extensive process, but she did not think anybody would take on a large removal of invasive plants on a Sunday afternoon without thinking about it ahead of time because it required heavy equipment and that kind of thing. She asked if there was a middle ground where one could require photographs that could be sent to the County for review, so that they could confirm the situation beforehand. She said that this would only be because it put an obligation on the person who would be doing the work to provide a paper trail. She said that she thought that would be reasonable.

Mr. Pohl stated that the ordinance required that the landowner must provide evidence to remove

vegetation qualified as one of the types identified above. He said that as part of their education, they would reach out to inform people that this was a requirement before they partook in removing invasive species.

Ms. Mallek asked what the process would be if a landowner claimed they were unaware of the requirements.

Mr. Pohl said that they would have to work with the owner to try to determine what occurred to the best of staff's knowledge or ability. He said that if it exceeded 10,000 square feet, then the Water Protection Ordinance would also apply to those larger areas of invasive species.

Ms. Mallek stated that she understood the complaint process, which they had always had. She asked if staff could explain the difference between Zoning and the WPO. She said that the WPO had the ability to force people to stop work, but she was unsure if they had that ability in the Zoning Ordinance. She asked how this was being addressed to prevent runarounds with this new process.

Mr. Pohl explained that this Ordinance would give them two different angles of enforcement for activities that exceeded 10,000 square feet within a buffer that was not permitted. He said that if somebody cleared a buffer of 12,000 square feet, there would be a zoning violation and a Water Protection Ordinance violation. He said that there would be two different angles for that. They could issue a stop work order, as allowed in the Water Protection Ordinance, and they would issue a notice of violation through the Zoning Ordinance for the buffer violation.

Ms. Mallek asked if there would be civil application of the notice of violation.

Mr. Pohl said that he was not familiar with the actual route, but there was a civil process in the WPO.

Ms. Lisa Green, Manager of Code Compliance, answered that once this entered the Zoning Ordinance, there was a civil process as part of any zoning violation.

Ms. Mallek asked if it would be strictly a zoning issue if it were impacting less than 10,000 square feet.

Mr. Pohl confirmed that was correct. He said that right now, it would not be Zoning or the Water Protection Ordinance.

Mr. Gallaway said that with regard to the difficulty in tracking between the WPO and the Zoning Ordinance with the practical implications for certain plots in the Development Area, he would like to hear some examples of what the differences would be that would be encountered because of this change.

Mr. Pohl replied that any disturbance within a buffer in the County would now be a violation if it was not a permitted use. He said that if someone was in their backyard and was on a stream and had a buffer in the backyard and disturbed that natural native vegetation, then that would be a violation.

Mr. Gallaway said that if an application was coming in that involved new construction or redevelopment, then that would likely be part of whatever they were already asking them to contend with. He asked if an additional special exception process would be added to something.

Mr. Pohl clarified that new development was not a permitted use within the buffer.

Mr. Gallaway said that in that case, there would be no concern about that.

Mr. Pohl confirmed that was correct. He said that currently, they made those comments on development applications to stay out of buffers, unless it was a permitted use in the Water Protection Ordinance.

Mr. Gallaway said that he was trying to understand what new information would be presented in an application based on these changes. He said that he was wondering about what people would encounter in Development Area projects that would be relevant to this Ordinance.

Mr. Pohl explained that using redevelopment as an example, the way they were approaching that or existing nonconforming uses was that those uses could continue. In terms of redevelopment, if they wanted to put a building where a parking lot currently was located, he was unsure of how that would be addressed.

Mr. Svoboda said that as an example, non-conforming uses were treated differently than they would be in the WPO. He said that it would be a case-by-case matter. There was a difference between the use that may or may not be grandfathered, non-conforming, or vested, and the building or the structure. He said that the rule of thumb was, if they had a buffer that did not exist, and it was a parking lot now, and they wanted to do redevelopment, there were some rules that they looked at regarding whether or not that nonconformity had been abandoned for more than two years and whether what was being done was becoming more non-conforming.

Mr. Svoboda said that there were case-related specific decisions made for that specific situation because each non-conforming item was unique. If there was no buffer and they reached 50 feet, that was

becoming less non-conforming. He said that he was not saying that was a call they would make every time, but it may be considered acceptable. He said that if a use was abandoned and the nonconformity went away, then it may be lost altogether. He said that it may be an active or nonconforming use in a conforming building, or vice versa.

Mr. Svoboda said that it could be a use that they no longer permitted in that district, so the use itself was nonconforming, or vice versa. It could be a use that they no longer permitted in that district, the use itself was nonconforming; that went away. He said that they could put another use into a non-conforming building; ultimately, it was very specific. He said that it was one of the most complicated parts of zoning interpretation, so it was really case by case. He said that in short, when they moved it into the Zoning Ordinance, they were likely to create some situations that would be nonconforming where they had buffers that may now exist, but they were already disturbed because of parking lots, features, or buildings. He said that they would deal with those on a case-by-case basis when it came to redevelopment.

Mr. Gallaway asked if that would just be part of the larger application.

Mr. Svoboda confirmed that they would look at it as part of the site plan review, zoning clearance, or a building permit for either a renovation or an expansion. He said that this was how they dealt with houses that did not meet setback requirements. He said that what they were talking about was a setback from a stream, so if they had a house in a Rural Area that was supposed to be 75 feet from the road but was only 10 feet from the road, there were nonconforming rules and guidance that allowed for either keeping it the same or expanding it. He said that they received the same kind of analysis, so there was a little bit different criteria, but essentially the same thing.

Mr. Gallaway asked if it theoretically became possible in the development area, as accessory dwelling units (ADU) became more allowed by the state or by the County, to have that on a quarter acre or half acre. He asked if this was going to put a further restriction on what could be done for those ADUs.

Mr. Svoboda replied possibly, if one of those had a stream buffer. He said that he would have to really look at the older subdivisions than the newer ones. He said that a lot of their buffers and things were in common open space now. He said that they did trails and other activities there.

Mr. Gallaway said that he was unsure about ADUs, because it stated that there were some special exception pathways if the lot could not be used otherwise to do the disturbance in the buffer. He asked if the same would apply if they had a by-right to put an ADU on it.

Mr. Pohl said that reasonable use was the litmus test for a home or a structure being in the buffer, which was a single-family home.

Mr. Gallaway asked if he had a half-acre lot on Huntington and if there was a stream buffer that currently he could put an ADU on and then the Board passed this Ordinance, he asked if he could then get an exception to follow that option.

Mr. Pohl stated that he did not believe they could put an ADU in a stream buffer currently. He said that an ADU had to be located within a building site, and building sites excluded environmental features such as buffers, floodplains, and steep slopes.

Mr. Gallaway asked if nothing changed because that was under the WPO.

Mr. Pohl confirmed this move would not change that.

Mr. Svoboda explained that the building site could not contain certain features, which included the stream buffer. He said that the rule of thumb was that structures were not allowed in the buffer, regardless of type.

Mr. Missel asked if existing lawns were nonconforming conditions.

Mr. Pohl confirmed that they would be nonconforming.

Mr. Missel asked if mowing practices would need to be abandoned in order for the stream buffer to be restored.

Mr. Pohl replied no; he could keep mowing it.

Mr. Clark clarified that one could not mow a larger area.

Mr. Pohl stated that he spoke to the DEQ person the day before about this same issue. He said that most jurisdictions in the Chesapeake Bay area did not enforce reestablishment of lawns or abandonment of lawns.

Mr. Missel asked why they were being called nonconforming conditions.

Mr. Pohl said that nonconforming conditions were conditions, and perhaps their Attorney could help define that. He said that his understanding was that if these conditions existed before the ordinance was adopted and were not an allowed use in the new Ordinance, they were still allowed as

nonconforming use.

Mr. Missel asked if they had any idea how many permits, waivers, exceptions, or requests may be received within a year. He said that he was curious if there was any way to equate it to WPO applications or determine whether this was a frequent issue.

Mr. Pohl replied no.

Mr. Missel asked if they could simply apply the Chesapeake Bay Act to this area, rather than creating these new standards.

Mr. Pohl acknowledged that a lot of the buffer regulations were directly from the Bay Act regulations. He said that the Bay Act had other provisions about agricultural restrictions and septic pump-outs. He said that the agricultural restrictions were management plans. He said that early on, as Mr. Svoboda mentioned, when they first scoped this project, it was to move the existing regulations from the Water Protection Ordinance to eliminate the 10,000-square-foot threshold.

Mr. Missel asked if they chose to do that as opposed to saying let him adopt the Chesapeake Bay Act with some exclusions.

Mr. Pohl replies yes; that was what the Board agreed to when staff received the final direction on how to proceed with this project.

Ms. Mallek asked about legally qualifying nonconforming use. She asked if staff could clarify that aspect of the ordinance language.

Mr. Svoboda explained that a nonconformity was legally established, meaning it was something that was permitted prior to the ordinance change. Once the ordinance changed, that use or thing was no longer permitted in that district, or a regulation changed. The setback on houses was probably the simplest one to understand. He said that if it was 25 feet and a house was built at 25 feet, and it was changed to 75 feet, the house was legal because a permit to build it had been obtained; it was legally nonconforming. If a house was built without a permit, that was not a legal use. He said that they talked about it as legally nonconforming, but it was truly either illegal or nonconforming; it was not both.

Ms. Mallek said that regarding the mowed buffers, in Attachment H, it included "other," and she had asked why they were allowing "other," but it should be transitioned into forest, grassland, wetland, hardwood forest, or something else. She asked if it was fine to keep mowing something that should not have been mowed in the first place.

Mr. Pohl clarified that the chart in Attachment H was for new activities or new uses. He said that it did not apply to continuing a use that existed prior to adoption of the ordinance.

Ms. Mallek expressed disappointment that this was a huge gap that did not make any progress toward better protection of the buffers.

Mr. Gallaway opened the public hearing.

Ms. Sophie Massie, Samuel Miller District, stated that she was glad to see that some riparian buffer protections were being adopted, and she was glad to see that agriculture was exempt. She said that farmers did not need more burdensome regulations. She said that she was deeply concerned that this ordinance treated industrial livestock factories like farms. She said that this was troubling because factories were not farms. They did not behave like farms, and there were many more industrial factories planned for Albemarle County, all to be sited within Scottsville's drinking water protection area.

Ms. Massie said that each factory would contain tens to hundreds of thousands of animals and produce obscene quantities of waste. She said that she was concerned about fecal flooding, especially when this Ordinance would allow factory farms and livestock factories in the floodplain. She said that dozens of other counties in Virginia had regulations around industrial livestock factories, and their County had none. She said that like data centers, this was a new industry invading this region, and the laws were not prepared for this kind of industrial activity. She said that she fully supported exemptions for bona fide agriculture.

Ms. Massie said that she was the daughter of a cattle farmer, and she said that she knew farmers stewarded the land because the land was their identity and it was their livelihood. She said that she trusted them to do right by the land. She said that factories were not farms, and factories were not known for stewarding land. She said that in fact, factories were kind of famous for destroying it. She said that for them, the land was not a livelihood. She said that it was a dumping ground for industrial waste, and every square inch would be cleared of trees in order to dump that waste. They could not treat a factory like a farm because factories were not farms.

Ms. Massie said that nowhere was this more clear than in tax courts, where industrial agribusiness argued that it was not animals in their factories, but raw materials, so they ought to qualify for manufacturing tax breaks. She asked them to imagine a farmer calling their animals "raw materials." She said that if it looked like a factory, polluted like a factory, and talked in tax court like a factory, she would not insult their intelligence by telling them a factory was a farm; she would leave that to

agribusiness corporations and certain trade organizations with a distorted view of the truth.

Ms. Massie reiterated that factories were not farms. Factories polluted and they did not need exemptions for factories. She said that they needed protection from factories. She said that they needed this Riparian Ordinance today; however, they also needed real protections from the factories that harmed rural residents, that drove rural farmers off the land, that polluted their water, and that made their children sick.

Ms. Adelaide O'Brian, Scottsville District, stated that she lived on Hatton Ferry Road in Scottsville. She thanked the Board for the work that they had done on the riparian buffer protections. She suggested that this was a start, but it did not go far enough to protect the County from the environmental harm of industrialized or confined animal feeding operations known as CAFOs. She said that a Yale University study published this April found that people living near high concentrations of industrial animal operations faced higher cancer rates. She said that this was based on data gathered between 2000 and 2021.

Ms. O'Brian said that in Texas and Iowa, Counties with the highest concentration of industrialized animal operations had an 8% higher overall cancer rate. She said that in California, these counties had a 4% higher cancer rate versus areas with fewer or no industrial animal operations. She said that this research highlighted that those operations released hazardous pollutants into the air and water, including ammonia, hydrogen sulfide, particulate matter, and nitrogen-heavy manure waste. She said that all were associated with inflammatory conditions that could lead to cancer as well as contaminate groundwater.

Ms. O'Brian said that because it was costly to transport animal waste, it was usually applied close to the CAFO, and this concentration could leach into their creeks, ponds, streams, and groundwater. She said that even the Virginia Right to Farm Act did not provide protections against environmental negligence or water contamination. She said that although Albemarle currently had no County ordinances in place to protect them from these environmental hazards, 48 localities in Virginia currently had ordinances such as those regarding groundwater quality, setbacks in minimum acreage, zoning permits, and stream setbacks from the land application of animal waste.

Ms. O'Brian requested the Board to pass a resolution tonight to create an ordinance that protected their community from the environmental impact of these industrial organizations. She said that they deserved a better community than one where dangerous E. coli bacteria and other pollutants leached into their groundwater, their wells, their streams and ponds, and eventually into the James River.

Mr. Bart Tau, Scottsville District, said that he supported strengthening Albemarle County's Riparian Buffer Protection Standards by excluding intensive confined animal operations, including CAFOs, and large-scale animal feeding operations from the agriculture activity exemption currently allowed within the riparian buffer. He said that the purpose of riparian buffers was to protect water quality, public health, and the welfare of current and future residents. He said that these protections were undermined when industrial-scale animal operations were treated the same as traditional agricultural activities.

Mr. Tau said that research had shown that large, confined animal operations could contribute significantly to water and air pollution through manure runoff, nutrient loading, pathogens such as E. coli, ammonia emissions, and other contaminants. These pollutants could enter streams, rivers, groundwater, and drinking water supplies, increasing the risk to both ecosystems and human health. He said studies have also linked proximity to these facilities with respiratory problems, odor-related impacts, reduced quality of life, and other health concerns for nearby residents.

Mr. Tau stated that in addition, these operations were major sources of greenhouse gas emissions and could contribute to biodiversity and habitat loss. For these reasons, he urged the County to pass a resolution tonight to create a stricter ordinance that would protect the community from the environmental impact of intensive confinement animal operations, like many counties in their state had done already. Industrial animal facilities presented risks that were fundamentally different in scale and impact from traditional farming activities and should be regulated accordingly.

Ms. Lucia Evans Morse said that she was asking the Albemarle County Board of Supervisors to pass a resolution this Wednesday evening to create a stricter ordinance that would protect their community from the environmental impact of consolidated animal feeding operations. She said that multi-million dollar CAFOs had purchased 2,200 acres of land in the County, including Liberty Corner. The new owners had been running CAFOs south of Harrisonburg, and the concern was that they planned to bring these industrialized operations here.

Ms. Morse said that there were another 400 acres off of Langhorne where new owners planned industrial animal operations as well. The environmental impact of water and air quality was substantial. Property values near CAFOs might have plummeted considerably due to the detrimental impacts that CAFOs could have on the air, water, and land in the nearby areas. She said that the EPA had focused on regulating CAFOs because they generated millions of tons of manure every year. When improperly managed, the manure could have posed a substantial risk to the environment and public health. CAFO operators had developed agricultural wastewater treatment plans to manage their waste.

Ms. Morse said that the most common type of facility used in these plans was the anaerobic lagoon. She said that this had specifically contributed to environmental and health problems attributed to the CAFO. She requested the Board of Supervisors to pass a resolution of intent tonight to create a stricter ordinance that would protect their community from the environmental impact of these industrial operations.

Mr. Rob McGinnis, representing Piedmont Environmental Council (PEC), stated that PEC commended the County for moving this work forward and strongly supported the adoption of these standards. He said that the Riparian Buffer Protection Standards would strengthen water supply, watershed protection, and climate resiliency for their community. These standards would also improve water quality, increase flood resilience, and provide natural habitat and wildlife corridors.

Mr. McGinnis said that while some community members had raised the issue of whether 100-foot wide riparian buffers were necessary, it was important to understand that a 100-foot-wide riparian buffer was highly effective. It was the standard baseline recommendation for the Chesapeake Bay program and other local jurisdictions. When properly maintained with native vegetation and trees, the 100-foot buffer could filter over 60% of pollutants, trap up to 97% of sediment, and reduce nitrogen by roughly 80%.

Mr. McGinnis said that as County staff had stated, the proposed standards did not change the width of the current buffers required by the County. He said that consequently, the proposed buffers did not reduce developable areas in the County. The findings of the County's climate vulnerability risk assessment indicated more frequent and extreme storm events, prohibiting most buildings and structures from repairing buffers aligned with the County's responsibility to protect public health, safety, and welfare.

Mr. McGinnis stated that going forward, PEC encouraged the County to allocate staff and resources for the implementation of the remaining Phase 2 Stream Health Initiative proposals in accordance with the AC44 Comp Plan objectives and action items. He added that PEC strongly supported future resolutions of intent for biosolids land applications as well as CAFOs.

Mr. Joseph Rhames, Samuel Miller District, representing the Natural Heritage Committee (NHC), said that he would read from a statement that they had voted on and approved. He stated that on behalf of the NHC, he was reiterating the NHC's strong support for the draft Riparian Buffer Protection Standards currently under consideration by the Board at its June 17 public hearing. The NHC acknowledged and commended the substantial effort and dedication demonstrated by the County staff in preparing the draft ordinance.

Mr. Rhames said that the NHC applauded the County's commitment to advancing this ordinance as an important step toward strengthening watershed protection and enhancing climate resiliency. Riparian buffers played a crucial role in bolstering flood resiliency, safeguarding water quality, and maintaining natural habitats and wildlife corridors throughout the County. The NHC expressed its strong support for the adoption of these standards. While the proposed measures may not have addressed every possible impact or land use scenario, they represented significant and meaningful progress.

Mr. Rhames said that they appreciated the incremental improvements these standards would bring, contributing to the increased protection of the County's vital water resources. The NHC encouraged the County to allocate sufficient staff resources to ensure effective enforcement of the Riparian Buffer Protection Standards. The effectiveness and impact of these regulations depended greatly on their enforceability, which required sustained and dedicated staffing. In addition, public education and community outreach would be key to helping landowners understand and appreciate the standards.

Mr. Rhames said that the NHC also supported continued progress on other proposals within the Stream Health Initiative that had received Board endorsement. Specifically, Proposal 6, Land Conservation for Water Quality, and Proposal 7, Riparian Conservation Assistance Program, would provide further and permanent protection for riparian buffers. He thanked the Board for the opportunity to provide the NHC's comments. He said that they looked forward to continuing their advisory role to the Board of Supervisors regarding the protection of the County's natural resources.

Mr. Cole Dickerson said that he wanted to thank the Board of Supervisors for the opportunity to comment tonight, and also Albemarle County staff for working to improve these standards. He said that he appreciated their work, as it sounded like it had been a long process. He said that he was here to share his concerns about the possibility of a significant number of poultry houses coming into southern Albemarle County. He asked the Board to be proactive to ensure the health and safety of Albemarle County citizens with regard to these poultry houses.

Mr. Dickerson said that he was a community member and also worked at an organization that specialized in supporting communities impacted by industrial livestock facilities, and he worked on the water side of things. When he read these updated standards, they had noted that industrial livestock operations would be exempt. His concern was that a poultry facility operator could remove part or all of a riparian buffer to increase the amount of land on which they could spread waste.

Mr. Dickerson said that this would be a significant problem, as this would increase the amount of waste application in a defined area and decrease the filtration capacity of a riparian buffer. He said that he thought they could do something about this. They mentioned the Right to Farm law in Virginia, which

limited the regulatory actions localities could take, but there was specific language that allowed localities to adopt zoning ordinances for agriculture when the restrictions supported public health, and that was the case here.

Mr. Dickerson said that one of the most important things the County could do was adopt a clear and comprehensive ordinance that was focused specifically on industrial livestock operations. He said that he had worked with many communities that did not take proactive action before facilities arrived, and they regretted that. It was a really important step to take. He said that in specific regard to the Riparian Buffer Protection Standards, their purpose, as noted, was to protect water quality, stream health, wildlife habitat, and drinking water sources.

Mr. Dickerson said that if these buffers were essential to protecting water quality, then the County should ensure that all significant land uses, including industrial agriculture, were subject to the same standards. He thought this question was answered, but he wanted to enter it into the record: how was the County evaluated if this Riparian Buffer Ordinance provided adequate protection for residents from industrial livestock operations that may alter riparian buffers and cause negative impacts was the question. He said that the answer sounded like it would be no, and he thought that should be something that was considered and possibly changed in this Ordinance.

Ms. Paula Beazley, Samuel Miller District, said that she fully supported the adoption of the proposed Riparian Buffer Protection Standards and commended the staff, nonprofits, residents, the Planning Commission, and Board members for their incredible effort and work entailed in this draft. She said that however, as they had heard from the prior speakers, consistent with the objectives of the Riparian Buffer Protection Standards, there were two actions that they were requesting of the Board that night.

Ms. Beazley said that the first action was to create a text amendment to these standards that would eliminate the agricultural exemption enjoyed in these standards for intensive confined animal operations, which required larger setbacks, and were leaders in water and air pollution. She said that this had dangerous negative impacts on public health, safety, and welfare due to contaminated and diminished water quality, air contamination, antibiotic resistance, disease, diet-related health issues, noise, light pollution, and noxious odors. She said that regulations protecting residents were lacking.

Ms. Beazley said that the second action was that they would ask that the Board pass a resolution of intent to create an ordinance that dealt directly with these issues. Studies showed that nearby residents had an increased risk of mortality, specifically due to cardiovascular and cancer mortality, and respiratory outcomes such as allergies and asthma, including chest tightness, wheezing, coughing, nausea, fainting, headache, eye irritation, sore throat, diarrhea, and burning eyes. She said that more contaminants could leach off and run into groundwater, surface water bodies, water supply systems, and ecosystems, maintaining harmful pathogens, bacteria, and fecal contamination, and heavy metals among others.

Ms. Beazley said that acres surrounding these operations were used for newer applications and may exceed the soil's nutrient needs. This application was not for fertilizer, but for waste disposal, and these facilities and operations were largely unregulated. However, they did have the ability to create an ordinance, and at a minimum until the ordinance was adopted, these buffers and setbacks should be applicable to intensive confined animal operations.

Ms. Beazley expressed her appreciation for all that the Board had done and believed that such an ordinance would be consistent with the many objectives they had had over the last thirty years that she had lived there. These objectives included not only support for tourism, vintners, equine, and other agricultural interests, and also buying fresh and buying local.

Mr. Gallaway closed the public hearing and said the matter rested with the Board.

Mr. Missel said he would comment first on the ordinance before the Board tonight, and then he would address the meetings he had recently attended about the issue raised by the public this evening. He stated that he fully supported the standards as presented. He said that the "mowed lawn area" was going to be confusing to some folks, so he thought there needed to be some clarification. He said that he was okay with it remaining as a mowed lawn, they just needed to clarify that.

Mr. Missel stated that he also wanted to echo some of the thoughts that he had related to education. He said that he would like to consider active and managed education programs and what they looked like, whether that was pointing people on their website to resources or enabling communication and educational opportunities with the community. He said that staff was really good at that, and he was sure they would have some good ideas there.

Mr. Missel said that they talked about invasive species and the removal of those creating high erosion. He said that he was still a little unclear as to how that would all be managed. He said that it did not need to be clarified tonight, but if he was unclear, he imagined others would be as well. They just needed to be ready to address that if and when that came up, and staff might already be in that position; he was not fully understanding it.

Mr. Missel said that one of his largest areas of concern was monitoring these situations and how they monitored those, as well as ongoing enforcement and the resources that would be required by the

County and how those resources were allocated appropriately and effectively. He would want them to consider and focus on those. There might be situations where there may be a need to establish a more stable resource protection area, and it would cost money. He said that people in that position might want to know about grant opportunities if there were any to help offset some of those additional costs they were incurring.

Mr. Missel stated that with regard to the industrial agricultural facility issue, he would note that when he ran for this position, one of the areas he focused on was environmental stewardship, and that remained a key issue for him, not just in the Rural Areas but also in the Development Areas. He said that part of the reason he was supportive of this was because it did not impact development opportunities or restrictions in the Development Areas. If they needed to protect their Rural Areas, that also meant they must maximize development in their Development Areas.

Mr. Missel stated that much of their work was reactive, but they were in a position now where industrial agricultural activities were a looming reality in this area. He asked for staff and the Board to consider, in light of this Ordinance's focus on water quality, how they would study the impacts of industrial agricultural facilities and what those would bring to this area. He said that in his mind, there was no question that if they did not do this added study following the adoption of this Ordinance, they would regret it. They would look back and say they should have tackled this sooner.

Mr. Missel stressed the need for haste on this; it was something that they needed to focus on and they needed to do it quickly. He said that the idea that 48 other localities had ordinances in place to help with CAFOs and other industrial activities was eye-opening to him. He said that he learned this a few days ago, and he thought it was a critically important thing in his mind.

Ms. Mallek expressed her full support for where they were currently and thought this was a big step forward. She thanked all the staff who had gotten them here and the citizens who had been working on this since 2014. She said that she was still struck by some gaps they had that she hoped they would close. She said that one of them may be incentive-based, which Mr. Missel had mentioned. She said that there was Albemarle Conservation Assistance Program (ACAP) funding through the Soil and Water Conservation District that may help support landowners who would like to make a transition from that mowed grass.

Ms. Mallek said that mowed grass at two inches provided no erosion control at all, even on a flat piece of property. She said that if there was any concern about erosion control and runoff control, then moving these transitions was very important. She recalled that last year, seven inches of rain in upper Buck's Elbow turned a stream that was normally twelve inches wide into a fifty-acre, five-foot-deep killing lake, and it took an hour to happen. She emphasized that they had to understand the reality of these kinds of events and know that none of them were safe, and none of them could do anything about water if it decided to come there.

Ms. Mallek stated that all they had to do was be out of the way with their grills, their lawn chairs, their picnic tables, and everything else that they had tried to keep out of the buffers for 20 years in Albemarle. She appreciated all the work their predecessors had done. She stated that she still had concerns about the whole process so far. It hopefully would evolve swiftly with more detailed procedures for invasive species removal because she worried that this would be the next end run that developers or others would use to clear land by claiming there were invasive species there.

Ms. Mallek said that this had happened too many times in the White Hall District, even without consideration of this Ordinance. She predicted it would continue, so the sooner they could get a handle on it, the better. She said that as others had said, environmental stewardship was essential. She noted that she was the fourth generation on their land, and their predecessors worked long and hard over 75 years to keep them where they were right now. She said that she thought it was their generation's time to continue to improve the process, and she looked forward to that.

Ms. Mallek added that she fully supported a resolution of intent, considering how other Counties in Virginia had already legally regulated the protection of their residents regarding industrial agriculture and its impacts. She did want to learn more about that as well. She said that according to reports from people in Rockingham and Augusta, highly agricultural and highly conservative governance Counties in Virginia, they considered their regulations much stronger than Albemarle was today.

Ms. Mallek said that they predicted that was why industries were coming here; they wanted to get away from the rules in those other localities. She said that they needed to understand that they had much to learn. She said that they had been in blissful ignorance about this, but she looked forward to learning more. She said that she would be supporting this, and she thanked everybody for their work.

Mr. Gallaway stated that the questions and comments made by his colleagues had covered the gamut of this topic. He said that he had been on the Board throughout the development of these standards, and he felt the most important part was striking the balance between maintaining stream health and avoiding extensive burdens on development that added to the costs of their already-cost-burdened housing supply. He acknowledged they would have to contend with that and see how adoption of these standards impacted that. He expressed his support for this Ordinance.

Mr. Gallaway noted that he attended two meetings yesterday about two entirely separate issues, and both resulted in him explaining that more staff time was required to achieve new initiatives. He said that as they talked about resolutions of intent for any issue, he wanted to emphasize that it would result in

other initiatives being less prioritized, or else they had to add more staff to handle the increased workload. He said that adding full-time equivalents was something they contended with every budget due to the high costs. He said that they relied on complaint processes much of the time because they could not afford to hire more staff to do regular inspections.

Mr. Gallaway noted that the County still had to pick up costs for their recently hired firefighters that were still being paid partially through SAFER grants, which were essential positions to sustain adequate Fire Rescue services throughout the County. He asked his colleagues to keep in mind the budgetary costs associated with taking up any new initiatives in the County and how it would impact their future budgets and tax rates as well. He stated that they must consciously determine their highest priorities and work through it.

Ms. Mallek noted that buffers were a great place to ensure they supported the quality of life of Development Area residents, as they provided access to green space. She stated that having greenways, paths, and buffers around neighborhoods was beneficial for all the people who lived there. She added that one of the areas of greatest concern she heard from residents was regarding enforcement of the rules the County had, and to her great fury, they had avoided adopting many important regulations because people did not want to spend money to do it.

Ms. Mallek expressed concern that people would see others not following the rules and therefore feel like they did not need to follow them, either. She said that additionally, tremendous progress had been made in the past 30 years in the County with their citizen groups that assisted staff. She said that there seemed to be a lull within the past five or eight years, but she wanted to emphasize that their residents had a huge amount to offer, and they should be invited to share their expertise and work so that the County could make better progress.

Ms. Mallek **moved** that the Board of Supervisors adopt the attached Ordinances provided in Attachments D, E, F, and G (ZTA202300006, WPTA202300003, STA202300003, OTA202400002 Riparian Buffer Protection Standards), with the June 16 revisions to Attachment G in section 4.23.7.A.

Mr. Missel **seconded** the motion. Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Duncan, Mr. Gallaway, Ms. Mallek, and Mr. Missel.

NAYS:

ABSENT: Ms. LaPisto-Kirtley and Mr. Pruitt.

ORDINANCE NO. 26-7(1)

AN ORDINANCE TO AMEND CHAPTER 7, HEALTH AND SAFETY, ARTICLE 5, NUISANCES, DIVISION 1, UNCONTROLLED VEGETATION, 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 7, Health and Safety, Article 5, Nuisances is hereby reordained and amended as follows:

By Amending:
Sec. 7-503 Exemptions

Chapter 7: Health and Safety

. . .

Article 5. Nuisances
Division 1. Uncontrolled Vegetation

Sec. 7-503 Exemptions.

This division does not apply in:

- A. The corporate limits of the Town of Scottsville.
- B. The Monticello Historic zoning district.
- C. The Rural Areas zoning district.
- D. Areas used for pastures, that are under cultivation, are forested, or are within utility transmission easements.
- E. Areas where the vegetative growth is regulated under State or federal laws or programs.
- F. Any riparian buffer required by the County Code or protected under a permanent conservation or open-space easement.

- G. Areas landscaped pursuant to an approved plan of natural landscaping, provided that the natural landscaping: (i) does not encroach within a minimum of five feet from any developed areas, roads, or buildings; and (ii) includes and maintains at least 80 percent native plants by area coverage; and further provided that the approved plan includes a plan to identify and manage native plant material as well as a plan to manage and eliminate noxious weeds.
- H. Property designated through an approved zoning or subdivision plat as open space, green space, conservation area, or preservation area and that is intended to remain in its natural state.
- I. Public park lands.
- J. Stormwater management facilities such as detention ponds.

(Ord. 09-7(2), 9-2-09; Ord. 15-7(1), 5-6-15; Ord. 20-7(1), 3-18-20, effective 5-1-20; Ord. 26-7(1), 6-17-26, effective 9-1-26)

This ordinance will be effective on and after September 1, 2026.

ORDINANCE NO. 26-14(1)

AN ORDINANCE TO AMEND CHAPTER 14, SUBDIVISION OF LAND, ARTICLE II, ADMINISTRATION AND PROCEDURE, DIVISION 5, PROCEDURES FOR THE APPROVAL OF PRIVATE STREETS, SHARED DRIVEWAYS AND ALLEYS, ARTICLE III, SUBDIVISION PLAT REQUIREMENTS AND DOCUMENTS TO BE SUBMITTED, DIVISION 1, PLAT REQUIREMENTS, ARTICLE IV, ON-SITE IMPROVEMENTS AND DESIGN, DIVISION 1, LOTS AND BLOCKS, DIVISION 2, STREETS AND ALLEYS, DIVISION 3, WATER, SEWERS AND OTHER IMPROVEMENTS 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 14, Subdivision of Land, Article II, Administration and Procedure, Division 5, Procedures for Approval of Private Streets, Shared Driveways and Alleys, Article III, Subdivision Plat Requirements, Article IV, On-Site Improvements and Design, Division 1, Lots and Blocks, Division 2, Streets and Alleys, Division 3, Water, Sewers and Other Improvements is hereby reordained and amended as follows:

By Amending:

- Sec. 14-234 Procedures to authorize private street and related matters
- Sec. 14-302 Contents of preliminary plat
- Sec. 14-307 Stream crossings
- Sec. 14-404 Lot location to allow access from lot onto street or shared driveway
- Sec. 14-409 Coordination and extension of streets
- Sec. 14-410 Standards for all streets and alleys
- Sec. 14-422 Sidewalks and planting strips

Chapter 14: Subdivision of Land

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Article II. Administration and Procedure

Division 5. Procedures for the Approval of Private Streets, Shared Driveways and Alleys

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Sec. 14-234 Procedures to authorize private street and related matters.

Proposals under [sections 14-232](#) and [14-233](#) shall be submitted, processed and acted upon as follows:

- A. A subdivider must submit a proposal in writing to the agent at the time of the submittal of the preliminary plat or may, within the development areas, submit the written request prior to submittal of a preliminary plat or with an application to rezone the land.
 - 1. The proposal must state the reasons and justifications for the proposal, and must particularly address one or more applicable bases for granting the proposal as identified in [sections 14-232](#) or [14-233](#), and each of the five findings identified in paragraph (C) required to be made.
 - (a) The request must include: (i) a map of the subdivision having contour intervals of not greater than 20 feet showing the horizontal alignment; (ii) field-run profiles and typical cross-sections of the proposed streets; (iii) the maximum number of lots to be served by each private street; and (iv) documentation explaining how the perpetual maintenance of the private street including, within the development areas, the curb, curb and gutter, sidewalks, and planting strip landscaping will be funded, and identifying the person or entity that will be responsible for maintaining the improvements. The county engineer may waive the requirement for the field-run profile in the case of an existing street or where deemed appropriate due to topography, or if the topographic map is based on aerial or field collected data with a contour interval accuracy of five vertical feet or better. A request under [section 14-232\(A\)\(1\)](#) must include earthwork computations demonstrating significant degradation.

(b) If the proposal is made prior to submittal of a preliminary plat or with an application to rezone the land, it also must include: (i) a justification for the proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; (vii) proposed private street profiles; and (viii) the maximum number of lots to be served.

(8-28-74; § 18-36, 9-5-96; § 14-234, Ord. 98-A(1), 8-5-98; § 14-233 (part); Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 22-14(1), 2-16-22, Ord. 26-14(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § 15.2-2242(3).

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Article III Subdivision Plat Requirements and Documents to be Submitted
Division 1. Plat Requirements

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Sec. 14-302 Contents of preliminary plat.

A preliminary plat must contain the following information:

- A. A preliminary plat must contain the following information, which must be included in order for a preliminary plat to be deemed complete under [section 14-218](#):
1. *Name of subdivision.* The title under which the subdivision is proposed to be recorded. The title shall not duplicate or be a homonym of an existing or reserved subdivision name within the County, the City of Charlottesville, or the Town of Scottsville, except if the subdivision is an extension of an existing subdivision.
 2. *Vicinity map.* A map at a scale of one inch equal to 2,000 feet showing the property and its relationship with adjoining land and streets, its relationship with landmarks in the area and, if the subdivision is a phased subdivision, all other phases of the subdivision for which a final plat has been approved, in detail adequate to describe the location of the property without field review.
 3. *Existing or platted streets.* The location, width and names of all existing or platted streets and all other rights-of-way.
 4. *Private easements.* The location and dimensions of all existing and proposed private easements. Existing easements shall be labeled with the deed book and page number and the name of the owner of record.
 5. *Public easements.* The location and dimensions of all existing and proposed public easements outside of a street right-of-way. Existing easements shall be labeled with the deed book and page number and the name of the public owner of record. Proposed easements shall be labeled as "dedicated to public use."
 6. *Alleys and shared driveways.* The location and dimensions of all easements for alleys and shared driveways.
 7. *Existing and departing lot lines.* If the property consists of more than one existing lot, then the identification of the existing lots and their outlines, which shall be indicated by dashed lines; and, the location of departing lot lines of abutting lots.
 8. *Proposed lots.* The number, approximate dimensions, and area of each proposed lot.
 9. *Building sites on proposed lots.* The location, area and dimensions of a building site on each proposed lot complying with the requirements of section 18-4.2. The plat shall also contain the following note: "Parcel [letter or number] and the residue of Tax Map/Parcel [numbers] each contain a building site that complies with [section 4.2.1](#) of the Albemarle County Zoning Ordinance."
 10. *Right of further division of proposed lots.* The number of lots, as assigned by the subdivider, into which each proposed lot may be further divided by right pursuant to section 18-10.3.1, if applicable. The plat shall also contain the following note: "Parcel [letter or number] is assigned [number] development rights and may/may not be further divided and when further divided these rights shall not comprise more than [number] acres. The residue of Tax Map/Parcel [numbers] is retaining [number] development rights and when further divided it shall not consist of more than [number] acres." Development rights need not be assigned to a special lot.

11. *Instrument creating property proposed for subdivision.* The deed book and page number of the instrument whereby the property was created, as recorded in the office of the clerk of the circuit court of the county.
 12. *Topography.* Existing topography at the time of plat submittal at up to 20 percent slope, with a contour interval that is not greater than the interval on aerial topography available from the county. The source of topography, including survey date and name of the licensed professional; or a statement that topography data provided by the county was used. Proposed grading, with a contour interval equal to the intervals of the existing topography, supplemented where necessary by spot elevations; areas of the site where existing slopes are steep slopes. Existing topography for the entire site with sufficient offsite topography to describe prominent and pertinent offsite features and physical characteristics, but in no case less than 50 feet outside of the site unless otherwise approved by the agent. For property in the rural areas zoning district, the proposed grading shall show all grading on each proposed lot, including access, clearing and all other lot improvements.
 13. *Proposed facilities.* The location of proposed water and sewer lines and related improvements; proposed drainage and stormwater management facilities and related improvements.
 14. *Land to be dedicated in fee or reserved.* The location, acreage, and current owner of all land intended to be dedicated in fee or reserved for public use, or to be reserved in a deed for the common use of lot owners in the subdivision.
 15. *Identification of all owners and certain interest holders.* The names and addresses of each owner of record and holders of any easements affecting the property.
 16. *Dam break inundation zones.* The limits of a dam break inundation zone.
- B. A preliminary plat must also contain the following information, provided that the preliminary plat is not incomplete for purposes of [section 14-218](#) if it does not include this information in the initial plat submittal:
1. *General information.* The date of drawing, including the date of the last revision, the number of sheets, the north point, and the scale. If true north is used, the method of determination shall be shown.
 2. *Name of plat preparer.* The name of the person who prepared the plat.
 3. *Public areas, facilities or uses.* The location of all areas shown in the comprehensive plan as proposed sites for public areas, facilities or uses, as described in Virginia Code § [15.2-2232](#), which are located wholly or in part within the property.
 4. *Places of burial.* The location of any grave, object or structure marking a place of burial located on the property.
 5. *Zoning classification.* The zoning classification of the property, including all applicable zoning overlay districts, proffers, special use permits and variances.
 6. *Tax map and parcel number.* The County tax map and parcel number of the property.
 7. *Reservoir watershed; agricultural-forestal district.* A notation as to whether the land is within an Albemarle County and/or City of Charlottesville water supply watershed or an agricultural-forestal district.
 8. *Yards.* The location of all yards required by this chapter and the zoning ordinance, which may be shown graphically or described in a note on the plat.
 9. *Floodplain and related information.* If [section 30.3](#), flood hazard overlay district, applies to any portion of the site, United States Geological Survey vertical datum shall be shown and/or correlated to plat topography and show existing and proposed ground elevations. The boundaries of the flood hazard overlay district, the base flood elevation on the site, the elevation of the lowest floor, including any basement, and for any structures to be flood-proofed as required by [section 30.3](#), the elevation to which the structures will be flood-proofed.
 10. *Riparian buffers.* The location of riparian buffers required by the zoning ordinance, with the following note: "The riparian buffer(s) shown hereon must be managed in accordance with the applicable standards of Albemarle County Code."
- (8-28-74; 2-4-81; § 18-5(2) 2 9-5-96; § 14-302, Ord. 98-A(1), 8-5-98; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 08-14(1), 2-6-08; Ord. 11-14(1), 6-1-11; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(1), 3-5-14; Ord. 14-14(2), 3-5-14; Ord. 26-14 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ 15.2-2241(1), 15.2-2258, 15.2-2262.

Federal law reference—44 CFR § 60.3(b)(3).

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Article III Subdivision Plat Requirements and Documents to be Submitted
Division 2. Documents and Information to be Submitted with Preliminary or Final Plat

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Sec. 14-307 - Stream crossings.

If any lot within the subdivision would be served by a street or driveway crossing a perennial or intermittent stream, the subdivider must submit with each preliminary plat or, if none, with each final plat, the information required to show that the stream crossing would satisfy the requirements of section 18-4.23.

(Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 26-14 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ 62.1-44.15:73.

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Article IV On-Site Improvements and Design
Division 1. Lots and Blocks

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Sec. 14-404 - Lot location to allow access from lot onto street or shared driveway.

Each lot within a subdivision shall be located as follows:

- A. *Single point of access required.* Each lot, other than a corner lot within the development areas, shall have reasonable access to the building site from only one street, shared driveway or alley established at the same time as the subdivision; provided that, if the subdivision is in the rural areas, each lot created from the subsequent division of any lot within the subdivision shall enter only onto such street(s) established at the same time as the original subdivision and shall have no immediate access onto any other public street.
- B. *Conditions when single point of access not required.* Notwithstanding subsection (A), a lot may be located so that it has reasonable access to the building site from a public street abutting the subdivision if: (i) the agent approves a variation or exception under subsection (D) and section 14-203.1; (ii) the subdivider obtains an entrance permit from the Virginia Department of Transportation for the access; (iii) the entrance complies with the design standards set forth in sections 14-410(F) and 14-410(G); and (iv) the subdivider demonstrates to the agent prior to approval of the final plat that the variation or exception does not violate any covenants to be recorded for the subdivision.
- C. *Lots exempt from requirements of subsections (A) and (B).* The requirements of subsections (A) and (B) shall not apply to the subdivision of a parcel where two or more dwellings existed on the parcel on October 14, 2009 and one existing dwelling would be located on each lot created.
- D. *Standards for variation or exception-*Subsection (A) may be varied or excepted by the agent as provided in section 14-203.1. A proposal for a variation or exception may be made prior to or with submittal of a preliminary or final plat, as follows:
 - 1. *Information to be submitted.* A proposal must include a justification for the variation or exception and a conceptual plan. The conceptual plan must: (i) be drawn at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property or an alternative scale approved by the agent; (ii) show the topography of the property at the best interval available from the County including delineation of proposed building sites; (iii) show the locations of streams, riparian buffers, steep slopes, floodplains, and known wetlands; and (v) show the proposed layout of lots, location of existing features such as buildings, fences, drainfields, existing driveways or other access ways, or other significant features.
 - 2. *Consideration.* In reviewing a proposal for a variation or exception and determining whether the findings provided in section 14-203.1 can be made, the agent will consider whether: (i) installing a single point of access would substantially impact environmental resources such as streams, riparian buffers, steep slopes, and floodplain; (ii) construction of a single point of access would substantially impact features existing on the property prior to October 14, 2009; (iii) granting the variation or exception would contribute to maintaining an agricultural or forestal use of the property; and (iv) granting the a variation or exception would facilitate development of areas identified in the open space plan as containing significant resources.
- E. *Terms defined.* For purposes of this section, the term "reasonable access" means a location for a driveway or, if a driveway location is not provided, a location for a suitable foot path from the parking spaces required by the zoning ordinance to the building site; the term "within the subdivision" means within the exterior boundary lines of the lands being divided.

((§ 14-500(C): (§ 18-29(part), 8-28-74; 9-5-96)(§ 18-34(part), 8-28-74; 9-5-96);§§ 18-29, 18-34; § 14-500; Ord. 98-A1, 8-5-98; Ord. 02-14(1), 2-6-02) (§ 14-505: (§ 18-36 (part): 8-38-74; 9-5-96)(§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; 9-5-96); §§ 18-36, 18-39; § 14-505, Ord. 98-A(1), 8-5-98); §§ 14-500(C), 14-505; § 14-404, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 09-14(2), 10-14-09; Ord. 10-14(1), 2-10-10; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14, Ord. 26-14 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ 15.2-2241(5), 15.2-2242(1).

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Article IV On-Site Improvements and Design

Division 2. Streets and Alleys

Sec. 14-409 Coordination and extension of streets.

Public streets within the development areas must be coordinated and extended as follows:

- A. *Coordination.* All public streets within a subdivision must be coordinated as to location, width, grades and drainage with other public streets, as follows: (i) by coordinating with existing or planned streets within the general area of the subdivision, including but not limited to existing or future adjacent subdivisions, or subdivisions contiguous to such adjacent subdivisions; and (ii) by continuing the public streets to planned, existing, or platted streets into adjoining areas by dedication or reservation of right of way adequate to accommodate continuation of the streets.
- B. *Extension.* All public streets within a subdivision must be extended and constructed to the abutting property lines to provide vehicular and pedestrian interconnections to future development on adjoining lands, terminating within the subdivision with a temporary turnaround. The arrangement of the public streets must provide adequate access to adjoining lands within the subdivision where necessary to provide for the orderly development of the County including, but not limited to, reserving temporary construction easements of sufficient area to accommodate the future completion of the street when the adjoining lands are developed.
- C. *Variation or exception by commission of coordination requirement.* The requirements of subsection (A) may be varied or excepted by the commission as provided in section 14-203.1. A proposal for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
 1. *Information to be submitted.* If such a proposal is made, it must include: (i) a justification for the proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of the nearest development and rural area boundaries, and the maximum number of lots proposed in the subdivision.
 2. *Consideration.* In reviewing a proposal for a variation or exception under section 14-203.1, the commission will consider: (i) the engineering requirements for coordination and connection; (ii) whether the need for coordination and connection outweighs the impacts on environmental resources such as streams, riparian buffers, steep slopes, and floodplain; (iii) whether the street would and should be extended into the rural areas; (iv) whether there is an alternative street connection from another location in the subdivision that is preferable because of design, traffic flow, or the promotion of the goals of the comprehensive plan, including the neighborhood model, and the applicable neighborhood master plan; and (v) whether the variation or exception would enable a different principle of the neighborhood model to be satisfied to a greater extent so that the overall goals of the neighborhood model are more fully achieved.
- D. *Variation or exception by agent of extension requirement.* The requirements of subsection (B) may be varied or excepted by the agent as provided in section 14-203.1. A proposal for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
 1. *Information to be submitted.* If such a proposal is made, it must include: (i) a justification for the proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) identification of the location of the nearest development and rural area boundaries and the maximum number of lots proposed in the subdivision.

2. *Consideration.* In reviewing a proposal for a variation or exception under section 14-203.1, the agent will consider whether: (i) extending the street to the abutting property line would require offsite easements; (ii) the need for the extension outweighs the impacts on environmental resources such as streams, riparian buffers, steep slopes, and floodplain; (iii) alternative connections to the abutting lands from a different location would provide a better connection; (iv) the subdivider would contribute to the cost to complete the extension to the abutting property line when the adjoining lands are developed, and how; and (v) the street would be extended into the rural areas.
3. *Requirements if variation or exception granted.* If the agent grants the variation or exception: (i) the public street must be constructed past the point at which the primary structures on the lots abutting the street would rely on the finished grade for landscaping and other improvements, but in no case less than 30 feet beyond the curb line or ditch line on those lots; (ii) the subdivider must dedicate the required right of way to the abutting property line, along with all easements required to allow the street connection to be constructed in the future; (iii) the required easements must prohibit any improvements being established therein; (iv) the subdivider must provide a surety guarantee or an escrow of funds for its share of the cost to complete the extension if determined by the agent to be necessary; the type of surety guarantee or the escrow must be acceptable to the County Engineer and be approved by the County Attorney; and (v) the agent may require that the subdivider install and maintain a sign at the end of the constructed portion of the street stating that the street is a future through street, and that the sign is maintained until the County grants final approval of extending the street to the abutting property.

(8-28-74; 3-29-78; 11-2(1)179; § 18-37, 9-5-96; § 14-510, Ord. 98-A(1), 8-5-98; § 14-409, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 26-14 (1), 6-17-26, effective 9-1-26)

State law reference(s)—Va. Code §§ 15.2-2241(2), (4), 15.2-2242(1).

Sec. 14-410 Standards for all streets and alleys

The following minimum design standards apply to all streets and alleys within a subdivision:

- A. *Layout.* Each street must be configured, to the extent practicable, to conform to the natural topography, to minimize the disturbance of steep slopes and natural drainage areas, and to provide vehicular and pedestrian interconnections within the subdivision and existing or future development on adjoining lands, as provided in section 14-409.
- B. *Angle of intersection.* An angle of intersection of not less than 80 degrees is acceptable; however, a perpendicular intersection, where practical, is preferred. The County Engineer may grant an exception to this requirement for a private street in accord with American Association of State Highway and Transportation Officials guidelines.
- C. *Temporary turnarounds.* Streets more than 300 feet in length from an intersection, or proposed to serve more than four dwelling units that terminate temporarily must be provided with a temporary turnaround meeting American Association of State Highway and Transportation Officials guidelines. The temporary turnaround must be extended to the abutting property line unless a waiver is granted as provided in section 14-409(D). The temporary turnaround must exist until the street extensions are accepted into the secondary system of state highways.
- D. *Alleys.* Alleys with a right-of-way or easement width of not less than 20 feet may be provided in the rear or side of all commercial, industrial, and residential lots. The design specifications must be determined by the County Engineer, subject to the following: (i) the alley design must allow emergency services vehicles such as police cars and ambulances to use the alley; and (ii) an alley need not be designed to accommodate the largest emergency services vehicles, except that if firetrucks do not have adequate access to one or more lots from a street, the County Engineer must require that the alley be designed to accommodate firetrucks. The agent may authorize an alley to be established with a right-of-way or easement width of less than 20 feet if the County Engineer determines that the proposed design incorporates features that assure public safety and welfare. The County Engineer will consider the provision of adequate access to required onsite parking and/or garages, unimpeded vehicular circulation along the alley, an adequate clear zone along the alley, and other safety issues deemed appropriate for the conditions. Alley rights-of-way may either be established as privately held fee simple interests or as privately held easements.
- E. *Reserved or spite strips.* Reserved or spite strips restricting access from adjoining lands to an existing or future street or alley are not be permitted; provided that nothing herein may prohibit areas for scenic planting and landscaping where adequate access to the adjoining lands is otherwise available.
- F. *Principal means of access to subdivision.* The principal means of access to a subdivision must be either a public street or a private street. The principal means of access must conform, in the case of a public street, to Virginia Department of Transportation standards, or, in the case of a private street, to the standards of the County as set forth in section 14-412, throughout the street's length, including any distance between the boundary of the subdivision and any existing public street. If discharge water of a 25-year storm could be reasonably anticipated to inundate, block, destroy or otherwise obstruct a principal means of access to a residential subdivision, the following will also apply:

1. The principal means of access must be designed and constructed so as to provide unobstructed access at the time of flooding; and/or
 2. An alternative means of access which is not subject to inundation, blockage, destruction or obstruction, and which is accessible from each lot within the subdivision must be constructed.
- G. *Drainage*. Adequate drainage control must be provided for streets by installing culverts under streets; side, lead, or outlet ditches; catch basins; curb inlets; or any other devices, including piping, as determined to be necessary by the County Engineer. All of these improvements must meet the standards of the County or, in the event no County standards exist, Virginia Department of Transportation standards.
- H. *Curb, curb and gutter, sidewalks and planting strips*. In the development areas, streets must be constructed with curb or curb and gutter, sidewalks and planting strips. Sidewalks and planting strips must be designed and constructed in compliance with section 14-422.
- I. *Variation of or exception to requirement for curb or curb and gutter*. The requirement for curb or curb and gutter may be varied or excepted by the commission as provided in section 14-203.1. A proposal for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
1. *Information to be submitted*. If such a proposal is made, it must include: (i) a justification for the proposal; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, riparian buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the maximum number of lots to be served by the rural cross-section street, the location of the nearest development and rural area boundaries, and a cross-section of existing streets to which the proposed subdivision streets would be extended, if any.
 2. *Consideration*. In reviewing a request for a variation or exception under section 14-203.1 to allow a rural cross-section (no curb and no curb and gutter) instead, the commission may consider: (i) the number of lots in the subdivision and the types of lots to be served; (ii) the length of the street; (iii) whether the proposed street(s) or street extension connects into an existing system of streets constructed to a rural cross-section; (iv) the proximity of the subdivision and the street to the boundaries of the development and rural areas; (v) whether the street terminates in the neighborhood or at the edge of the development area or is otherwise expected to provide interconnections to abutting lands; (vi) whether a rural cross-section in the development areas furthers the goals of the comprehensive plan, with particular emphasis on the neighborhood model and the applicable neighborhood master plan; (vii) whether the use of a rural cross-section would enable a different principle of the neighborhood model to be more fully implemented; and (viii) whether the proposed density of the subdivision is consistent with the density recommended in the land use plan section of the comprehensive plan.

((§ 18-37: 8-28-74; 3-29-78; 11-2(1)179; 9-5-96)(§ 18-39 (part): 8-28-74; 5-10-77; 10-19-77; 9-5-96); §§ 18-37, 18-39; § 14-512, Ord. 98-A(1), 8-5-98; Ord. 02-14(1), 2-6-02, § 14-410, Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14; Ord. 26-14(1), 6-17-26, effective 9-1-26)

State law reference(s)—Va. Code §§ 15.2-2241(4), 15.2-2242(1), 15.2-2242(3).

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Article IV On-Site Improvements and Design

Division 3. Water, Sewers and Other Improvements

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Sec. 14-422 Sidewalks and planting strips.

Sidewalks and planting strips shall be provided as follows:

- A. *Requirement*. Sidewalks and planting strips for street trees and other vegetation must be established on both sides of each new street within a subdivision creating lots for single family detached and single family attached dwellings in the development areas.
- B. *Sidewalk design*. Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be designed and constructed according to Virginia Department of Transportation standards or to the standards in the design standards manual, whichever is greater. Each sidewalk proposed to be privately maintained shall be constructed using concrete, designed so that no concentrated water flow runs over them, and otherwise satisfy the standards in the design standards manual. The agent may allow privately maintained sidewalks to be a ten-foot multi-use asphalt path in unique circumstances such as a path leading to a school or major employment center.

The asphalt path generally shall run parallel to the street and shall be constructed to a standard deemed adequate by the county engineer to be equivalent to or greater than the applicable standard in the design standards manual, so as to adequately protect the public health, safety or welfare.

- C. Sidewalk ownership. Each sidewalk proposed to be accepted for maintenance by the Virginia Department of Transportation shall be dedicated to public use. Each sidewalk proposed to be privately maintained shall be conveyed to a homeowners association for ownership and maintenance. The agent may require that a sidewalk proposed by the subdivider to be privately maintained instead be dedicated to public use if the agent determines there is a need for the sidewalks to be publicly owned and maintained.
- D. Planting strip design. Each planting strip shall be a minimum of six feet in width except that the minimum width may be less in areas of transition between rural cross-section and urban cross-section streets. On an urban cross-section street, the planting strip shall be located between the curb and the sidewalk. The planting strip shall be located between the paved travelway and the sidewalk.
- E. Variation of or exception to sidewalk requirements. The requirements for sidewalks may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
 - 1. Information to be submitted. If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable; and (vii) the location of any existing pedestrian network in the area, whether it is publicly or privately maintained, descriptions by widths and surfaces of the pedestrian ways within the existing pedestrian network, a proposed alternative profile and the intended ownership and maintenance.
 - 2. Consideration. In reviewing a request to vary or except the requirement for sidewalks, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surrounding neighborhood; (iii) sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, steep slopes, floodplain, or wetlands, or because lots are provided on only one side of the street; (iv) the sidewalks reasonably can connect into an existing or future pedestrian system in the area; (v) the length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit; (vi) an alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to adjoining lands, based on a proposed alternative profile submitted by the subdivider; (vii) the sidewalks would be publicly or privately maintained; (viii) the waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (ix) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.
- F. Variation of or exception to planting strip requirements. The requirements for planting strips may be varied or excepted by the commission as provided in section 14-203.1. A request for a variation or exception may be made prior to or with submittal of a preliminary plat or with an application to rezone the land, as follows:
 - 1. Information to be submitted. If such a request is made, it shall include: (i) a justification for the request; (ii) a vicinity map showing a larger street network at a scale no smaller than one inch equals 600 feet; (iii) a conceptual plan at a scale no smaller than one inch equals 200 feet showing surveyed boundaries of the property; (iv) topography of the property at five-foot intervals for the property being subdivided and on abutting lands to a distance of 500 feet from the boundary line or a lesser distance determined to be sufficient by the agent; (v) the locations of streams, stream buffers, steep slopes, floodplains, known wetlands; and (vi) the proposed layout of streets and lots, unit types, uses, and location of parking, as applicable.
 - 2. Consideration. In reviewing a request to vary or except any requirement for planting strips, the commission shall consider whether: (i) a variation or exception to allow a rural cross-section has been granted; (ii) a sidewalk variation or exception has been granted; (iii) reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and (iv) waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

(8-28-74; 5-10-77; 10-19-77; § 38-39, 9-5-96; § 14-422, Ord. 98-A(1), 8-5-98, § 14-525; Ord. 05-14(1), 4-20-05, effective 6-20-05; Ord. 13-14(1), 12-4-13, effective 1-1-14; Ord. 14-14(2), 3-5-14; Ord. 26-14 (1), 6-17-26, effective 9-1-26)

State law reference(s)—Va. Code §§ 15.2-2241(5), 15.2-2242(1).

This ordinance will be effective on and after September 1, 2026.

ORDINANCE NO. 26-17 (1)

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, ARTICLE I, GENERAL, ARTICLE II, ADMINISTRATION, ARTICLE IV, PROCEDURES FOR SUBMITTING REVIEWING, ACTING ON APPLICATIONS; POST-APPROVAL RIGHTS AND OBLIGATIONS, DIVISION 1. APPLICATION REQUIREMENTS, ARTICLE V, TECHNICAL CRITERIA, ARTICLE VI, STREAM BUFFERS, 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 17, Water Protection, Article I, General, Article II, Administration, Article IV, Procedures for Submitting, Reviewing, Acting on Applications; Post-Approval Rights and Obligations, Division 1, Application Requirements, Article V, Technical Criteria, Article IV, Stream Buffers is hereby reordained and amended as follows:

By Amending:

- Sec. 17-103 Applicability
- Sec. 17-205 Definitions
- Sec. 17-401 Land-disturbance permit application; form and content.
- Sec. 17-500 Erosion and sediment control plans; applicable technical criteria.
- Sec. 17-501 Applicability of other laws and regulations; time limits on applicability of approved design criteria.

By Repealing:

- Sec. 17-406 Mitigation plan if development allowed in stream buffer; form and content
- Sec. 17-600 Extent of stream buffers; retention and establishment
- Sec. 17-601 Management of stream buffer
- Sec. 17-602 Types of improvements and activities exempt from duties to retain, establish or maintain a stream buffer
- Sec. 17-603 Types of structures, improvements and activities authorized in a stream buffer
- Sec. 17-604 Types of structures, improvements and activities which may be allowed in a stream buffer by program authority

Chapter 17: Water Protection

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Article I – General

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Sec. 17-103 Applicability.

This chapter, or the applicable parts thereof, applies to:

- A. *Land-disturbing activity within the County and the Town of Scottsville.* Any land-disturbing activity within the County and within the Town of Scottsville, including that portion of the Town of Scottsville located within the County of Fluvanna, to which the VESMP applies under this chapter and under State and Federal law.
- B. *Erosion impact areas.* Any land identified by the administrator as an erosion impact area within the County and the Town of Scottsville, to which the parts of this chapter pertaining to erosion and sediment control, including the requirement for the submittal and approval of an erosion and sediment control plan.
- C. *Permanent stormwater management facilities.* Any areas served by a public permanent stormwater management facility.
- D. *Discharges, connections and dumping.* All activities that cause or allow to be caused direct or indirect illicit discharges, illicit connections, and the prohibited dumping of refuse and pollutants, or that negatively impede the flow capacity of the County’s MS4 or State waters.

(Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 24-17(1), 6-5-24; Ord. 26-17 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ 62.1-44.15:27, 62.1-44.15:33, 62.1-44.15:34, 62.1-44.15:73; 9VAC25-890-40.

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Article II – Administration

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Sec. 17-205 – Definitions.

The following definitions apply in the administration of this chapter:

Administrator. The term "administrator" means the County Engineer.

Agreement in lieu of a plan. The term "agreement in lieu of a plan" means a written contract between the County and the owner that specifies methods that must be implemented to comply with the requirements of the VESMA in the construction of a single-family residence, in lieu of an ESM plan.

Agricultural land. The term "agricultural land" means land used for horticulture, viticulture, silviculture, or other gardening that may involve the tilling of soil for the raising of crops; the keeping of livestock and/or poultry; and/or agricultural industries or businesses, such as, but not limited to, orchards, fruit packing plants, dairies, nurseries or wayside stands.

Agricultural road. The term "agricultural road" means a road or portion of a road that is constructed exclusively for access to agricultural land and is located on or serves a lot that is not the subject of a pending or approved preliminary or final plat, initial or final site plan, zoning map amendment to a non-agricultural zoning district, or a special use permit for a use or activity not directly related to agriculture.

Amendment to approved plan. The term "amendment to approved plan" means an owner-requested change to an approved plan or to land-disturbance permit conditions.

Applicant. The term "applicant" means any person submitting an ESM plan for approval in order to obtain authorization to commence a land-disturbing activity.

Application. The term "application," as used in Article IV, means an application for a land-disturbance permit.

Best management practice (BMP). The term "best management practice" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.

A. "Nonproprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are in the public domain and are not protected by trademark or patent or copyright.

B. "Proprietary best management practice" means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are privately owned and controlled and may be protected by trademark or patent or copyright.

Board. The term "Board" means the State Water Control Board, unless the context indicates that the term refers to the board of supervisors.

Bypass. The term "bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

Certified inspector. The term "certified inspector" means an employee or agent of the County who: (i) holds a certificate of competence from the State Water Control Board in the area of project inspection; or (ii) is enrolled in the State Water Control Board's training program for project inspection and successfully completes the program within one year after enrollment.

Certified plan reviewer. The term "certified plan reviewer" means an employee or agent of the County who: (i) holds a certificate of competence from the State Water Control Board in the area of plan review; (ii) is enrolled in the State Water Control Board's training program for plan review and successfully completes the program within one year after enrollment; or (iii) is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article I (Virginia Code § 54.1-400 *et seq.*) of Chapter 4 of Title 54.1 of the Virginia Code, or a professional soil scientist as defined in Virginia Code § 54.1-2200.

Certified program administrator. The term "certified program administrator" means an employee or agent of the County who: (i) holds a certificate of competence from the State Water Control Board in the area of program administration; or (ii) is enrolled in the State Water Control Board's training program for program administration and successfully completes the program within one year after enrollment.

Channel. The term "channel" means a natural stream or manmade waterway.

Clean Water Act (CWA). The term "Clean Water Act" or "CWA" means the federal Clean Water Act (33 U.S.C. § 1251 *et seq.*), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

Common plan of development or sale. The term "common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

Construction activity. The term "construction activity" means any clearing, grading or excavation associated with large construction activity or associated with small construction activity.

Control measure. The term "control measure" means any best management practice (BMP) or stormwater facility, or other method used to minimize the discharge of pollutants to State waters, or otherwise restrict or alter the hydraulics of stormwater flow and discharge.

Dam. The term "dam" means a barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock or other debris.

Denuded. The term "denuded" means land that has been physically disturbed and no longer supports vegetative cover.

Department or DEQ. The terms "Department" or "DEQ" mean the Department of Environmental Quality, unless the context indicates that the term refers to a County department.

Design Standards Manual. The term "Design Standards Manual" means the manual developed and maintained by the administrator that includes, among other things, the technical criteria required under the VESMP, and best management practices.

Development. The term "development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for nonagricultural or non-silvicultural purposes. The regulation of discharges from development, for purposes of stormwater management, does not include the exclusions found in [9VAC25-875-860](#).

Dike. The term "dike" means an earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; a levee.

Discharge. The term "discharge," when used without qualification, means the discharge of a pollutant.

Discharge of a pollutant. The term "discharge of a pollutant" means any addition of any pollutant or combination of pollutants to State waters from any point source, and includes additions of pollutants into surface waters from surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by the State, the County, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works; provided that this definition does not include an addition of pollutants by any indirect discharger.

Diversion. The term "diversion" means a channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.

Drainage area. The term "drainage area" means a land area, water area, or both from which runoff flows to a common point or boundary.

Environmental Protection Agency (EPA). The term "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

Erosion and sediment control plan. The term "erosion and sediment control plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan must contain all major conservation decisions and all information deemed necessary by the VESMP authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area. The term "erosion impact area" means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into State waters; provided that the area of land is not a lot or parcel of 10,000 square feet or less used for residential purposes or a shoreline where the erosion results from wave action or other coastal processes.

ESC. The term "ESC" means erosion and sediment control.

ESM plan. The term "ESM plan" means a soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.

Facility or activity. The term "facility or activity" means any point source or treatment works treating domestic sewage or any other facility or activity, including land or appurtenances thereto, that is subject to regulation under the VESMP.

Floodplain. The term "floodplain" means the area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event, and includes, but is not limited to, the floodplain designated by the Federal Emergency Management Agency on a Flood Insurance Rate Map.

General permit. The term "general permit" means a permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.

Hazardous substance. The term "hazardous substance" means any substance designated under the Code of Virginia or 40 CFR Part 116 pursuant to section 311 of the Clean Water Act.

Illicit discharge. The term "illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a separate VPDES or general permit (other than the state permit for discharges from the municipal separate storm sewer), discharges resulting from firefighting activities, and discharges identified by and in compliance with 9VAC25-875-970(D)(2)(c)(3).

Inspection. The term "inspection" means an onsite review of a project's compliance with an approved ESM plan, an approved land-disturbance permit, the general permit, this Chapter, and any applicable design criteria, or an onsite review to obtain information or conduct surveys or investigations necessary for the implementation or enforcement of this chapter.

Intermittent stream. The term "intermittent stream" means a natural stream or portion of a natural stream that has a defined bed and defined banks within which water flows in response to precipitation, through near surface groundwater flow, or from springs, and which is not a perennial stream.

Land disturbance or land-disturbing activity. The term "land disturbance" or "land-disturbing activity" means a manmade change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

Land-disturbance approval. The term "land disturbance approval" means an approval (including a land-disturbance permit) allowing a land-disturbing activity to commence issued by the VESMP authority after the requirements this chapter have been met.

Large construction activity. The term "large construction activity" means construction activity, including clearing, grading and excavation resulting in the disturbance of five acres or more of total land area; provided that the disturbance of less than five acres of total land area is a large construction activity if it is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Layout. The term "layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

Main channel. The term "main channel" means the portion of the stormwater conveyance system that contains the base flow and small frequent storm events.

Man-made. The term "man-made" means constructed by a person.

Maximum extent practicable (MEP). The term "maximum extent practicable" or "MEP" means the technology-based discharge standard for MS4s established by CWA § 402(p) and that is achieved, in part, by selecting and implementing effective structural and nonstructural best management practices (BMPs) and rejecting ineffective BMPs and replacing them with effective best management practices (BMPs). MEP is an iterative standard, that evolves over time as urban runoff management knowledge increases. As such, the County's MS4 program must continually be assessed and modified to incorporate improved programs.

Minimize. The term "minimize" means to reduce or eliminate the discharge of pollutants to the extent achievable using stormwater controls that are technologically available and economically practicable.

Municipal separate storm sewer. The term "municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system (MS4), including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains: (i) owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to State law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters; (ii) designed or used for collecting or conveying stormwater; (iii) that is not a combined sewer; and (iv) that is not part of a publicly owned treatment works.

Municipal separate storm sewer system (MS4). The term "municipal separate storm sewer system" or "MS4" means the same as the term "municipal separate storm sewer" is defined in Virginia Code § 62.1-44.3.

Natural channel design concepts. The term "natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Natural stream. The term "natural stream" means a tidal or nontidal watercourse that is part of the natural topography, that usually maintains a continuous or seasonal flow during the year, and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales are not considered natural streams; however, channels designed using natural channel design concepts may be considered natural streams.

Nonpoint source pollution. The term "nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by runoff.

Nontidal wetlands. The term "nontidal wetlands" means wetlands other than tidal wetlands that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the EPA pursuant to section 404 of the Clean Water Act and its implementing regulations.

Nutrient credit. The term "nutrient credit" or "credit" means a nutrient credit certified pursuant to Virginia Code § 62.1-44.19:12 *et seq.*

Operator. The term "operator" means the owner or operator of any facility or activity subject to regulation under this Ordinance. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with an SWPPP for the site or other permit or land-disturbance permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

Outfall. The term "outfall" means, when used in reference to municipal separate storm sewers, a point source at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances that connect segments of the same stream or other surface waters and are used to convey surface waters.

Owner. The term "owner", means the same as that term is defined in Virginia Code § 62.1-44.3. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

Peak flow rate. The term "peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

Permittee. The term "permittee" means the person to whom the County or DEQ has issued a permit.

Person. The term "person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

Plan of development. The term "plan of development" means the process for site plan or plat review to ensure compliance with Virginia Code § 62.1-44.15:74 and this chapter which is required as a precedent to clearing, grading, or other land-disturbing activity on a site or the issuance of a building permit.

Plat. The term "plat" means a preliminary or final plat, or a plat for any other class of subdivision as provided in the Subdivision Ordinance.

Point of discharge. The term "point of discharge" means a location at which concentrated runoff is released.

Point source. The term "point source" means any discernible, confined, and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant. The term "pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water; provided that this term does not mean: (i) sewage from vessels; or (ii) water,

gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well if the well is used either to facilitate production or for disposal purposes is approved by the State Water Control Board and if it determines that the injection or disposal will not result in the degradation of groundwater or surface water resources.

Pollution. The term "pollution" means the alteration of the physical, chemical or biological properties of any State waters as will or is likely to create a nuisance or render the waters: (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational commercial, industrial agricultural, or other reasonable uses, provided that (a) an alteration of the physical, chemical, or biological property of State waters, or a discharge or deposit of sewage, industrial wastes or other wastes to State waters by any owner that by itself is not sufficient to cause pollution, but that) in combination with such alteration of or discharge or deposit to State waters by other owners, is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into State waters; and (c) contributing to the contravention of standards of water quality duly established by the State Water Control Board, are "pollution" for the purposes of this chapter.

Pollution prevention plan. The term "pollution prevention plan" means a plan that meets the requirements of section 17-404 for implementing pollution prevention measures during construction activities and that details the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. A pollution prevention plan is a component of a land-disturbance permit.

Post-development. The term "post-development" means the conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site.

Pre-development. The term "pre-development" means the conditions that exist at the time that plans for the land development activity are submitted to the authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, and similar acts), the existing conditions at the time prior to the commencement of the land-disturbing activity establish pre-development conditions.

Program. The term "program" means the Virginia Erosion and Stormwater Management Program.

Qualified personnel. The term "qualified personnel" means a person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.

Regulations. The term "regulations," when referring to State regulations, means those regulations implementing the VESMA in 9VAC25-830 through 9VAC25-890.

Runoff. The term "runoff" means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

Runoff characteristics. The term "runoff characteristics" includes maximum velocity, peak flow rate, volume, flow duration, and any other measure of the nature of the discharge.

Runoff volume. The term "runoff volume" means the volume of runoff that runs off the site from a prescribed storm event.

Sediment basin. The term "sediment basin" means a temporary impoundment built to retain sediment and debris that is formed by constructing an earthen embankment with a stone outlet.

Sewage disposal system. The term "sewage disposal system" means a sewerage system or treatment works composed of a facility or combination of facilities constructed for the transport or treatment, or both, of domestic, commercial or industrial sewage, but not including plumbing, fixtures, lateral pipes from a dwelling unit to a septic tank, lateral pipes from a dwelling unit to a publicly owned sewerage facility, or publicly owned facilities for the transport or treatment, or both, of sewage.

Site. The term "site" means the land or water area composed of one or more parcels where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

Small construction activity. The term "small construction activity" means:

A. Construction activities including clearing, grading, and excavating that results in land disturbance of equal to or greater than 10,000 square feet, and less than five acres, or a land disturbance of less than 10,000 square feet that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than 10,000 square feet and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. DEQ may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on an approved TMDL that addresses

the pollutant(s) of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutant(s) of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to DEQ that the construction activity will take place, and stormwater discharges will occur, within the drainage area addressed by the TMDL or equivalent analysis. As of the start date in Table 1 of 9VAC25-31-1020, all certifications submitted in support of the waiver must be submitted electronically by the owner or operator to DEQ in compliance with this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), 9VAC25-875-940, and Part XI (9VAC25-31-950 *et seq.*) of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation. Part XI of 9VAC25-31 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of 9VAC25-31, permittees may be required to report electronically if specified by a particular permit; or

B. Any other construction activity designated by either DEQ or the EPA's regional administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.

Soil erosion. The term "soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

Soil erosion control and stormwater management plan. The term "soil erosion control and stormwater management plan," commonly referred to as the erosion control and storm water management plan, or "ESM plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to the VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and the stormwater management plan as each is described in this chapter.

Source. The term "source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants.

Stabilized. The term "stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

State. The term "State" means the Commonwealth of Virginia.

State Water Control Law. The term "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Code of Virginia.

State waters. The term "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the State or within its jurisdiction, including wetlands.

Stormwater. The term "stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include runoff, snow melt runoff, and surface runoff and drainage.

Stormwater conveyance system. The term "stormwater conveyance system" means a combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity, and includes a man-made, natural, or restored stormwater conveyance system described as follows:

A. *Man-made stormwater conveyance system.* The term "man-made stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems.

B. *Natural stormwater conveyance system.* The term "natural storm water conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel.

C. *Restored stormwater conveyance system.* The term "restored stormwater conveyance system" means a stormwater conveyance system that has been designed and constructed using natural channel design concepts, and they include the main channel and the flood-prone area adjacent to the main channel.

Stormwater detention. The term "stormwater detention" means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream stormwater conveyance system.

Stormwater discharge. The term "storm water discharge" means a discharge of runoff from sites where one or more of the following are located: (i) land-disturbing activities including, but not limited to, clearing, grading, or excavation; (ii) construction materials or equipment storage or maintenance including, but not limited to, fill piles, borrow area, concrete truck washout, fueling; or (iii) other industrial stormwater directly related to the construction process including, but not limited to, concrete or asphalt batch plants.

Stormwater management facility. The term "stormwater management facility" means a control measure that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Stormwater management plan. The term "stormwater management plan" means a plan that meets the requirements of section 17-403 containing information for describing methods for complying with the applicable requirements of this chapter, and that typically contains two major components: (i) measures addressing stormwater detention for water quantity and discharge characteristics impacts; and (ii) measures addressing nutrient loadings and water quality. A stormwater management plan is a component of a land-disturbance permit.

Stormwater pollution prevention plan (SWPPP). The term "stormwater pollution prevention plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of storm water discharges. An SWPPP required under the VESMP for construction activities must identify and require the implementation of control measures, and must include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

Subdivision. The term "subdivision" means the same as defined in the Subdivision Ordinance.

Subdivision Ordinance. The term "Subdivision Ordinance" means the subdivision regulations of the County of Albemarle, Virginia codified in Chapter 14 of the Albemarle County Code.

Surface waters. The term "surface waters" means: (i) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; (ii) all interstate waters, including interstate wetlands; (iii) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters that are or could be used by interstate or foreign travelers for recreational or other purposes; from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or that are used or could be used for industrial purposes by industries in interstate commerce; (iv) all impoundments of waters otherwise defined as surface waters under this definition; (v) tributaries of waters identified in subdivisions (i) through (iv) of this definition; and (vi) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions (i) through (v) of this definition; provided that waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act and the law, are not surface waters, and surface waters do not include prior converted cropland as determined by the EPA.

Ten-year storm. The term "ten-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten years, and which also may be expressed as an exceedance probability with a ten percent chance of being equaled or exceeded in any given year.

Total maximum daily load (TMDL). The term "total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading and a margin of safety, and which can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

Town of Scottsville. The term "Town of Scottsville" means all of that territory within the incorporated boundaries of the Town of Scottsville, Virginia, located within the County of Albemarle, Virginia and the County of Fluvanna, Virginia.

Twenty-five-year storm. The term "25-year storm" means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years, and which also may be expressed as an exceedance probability with a four percent chance of being equaled or exceeded in any given year.

Upset. The term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based general permit effluent limitations because of factors beyond the reasonable control of the operator; provided that the term does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Virginia Erosion and Stormwater Management Act (VESMA). The term "Virginia Erosion and Stormwater Management Act" or "VESMA" means Article 2.3 (62.1-44.15:24 *et seq.*) of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia.

Virginia Erosion and Stormwater Management Program (VESMP). The term "Virginia Erosion and Stormwater Management Program" or "VESMP" means a program established by the VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program includes such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines) technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the VESMA.

Virginia Erosion and Stormwater Management Program authority (VESMP authority). The term "Virginia Erosion and Stormwater Management Program authority," "VESMP authority," or "Program authority" means the County of Albemarle, which has been approved by DEQ to operate the VESMP. Within the boundaries of the County of Albemarle and the Town of Scottsville, the County is the VESMP authority.

Virginia Erosion and Stormwater Management Regulation (Regulation). The term "Virginia Erosion and Stormwater Management Regulation" or "Regulation" means 9VAC25-875-10 *et seq.* , as may be amended from time to time.

Virginia Stormwater BMP Clearinghouse Website. The term "Virginia Stormwater BMP Clearinghouse" means a collection that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the VESMA and associated regulations.

Virginia Pollutant Discharge Elimination System (VPDES) permit or VPDES permit. The term "Virginia Pollutant Discharge Elimination System (VPDES) permit" or "VPDES permit" means a document issued by DEQ pursuant to the State Water Control Law authorizing, under prescribed conditions) the potential or actual discharge of pollutants from a point source to surface waters.

Wasteload allocation, (WLA) or wasteload. The term "wasteload allocation," "WLA" or "wasteload" means the portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution, and is a type of water quality-based effluent limitation. The term "wasteload allocation" or "WLA" means the portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution, and is a type of water quality-based effluent limitation.

Water quality technical criteria. The term "water quality technical criteria") means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control nonpoint source pollution.

Watershed. The term "watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet; provided that in karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

Wetlands. The term "wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions) and which generally include swamps, marshes, bogs, and similar areas.

Written notice. The term "written notice" means a written communication from the administrator that is delivered either mailed by first class mail, personal delivery, or, if consented to by the owner in writing, in conjunction with submitting an application or otherwise, by fax or email.

Zoning Ordinance. The term "Zoning Ordinance" means the zoning regulations of the County of Albemarle, Virginia codified in Chapter 18 of the Albemarle County Code.

(§ 7-2, 6-18-75, § 4, 7-9-80, 2-11-87, 3-18-92, § 19.1-5, 9-29-77, art. I, § 2, 9-13-78, 7-11-90, 8-3-94; § 19.2-4, 6-19-91; § 19.3-5, 2-11-98; Code 1988, §§ 7-2, 19.1-5, 19.2-4, 19.3-5; § 17-104, Ord. 98-A(1), 8-5-98; Ord. 07-17(1), 2-14-07; Ord. 08-17(1), 2-6-08; Ord. 08-17(3), 8-6-08; § 17-205, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 21-17(1), 4-21-21, effective 9-1-21; Ord. 24-17(1), 6-5-24; Ord. 26-17 (1); 6-17-26, effective 9-1-26)

State Law reference— Va. Code § 62.1-44.15:24, 9VAC25-875-20.

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Article IV – Procedure For Submitting, Reviewing And Acting On Applications; Post-Approval Rights And Obligations

Division 1. – Application Requirements

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Sec. 17-401 – Land-disturbance permit application; form and content.

Any owner whose proposed land disturbing activity is subject to this chapter must submit an application for a land disturbance permit that includes all of the following, in the form required by the administrator:

- A. *Application form.* A completed application on a form or in a format provided by the administrator, signed by the owner.
- B. *Fees.* All applicable fees required by County Code Chapter 1, Article 5 and the applicable fee form.
- C. *Registration statement.* A complete and accurate registration statement, if such a statement is required, from the operator on the official form provided by the Virginia Department of

Environmental Quality in order to apply for general permit coverage. The registration statement must be signed by the owner in accordance with 9VAC25-875-940 and 9VAC25-880-70. A registration statement is not required for construction of a detached single-family dwelling within or outside of a common plan of development or sale, provided that the project complies with the requirements of the general permit.

- D. *Erosion and sediment control plan.* An erosion and sediment control plan satisfying the requirements of sections 17-402 and 17-500 or an executed agreement in lieu of an erosion and sediment control plan, if allowed by the administrator.
- E. *Stormwater management plan.* A stormwater management plan satisfying the requirements of sections 17-403 or an executed agreement in lieu of a plan, if allowed by the administrator.
- F. *Pollution prevention plan.* A pollution prevention plan satisfying the requirements of section 17-404.
- G. *Stormwater pollution prevention plan.* An SWPPP satisfying the requirements of section 17-405.
- H. *Mitigation plan.* A mitigation plan satisfying the requirements of section 18-4.23 et seq 17-406 if land disturbing activity is proposed within a riparian buffer.
- I. *Proposed variations or exceptions.* A proposal for any variation or exception as provided in sections 17-407 and 17-408.
- J. *Construction record drawings.* Construction record drawings if existing stormwater management facilities are used, satisfying the requirements of section 17-422.

(Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 23-17(1), 12-6-23, effective 7-1-24; Ord. 24-A(1), 1-10-24; Ord. 24-17(1), 6-5-24; Ord. 26-17 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § 62.1-44.15:34; 9VAC25-875-530, 9VAC25-875-920, 9VAC25-875-940, 9VAC25-880-70.

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Article V – Technical Criteria

Sec. 17-500 - Erosion and sediment control plans; applicable technical criteria.

Each erosion and sediment control plan must satisfy the following) as applicable:

- A. *Erosion and sediment control minimum standards.* The criteria, techniques and methods provided in 9VAC25-875-560.
- B. *Annual standards and specifications.* Any applicable annual standards and specifications approved by the Virginia Department of Environmental Quality.
- C. *Stormwater pollution prevention.* If the land-disturbing activity also requires a land-disturbance permit, the requirements in 9VAC25-870-54(F) and as specified in 40 CFR 450.21.
- D. *Riparian buffers.* The procedures and requirements for land-disturbing activity and development in riparian buffers, as provided in Chapter 18, section 4.23 et seq.
- E. *County design standards.* The technical criteria, including County notes and details, as provided in the Design Standards Manual.

(§ 19.3-11, 2-11-98; § 7-3, 6-18-75, § 5, 2-11-76, 4-21-76, 2-11-87, 3-18-92; § 7-4, 6-18-75, § 6, 10-22-75, 4-21-76, 11-10-76, 3-2-77, 4-17-85, 2-11-87, 12-11-87, 12-11-91, 3-18-92; Code 1988, §§ 7-3, 7-4, 19.3-11; § 17-203, Ord. 98-A(1), 8-5-98; Ord. 01-17(1), 7-11-01; Ord. 09-17(1), 8-5-09, effective 9-5-09; § 14-500, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 24-17(1), 6-5-24; Ord. 26-17 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § 62.1-44.15:73; 9VAC25-875-560, 9VAC25-875-500, 9VAC25-890-40.

Sec. 17-501 - Applicability of other laws and regulations; time limits on applicability of approved design criteria.

Each land-disturbance permit application must satisfy the following criteria, techniques, and methods:

- A. *Land-disturbing activity that obtained general permit coverage or commenced land-disturbing activity prior to July 1, 2014.* Any land-disturbing activity that obtained general permit coverage or commenced land-disturbing activity prior to July 1, 2014 must be conducted in accordance with the technical criteria of 9VAC25-875-670 through 9VAC25-875-730. These projects remain subject to the technical criteria of 9VAC25-875-670 through 9VAC25-875-730 for an additional two general permit cycles. After that time, the portions of the project not under construction will become subject to any new technical criteria adopted by the State Water Control Board.

- B. *Land-disturbing activity that obtains initial general permit coverage on or after July 1, 2014.* Any land-disturbing activity that obtains initial general permit coverage on or after July 1, 2014 must be conducted in accordance with the technical criteria of 9VAC25-875-570 through 9VAC25-875-660, except as provided in subsection (C). These projects remain subject to the technical criteria of 9VAC25-875-570 through 9VAC25-875-660 for an additional two general permit cycles. After that time) the portions of the project not under construction will become subject to any new technical criteria adopted by the State Water Control Board.
- C. *Land-disturbing activity related to certain development approvals prior to July 1, 2012.* Any land-disturbing activity will be subject to the technical criteria of 9VAC25-875-670 through 9VAC25-875-730, provided all of the following apply:
1. *Prior qualifying approval.* A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the County to be equivalent thereto (i) was approved by the County prior to July 1, 2012; (ii) provided a layout as defined in 9VAC25-875-670; (iii) will comply with the technical criteria of 9VAC25-875-670 through 9VAC25-875-730; and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff.
 2. *General permit not issued.* A general permit has not been issued prior to July 1, 2014.
 3. *Land-disturbing activity not commenced.* Land-disturbing activity did not commence prior to July 1, 2014.
 4. *Duration.* Land-disturbing activities under this subsection (C) will remain subject to the technical criteria of 9VAC25-875-670 through 9VAC25-875-730 for one additional general permit cycle. After that time, the portions of the project not under construction will become subject to any new technical criteria adopted by the State Water Control Board.
- D. *Land-disturbing activity related to County, State or Federal funded projects.* County, State and Federal projects are subject to the technical criteria of 9VAC25-875-670 through 9VAC25-875-730, provided all of the following apply:
1. *Prior qualifying obligation.* There has been an obligation of County, state or federal funding, in whole or in part, prior to July 1, 2012, or DEQ has approved a stormwater management plan prior to July 1, 2012.
 2. *General permit not issued.* A general permit has not been issued prior to July 1, 2014.
 3. *Land-disturbing activity not commenced.* Land disturbance did not commence prior to July 1, 2014.
 4. *Duration.* Land-disturbing activities under this subsection (D) will remain subject to the technical criteria in 9VAC25-875-670 through 9VAC25-875-730 for one additional general permit cycle. After that time, the portions of the project not under construction will become subject to any new technical criteria adopted by the State Water Control Board.
- E. *Land-disturbing activity related where government bonds or other instruments of public debt financing issued.* In cases where government bonding or public debt financing has been issued for a project prior to July 1, 2012, the project will be subject to the technical criteria in 9VAC25-875-670 through 9VAC25-875-730.
- F. *TMDLs.* The Chesapeake Bay TMDL (Total Maximum Daily Load) as provided in 9VAC25-890-40 and any other local TMDLs applicable to a regulated land-disturbing activity apply to land-disturbing activities under this section.
- G. *Riparian buffers.* Any land-disturbing activity under subsections (A) through (E) also must comply with the requirements for riparian buffers in section 18-4.23 *et seq.*
- H. *Pre-existing County requirements.* Any criterion more stringent than the technical criteria set forth in subsections (A) through (F) existing prior to January 1, 2005 in either this chapter or the Design Standards Manual applies to land-disturbing activities under this section.
- I. *More stringent standards.* Nothing in this section precludes an operator from constructing to a more stringent standard at the operator's discretion.

(§ 19.1-6, 9-29-77, art. II, § 1, 10-19-77, 9-13-78, 10-22-80, 7-11-90, 8-3-94; § 19.1-7, 9-29-77, art. II, § 2, 7-11-90; § 19.3-27, 2-11-98; Code 1988, §§ 19.1-6, 19.2-7, 19.3-27; § 17-303, Ord. 98-A(1), 6-17-98; § 17-500, Ord. 14-17(1), 5-7-14, effective 7-1-14; Ord. 24-17(1), 6-5-24; Ord. 26-17 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ 62.1-44.15:33, 62.1-44.15:49; 9VAC25-875-480, 9VAC25-875-490, 9VAC25-875-690, 9VAC25-875-100, 9VAC25-875-970, 9VAC25-890-40.

This ordinance will be effective on and after September 1, 2026.

ORDINANCE NO. 26-18 (1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, ARTICLE II, BASIC REGULATIONS, 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, Article II, Basic Regulations, Article III, District Regulations, is hereby reordained and amended as follows:

By Amending:

Sec. 18-3.1	Definitions
Sec. 18-4.2	Critical slopes
Sec. 18-4.19	Setbacks and setbacks in residential districts
Sec. 18-4.20	Setbacks and setbacks in conventional commercial and industrial districts
Sec. 18-5.1.28	Clean earth and inert waste fill activity
Sec. 18-5.1.44	Farm worker housing
Sec. 18-20C.8	Building standards
Sec. 18-30.7.4	Permitted uses
Sec 18-30.3.11	Permitted and prohibited uses and structures

By Adding:

Sec. 18-4.23	Riparian Buffer Protection Standards
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Chapter 18: Zoning

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Article I – General Provisions

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Section 3 – Definitions

Sec. 3.1 Definitions

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Conservation area. The term "conservation area" means an area identified on a plan submitted for approval which contains cultural assets or natural features such as non-tidal wetlands, floodplain, slopes identified in the open space element of the comprehensive plan, or streams and riparian buffers, within which only limited disturbance or development is allowed. Uses allowed in conservation areas include, but are not limited to, utilities, greenways, pedestrian paths, streets, and stormwater management facilities, where, in the opinion of the County Engineer, no other location is reasonably available and when these improvements have the least impact possible on the environmental features of the area.

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Contiguous nontidal wetlands. "Contiguous nontidal wetlands" means nontidal wetlands that lie within or adjacent to a stream channel or within the floodplain of that stream channel so that there is a hydrologic connection between the stream and the wetland, and which include impoundments of water along a natural stream channel.

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Development. "Development," as used in regulations pertaining to dam break inundation zones, means one or more lots developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more dwelling units, but does not include any lot or lots that will be principally devoted to agricultural production. For purposes of floodplain management and riparian buffer protection standards, "development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development area. "Development area" means any portion of the County designated as such in the Comprehensive Plan.

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Intermittent stream. "Intermittent stream" means a natural stream or portion of a natural stream that has a defined bed and defined banks within which water flows in response to precipitation, through near surface groundwater flow, or from springs, and that is not a perennial stream.

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Mitigation plan. “Mitigation plan” means a plan to address, avoid, reduce, repair, and/or minimize riparian impacts, and that meets the requirements of Section 4.23.9.

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Natural stream. "Natural stream" means a tidal or nontidal watercourse that both: (i) is part of the natural topography, (ii) usually maintains a continuous or seasonal flow during the year, and (iii) is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales are not considered natural streams. Channels designed using natural channel design concepts may be considered natural streams.

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Ordinary high-water mark. “Ordinary high-water mark” means that line established by fluctuations of water and indicated by physical characteristics such as (i) a clear, natural line impressed on the bank shelving; (ii) changes in the character of soil; (iii) destruction of terrestrial vegetation; (iv) the presence of litter and debris; or (v) other appropriate means that consider the characteristics of the surrounding areas.

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Perennial stream. "Perennial stream" means any stream that is: (i) depicted as a continuous blue line on the most recent United States Geological Survey 7.5 minute topographic quadrangle maps (scale 1:24,000), (ii) determined by the Riparian Buffer Administrator to be perennial following a site-specific evaluation using the guidance entitled "Determinations of Water Bodies with Perennial Flow," dated September 2003, or latest revision, issued by the Virginia Department of Environmental Quality, or (iii) delineated as a perennial stream by the United States Army Corps of Engineers, the Virginia Department of Environmental Quality, or under the Virginia Water Protection program.

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Riparian Buffer. "Riparian buffer" means the area extending from any applicable waterbody or wetlands as further defined in section 4.23.4.

Riparian Buffer Administrator. "Riparian Buffer Administrator" means the County Engineer or their designee, who has all necessary powers and authority to administer section 4.23.

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Silvicultural activity. Any forest management activity as defined in Virginia Code section 10.1-1181.1.

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Streamside management zone. "Streamside management zone" means an area of reduced management activity on both sides of the banks of perennial and intermittent streams and bodies of open water where extra precaution is used in carrying out forest practices to protect bank edges and water quality.

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Supportive infrastructure. “Supportive infrastructure” means structures or improvements needed to protect public health, safety, or welfare, and environmental features. They include but are not limited to drainage channels, structures and facilities, best management practices, and access roads used by emergency vehicles or for maintaining stormwater management facilities or water-dependent facilities.

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Water-dependent facility. “Water-dependent facility” means facilities a development that cannot exist outside of the flood hazard overlay district or riparian buffer, and must be located on the shoreline water or water’s edge because of the intrinsic nature of its operation and which include, but are not limited to: (i) the intake and outfall structures of power plants, sewage treatment plants, water treatment plants, and storm sewers; (ii) public water-oriented recreation areas; and (iii) boat docks and ramps.

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Watershed. “Watershed” means a defined land area where all the surface water drains from a river, stream, or karst system to the same outlet point, such as a river, stream, or sinkhole in karst areas.

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Water supply protection area. "Water supply protection area" means those areas of land within the County that are within the watershed of a public water supply reservoir or water supply intake.

(§ 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; 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; Ord. 24-18(1), 9-17-24; Ord. 25-18(2), 7-16-2025; Ord. 26-18 (1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § 15.2-2286(A)(4).

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Article II -- Basic Regulations

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Section 4 - General Regulations

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Sec. 4.2 – Critical slopes and water protection.

The provisions in this section through section 4.2.5 implement the comprehensive plan by protecting and conserving steep hillsides together with public drinking water supplies and flood plain areas because of the increased potential for soil erosion, sedimentation, water pollution and sewage disposal problems associated with the disturbance of critical slopes. The disturbance of critical slopes may result in: rapid and/or large-scale movement of soil and rock; excessive stormwater run-off; siltation of natural and man-made bodies of water; loss of aesthetic resource; and in the event of onsite sewage system failure, a greater travel distance of septic effluent, all of which constitute potential dangers to the public health, safety and/or welfare. The regulations in sections 4.2.1, 4.2.2, 4.2.3 and 4.2.4 are intended to direct building and onsite sewage system locations to terrain more suitable to development and to discourage development on critical slopes, and to supplement other regulations regarding the protection of public water supplies and encroachment of development into flood plains.

Each request to waive or modify any requirement of sections 4.2.1, 4.2.2, 4.2.3 or 4.2.4 under section 4.2.5 shall be by special exception under section 33.5.

(§ 20-4.2, 12-10-80; 11-15-89; § 18-4.2, Ord. 98-A(1), 8-5-98; Ord. 12-18(4), 7-11-12; Ord. 21-18(5), 12-1-21; Ord. 26-18 (1), 6-17-26, effective 9-1-26)

Sec. 4.2.1 – Building site required.

No lot other than a special lot may have less than one building site, subject to the following:

- a. *Composition of building site.* A building site must be composed of a contiguous area of land and may not contain any area of land that is: (i) in critical or preserved slopes; (ii) within the Flood Hazard Overlay District; (iii) within any riparian buffer subject to Section 4.23; or (iv) under water during normal hydrological conditions.
- b. *Special exception.* Notwithstanding section 4.2.5, any requirement of section 4.2.1(a) may be waived or modified by special exception under section 33.5 upon the board of supervisors' consideration of whether the parcel has an unusual size, topography, shape, location or other unusual physical condition.

(§ 20-4.2.1, 12-10-80; 11-11-87; 9-9-92; § 18-4.2.1, Ord. 98-A(1), 8-5-98; Ord. 11-18(6), 6-1-11; Ord. 12-18(4), 7-11-12; Ord. 14-18(2), 3-5-14; Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ 15.2-2280, 15.2-2286(A)(3)

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Sec. 4.19 - Setbacks and setbacks in residential districts.

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1. Whether a site is an infill or non-infill development, and the minimum and maximum setback, will be determined by the zoning administrator as an official determination provided to the owner.
2. Any minimum setback and any minimum building separation for a side yard, may be reduced by special exception.
3. The maximum front setback for a non-infill development is the depth necessary to avoid existing utilities, significant existing vegetation, steep slopes, perennial and intermittent streams, riparian buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple buildings on the same lot and prevailing development patterns. On any parcel with multiple main buildings, at least one main building must meet the maximum setback.

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(Ord. 15-18(4), 6-3-15; Ord. 16-18(1), 3-2-16; Ord. 17-18(4), 8-9-17; Ord. 19-18(5), 7-17-19; Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § 15.2-2280.

Sec. 4.20 - Setbacks and setbacks in conventional commercial and industrial districts.

Setbacks and setbacks must be as follows:

- a. *Conventional commercial districts.* The following provisions apply within the C-1, CO, and HC districts:

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1. The maximum front setback is the depth necessary to avoid existing utilities, significant existing vegetation, steep slopes, perennial and intermittent streams, riparian buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple buildings on the same lot and prevailing development patterns. On any parcel with multiple main buildings, at least one main building must meet the maximum setback.

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(Ord. 15-18(4), 6-3-15; Ord. 16-18(1), 3-2-16; Ord. 17-18(4), 8-9-17, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § 15.2-2280.

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Sec. 4.23 – Riparian Buffer Protection Standards

Sec. 4.23.1 – Intent

- A. *Purpose.* These riparian buffer standards are adopted pursuant to the State Water Control Law (Virginia Code § 62.1-44.2 et seq.) to:

1. Protect existing high-quality state waters;
2. Restore all other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them;
3. Safeguard the waters of the Commonwealth from pollution;
4. Prevent any increase in pollution;
5. Maintain and improve riparian habitat to include preservation of mature trees or planting of trees or native vegetation as a water quality protection tool;
6. Reduce existing pollution; and
7. Promote water resource conservation to provide for the health, safety, and welfare of the present and future residents of Albemarle County and the Commonwealth of Virginia.

- B. *Additional Intent.* These standards also:

1. Limit development and land disturbance next to surface watercourses and contiguous nontidal wetlands; and
2. Encourage preservation of native vegetation to:
 - a. Protect public and private water supplies;
 - b. Trap sediment and other pollutants in runoff;
 - c. Stabilize stream and river banks;
 - d. Protect fish and wildlife habitat;
 - e. Reduce storm and flood impacts; and

- f. Preserve scenic and recreational resources.

(§18-4.23.1, Ord. 26-18(), 6-17-26, effective 9-1-26)

State Law reference—Va. Code §§ 62.1-44.2, 62.1-44.15:72, 62.1-44.15:73, 62.1-44.15:75, 9VAC25-830-120

Sec. 4.23.2 – Applicability

- A. *Relationship to other regulations.* Section 4.23 supersedes any less-restrictive County regulations. If a riparian buffer overlaps the Flood Hazard Overlay District, the more restrictive provisions of section 30.3 apply.
- B. *Pre-existing uses and improvements.* Any lawful use or improvement (other than buildings or structures) existing on the effective date of this section that does not comply with section 4.23 is deemed nonconforming and may continue subject to the nonconforming provisions of section 6.2; provided that any expansion, intensification, or relocation within a riparian buffer must comply with sections 4.23.6 and 4.23.9.
- C. *Buildings and structures.* Any building or structure lawfully existing on February 11, 1998 may remain. Repair and in-kind replacement following casualty are permitted. Expansion or enlargement within the riparian buffer requires approval by the Riparian Buffer Administrator under section 4.23.8 and must comply sections 4.23.6, and 6.3, and section 30.3 where applicable.

(§18-4.23.2, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code § 15.2-2307, 9VAC25-830-150

Sec. 4.23.3 – Authority, Powers, and Duties of Riparian Buffer Administrator

- A. *Designation.* The County Engineer, or designee, is the Riparian Buffer Administrator.
- B. *Power and duties.* The Riparian Buffer Administrator has all necessary authority to administer section 4.23, including but not limited to:
 - 1. Interpret and make site-specific determinations of riparian buffer boundaries and stream designations under section 4.23.5;
 - 2. Determine whether structures, improvements, and activities are permitted under section 4.23.7 or eligible for authorization under section 4.23.8;
 - 3. Require surveys, delineations, and studies reasonably necessary to administer section 4.23;
 - 4. Maintain and update the County's Geographic Information System (GIS) layer to reflect approved site-specific determinations;
 - 5. Enforce section 4.23 in coordination with the Zoning Administrator, including issuance of notices of violation; and
 - 6. Require, review, and approve mitigation plans and surety under section 4.23.9.
- C. *Appeals.* Appeals of an official determination under section 4.23 must be filed in accordance with section 34.

(§18-4.23.3, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code §§ 62.1-44.15:73, 62.1-44.15:75, 62.1-44.15:76

Sec. 4.23.4 – Boundaries – General

- A. *Mapping.* The County's GIS layer depicts approximate riparian buffer locations and is advisory only. Site-specific adjustments occur as set forth in section 4.23.5.
- B. *Defined boundaries.* Riparian buffers extend landward from any perennial or intermittent stream, pond, lake, or contiguous nontidal wetland to the farther of the following:
 - 1. *Development Areas (outside any water supply protection area).* 100 feet measured horizontally from the top bank of any perennial stream and its contiguous nontidal wetlands, on each side
 - 2. *Development Areas (within a water supply protection area).* The greater of:
 - a. 100 feet measured horizontally from the top bank of any perennial or intermittent stream and its contiguous nontidal wetlands, on each side; or
 - b. the limits of the Flood Hazard Overlay District;

3. *Public water-supply impoundments.* 200 feet landward of the Flood Hazard Overlay District limits surrounding the impoundment, measured horizontally; or
4. *All other locations.* The greater of:
 - a. 100 feet measured horizontally from the top of the bank; or
 - b. the limits of the Flood Hazard Overlay District.

C. *Measurement.*

1. Distances from a stream are measured horizontally from the top of the bank.
2. Distances from a pond, lake, or contiguous nontidal wetlands are measured horizontally from the ordinary high-water mark.
3. Prior clearing, grading, or encroachments do not reduce the required riparian buffer width.

(§18-4.23.4, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code §§ 62.1-44.15:73, 62.1-44.15:75, 62.1-44.15:76; 9 VAC25-830-140; 9VAC25-890-40;

4.23.5 – Site-Specific Determinations of Riparian Buffers

- A. *Development applications:* Each application, plan, or permit proposing development must include either:
1. A site-specific survey of riparian buffer boundaries, applying the standards in the Engineering Design Standards Manual (DSM) and as required pursuant to subsection D; or
 2. A certified statement with supporting basis (topography, hydrology, mapping) that no riparian buffer is present.

The Riparian Buffer Administrator may require the applicant to provide a site-specific survey, regardless of whether the County's GIS mapping depicts a riparian buffer or of any statement made under subsection A(2).

- B. *Optional boundary determinations.* An applicant may request a review and confirmation of riparian buffer boundaries at any time by submitting a site-specific survey to the Riparian Buffer Administrator.
- C. *Exemption.* The Riparian Buffer Administrator may exempt building permit applications for single-family detached residences in the Rural Areas (RA) zoning district from a site-specific survey if no disturbance within a riparian buffer is proposed.
- D. *Survey standards.* Site-specific surveys must be prepared and sealed by a Virginia-licensed engineer, land surveyor, landscape architect, or a certified scientist, or wetland delineator, and must delineate:
1. Perennial and intermittent streams;
 2. Contiguous nontidal wetlands;
 3. Flood Hazard Overlay District limits; and
 4. Riparian buffer boundaries pursuant to section 4.23.4.

Field verification may be required.

(§18-4.23.5, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code § 62.1-44.15:76; 9VAC25-830-120

Sec. 4.23.6 – General Performance Standards

- A. *Landcovers.* Landcover changes within riparian buffers must conform to the Permitted Landcover Change Matrix in the DSM. Increases in impervious area are prohibited except as expressly permitted under sections 4.23.7 or 4.23.8.
- B. *Buffer management.* Except as authorized by sections 4.23.7 or 4.23.8, riparian buffers must be managed as follows:

1. Native vegetation within the riparian buffer must not be disturbed or removed;
 2. Buffers must be maintained in as natural a condition as possible; and
 3. The preferred vegetative cover is a native forest with ground cover, shrub/understory, and tree canopy layers.
- C. *Replanting after cessation or conversion.* When an activity permitted under sections 4.23.7 (A) or 4.23.7 (B) ceases or is converted to a non-permitted use, buffer vegetation must be installed at densities specified in the DSM, consistent with the current Virginia Department of Conservation and Recreation's (VDCR) Riparian Buffers Modification and Mitigation Guidance Manual.
- D. *Performance standards.* Any use, development, or redevelopment within a riparian buffer must meet the following performance standards:
1. No more land may be disturbed than is necessary to provide for the proposed use or development;
 2. Native vegetation must be preserved to the maximum extent practicable, consistent with the proposed use or development;
 3. Impervious cover must be the minimum necessary for the proposed use or development;
 4. Comply with all applicable County requirements for land-disturbing activity;
 5. Be designed and constructed to minimize erosion;
- E. *Common areas in subdivisions or developments.* Lots should not include riparian buffers; however the Riparian Buffer Administrator may allow buffers on lots only if a permanent easement or recorded covenant ensures preservation consistent with section 4.23 et seq.
- F. *Signage.* For subdivisions creating lots or construction requiring a site plan (other than properties used for bona fide agricultural and/or silvicultural activities), the developer must install signage marking the landward boundary of the buffer at locations and with text specified in the DSM. Signs must be installed upon final stabilization of disturbed areas and in accordance with the DSM.
- G. *Prohibited practices.* Fertilization or herbicide application within the buffer is prohibited except for invasive-species control approved under section 4.23.7(K).

(§18-4.23.6, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—Va. Code §§ 62.1-44.15:69, 62.1-44.15:73, 62.1-44.15:75, 9VAC25-830-130

Sec. 4.23.7 – Permitted Structures, Improvements, and Activities

The following are permitted within riparian buffers and must follow the performance standards in section 4.23.6 (C), and obtain all required Federal, State and County permits:

- A. *Agriculture.* Bona fide agricultural activities, excluding:
1. Roads not exempt under section 17-300 (D); and
 2. New agricultural structures located within 100 feet of the top bank of any perennial or intermittent stream or its contiguous wetland.
- B. *Silviculture.* Silvicultural activities only when conducted in compliance with the Virginia Department of Forestry's "Best Management Practices for Water Quality", including the establishment of Streamside Management Zones.
- C. *Utilities and transportation.* The construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and accessory structures constructed by the Virginia Department of Transportation (VDOT), if they comply with:
1. The Virginia Erosion and Stormwater Management Act and its regulations;
 2. An approved soil erosion and stormwater management plan; or
 3. Local water quality protection standards that are at least as stringent as state requirements.
- D. *Local utility lines.* The construction, installation, and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned, permitted, or both, by a local government or regional service authority if:
1. To the degree possible, such utilities and facilities are located outside of the riparian buffer; and

2. No more land is disturbed than is necessary to provide for the proposed utility installation; and
 3. All such construction, installation, and maintenance of such utilities and facilities must comply with all applicable County, state and federal permits and designed and conducted in a manner that protects water quality.
- E. *Water-dependent structures or facilities.* Permitted only when:
1. All non-water dependent components are outside the buffer;
 2. There is only a single point of access; and
 3. The disturbance is limited to only what is necessary to build and access the water-dependent structure or facility.
- F. *Passive recreation.* Educational signs and kiosks, and pervious trails, paths, or boardwalks following the current VDCR Riparian Buffers Modification and Mitigation Guidance Manual, and DSM guidance. Paths serving individual lots must not exceed four feet in width except as necessary to meet ADA accessibility or emergency-services requirements.
- G. *Historic and archaeological activities.* Permitted with prior approval by the Riparian Buffer Administrator and the Zoning Administrator.
- H. *Buffer restoration and replacement.* Permitted only when:
1. A plan or narrative is approved by the Riparian Buffer Administrator.
 2. Mature trees are preserved when possible. Any vegetation that is removed must be replaced with native vegetation that provides the same level of water quality or better quality protection and is consistent with the DSM. Trees or other vegetation that is removed must be:
 - a. Replaced with native vegetation that is appropriate to site conditions and is equally effective in reducing runoff, preventing erosion, and filtering nonpoint source pollution; and
 - b. Replanted in a way that maximizes the buffer's function and protects water quality.
 3. Permitted replacement and restoration activities include:
 - a. Reestablishing buffers after agricultural or silvicultural land is changed to a land use other than bona fide agricultural or silvicultural activities;
 - b. Restoring vegetation where forestry or agricultural best management practices recommend removing and replacing vegetation to maintain a healthy buffer;
 - c. Replanting vegetation that was removed for a sightline, access path or for woodlot management; and
 - d. Replacing vegetation that was removed illegally or removed beyond what was authorized.
- I. *Native vegetation planting.* Planting of native trees, shrubs, or other vegetation consistent with the DSM.
- J. *Minor installations.* Installation of fences, sign posts, and poles (telephone, electric, or other kinds of posts or poles).
- K. *Limited vegetation removal.* Removal of the following types of vegetation:
1. Dead, diseased or dying trees or shrubbery;
 2. Noxious weeds or invasive plant species, to include but not be limited to Johnson grass, kudzu, and multiflora rose; or
 3. Vegetation posing an imminent threat to buildings or public health or safety.

Upon demand by the Riparian Buffer Administrator, the landowner must provide evidence that removed vegetation qualified as one of the types identified above. The Riparian Buffer Administrator may require a mitigation plan and plantings as set forth in section 4.23.9 if it is determined the vegetation removed does not meet the criteria of this section.

State Law reference—Va. Code §§ 62.1-44.15:69, 62.1-44.15:72, 62.1-44.15:73; 9VAC25-830-140, 9VAC25-830-150

Sec. 4.23.8 Structures, Improvements, and Activities Subject to Approval by the Riparian Buffer Administrator

A. *Conditions of authorization.* The Riparian Buffer Administrator may authorize structures, improvements, and activities listed in section 4.23.8 (B) if:

1. A mitigation plan is approved under section 4.23.9;
2. The structure, improvement or activity complies with section 4.23.6 (D);
3. All required Federal, State and local permits are obtained; and
4. The structure, improvement or activity complies with all other applicable law.

B. *Authorized structures, improvements and activities.*

1. *Temporary erosion and sediment control measures.* Temporary erosion and sediment control measures within the landward (outer) 50 horizontal feet of the riparian buffer if the Riparian Buffer Administrator determines:
 - a. Such measures are located outside the riparian buffer as much as practical;
 - b. Disturbance of the riparian buffer are minimized; and
 - c. The disturbed area of the riparian buffer will be restored after the measures are removed pursuant to an approved mitigation plan.
2. *Supportive infrastructure.* Necessary supportive infrastructure located within the landward (outer) 50 feet of the riparian buffer that is:
 - a. Necessary to allow reasonable use of the lot as set forth in Section 4.23.8 (B)(8); or
 - b. Located along an intermittent stream within both a water supply protection area and a development area.
3. *Environmental restoration projects.* Environmental restoration projects approved by the County, a soil and water conservation district, or another authorized public agency.
4. *Stream crossings.* Stream crossings for roads, streets, or driveways, and related sidewalks, utilities, and drainage facilities if it meets the requirements of the DSM. In order to ensure that the encroachment into or across the riparian buffer is minimized, on or after May 7, 2008, it is presumed that one stream crossing is adequate to serve the lot(s) existing on that date and all lots created on and after that date. The Riparian Buffer Administrator will only allow one stream crossing to serve all lots, unless additional crossings are determined to be necessary as set forth in under Section 4.23.8 (B)(5).
5. *Additional stream crossings.* If the Riparian Buffer Administrator determines that a riparian buffer would prohibit access to a lot, and such access is necessary for the lot to be used and developed as permitted in the underlying zoning district and under the applicable regulations of Chapter 14, then an additional stream crossing may be authorized.
6. *Agricultural roads included within a plan of development.* Agricultural roads that are included within a plan of development as set forth in section 17-300 (D).
7. *Water and sewer facilities or sewage systems.* On lots of record lawfully existing prior to February 11, 1998 when:
 - a. Activities in the riparian buffer are limited to the construction, installation, and maintenance of those facilities or systems; and
 - b. The Riparian Buffer Administrator determines that the riparian buffer would prohibit the practicable development of those facilities or systems.
8. *Single building site on pre-existing lots.* On lots of record lawfully existing prior to February 11, 1998, the development of a single building site may be allowed when:
 - a. The riparian buffer would eliminate a building site;
 - b. The lot has no building site outside of the riparian buffer;
 - c. The underlying zoning district would permit redevelopment; and

- d. Impervious areas and disturbances are minimized.
- 9. *Flood control or stormwater management facilities.* Flood control or stormwater management facilities serving multiple developments or a watershed area if:
 - a. Best management practices are used to collect or treat runoff;
 - b. It complies with the Virginia Stormwater Management Act and all applicable County ordinances;
 - c. The Riparian Buffer Administrator determines the location within the riparian buffer is necessary for flood or stormwater control and impacts to the riparian buffer are minimized;
 - d. The facility is no larger than necessary for effective flood control or stormwater treatment; and
 - e. It is part of a County-approved comprehensive stormwater management plan.
- 10. *Stormwater management outfalls.* All such outfalls must be designed in accordance with the DSM.
- 11. *Passive recreation and facilities with limited impervious surfaces.* Passive recreation access and facilities with impervious surfaces that are designed in accordance with the current VDCR's Riparian Buffers Modification & Mitigation Guidance Manual.
- 12. *Public uses.* All such public uses as defined in section 3.1.

(§18-4.23.8, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference-Va. Code § 62.1-44.15:73; 9VAC25-830-140, 9VAC25-890-40

Sec. 4.23.9—Mitigation Plan: Form, Standards, Content, Surety

- A. *Form.* Mitigation plans must meet the requirements of this sections and the DSM, in a format approved by the Riparian Buffer Administrator. For the development of a once single-family detached dwelling, the Riparian Buffer Administrator may accept the mitigation information with the building permit.
- B. *Standards.*
 - 1. Riparian buffers must be established or restored in accordance with section 4.23.6 and the DSM.
 - 2. *Replanting and maintenance.* If any portion of a riparian buffer is disturbed or removed, or if property zoned Rural Areas is subdivided or converted to establish a primary residential use, vegetation must be planted and maintained as follows:
 - a. *Planting ratio.* Vegetation must be replanted at a ratio of two square feet of restored riparian buffer for every one square foot of riparian buffer that was disturbed (2:1 ratio).
 - b. *Vegetation.* Only native species listed in the DSM may be used. Riparian buffer vegetation must be planted, established and maintained as specified in the DSM.
 - c. *Mitigation bond.* The Riparian Buffer Administrator may require the owner post a mitigation bond until the plants are established.
 - 3. *Multiple stream crossings.* If more than one stream crossing is requested, the applicant must demonstrate:
 - a. The proposed crossing is necessary for reasonable use of the lot under section 4.23.8 (B)(2)(a); or
 - b. A single crossing would cause greater environmental impacts than adding another crossing. Qualifying environmental impacts include:
 - (i) impacts to soil;
 - (ii) soil erosion;
 - (iii) stormwater runoff;
 - (iv) water quality;
 - (v) loss of vegetated riparian buffer;
 - (vi) impacts to stream beds or banks;
 - (vii) additional impervious surfaces; and
 - (viii) the disturbance of slopes of 25 percent or greater

- C. *Content.* Each mitigation plan must identify how the proposed development will affect water quality and riparian buffers, describe proposed mitigation measures, and include any additional information required by the Riparian Buffer Administrator.
- D. *Surety.* When the Riparian Buffer Administrator requires a mitigation plan to have financial surety, the owner must provide it as follows:
1. *Purpose for surety; type of surety.* The owner must provide a surety to guarantee the mitigation plan is completed as approved. Acceptable forms of surety include a cash escrow, certified or official check, bond with surety, letter of credit or assigned collateral funds. Surety must be provided in a form approved by the County Attorney and acceptable to the Riparian Buffer Administrator.
 2. *Estimate.* The owner must request an estimate of the surety amount from the Riparian Buffer Administrator. The Administrator will calculate the total cost to implement and maintain the mitigation plan, including up to 25 percent for administrative costs.
 3. *Use of surety.* The County may make use of monies guaranteed by the surety instrument if either: (i) the owner fails to timely renew or maintain the bond with surety, letter of credit, or assigned funds; or (ii) the Riparian Buffer Administrator determines after written notice, that the owner has failed to start, complete or maintain the approved mitigation plan.
 4. *Right to collect shortfall.* If the County must implement, complete or maintain the approved mitigation plan because the owner failed to do so, and the cost to the County is higher than the amount of surety held, the County may collect the difference from the owner.
 5. *Release of surety.* The surety may be released as follows:
 - a. *Partial release.* In order for any surety to be partially released:
 - b. *Owner's request.* The owner must certify that the mitigation requirements have been completed as required and pay the required fee specified in County Code Chapter 1, Article 5.
 - c. *Riparian Buffer Administrator's review.* Within 30 days of receiving the certification, the Riparian Buffer Administrator will inspect the site and either: (i) approve the partial release, if those requirements are satisfied; or (ii) inform the owner that the requirements are not met, identifying any defects, deficiencies or further required mitigation.
 - d. *Release.* If the Riparian Buffer Administrator grants the partial release the surety will be partially released within 60 days of receiving the owner's request. The amount released will correspond to the percentage of mitigation successfully completed as determined by the inspection.
 - e. *Full release.* In order for any surety to be fully released:
 - i. *Owner's request.* The owner must pay the fee for required by County Code Chapter 1, Article 5 and certify that the mitigation plan has been fully satisfied as required.
 - ii. *Riparian Buffer Administrator's review.* Within 30 days of receiving the certification, the Riparian Buffer Administrator will either: a) approve the full release, if an inspection confirms the requirements are satisfied; or b) inform the owner that the requirements are not satisfied and specify any defects, deficiencies, or further required mitigation.
 - iii. *Release.* If full release is approved, the County will release the surety within 60 days after receiving the owner's request.

(§18-4.23.9, Ord. 26-18(1), 6-17-26, effective 9-1-26)

Sec. 4.23.10 Special exceptions

- A. *Scope.* Waiver(s) or modification(s) of sections 4.23.6, 4.23.7 and 4.23.8 may be authorized only by the special exception(s) specifically provided in this section.
- B. *Procedure.* The Board of Supervisors may grant special exception(s) only after notice to abutting parcel owners.
- C. *Submission requirements.* The Riparian Buffer Administrator may require the applicant to submit a water quality impact assessment or other necessary information for the review of the application.

- D. *Findings.* Among other relevant factors, in granting a riparian buffer special exception, the Board of Supervisors may consider whether:
1. The requested exception to the criteria is the minimum necessary to afford relief;
 2. Granting the exception will not confer upon the applicant any special privileges denied by this section to other property owners similarly situated in the vicinity;
 3. The exception is in harmony with the purpose and intent of this section and is not of substantial detriment to water quality;
 4. The exception request is not based upon conditions or circumstances that are self-created or self-imposed;
 5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the exception request from causing a degradation of water quality; and
 6. Other findings, as appropriate and required by the Board are met.
- E. *Conditions and surety.* The Board may impose conditions to the granting of any special exception it deems necessary in the public interest and protection of water quality. To ensure compliance with the conditions, a performance bond may be required.

(§18-4.23.10, Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference—9VAC25-830-150

Section 5 - Supplementary Regulations

. . .

Sec. 5.1.28. – Clean earth and inert waste fill activity

- A. Each clean earth fill activity or inert waste fill activity not established and operated in conjunction with a permitted use under section 30.4 of this chapter or established and operated in conjunction with an approved site plan or subdivision are subject to the following requirements:
1. Each active fill area must be shaped and sloped so that no undrained pockets or stagnant pools of water are created to the maximum extent reasonably practicable as determined by the program authority. All undrained pockets and stagnant pools of water resulting from drainage must be treated as required by the Virginia Department of Health to eliminate breeding places for mosquitoes and other insects. Slope may not exceed 3:1. The height of fill may not exceed eight feet above natural grade.
 2. No fill area may be located either (a) within the flood hazard overlay district, except as authorized by section 30.3 and section 4.23 of this Chapter, (b) in any riparian buffer area as defined by section 4.23 of this Chapter or on any hydric soils as identified by the United States Department of Agriculture.

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(§ 5.1.28, 7-6-83; Ord. 01-18(6), 10-3-01; Ord. 02-18(5), 7-3-02; Ord. 20-18(3), 9-16-20; Ord. 26-18(1), 6-17-26, effective 9-1-26)

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Sec. 5.1.44-Farm worker housing.

Each farm worker housing facility is subject to the following provisions:

- A. *Concept plan to be submitted with application for farm worker housing.* Before applying for the first building permit for a farm worker housing, Class A, facility, or in addition to any other information required to be submitted for a farm worker housing, Class B, special use permit, the applicant ~~shall~~ must submit a concept plan meeting the requirements of section 5.1.44(b).
- B. *Contents of concept plan.* The concept plan must show the following: (i) the boundary lines of the farm (may be shown on an inset map if necessary); (ii) the location and general layout of the proposed structures at a scale of not more than one inch equals 40 feet; (iii) vehicular access, travelways and parking for the facility; (iv) topography (with a contour interval of no greater than ten feet); (v) critical slopes; (vi) streams, riparian buffers and floodplains; (vii) source(s) of water for fire suppression; (viii) building setback lines as provided in subsection 5.1.44(g) below; and (ix) outdoor lighting. The concept plan must also include a written description of each structure's construction and materials used, and the number of persons to be housed in the farm worker housing facility.

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(Ord. 06-18(2), 12-13-06; Ord. 12-18(4), 7-11-12; Ord. 26-18(1), 6-17-26, effective 9-1-26)

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Article III – District Regulations

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Section 20C – Rio29 Form-Based Code Overlay District-Rio29 FBC District

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Sec. 20C.8 – Building standards.

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- C. *Modifications to building standards.* The Agent may grant modifications to building standards as listed below, provided that the resulting building and site design still meets the purpose and intent of this section.
- 1. *Reduction of ground floor height.* The Agent may approve a reduction in ground floor height where a temporary false floor or drop ceiling is constructed to allow ground floor residential uses, consistent with section 20C.6, provided that a future conversion to commercial uses could comply with this section.
 - 2. *Block length.* The Agent may approve modifications to required block lengths for the following:
 - a. To accommodate street connection(s) to existing or planned adjacent street(s);
 - b. To accommodate a requirement of VDOT or the Department of Fire Rescue;
 - c. To avoid a natural feature such as a riparian buffer or preserved slopes;
 - d. To avoid a planned or existing civic space;
 - e. To allow future streets to align with existing travel ways, private streets, or parcel lines within or adjacent to the site;
 - f. To avoid or accommodate existing utilities; or
 - g. To allow smaller block sizes for drive aisles or counterflow streets along through corridors.

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(§ 18-20C.8, Ord. 21-18(4), 9-1-21; Ord. 26-18(1), 6-17-26, effective 9-1-26)

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Section 30 – Overlay Districts

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Sec. 30.3 – Flood hazard overlay district – FH

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Sec. 30.3.11 – Permitted and prohibited uses and structures.

The uses and structures permitted by right and by special use permit, and the uses and structures expressly prohibited, in the flood hazard overlay district are as follows:

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Stream Crossings and Grading Activities*		
Stream crossings for a driveway serving only one single-family dwelling and pedestrian trails, including, but not limited to, pedestrian and multi-use paths that are within county-owned or operated parks and greenways, and any footbridges necessary to cross tributary streams, watercourses and swales, that: (i) meet the applicable requirements of sections 18-4.23.9 and 18-4.23.8; (ii) demonstrate, in a floodplain impact plan, to the floodplain administrator's satisfaction, that construction of the crossing will have no impact on the elevations or limits of the floodplain; and (iii) will serve one dwelling unit that could not be accessed by any other means.	BR	BR

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((§ 30.3.04, 12-10-80); (§ 30.3.05, 12-10-80); (§ 30.3.05.1, 12-10-80); (§ 30.3.05.1.1, 12-10-80, 7-1-81, 5-12-93; Ord. 98-18(2), 9-16-98; Ord. 04-18(2), 10-13-04; Ord. 09-18(2), 5-13-09); (§ 30.3.05.1.2, 12-10-80; Ord. 05-18(1), 1-5-05, effective 2-5-05); (§ 30.3.05.2, 12-10-80); (§ 30.3.05.2.1, 12-10-80, 4-28-82,

Ord. 98-18(2); 9-16-98; Ord. 04-18(2), 10-13-04); (§ 30.3.05.2.2, 12-10-80); § 30.3.11, Ord. 14-18(1), 3-5-14; Ord. 17-18(4), 8-9-17; Ord. 19-18(3), 6-5-19; Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code § 15.2-2280.

Federal law reference—44 CFR § 60.1(d).

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Sec. 30.7 – Steep slopes overlay district

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Sec. 30.7.4 – Permitted uses.

The following uses and structures are permitted by right or by special use permit on managed or preserved slopes, provided that the land disturbing activity to establish the use or structure complies with design standards in section 30.7.5 and all other applicable requirements of the Code:

- a. *Managed slopes.* The uses permitted by right and by special use permit on managed slopes are as follows, subject to the applicable requirements of this chapter:
 1. *By right.* The uses permitted by right in the underlying district shall be permitted by right on managed slopes.
 2. *By special use permit.* The uses permitted by special use permit in the underlying district shall be permitted by special use permit on managed slopes.
- b. *Preserved slopes.* The uses permitted by right and by special use permit on preserved slopes are as follows, subject to the applicable requirements of this chapter:
 1. *By right.* The uses permitted by right on preserved slopes are the following:
 - a. *Existing single-family dwelling unit.* Any single-family detached or single-family attached dwelling unit that was lawfully in existence prior to March 5, 2014 may be expanded, enlarged, extended, modified or reconstructed. For the purposes of this subsection, the term "lawfully in existence" includes, but is not limited to, any single-family detached or single-family attached dwelling unit for which a building permit was issued prior to March 5, 2014; provided that the building permit has not expired.
 - b. *Existing lot of record; first single-family detached dwelling unit.* Any lot ~~which~~ that was a lawful lot of record on March 5, 2014 may establish the first single-family detached dwelling unit on the lot; provided the lot does not contain adequate land area outside of the preserved slopes to locate the dwelling unit. For the purposes of this subsection, the term "lawful lot of record" includes any lot shown on a subdivision plat approved prior to March 5, 2014; provided that the plat is still valid.
 - c. *Necessary public facilities.* Public facilities necessary to allow the use of the lot, provided that the lot does not contain adequate land area outside of the preserved slopes to locate the public facilities and one or more of the following exist: (i) the land disturbing activity avoids impacts on other protected resources such as riparian buffers or floodplain; (ii) the alignment of the public facilities is consistent with the alignment of public facilities depicted or described in the comprehensive plan; (iii) the disturbance is necessary to provide interconnection required by the Code or the applicable regulations of other public entities; or (iv) prohibiting the facilities from being located on preserved slopes will cause an unnecessary hardship. To the extent that public facilities are established on preserved slopes, the preserved slopes should be preserved to the maximum extent practicable consistent with the intent and purpose of this overlay district.

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(§ 30.7.4; Ord. 14-18(2), 3-5-14; Ord. 26-18(1), 6-17-26, effective 9-1-26)

State Law reference— Va. Code §§ 15.2-2280(1), (2), 15.2-2286(A)(4).

This ordinance will be effective on and after September 1, 2026.

Agenda Item No. 21. Adjourn to July 15, 2026, 1:00 p.m., Lane Auditorium.

At 8:41 p.m., the Board adjourned its meeting to July 15, 2026, 1:00 p.m., Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

Chair

Approved by Board
Date: 08/19/2026 Initials: CKB