

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 16, 2025, at 1:00 p.m. in Lane Auditorium, Second Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22902.

PRESENT: Mr. Jim H. Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

ABSENT: none.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; 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 1:00 p.m., by the Chair, Mr. Jim Andrews.

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Officers Ronald Vanderveer and Dana Reeves.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Mallek **moved** to adopt the final agenda. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

Mr. Pruitt reported that they did have upcoming elections in Virginia, and it was essential to stay informed about the dates; however, he could not access the webpage at the moment. He reminded the public that as they returned from a brief summer break, many community members were also coming back from vacation. He hoped that everyone was mindful of the summer heat, which could be hazardous to be outside. He urged everyone to exercise reasonable judgment when working in this environment.

Mr. Pruitt noted that the increased heat and longer periods of heat during the day could put additional strain on infrastructure, particularly heating and cooling systems. This could lead to failures, which could be a health and safety issue, especially for tenants who may not have control over their systems. Tenants had the right to a safe and habitable living environment, and if their cooling system was not functioning, it was essential to address this issue with their landlord and seek assistance from organizations like Legal Aid Justice Center and Central Virginia Legal Aid.

Ms. Mallek announced that many members from Virginia attended the National Association of Counties (NACo) meeting. She said that she would share links to the informative presentations with everyone as soon as possible, but she would also like to announce a few key topics that people can be watching for at the federal level. She reported that the EELU (Energy, Environment, and Land Use) committee had been focusing on water quality and the need for federal policies to prevent contamination from occurring. Specifically, they were advocating for the production of the per- and polyfluoroalkyl substances (PFAS) family of chemicals to be stopped, and for the removal of these chemicals from water, wastewater, and consumer products. If they did not take action to cease the production of these chemicals, it would be forever challenging to clean up the contamination.

Ms. Mallek continued that the committee also discussed the potential for Small Modular Reactors (SMRs) to provide sufficient power for data centers. She explained that there was general outrage across the country about the tripling of demand on the electric grid nationally to provide private profit at ratepayer expense for data centers. Socializing the risk was a growing issue, and people were very concerned about the loss of agricultural land and food production, particularly in local communities, to maintain food availability and avoid supply chain issues. She continued to explain that the Natural Disaster Task Force was particularly affected by the issue of the Texas floods, which were on everyone's mind; the meeting attendees were five times more than in February.

Ms. Mallek stated that key takeaways from the Natural Hazard Task Force and the former head of the Federal Emergency Management Agency (FEMA) included the importance of thoughtful staff work, emergency preparedness, and planning ahead. She noted that blue sky conversations were essential in making plans to solve problems before they arise. She further emphasized the importance of communications in emergency situations. She explained that using every mode of communication, including radio, social media, and other channels, was crucial. It was essential to educate residents about the alert system and to encourage them to sign up for the Charlottesville-UVA-Albemarle emergency alerts. Radio was particularly important, as cell phones and the internet often failed during emergencies.

Ms. Mallek stated that local governments must respect floodplains and floodways and update their safety rules to reflect the latest information. Investing in river gauges and early warning technology was essential, and counties should work to install these systems in advance. Counties could take steps to arrange pre-contracts for aspects of recovery, such as debris cleanup, shelter provision, and food suppliers, during the blue-sky stage. They all had a lot on their plates, with a lot more to tackle now and to consider as they move forward, incorporating good ideas from their community along the way.

Mr. Gallaway reported that he also attended the National Association of Counties annual conference. He noted that the NACo organization had been in place for 90 years, and they had provided a brief history of the organization. He said that the Community, Economic Development, and Workforce Committee had 18 resolutions had been passed by this committee, which would be used for advocacy at the federal level. While he would not go into detail, the resolutions covered a range of topics, including support for affordable housing for individuals experiencing homelessness, implementation of permanent affordable housing, and the Workforce Modernization Act, which aimed to provide a pathway to legal citizenship for individuals in the country illegally.

Mr. Gallaway continued that the resolutions also highlighted the importance of small businesses and local economies to the overall health and vitality of communities. He said that it had been interesting to see the committee's efforts come together in a meaningful way, with resolutions passing with broad support from counties across the country and calling on Congress to take action on these topics, so he thought it was worth sharing.

Ms. McKeel said that she observed a theme emerging today, particularly with regards to climate, which was likely due to their current climate challenges, including rain, heat, and storms. She said that she had recently come across a Sunday, July 13, 2025, edition insert on climate in The New York Times that she found to be excellent and down-to-earth information, particularly relevant for homeowners and residents. She would share a copy of this with the County Executive so their staff could receive this important information and disseminate it to the community. She thought it was essential for all of them to be considering the impact of climate on their community. She said that the climate had a profound effect on them all in various ways.

Ms. LaPisto-Kirtley reported that there had been sightings of the invasive spotted lanternfly in Albemarle County, and she encouraged the public to destroy any spotted lanternflies they may find. Additionally, they could access Albemarle.org/lanternfly to learn more about these insects and report sightings to the County could forward their local data to the state.

Ms. LaPisto-Kirtley stated that on another note, the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) was hosting "Defining Us" regional identity workshops throughout the month of July, with four in-person sessions being held in White Hall, Samuel Miller, and the Rivanna Districts, as well as the City of Charlottesville. She encouraged the public to visit WeSeeYouCville.org for more information, attend the in-person sessions, and get involved in their local economic development opportunities.

Mr. Andrews said that he appreciated the comments made today, particularly regarding the connections between today's meeting and climate issues, as well as resiliency and offsetting inputs.

Agenda Item No. 6. Proclamations and Recognitions.
Item No. 6.a. Resolution Recognizing Colonel Eric Haas.

Ms. Mallek **moved** to adopt the Resolution Recognizing Colonel Eric Haas, which she read aloud.

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

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

Resolution Recognizing Colonel Eric Haas

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

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

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

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

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

Signed this 16th day of July 2025

Mr. Trevor Henry, Deputy County Executive, stated that as part of his role in the Executive's Office, he had had the opportunity to work with military and veterans in their community, and it was his distinct pleasure and honor to introduce Colonel Eric Haas. He said that he believed the proclamation stood on its own, but he would like to publicly express his gratitude to Colonel Haas for his true partnership with Albemarle County over the past two years. He thought the relationship of support and coordination between Albemarle County local government and Rivanna Station was at an all-time high in all aspects of their work, and he attributed that success directly to Colonel Haas's leadership.

Mr. Henry stated that Colonel Haas had promised to maintain this relationship and ensure a smooth transition with his replacement. He noted that Colonel Haas and his wife would both be stationed at Fort Bragg, so they would be reunited after four years apart. He added that it was a tradition in public safety to present retirees with a challenge coin, so Albemarle County presented its own challenge coin to Colonel Haas as an honorary token of their appreciation.

Colonel Eric Haas stated that standing before the Albemarle County Board of Supervisors today, he was filled with a profound sense of gratitude and humility. To be recognized by the Board of Supervisors for his service as the Commander of the National Ground Intelligence Center (NGIC) was both an immense honor and deeply meaningful to him personally. Having grown up in Charlottesville, from attending Johnson Elementary School as a child to returning as the Commander of the National Ground Intelligence Center, he was humbled by the path that had led him here.

Colonel Haas said that he did not think that his past self as a young child from Charlottesville would believe the journey that had brought him to this moment, but he was deeply grateful for the recognition the Board had given him. He wanted to express his sincere appreciation to the National Ground Intelligence Center staff and analysts, the unsung heroes who labor behind the scenes, piecing together information and drawing insights from complexity. Their work was crucial in providing the military and national leaders with the intelligence they needed to make informed decisions.

Colonel Haas stated that to the Board of Supervisors and citizens of Albemarle County, he extended his deepest gratitude. Their support of NGIC had fostered an environment in which the mission could thrive. The Rivanna Futures Project was a generational investment that would increase the economic resiliency of the region while ensuring the Central Virginia Corridor maintained its unique character and charm. Being here under the shadow of the Blue Ridge Mountains, surrounded by this vibrant community, was truly inspiring. He believed that what set NGIC apart was its connection to the community. Unlike most other military installations, they were part of the fabric of this community, rather than being an isolated base.

Colonel Haas stated that their children attended local schools, they shopped in local stores, and they invested in the well-being and prosperity of Albemarle County, which benefited them all. When NGIC accomplished its mission, it was because of the solid foundation provided by this community, which valued service, integrity, and pursuit of excellence. He would also like to take a moment to acknowledge the broader community of public servants, including those in uniform, police, fire, and civilian roles, who worked tirelessly and often without recognition to make Albemarle County and their nation a better, safer place.

Colonel Haas stated that he had truly enjoyed working with Mr. Richardson, Mr. Henry, Ms. Kilroy, and all of the Supervisors for the events they had attended, including Rivanna Station, Veterans Day proclamations, and today. Their support and recognition of the incredible work done by the National Ground Intelligence Center staff were greatly appreciated. He thanked the Board again for this honor. He was deeply humbled and grateful for the support of the community, and it had been a privilege to serve. He was thankful to be a member of Albemarle County and looked forward to returning to the area after his time in service.

Mr. Pruitt thanked Colonel Haas for leading NGIC through a period of the greatest engagement in quite a while, with many forthcoming changes in the community directly tied to NGIC. He believed Colonel Haas had led his team with grace and aplomb, which he was grateful for. He thanked Colonel Haas for being such a game and willing partner, and he wished him luck in his next endeavors.

Ms. Mallek said that she looked forward to welcoming Colonel Haas back to Albemarle County after his service at Fort Bragg. She expressed her gratitude for all the quiet work that NGIC staff did in their County and congratulated Colonel Haas on all his achievements.

Mr. Gallaway gave his sincere appreciation to Colonel Haas for his service, expertise, and partnership with the County during a transformational time in their economic development work at Rivanna Station. He looked forward to seeing Colonel Haas rejoin their community after his next assignment at Fort Bragg.

Ms. McKeel thanked Colonel Haas for his service to the community, state, and country. She looked forward to Colonel Haas coming back, and was sure that the County would have opportunities for him to help their community if he was interested. She requested that he give as much information as possible to his successor so they would be prepared to fill his shoes.

Ms. LaPisto-Kirtley expressed her pride in having Colonel Haas as a leader of Rivanna Station and that he would be returning. She was grateful to have him as a constituent as well. She was duly impressed that as an Albemarle County native, Colonel Haas's education in Albemarle led him on such a successful career path. She was very grateful for all that they had accomplished together in the short two years Colonel Haas had been working with the County.

Mr. Andrews said that he echoed the comments made by his fellow Supervisors. He said that Colonel Haas deserved a round of applause for all the work he had done in Albemarle County before Ms. Mallek presented him with his proclamation.

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

Mr. Gary Grant, Rio District, stated that he had never seen the Supervisors appear nervous in these meetings; however, he always felt nervous and was aware that the public did as well. He had been trying to encourage more citizens to participate by speaking up, but they seemed reluctant to do so. He asked if the General Assembly and Albemarle voters were to approve taking \$25 million a year in sales taxes for school construction, would they then reduce their local real estate tax rate by the equivalent \$0.08?

Mr. Grant noted that Albemarle already had taxpayers' personal information compromised due to the cyber security staff's failure to protect it, and he wondered why Albemarle residents had to make all the phone calls to the Kroll company to request monitoring services. He suggested that County government should make the call and get all covered with one call. By the way, the coverage was neither complimentary nor free as County staff's news release claims. He stated that government relied on taxpayers' money, and taxpayers would ultimately pay the bill.

Mr. Grant said that on page 10 of their AC44 engagement document, he asked if any of the Supervisors actually trusted the survey that claimed that walking was the number one preferred future travel mode in the 725 square miles of Albemarle County. Additionally, on page 6 of the AC44 implementation document, he pointed out that the six strategic plan goals were missing a seventh goal that addressed saving taxpayers money. Finally, Albemarle County residents still did not appear to have any evidence that the Rio District Supervisor had fulfilled his April 10 promise to outline the changes he plans to make and how he would pay for future snow cones to be given away to County residents.

Mr. Peter Krebs, representing the Piedmont Environmental Council (PEC) stated that last year, Albemarle County had requested approximately \$1.5 million from the state as part of its legislative priorities to build a greenway trail in Biscuit Run Park, from the future and now under construction, Monacan Nation Tribute Park in Southwood, to the also future and soon to be constructed Hickory Street Trailhead in Biscuit Run. He said that thanks to the staff's solid proposal, strong support here and around the Commonwealth, and leadership from Senator Deeds, Delegate Callsen, and Delegate Laufer, the legislature had voted to approve these amendments.

Mr. Krebs stated that unfortunately, the Governor had vetoed that budget item. In the meantime, support for the trail had only increased. Given that there would be a different governor next year, the Piedmont Environmental Council and many others encouraged the Board to try again in this upcoming legislative package. They themselves had not been idle. With ongoing support from the Morrill Foundation, PEC had been working with Line +Grade and County staff and others to study the trail corridor in detail to investigate the most realistic ways to get the project done promptly and efficiently and to explore additional connections in the community.

Mr. Krebs said that the greenway would be an important transportation link, but it was about much more than that. It would be a highly accessible way for residents of Southwood and others throughout the area to connect with fresh air and exercise in Albemarle County's largest park, to observe and interact with the stream that was being restored in the area, and to discover the deep history of the region, both culturally and ecologically. The PEC thanked the Board, the County staff, and their community partners, and especially the State legislative delegation for the great work they had already put in. He said that now, they should push for a better outcome and hopefully a new trail getting underway in 2026.

Ms. Megan Rapp, White Hall District, said that she was a resident of Crozet. She said that she was noticing some themes today around safety and climate, and she believed her comments would be

right on theme. She was a mom to two young children, one of whom has a chronic respiratory disease. She also served as Assistant Vice President of Clery Act Compliance and Youth Protection at the University of Virginia, where she oversaw federal safety requirements and safety procedures for the 30,000 minors who visited Charlottesville and Albemarle County annually for camps and youth programs. She said that both of these important roles had given her a deep understanding of the importance of safety.

Ms. Rapp said that her work encompassed a wide range of responsibilities, from supporting emergency incident response to assessing and establishing child-to-teacher ratios, as well as camp programs. Given her deep investment in safety, both personally and professionally, she was compelled to speak out. When her son was in kindergarten in an Albemarle County public school, she and her husband quickly realized that no amount of personal safety planning would be sufficient to ensure his health in a packed, indoor classroom. Despite their precautions, he missed many days due to illness. They also had concerns about the learning environment in general, and these considerations were why they turned to an outdoor first school, which had a profound impact on their family.

Ms. Rapp said that outdoor schools emphasized thoughtful planning and safety awareness, and staff were trained in first aid, weather, and terrain risk assessment. Her preschooler recently taught her how to respond to potential hazards like snakes and bears, which she had not previously considered in her line of work. In two academic years at an outdoor school, her son had not had a single sick day or emergent doctor's visit. In contrast, he experienced 10 absences and four urgent care trips in just one year at an indoor kindergarten.

Ms. Rapp said that the benefits of outdoor learning environments were well-documented, and she was sure the Board of Supervisors was aware of them. However, schools and camps in Albemarle County were struggling to secure land use, often losing out to developers. If they valued outdoor opportunities for Albemarle County kids, this Board must step in to protect land, prioritize access, and support these types of programs as essential to childhood development. She urged the Board to consider the Albemarle County Comprehensive Plan and how they could prioritize their children's safety.

Ms. Emily Dreyfus, Rio District, stated that she was here today to ask that the Board modify one of their legislative priorities on the agenda packet. She said that she was pleased to see proposed support for potential steps that will positively impact the urgent housing needs facing Albemarle residents. However, she hoped that the Board would support more than just a study on the anti-rent gouging legislation. She said that she believed that rent stabilization with these provisions would be a more effective solution. She said that it was likely that these considerations would be included in this bill as well.

Ms. Dreyfus said that all Virginia families, regardless of their race, income, or neighborhood, deserved the chance to build a future in their communities. However, for renters who made up one in three of all Virginia households, drastic rent increases were making this impossible. Since 2019, average rents in Albemarle had increased by over 30%. She said that residents of the county were unable to sustain severe and compounding rent increases that far outpaced their wage gains and inflation rate. Furthermore, they were on the verge of witnessing massive cuts to healthcare and food assistance, which would only increase residents' risk of eviction and homelessness.

Ms. Dreyfus noted that over the past five years, over 5,500 eviction cases had been filed in Albemarle, with landlords winning judgments averaging over \$2,400 per case. The passage of the state anti-rent gouging law presented an opportunity to consider whether this solution would help to stabilize Albemarle's communities, improve economic prosperity, and enhance children's educational outcomes. She said that she hoped that the Board would support including the anti-rent gouging bill in their list of legislative priorities.

Agenda Item No. 8. Consent Agenda.

Ms. McKeel **moved** to approve the consent agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Fiscal Year 2025 Appropriations.

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

The total change to the Fiscal Year 2025 (FY 25) budget due to the appropriations itemized in Attachment A is \$697,418. A budget amendment public hearing is not required because the amount of

the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for the County government projects and programs described in Attachment A.

ATTACHMENT A

Appropriation #2025053

Sources:	State Revenue	\$17,903
Uses:	Virginia Opioid Abatement Authority (VOAA)	\$17,903
Net Change to Appropriated Budget:		\$17,903

Description:
This request is to appropriate \$17,903 in State Revenue related to the Virginia Opioid Abatement Authority. \$12,903 of the total for the Walgreen's Settlement Fund, in which funds will be released based on programming proposals approved by the County Executive, consistent with prior appropriations of these revenues. Of the total, \$5,000 of VOAA individual distribution funds to go to the City of Charlottesville as a match for the OAA Cooperative Agreement supporting an expansion of the drug court.

Appropriation #2025054

Sources:	State Revenue	\$679,515
Uses:	DCJS Comprehensive Community Corrections and Pretrial Services Act	\$679,515
Net Change to Appropriated Budget:		\$679,515

Description:
This request is to appropriate \$679,515 in DCJS Comprehensive Community Corrections and Pretrial Services Act grant funding. The actual grant award was higher than the anticipated award amount reflected in the FY 25 Approved Budget, so this request is to appropriate the additional DCJS grant funding. In July 2024, Albemarle County received \$1,384,747 in DCJS Comprehensive Community Corrections and Pretrial Services Act funds to support Offender Aid and Restoration (OAR) Jefferson Area in their provision of local probationary and pretrial services for Charlottesville, Albemarle, Nelson, Fluvanna, Orange, Greene, Louisa, Madison, and Goochland (probation only) counties. The County serves as the fiscal agent for these grants as outlined in an MOU with OAR.

By the above-recorded vote, the Board adopted adopt the attached Resolution (Attachment B) to approve the appropriations for the County government projects and programs described in Attachment A:

**RESOLUTION TO APPROVE
ADDITIONAL FY 2025 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 25 Budget is amended to increase it by \$697,418;
- 2) That Appropriations #2025053 and #2025054 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2025.

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Account String	Amount (\$)	APP#	Description
5811-9-99000-318001-0000-9999-00000-00000-189947-	\$12,902.94	SA2025053	Opioid Direct Settlement>Opioid Walgreens
5811-5-51100-318000-0000-9999-00000-00000-189900-	\$5,000.00	SA2025053	VOAA Ind. Distribution Grant- Misc Revenue
5811-9-99000-499000-0000-9999-00000-00000-999999-	\$12,902.94	SA2025053	Opioid Direct Settlement>Contingencies/Reserves
5811-9-99000-499000-0000-9999-00000-00000-999999-	\$5,000.00	SA2025053	VOAA Ind. Distribution Grant- Pass Thru Grant Expenses
5440-1-15001-324000-0000-9999-00000-00000-240440-	\$679,515.00	SA2025054	DCJS Comprehensive Community Corrections and Pretrial Services Act grant funding

5440-1-15001-431000-0007-0000-00000-00000-593000-	\$679,515.00	SA2025054	Pass through to OAR
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Item No. 8.2. Fiscal Year 2026 Appropriations.

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

The total change to the Fiscal Year 2026 (FY 26) budget due to the appropriation itemized in Attachment A is \$200,000. A budget amendment public hearing is not required because the amount of the cumulative appropriations in FY 26 does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriation for the County government project/program described in Attachment A.

ATTACHMENT A

Appropriation #2026001

Sources:	Affordable Housing Investment Fund Fund Balance	\$100,000
	ARPA Reserve Fund Fund Balance	\$100,000
Uses:	Affordable Housing Investment Fund	\$100,000
	ARPA Reserve Fund	\$100,000

Net Change to Appropriated Budget: \$200,000

Description:
This request is to re-appropriate Special Revenue Funds, Other Funds, and Reserves as outlined below.

- This request is to re-appropriate \$100,000 in the Affordable Housing Investment Fund's fund balance to support housing initiatives that are one-time costs and will support the County's strategic and housing goals. This amount was obligated to support a homeless assessment study in FY25 and up to the full amount will be provided to the Blue Ridge Area Coalition for the Homeless (BRACH) in FY26 to complete the assessment.
- This request is to re-appropriate \$100,000 in the ARPA Reserve fund appropriated in FY25 to support a low-barrier, year-round shelter. Once funding is available in FY26 the contribution will be made to the Salvation Army for the same purpose as appropriated in FY25.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment B) to approve the appropriation for the County government project/program described in Attachment A:

RESOLUTION TO APPROVE
ADDITIONAL FY 2026 APPROPRIATION

BE IT RESOLVED by the Albemarle County Board of Supervisors:

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

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Account String	Amount (\$)	APP#	Description
5801-9-94000-499000-0000-9999-00000-00000-999999-	-\$100,000.00	SA2026001	Reduce AHIF Contingency
5801-5-59100-481000-0069-0000-00000-00000-560000-	\$100,000.00	SA2026001	Increase BRACH program expenses
1106-5-51100-453000-1315-0000-00000-00000-379600-	\$100,000.00	SA2026001	Increase ARPA Salvation Army program expenses
1106-9-99000-352000-0000-9999-00000-00000-510100-	\$100,000.00	SA2026001	Reduce ARPA Fund fund balance

Item No. 8.3. Personnel Policy Amendment.

The Executive Summary forwarded to the Board states that Foundational work in establishing a government-focused HR Department includes a full review and revision of all County Personnel Policies, which is underway. During this review, staff identified opportunities to modernize existing Personnel Policies to align with changes in legislation and public sector best practices.

County Code § 2-901 requires that personnel policies and amendments be adopted by the Board of Supervisors.

§ P-18 Pay Administration (Attachment A), was formerly § P-61 Staff Schedules, Time Tracking, and Compensation. The proposed changes below are representative of current pay practices and/or amendments to ensure that pay practices are equitable and consistent across the organization, while setting for clearer guidelines in support of financial stewardship.

- Added policy sections for terminology definitions and roles and responsibilities.
- Amended Essential Personnel Pay eligibility to cover onsite work during the weather/emergency event and associated clean-up and recovery efforts. Preparation work prior to the event is not eligible under this pay classification.
- Eliminated stipend payments for time away from work during training and classes that are discretionary and unrelated to the employee's work.
- Reinstated Compensatory Time Leave in lieu of overtime payments for all non-exempt staff. Implemented accrual caps and payout mechanisms at the end of the fiscal year rather than allowing accumulation year over year that is required to be paid in the future at higher pay rates. This also allows employees to take approved time off as an alternative to the County paying overtime wages.
- Amended the employment referral language to clarify eligibility requirements and allow all staff the opportunity to participate, rather than just public safety.
- Added the Board adopted sign-on incentive payment provisions to the policy.

Changes are anticipated to offset each other or generate cost savings. There is no additional funding needed for the proposed amendment.

Staff recommends that the Board adopt the Resolution (Attachment B), to amend personnel policy § P-18 as proposed.

By the above-recorded vote, the Board adopted the Resolution (Attachment B), to amend personnel policy § P-18 as proposed:

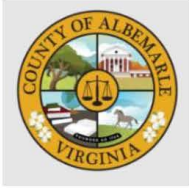
RESOLUTION

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

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

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

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	P - \$18.0	Policy Name: Pay Administration	Approved Date: 7/16/2025
	Prepared By: Human Resources		Adopted Date: August 4, 1993
	Amended Date: August 4, 1993; August 3, 1994; September 1, 1997; December 9, 2009		

A. PURPOSE

To establish the County’s compensation plan, including types of pay and a consistent, transparent approach for how pay is determined, adjusted and managed.

B. DEFINITIONS

Base Weekly Hours - Each regular employee has a designated number of hours per workweek or work period that have been set for the position. While an employee’s actual daily work schedule may vary, the employee’s base weekly hours remain the same.

Callback Compensation – Compensation paid to an employee when that employee is required to return to work, with less than 24 hours’ notice, to meet departmental or County operational needs at a time that the employee would not ordinarily have been on duty.

Compensatory Time Leave - Paid time off that an employee earns instead of overtime pay for working extra hours.

Exempt Employees - Employees not entitled to overtime pay or compensatory time leave under the Fair Labor Standards Act (FLSA). Positions are designated as exempt or non-exempt by the Department of Human Resources.

Fair Labor Standards Act (FLSA) - A federal law that sets standards for minimum wage, overtime pay, recordkeeping, and youth employment.

Maximum Allowable Hours - The highest number of hours allowed to be worked in a work period, without paying overtime rates. The maximum allowable hours for County employees are as follows:

Sworn 28-day Law-Enforcement Personnel	171 hours within the 28-day work period
All Other Employees	40 hours within the workweek

Non-exempt Employees - Employees who are subject to the FLSA's overtime and leave requirements are considered non-exempt.

On-Call Compensation – Compensation paid to an employee for time spent by the employee after the regular work hours in their own pursuits during which they must remain available to be contacted about work or called back to work if the need arises.

Overtime - Time that non-exempt employees physically work in excess of the maximum allowable hours per workweek or work period, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.).

Premium Pay - additional compensation, exclusive of overtime, that non-exempt employees may receive as an incentive for specific types of work, i.e., shift differentials.

Workweek - The County Executive has established the official workweek as seven (7) days, extending from Saturday at 12:00 a.m. to Friday at 11:59 p.m.

C. ROLES AND RESPONSIBILITIES

Employees

- a. *Authorization for Overtime.* Employees may work overtime only with prior authorization from their supervisors. Failure to do so may result in disciplinary action in accordance with County policy, up to and including termination of employment. In rare circumstances, employees may not practically be able to get prior authorization from their supervisor to work overtime. As an example, a police officer responding to an emergency may reach the maximum allowable hours while responding to the call, without having received prior authorization to work overtime. In such cases, employees will report additional hours worked to their supervisors within three business days.
- b. *Time Recording.* All non-exempt employees must complete and submit, on a weekly basis, accurate data recording their hours worked and leave taken in the time and attendance system. Failure to do so may result in disciplinary action in accordance with County policy, up to and including termination of employment.

Managers

- a. *Managing the Abundance of Overtime.* Managers may require that employees work additional time or overtime to meet the needs of the department and are responsible for managing hours worked whenever possible within the designated workweek or work period to avoid overtime. If an employee works more than the designated work hours in one day, thus creating the potential to exceed the maximum allowable hours within the workweek or work period the employee's supervisor may require the employee to take

leave in the amount of the excess time worked within the same workweek or work period to avoid reaching the overtime threshold.

- b. *Scheduling Compensatory Leave.* Supervisors are responsible for scheduling compensatory leave so that it may be taken within a reasonable period of time after the employee requests it, so long as such use does not unduly disrupt the operations of the department. A "reasonable period" under the FLSA is determined by considering the customary work practices within the department, such as: (a) the normal schedule of work; (b) anticipated peak workloads based on past experience; (c) emergency requirements for staff and services; and (d) the availability of qualified substitute staff. Leave is considered to "unduly disrupt the operations of the department" if it would impose an unreasonable burden on the department's ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee's services.
- c. *Recordkeeping.* Supervisors ensure that all non-exempt employees complete and submit, on a weekly basis, accurate data recording their hours worked and leave taken.

Human Resources

- a. Responsible for administration and enforcement of this policy requiring correction of conduct when actions inconsistent with this policy are discovered.
- b. Promptly investigates the report of improper compensation and ensures appropriate payment to the employee.
- c. Conducts regular and timely pay and timekeeping audits to ensure compliance with Federal, State, and local laws and personnel policies.

D. POLICY

The County has established the following procedures to compensate employees fairly and in accordance with federal, state, and local laws for all time worked. The County approves the annual compensation structure and salary ranges through the budget process each fiscal year. These policies and procedures establish guidelines and expectations for employees and supervisors. If any conflict arises between this policy and the FLSA or state law, the requirements of the FLSA and/or state law will govern.

I. Direct Deposit of Pay

All permanent employees receiving pay through Albemarle County payroll processes are required to receive their wages via direct deposit with a financial institution designated by the employee. Within 30 days of hire, employees are responsible for establishing an account in which wages may be directly deposited. The Department of Finance and Budget is authorized to make exceptions to this requirement based on operational necessity or other relevant considerations.

II. Frequency of Pay

Payroll is processed biweekly through the Department of Finance and Budget. Identified Police Department personnel will receive pay on a 28-day cycle, rather than biweekly.

III. Staff Schedules

1. Classified Staff

Each position is designated a base work schedule to meet operational and service needs. Department heads/designees may require that employees occasionally work additional time or alternative schedules to meet the needs of the department. Whenever possible, supervisors should give advance notice as soon as the work schedule change is determined so that the employees are able to arrange their personal schedules.

2. Alternative Schedules

a. Guidelines: Department heads/designees may permit alternative work schedules for staff provided that the following conditions are met:

- The department is open to the public on all days other than posted holidays and emergency closings;
- Employees work the requisite number of hours for their positions;
- There is no impact to performance, productivity, or service delivery;
- Opportunity for alternate schedules are consistent and equitable; and
- All applicable personnel policies are followed.

b. Flex Time: Non-exempt employees are paid based on hours worked or leave taken during the workweek or work period. In lieu of taking leave, a supervisor may allow an employee to work an alternative schedule in a given workweek or work period as long as all base weekly hours are accounted for within the workweek or work period. Exempt employees may work alternative schedules with supervisor approval.

IV. Tracking Time and Pay Adjustments

1. *Non-exempt Employees*

a. Time Recording: Non-exempt employees are paid for time worked on an hourly (or portion thereof) basis. All non-exempt employees must complete and submit, in a timely manner, accurate data recording their hours worked and leave taken. Failure to do so may result in disciplinary action in accordance with County policy, up to and including termination of employment.

b. Increments: Rounding rules up or down to the quarter-hour have been established for County-wide consistency. Departments may set reasonable expectations for adherence to work schedules. An employee may be counseled or disciplined for tardiness; however, pay will follow the rounding rules.

2. Exempt Employees

a. Time Recording: Exempt employees are expected to follow established procedures and policies for exempt employee time tracking and leave submission. Failure to do so may result in disciplinary action in accordance with County policy, up to and including termination of employment.

b. Increments: Exempt employees are compensated on a salary basis. The salary may be calculated on a daily or biweekly basis depending on the position. However, exempt employees are not paid based upon physical time worked.

c. Reductions in Pay:

i. Exempt employees may be docked pay in accordance with the FLSA, FMLA, Workers' Compensation laws, and other applicable laws. Generally, pay may be docked for partial weeks worked during the first and last weeks of employment and situations where a benefits-eligible employee takes leave with insufficient accruals or chooses to take leave without pay. Pay must be docked in full-day increments, excluding exceptions permitted under law.

ii. Discipline. Any exempt employee may be docked pay in full-day increments for disciplinary purposes in accordance with County policy.

iii. The County shall not withhold any part of the wages or salaries of any employee except for payroll, wage or withholding taxes or in accordance with law, without the written and signed authorization of the employee.

V. Overtime Pay and Compensatory Time Leave

Non-exempt employees are entitled to overtime pay or compensatory time leave in accordance with the Fair Labor Standards Act (FLSA) for hours worked in excess of their maximum allowable hours at a rate of one and one-half (1.5) times their regular rates of pay. The following regulation establishes the general guidelines and procedures the County will follow regarding overtime and

compensatory time leave requirements of the FLSA and applicable state law. If any conflict arises between this policy and the FLSA or state law, the requirements of the FLSA and/or state law will govern.

1. Eligibility to Earn Overtime Pay/Compensatory Time Leave

a. *Non-exempt Employees.* Unless excluded by the FLSA, all non-exempt regular employees of the County who work in excess of 40 hours within a workweek or the maximum allowable hours within the work period are eligible to receive overtime pay and/or compensatory time leave. Temporary employees are not eligible to receive compensatory time leave but are eligible to receive overtime pay for time worked in excess of 40 hours within a workweek or the maximum allowable hours within the work period for their position.

b. *Exempt Employees.* Exempt employees are not eligible to earn overtime, whether as monetary payment or as compensatory leave time.

2. Calculation of Overtime/Compensatory Time Leave

All non-exempt employees are to be compensated for overtime hours worked. This compensation may be monetary or through the accrual of compensatory time leave. Calculations are based on the entire workweek or work period and not on a daily basis. Overtime is not earned until the maximum allowable hours have been physically worked, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.). The calculation of overtime/compensatory time leave shall be as follows:

a. *Specified Fire Rescue Employees and Sworn Law-Enforcement Employees.*

Fire Rescue Employees and Sworn Law Enforcement Employees adhere to section 7(k) of the Fair Labor Standards Act (FLSA). They are also subject to the Gap Pay Act (Virginia Code § 9.1-700, et seq.). References to overtime pay throughout this policy include gap pay required by the Virginia Code.

b. *All Other Employees.* All other non-exempt employees are to be compensated at one and one-half times their hourly rate after they physically work more than 40 hours within the workweek.

c. *Compensatory Time Leave.* A non-exempt employee may be compensated at the rate of one and one-half (1.5) hours of compensatory time leave for each overtime hour worked in a workweek or work period instead of overtime pay referenced above. The employee and supervisor must agree to compensatory time leave as compensation. Otherwise, overtime pay must be provided for additional hours worked. Temporary employees are not eligible for compensatory time leave in lieu of overtime pay.

d. *Compensation for Additional Non-Overtime Work.* When a non-exempt Public Safety employee works more than his/her base weekly hours, the employee must be paid his/her hourly rate (straight time) for those excess hours worked, except as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.). Compensatory time leave may not be earned except as overtime.

2. Compensatory Time Leave Payouts

a. *Maximum Balances.*

i. Specified Fire Rescue personnel and sworn law enforcement officers may accrue and carry over up to 240 hours of compensatory time leave to the new fiscal year.

ii. All other non-exempt permanent employees may accrue up to 80 hours of compensatory time leave. Any unused compensatory time leave will be paid and zeroed out at the end of each fiscal year.

iii. Once maximum accruals are reached, all overtime worked will be compensated monetarily.

b. *Job Changes.* Upon separation of permanent employment, employees will be paid for unused compensatory time leave. An employee who is changing from a non-exempt to an exempt position will also be paid for the unused compensatory time leave balance or reach an agreement with the current department head to use any accumulated compensatory leave prior to the effective date of the change. The employee's compensatory time leave balance must be zero (0) prior to the start date for the new position.

c. *Compensatory Time Leave Payout Requests for Public Safety Employees.*

i. Department heads may periodically offer partial or full payouts of accrued compensatory time leave. Fair practices must be established to provide equal access to all eligible non-exempt Public Safety employees. Department heads may not make payouts under the maximum compensatory time leave balance without employee approval.

ii. Employees may request partial or full payouts of accrued compensatory time leave. Payouts are subject to department head approval and budgetary considerations. Department heads must set fair and consistent limits.

iii. Compensatory time leave payouts are subject to available funding and must be approved by the Department of Finance and Budget.

iv. Compensatory time leave is paid at the employee's current regular rate.

VI. ON-CALL AND CALL BACK COMPENSATION

On-Call Compensation

1. *Purpose.* Employees may be required to be available to return to work or “on-call” during a scheduled period. On-call periods have been established as 12-hour periods for the entire County. Department heads/designees may schedule employees to be on-call for shorter periods based on business needs.

2. *Compensation and Eligibility.* A regular or temporary non-exempt employee who is “on-call” will be paid a flat fee equal to one and a quarter (1.25) of the employee’s hourly rate for each 12-hour on-call period. When an on-call period of less than 12 hours has been designated, an employee will still receive on-call pay for the period. Any period during which an employee is “on-call” is not time worked and does not count towards maximum allowable hours for overtime.

For example, an employee who makes \$10.00/hour and is on-call for a designated eight (8)-hour shift would receive a flat \$12.50 for one on-call period. If the on-call shift was 13 to 24 hours, the employee would receive a flat \$25.00 for two (2) on-call periods.

Non-exempt employees who are on duty while they are on call are to be compensated for the time they are on duty as time worked. Whether the FLSA considers an employee to be “on-duty” while on-call depends on a number of circumstances, including, but not limited to, being required to remain on the employer’s premises and being restricted from using on-call time effectively for personal purposes.

3. *Condition to Work.* Employees who are “off-duty”, but on-call, must remain in a work-appropriate condition. This includes, but is not limited to, refraining from consuming substances that impair or compromise an employee’s ability to work.

4. *Eligibility.* On-call compensation will be authorized only if the on-call service meets all the following criteria:

- a. Service must be mandated.
- b. On-call employees are expected to respond promptly to calls, resulting in partially restricted personal time of on-call employees. Specific required response times may vary depending on individual departmental requirements.
- c. On-call employees will not be called if another employee is already on duty and available to perform the required services.
- d. The department’s on-call guidelines have been approved by the Department of Human Resources.
- e. Exempt employees are not eligible to receive on-call compensation.

5. *Reporting for Work.* While on-call, an employee may be contacted to report to work. An employee who is called in to work from on-call status is eligible for call-back compensation. The

employees will also retain the on-call compensation in addition to wages for time worked after being called back to work.

6. *Special Provisions Regarding CPS Workers and Child Welfare Workers.* Child protective service workers and all mandated welfare workers employed by the Department of Social Services shall be compensated for their on-call service in accordance with all state-mandated requirements.

Call-Back Compensation

1. *Purpose.* There may be times when supervisors may need employees to report back to work on short notice outside of the employee's work schedule. Call-back status occurs when a department head/designee requires a non-exempt employee to report back to work outside of the employee's work schedule on less than 24-hours' notice. Call-back is not hours worked beyond the schedule which require an employee to stay at work, such holdover time shall be compensated as straight time or overtime, as applicable. Additionally, work schedule changes with more than 24 hours' notice are not call-back hours. Whenever possible, supervisors should give notice to employees when the need for call-back may occur, such as for an anticipated snowstorm.

2. *Eligibility for Call-Back Compensation.* Any regular non-exempt employee who is called back to work as described above by the department head/designee shall be paid call-back compensation.

Temporary, non-exempt employees who have regular work schedules which are changed via call-back are eligible for call-back compensation. Temporary employees who work on an intermittent, occasional, or sporadic basis do not qualify for call-back pay when scheduled or called to work with less than 24-hours' notice.

While exempt employees may be called back to work with short notice, they are not eligible for call-back pay, with the exception of the DSS Supervisor Pay Supplement.

3. *Condition to Work.* Employees who are called back for work must report in a work-appropriate condition that includes, but is not limited to, the non-consumption of substances that impair or compromise an employee's ability to work. If an employee is not in a condition to work, the employee must disclose that to the supervisor before reporting for duty.

4. *Compensation.* The call-back compensation rate is one and one-half (1.5) times the employee's regular hourly rate for call-back hours when under the employee's scheduled hours. The call-back compensation is two (2.0) hours of regular rate for call-back hours over the employee's scheduled hours. If an employee exceeds the maximum allowable hours for the workweek or work period, or as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.), the employee will receive overtime pay instead of call-back pay. The employee may not receive both call-back compensation and overtime pay for the same hours worked. In lieu of

receiving overtime pay, employees may receive compensatory time leave in accordance with the established procedures above.

Once an employee has been called back to work, the employee will be guaranteed a minimum of two (2) hours of call-back compensation even if less than two (2) hours of work are performed. An employee will receive call-back compensation or overtime pay for all hours worked. Ordinary travel/commute between an employee's home and work shall not be considered hours worked, unless approved as hours worked by the Department of Human Resources. Emergency travel time to a location other than the employee's regular place of business which requires travel of a substantial distance (more than the employee's typical commute) is considered hours worked. Only hours physically worked or call back emergency travel time to work count towards the maximum allowable hours. An employee called back to work from "on-call" status may keep the on-call pay in addition to call-back compensation received. When work is completed, travel time home is not compensable as time worked.

If an employee designated as essential receives additional pay due to building closure, the employee is not eligible for call-back compensation for the same hours worked.

5. *DSS Off-Hours Supervisory Pay Supplement.* Exempt supervisory employees in the Department of Social Services (DSS) who are required to respond to urgent situations by physically reporting to work during their off-hours will receive an Off-Hours Supervisory Supplement. The supplemental amount will be \$50 per hour for each hour worked on-site, in addition to their regular or overtime pay. This supplement must be approved by the Director of Social Services and only applies to the time spent physically on-site; it does not extend to any remote or on-call responsibilities.

VII. INCENTIVE PAY

The County uses incentive pay to recruit, motivate, and retain valued employees who provide exemplary performance or meet specified criteria. These programs are intended to reward employees whose achievements have resulted in a particular benefit to Albemarle County. Requirements are subject to County, state, and federal guidelines and applicable accounting, budgeting, and payroll practices. Funding for incentive pay generally comes from position vacancies and must be approved by Human Resources and the Department of Finance and Budget.

1. Sign-on Incentive

The sign-on incentive seeks to enhance recruitment efforts for targeted, difficult to fill, and critical positions. For purposes of this program, A "difficult to fill" role refers to one with frequent vacancies, a high vacancy rate, a high attrition rate, or one that requires a very specific qualification/certification. Vacancy rate of the position refers to the length of time the job is posted with no viable applications, the number of times the job is reposted, and/or jobs with multiple vacancies in the same position.

a. *To offer a sign-on incentive*, the position must meet criteria as difficult to fill or be deemed as essential to life safety. Determination will be made by Human Resources and based upon:

- Length of position vacancy
- Technical training or qualifications required
- Essential personnel (welfare, health and safety of the public)

b. *Recipient Eligibility*

- Candidate may not have been a permanent employee within the prior 12 months
- Candidate must maintain a work schedule of 30 hours per week minimum
- Candidate must not have been previously terminated for cause (to include performance)

c. *Payment*

The amount of the incentive will be tied to pay grade of the position. Exceptions may be made by Human Resources for extremely hard to fill positions.

- \$2,000- (27, 28, 29, 30, 31, 32)
- \$3,000- Sworn and uniformed public safety
- \$3,000- (33, 34, 35, 36, 37, 38, 39)
- \$5,000- (40, 41, DLB)

An incentive that exceeds \$3,000 will be paid in two installments. The first installment will be issued on the employee's first paycheck. The second installment will be issued on the first paycheck after 90 days of employment. All incentives less than \$3,000 will be issued as a one-time lump sum, payable on the employee's first paycheck.

2. Referral Incentive

The purpose of the Employee Referral Incentive is to provide an incentive award to a current permanent full-time or part-time employee who brings new talent to the County by referring applicants who are subsequently selected and successfully employed by the County.

Only one current employee can be awarded a referral incentive per new hire. Employees will receive a payment of \$500 when the following criteria are met:

- The new employee must have specifically noted that the current employee referred them to the County on their job application.
- The new employee must successfully complete 90 days of employment before the referral incentive is paid.
- The hiring manager cannot receive a referral incentive payment for filling a position under their supervision.

- To be eligible, the referring permanent employee cannot be in a probationary status.

Requests for referral payments can be made to Human Resources through standard pay request processes.

VIII. HOLIDAY PAY

Any non-exempt employee who is required by their department head to work on a holiday that is observed by the County will be compensated for the hours actually worked plus the designated holiday hours, all at the regular hourly rate. Compensatory time will not be provided in lieu of payment of actual hours worked during a designated holiday.

Refer to P-19 Leave Program, for additional information on work performed during a recognized a holiday.

IX. SHIFT DIFFERENTIAL

Non-exempt regular and temporary employees may be regularly or periodically scheduled to work evening or midnight shifts and may receive premium pay for such work. When five (5) or more hours are physically worked in either shift, the employee will receive the following additional percentage of their hourly rate for each hour worked in the range.

- Evening: 3:00 p.m. – 12:00 a.m. 5% of the hourly rate premium pay
- Midnight: 12:00 a.m. – 9:00 a.m. 6% of the hourly rate premium pay

The shift differential premium pay will not be granted when less than five (5) hours of work are performed in the designated range. Although an employee may be regularly assigned to an evening or night shift, the shift premium will not be paid when paid leave is taken, nor will the employee be charged the premium for leave without pay.

Personnel regularly scheduled for 12- or 24-hour shift rotations are not eligible for this shift differential premium pay.

X. ESSENTIAL PERSONNEL PREMIUM DUE TO INCLEMENT WEATHER OR EMERGENCY

Employees may be required to report to a County-operated worksite during a building closure or emergency situation. Please refer to policy § P-12 Facility Closure for more information. Sworn police personnel, uniformed firefighters, emergency management personnel, ECC 911 center personnel, and sworn Sheriff's Office personnel are ineligible for essential personnel premium pay, as working in these emergent situations are essential functions and standard expectations for these positions.

Compensation for other essential personnel is as follows:

Any non-exempt employee who is directed to work at a site that is impacted by a declared inclement weather event or emergency is essential personnel and is paid a premium equal to the employee's hourly rate for any time the employee works during the weather or emergency event and/or during the cleanup and recovery. This premium is offered in recognition of working in unexpected and untraditional hazardous conditions. Work performed prior to the beginning of the weather or emergency event is not eligible for the premium pay. This premium is in addition to the regular wages essential personnel earn for any time worked in accordance with this policy.

XI. COURT APPEARANCES / HEARINGS

When employees are subpoenaed to appear as witnesses in legal proceedings or participate in hearings with other federal, state, or local agencies in their capacities as County employees, the time spent in such work-related proceedings will be treated as compensable work time. Employees who initiate or are otherwise involved in legal actions of any kind (excluding employee grievance proceedings) in their private capacity and not as County employees, whether such actions involve the County or not, will not be permitted to treat such time as compensable work time. Leave may be requested in accordance with policy §P-19, Leave Program.

XII. SPECIAL PROVISIONS FOR SWORN LAW-ENFORCEMENT EMPLOYEES

A. Court Appearances/Hearings. Work-related Court appearances/hearings worked by non-exempt sworn law-enforcement employees outside of the regular work schedule for that day will be paid at one and one-half (1.5) times the employee's regular hourly rate. If an employee exceeds the maximum allowable hours for the work period, or as required under the Gap Pay Act (Virginia Code § 9.1-700, et seq.), while attending work-related Court hearings, the employee will receive overtime pay instead of court pay. The employee may not receive both overtime pay and court pay for the same hours worked. In lieu of receiving overtime pay, employees may receive compensatory time leave in accordance with the established procedures above. These employees will be guaranteed a minimum of two (2) hours of court pay even if less than two (2) hours of work are performed. Only hours physically worked count towards the maximum allowable hours for overtime calculations.

B. Contractual Overtime. Contractual overtime is defined as work outside of County work hours assigned to a sworn law-enforcement employee at the request of an outside entity and performed at the employee's option. Contractual overtime shall only be compensated monetarily. Those voluntary contractual hours worked by employees shall not count as hours worked for the County. Sworn law-enforcement employees shall be paid for voluntary contractual hours worked at an established fixed rate.

XIII. PERSONNEL FUNDED THROUGH OTHER THAN COUNTY BUDGET

- A. All projects or grants involving requests for employment of personnel in Albemarle County shall be brought to the attention of the County Executive and Director of Human Resources through the annual budget development process
- B. The Board shall be supplied with information on all projects and grants and such additional personnel requests under these projects and grants.
- C. All employees funded through funds other than County funds, inclusive of any agency for which the County is the official designated fiscal agent, shall be treated as though they were regular County employees and are subject to the same personnel policies, compensation plan, fringe benefits, and recruitment practices as regular County employees, except where prohibited in Virginia Code or otherwise specified in and agency agreement.
- D. Administrators shall, in preparing a grant or project for additional personnel, build into the proposal enough funds to cover the appropriate fringe benefit package for the position(s). The classification of such position(s) will be determined in consultation with Human Resources.
- E. Under no circumstances shall the Board be held liable for funding fringe benefits for other than County funded employees unless prior approval has been received by the Board.
- F. The performance of employees funded through other sources shall be evaluated using the same criteria as that of regular County employees.

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Item No. 8.4. Amendments to Albemarle County Fire Rescue FY26 Pay Scale.

The Executive Summary forwarded to the Board states that Albemarle County maintains a classified employee pay scale and separate public safety pay scales for the Police Department, Sheriff's Office, and Department of Fire and Rescue. Each year, the Board of Supervisors (Board) approves the pay scales for County staff in conjunction with the adoption of the budget for the upcoming fiscal year. The pay scales set forth pay ranges in a grading system that are established through the County's classified and public safety compensation strategy.

The Board adopted FY26 pay scales for classified and public safety personnel on May 7, 2025, the same meeting during which the FY26 budget was adopted. The adopted ACFR pay scale did not reflect a planned change in the department's career development program. As such, an amendment to the pay scale is needed.

The changes to the Career Development Plan and the pay scale allows employees with qualifying prior experience to apply that experience toward eligibility for promotion. The change also reflects a reduction in the required number of years of experience by one year for all positions from Fire Technician through Battalion Chief. This change ensures alignment with our competitive market and improves interagency transferability, as well as addressing succession planning needs.

Budget Impact: None. Budget considerations for this change were accounted for in the adopted FY26 budget.

Staff recommends adoption of the attached Resolution (Attachment B) to approve the revised FY 26 ACFR Amended Pay Scale (Attachment A).

By the above-recorded vote, the Board adopted the attached Resolution (Attachment B) to

approve the revised FY 26 ACFR Amended Pay Scale (Attachment A):

RESOLUTION
FY 2026 Amended ACFR Pay Scale

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

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

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

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

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

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Education and Certification Stipends: \$1000 for Associates degree or \$2000 for Bachelors degree \$10,000 for Advanced Life Support (ALS) \$1000 for Driver Pump Operator (DPO) \$1000 for Technical Rescue Technician (TRT) \$1000 for Hazardous Materials Technician (HAZMAT)

COUNTY OF ALBEMARLE Classified Public Safety Pay Scale																																	
Fire Rescue July 1, 2025 - June 30, 2026																																	
Base Annual Salary for 2080 & 2496 Schedule																																	
Fire Rescue Department Positions	Promotion %	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Fire Rescue Battalion Chief	15%									\$97,895	\$99,855	\$101,854	\$103,893	\$105,973	\$108,104	\$110,258	\$112,555	\$114,817	\$117,113	\$119,455	\$121,845	\$124,281	\$126,767	\$129,302	\$131,886	\$134,526	\$137,217	\$139,961	\$142,760	\$145,615	\$148,528	\$151,488	
Fire Captain II	5%									\$83,342	\$85,313	\$87,327	\$89,384	\$91,482	\$93,622	\$95,804	\$97,983	\$100,161	\$102,338	\$104,515	\$106,692	\$108,871	\$111,051	\$113,231	\$115,411	\$117,591	\$119,771	\$121,951	\$124,131	\$126,311	\$128,491	\$130,671	
Fire Captain	15% from Fire Tech II									\$79,004	\$81,155	\$83,344	\$85,573	\$87,845	\$90,162	\$92,523	\$94,922	\$97,368	\$99,860	\$102,400	\$104,988	\$107,623	\$110,305	\$113,036	\$115,816	\$118,645	\$121,523	\$124,450	\$127,427	\$130,454	\$133,531	\$136,658	
Lieutenant	5%									\$71,221	\$72,645	\$74,069	\$75,500	\$76,934	\$78,371	\$81,811	\$83,447	\$85,116	\$86,818	\$88,554	\$90,325	\$92,132	\$93,975	\$95,854	\$97,771	\$99,727	\$101,721	\$103,759	\$105,831	\$107,947	\$110,100	\$112,288	
Fire Technician II	5%									\$68,500	\$69,986	\$71,507	\$73,061	\$74,648	\$76,267	\$77,915	\$79,597	\$81,303	\$83,034	\$84,791	\$86,574	\$88,383	\$90,218	\$92,080	\$93,971	\$95,891	\$97,839	\$99,815	\$101,819	\$103,851	\$105,901	\$107,969	
Fire Technician I	5%									\$62,081	\$63,692	\$65,339	\$67,025	\$68,745	\$70,499	\$72,289	\$74,116	\$75,980	\$77,882	\$79,821	\$81,797	\$83,810	\$85,860	\$87,947	\$89,071	\$91,234	\$93,435	\$95,673	\$97,948	\$100,260	\$102,610	\$104,988	
Fire Fighter		\$54,031	\$55,724	\$57,457	\$59,194	\$60,917	\$62,625	\$64,320	\$66,001	\$67,668	\$69,321	\$70,964	\$72,597	\$74,220	\$75,833	\$77,436	\$79,029	\$80,612	\$82,185	\$83,748	\$85,301	\$86,844	\$88,377	\$89,900	\$91,413	\$92,916	\$94,409	\$95,892	\$97,365	\$98,828	\$100,281	\$101,724	
Hourly Rate at 2080 Annual Hours																																	
Fire Rescue Department Positions	Promotion %	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Fire Rescue Battalion Chief	15%									\$47.11	\$48.08	\$49.02	\$50.00	\$51.00	\$52.02	\$53.08	\$54.12	\$55.20	\$56.30	\$57.43	\$58.59	\$59.75	\$60.95	\$62.18	\$63.41	\$64.68	\$65.97	\$67.28	\$68.63	\$70.01	\$71.41	\$72.84	
Fire Captain II	5%									\$40.18	\$40.97	\$41.79	\$42.62	\$43.48	\$44.34	\$45.23	\$46.14	\$47.09	\$48.08	\$49.09	\$50.14	\$51.26	\$52.40	\$53.58	\$54.79	\$56.04	\$57.32	\$58.64	\$59.99	\$61.37	\$62.78	\$64.21	
Fire Captain	15% from Fire Tech II									\$37.50	\$38.25	\$39.02	\$39.80	\$40.59	\$41.41	\$42.23	\$43.08	\$43.94	\$44.82	\$45.71	\$46.63	\$47.56	\$48.51	\$49.48	\$50.47	\$51.48	\$52.51	\$53.56	\$54.63	\$55.73	\$56.84	\$57.98	\$59.14
Lieutenant	5%									\$34.24	\$34.93	\$35.62	\$36.34	\$37.08	\$37.86	\$38.66	\$39.49	\$40.32	\$41.17	\$42.05	\$42.94	\$43.86	\$44.81	\$45.78	\$46.78	\$47.80	\$48.84	\$49.90	\$50.98	\$52.08	\$53.19	\$54.32	
Fire Technician II	5%									\$31.87	\$32.61	\$33.38	\$34.18	\$35.00	\$35.85	\$36.72	\$37.61	\$38.52	\$39.45	\$40.40	\$41.38	\$42.38	\$43.43	\$44.50	\$45.59	\$46.68	\$47.77	\$48.88	\$49.98	\$51.10	\$52.24	\$53.40	
Fire Technician I	5%									\$29.85	\$30.45	\$31.08	\$31.74	\$32.42	\$33.13	\$33.86	\$34.60	\$35.37	\$36.17	\$37.00	\$37.86	\$38.74	\$39.64	\$40.56	\$41.50	\$42.46	\$43.44	\$44.44	\$45.45	\$46.48	\$47.53	\$48.60	
Fire Fighter		\$20.28	\$20.78	\$21.23	\$21.67	\$22.11	\$22.56	\$23.01	\$23.47	\$23.93	\$24.39	\$24.85	\$25.31	\$25.78	\$26.24	\$26.71	\$27.18	\$27.65	\$28.12	\$28.59	\$29.06	\$29.53	\$30.00	\$30.47	\$30.94	\$31.41	\$31.88	\$32.35	\$32.82	\$33.29	\$33.76	\$34.23	
Hourly Rate at 2496 Annual Hours																																	
Fire Rescue Department Positions	Promotion %	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Fire Rescue Battalion Chief	15%									\$39.26	\$40.05	\$40.85	\$41.68	\$42.50	\$43.35	\$44.21	\$45.10	\$46.00	\$46.92	\$47.86	\$48.82	\$49.79	\$50.79	\$51.80	\$52.84	\$53.90	\$54.97	\$56.07	\$57.20	\$58.34	\$59.51	\$60.70	
Fire Captain II	5%									\$33.47	\$34.14	\$34.82	\$35.52	\$36.23	\$36.96	\$37.69	\$38.44	\$39.22	\$40.00	\$40.80	\$41.62	\$42.45	\$43.30	\$44.18	\$45.09	\$46.01	\$46.97	\$47.86	\$48.78	\$49.74	\$50.73	\$51.74	\$52.78
Fire Captain	15% from Fire Tech II									\$31.26	\$31.88	\$32.51	\$33.16	\$33.83	\$34.50	\$35.19	\$35.89	\$36.62	\$37.36	\$38.10	\$38.86	\$39.63	\$40.43	\$41.24	\$42.08	\$42.94	\$43.83	\$44.73	\$45.65	\$46.60	\$47.57	\$48.56	\$49.57
Lieutenant	5%									\$28.53	\$29.10	\$29.69	\$30.28	\$30.89	\$31.50	\$32.13	\$32.78	\$33.43	\$34.10	\$34.78	\$35.48	\$36.19	\$36.91	\$37.65	\$38.41	\$39.17	\$39.95	\$40.75	\$41.57	\$42.40	\$43.26	\$44.11	\$45.00
Fire Technician II	5%									\$26.84	\$27.18	\$27.72	\$28.27	\$28.84	\$29.42	\$30.00	\$30.60	\$31.22	\$31.84	\$32.48	\$33.13	\$33.79	\$34.46	\$35.15	\$35.86	\$36.57	\$37.31	\$38.05	\$38.81	\$39.59	\$40.38	\$41.18	\$42.01
Fire Technician I	5%									\$24.88	\$25.37	\$25.88	\$26.40	\$26.93	\$27.47	\$28.01	\$28.57	\$29.15	\$29.73	\$30.32	\$30.93	\$31.55	\$32.18	\$32.82	\$33.48	\$34.15	\$34.83	\$35.53	\$36.24	\$36.96	\$37.70	\$38.46	\$40.01
Fire Fighter		\$21.08	\$22.33	\$22.77	\$23.23	\$23.69	\$24.17	\$24.65	\$25.14	\$25.64	\$26.16	\$26.68	\$27.21	\$27.76	\$28.31	\$28.88	\$29.46	\$30.05	\$30.65	\$31.26	\$31.89	\$32.52	\$33.17	\$33.84	\$34.51	\$35.20	\$35.91	\$36.63	\$37.36	\$38.11	\$38.87	\$39.65	
Approx Annual Salary w/ FLSA Scheduled OT for 2912 Schedule																																	
Fire Rescue Department Positions	Promotion %	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Fire Rescue Battalion Chief	15%									\$102,202	\$104,248	\$106,331	\$108,457	\$110,628	\$112,850	\$115,096	\$117,367	\$119,645	\$122,040	\$124,463	\$126,915	\$129,396	\$131,905	\$134,443	\$136,999	\$139,574	\$142,168	\$144,781	\$147,413	\$150,064	\$152,734	\$155,423	\$158,132
Fire Captain II	5%									\$87,128	\$88,671	\$90,248	\$91,859	\$93,504	\$95,183	\$96,897	\$98,646	\$100,430	\$102,249	\$104,103	\$106,000	\$107,931	\$109,896	\$111,896	\$113,930	\$115,998	\$118,099	\$120,233	\$122,400	\$124,600	\$126,833	\$129,099	\$131,398
Fire Captain	15% from Fire Tech II									\$81,852	\$82,978	\$84,138	\$85,332	\$86,560	\$87,822	\$89,118	\$90,448	\$91,811	\$93,207	\$94,636	\$96,098	\$97,594	\$99,124	\$100,688	\$102,286	\$103,918	\$105,584	\$107,284	\$109,018	\$110,786	\$112,588	\$114,424	\$116,294
Lieutenant	5%									\$75,764	\$77,276	\$78,825	\$80,401	\$82,003	\$83,639	\$85,310	\$86,996	\$88,708	\$90,446	\$92,210	\$94,000	\$95,816	\$97,658	\$99,526	\$101,420	\$103,340	\$105,286	\$107,258	\$109,256	\$111,280	\$113,329	\$115,404	\$117,506

Item No. 8.5. Review of Proposed Changes to the Outside Agency Funding Process.

The Executive Summary forwarded to the Board states that, as part of the annual budget process, Albemarle County provides eligible community agencies the opportunity to apply for funding. At the conclusion of the budget process, in a continuous improvement effort, staff evaluates the application and review process and proposes modifications for Board of Supervisors approval.

At its July 19, 2023 meeting, the Board approved a framework for the Community Non-Profit Capital and Cultural, Arts, and Festivals process that was implemented in the FY 25 and FY 26 budgets.

At its July 17, 2024 meeting, the Board made further changes to the Human Services Funding Process that were implemented in FY 26 budget. These improvements were:

- changing the prior process name to 'Albemarle County Human Services Funding Process' for clarity
- improving descriptions on the County website,
- reviewing which agencies are included in the contractual obligations pool, and
- applying a prioritization rubric to the recommendations process based on whether the agency contributes to a basic needs safety net or serves a vulnerable population.
- applicants were asked to submit an abbreviated application reporting on significant changes in programming, progress, number of county community members served in the current year and anticipated in the funding year.

The FY 26 Recommended Budget was prepared using these frameworks, at which point the Board reviewed the funding recommendations prior to the adoption of the annual budget. Based on prior discussions with the Board, feedback from community non-profits, and staff's annual review, staff has prepared a recommendation for the Board's consideration to continue to improve these processes.

For the FY 27 budget process, staff recommends one change: the dollar threshold for how frequently an annual audit is required. Attachment A - Eligibility Criteria lists eligibility requirements to receive County funding and applies to all community non-profit funding processes. In prior years, the requirement has been that agencies with a budget of \$500,000 or less may complete an audit once every three years and annually if the budget is greater than \$500,000. Staff recommends increasing that dollar threshold from \$500,000 to \$750,000 for the following reasons:

- This increased amount aligns with guidance from the US Department of Health and Human Services Office of Inspector General.
- This amount has not been changed since the FY 19 budget process, while inflationary costs have increased during that time.
- This amount is consistent with the City of Charlottesville's current community non-profit funding process, providing more consistency to community non-profits when planning their financial services needs.

Staff also received feedback from some community non-profits that a "financial review" instead of an "audit" be required for agencies less than \$750,000, consistent with the City of Charlottesville. Staff is noting that feedback for transparency and is not recommending allowing a "financial review" in place of "audit" due to a) an audit being a more thorough review and b) past Board of Supervisors' direction on the importance of the audit requirement.

Similar to prior years' process improvements, County staff will also review agencies to ensure they are classified in the correct process for considering requests, improve the online application, refine application questions, provide technical assistance during the application process, and increase compliance reviews.

No changes are recommended specific to the Human Services Funding (Attachment B), Cultural, Arts, and Festivals (Attachment C), and Community Non-Profit Capital (Attachment D) processes.

Direction received from the Board will be incorporated into the FY 27 annual budget process. Approval and appropriation of budgets after staff recommendations would continue to be determined by the Board in the annual budget process subject to total budget considerations including, but not limited to County mandates and obligations, investment in the Strategic Plan, and available revenues.

Staff recommends the Board approve attachments A, B, C and D that reflect this updated framework to guide FY 27 funding recommendations.

By the above-recorded vote, the Board adopted Attachments A, B, C and D that reflect this updated framework to guide FY 27 funding recommendations:

Attachment A: Albemarle County FY 27 Agency Funding Applications

Conditions of eligibility and award requirements

- 501(c)3 Nonprofit (or equivalent)
- Substantial service provision in the County
- Agency in existence and program in operation for minimum of two years
- Incorporated and registered with Virginia Dept of Agriculture and Consumer Services (VDACS)
- Annual audit if budget is over \$750,000 and every three years if less than \$750 000

- Fundraising and administration less than 25% of overall expenses
- Agency is overseen by a volunteer board
- Before receiving funding appropriated by the Board of Supervisors, external recipients must also agree to any expectations set out in the annual appropriations resolution.

* * * * *

Attachment B: Human Services Funding Process Framework

Background & Board Direction

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

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

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

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

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

Review Process

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

* * * * *

Attachment C – Cultural, Arts, and Festivals Process Framework

The County has historically evaluated contributions to cultural, arts, and festival community non-profits separately from other non-profits, because the criteria used for the Human Services Funding Process

does not align well for evaluating cultural, arts, and festival non-profits.

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

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

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Attachment D – Community Non-Profit Capital Request Process

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

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

Item No. 8.6. Resolution to Participate in VDOT Economic Development Access Program (EDAP) Boulders Road Extension Design.

The Executive Summary forwarded to the Board states that the Places29 Master Plan includes a future extension of Boulders Road from its current terminus to the intersection of Route 29 at Austin Drive, effectively turning that T-intersection into a 4-way intersection. Completing this road project is a critical path for the Rivanna Futures project.

The Virginia Department of Transportation (VDOT) has a funding program for economic development that is available to localities for strategic economic opportunities. The Virginia Economic Development Partnership has suggested that the Rivanna Futures project meets the intent for this program.

The resolution provided in Attachment A is required for Albemarle County to be able to make application to the VDOT Economic Development Access Program (EDAP) for design for the Boulders Road Extension. The Board approved a similar resolution at its May 7, 2025, meeting. However, after an initial submission to VDOT, it was determined that the cost of the project would need revision and now

exceeded the funding available for no-match grants. The attached resolution (Attachment A) provides approval for a project cost up to \$800,000. Under the EDAP program, localities can apply for state funding up to \$500,000 with no match required, and can fund projects up to \$800,000 with a 1:1 local match share for costs exceeding \$500,000. The current estimate for this design project is approximately \$742,000.

If awarded, this grant would require local funding on a 1:1 basis for every dollar exceeding \$500,000, up to \$800,000. The Rivanna Futures Fund has sufficient balance to provide the local match (not to exceed \$150,000).

Staff recommend that the Board approve the attached resolution, enabling staff to apply to the VDOT EDAP for design of the Boulders Road Extension project.

By the above-recorded vote, the Board adopted the attached Resolution, enabling staff to apply to the VDOT EDAP for design of the Boulders Road Extension project:

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

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

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

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

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

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

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

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

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

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

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

Item No. 8.7. Transportation Planning Quarterly Report, ***was received for information.***

Item No. 8.8. Rivanna Water and Sewer Authority (RWSA) Quarterly Report, ***was received for information.***

Item No. 8.9. Albemarle County Service Authority (ACSA) Quarterly Report, ***was received for information.***

Item No. 8.10. Board to Board, July 2025, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

Agenda Item No. 9. **Work Session:** AC44 – Draft Implementation Chapter.

The Executive Summary forwarded to the Board states that Albemarle County is updating the Comprehensive Plan through the Albemarle County 2044 (AC44) project. The project is in Phase 3: drafting language for the four-part Comprehensive Plan document and developing Plan actions.

The draft language for the Part III - Implementation chapter in Attachment B is built upon current best comprehensive planning practices.

The current draft of AC44 has over 200 actions across the nine (9) topic chapters within Part III. The quantity and scope of these actions presents a challenge for implementation, including the reporting and tracking of implementation progress. The Comprehensive Plan is implemented by private property owners and businesses through voluntary actions and regulations and by the County through the implementation of the Board of Supervisors' policies and budgets.

On the public side, providing the necessary resources to accomplish the actions presents another challenge. To address these implementation challenges, staff will present several Big Moves that identify the most important actions to achieve for successful plan implementation. The Big Moves incorporate all AC44 feedback received to date. They are broad, crosscut across all AC44 topics, and provide guidance on prioritizing plan actions for allocation of the finite resources required for plan implementation. Staff will also present a proposed reporting and tracking cycle with proposed metrics.

Note: The draft Implementation chapter is new content that has not been previously reviewed by the community, Planning Commission, or the Board of Supervisors. Therefore, unlike previous work sessions, a Summary of Community Input Themes and previous Board of Supervisors feedback are not included as part of this packet.

An updated AC44 outline is provided as Attachment A. As a reminder, the topics within the red box will be the focus of today's work session. This work session focuses on proposed comprehensive plan language within Attachment B.

The Planning Commission held a work session on July 8, 2025, discussing the draft Implementation chapter. A summary of their feedback will be provided as part of the work session presentation.

There is no budget impact associated with this agenda item.

Staff requests that the Board review and provide feedback on the draft Implementation chapter.

Ms. Tonya Swartzendruber, Planning Manager, stated that she was joined by several members of staff to bring to the Board the Implementation Chapter of the Comprehensive Plan. She said that she would like to acknowledge that the Supervisors had now received the initial draft of the Comprehensive Plan, which included all the pieces they had reviewed. Today, they would be focusing on the Implementation Chapter. They had received parts one and two, as well as two of the appendices. Staff would gather feedback on the remaining opportunities during their discussion of the schedule at the end of the presentation.

Ms. Swartzendruber said that staff had one question for the Board today, and that was, did they successfully address the "Big Moves" outlined in the Comprehensive Plan? She explained that they defined implementation as making progress on the recommended actions listed in AC44 across various County departments. She said it also included internal education on how to utilize this document effectively and it was about tracking progress and reporting on both accomplishments and their effects. She said that implementation was necessary so that the plan did not go to waste. Implementation was about turning the vision of AC44 into action, providing accountability, and building momentum.

Ms. Swartzendruber stated that currently, they had over 250 actions across nine topics and multiple departments and external entities. Prioritizing their first steps of implementation was crucial. She said that they prioritized for several reasons. She said first, it was best practice for modern comprehensive plan updates. Given the number of actions and the 20-year planning horizon, prioritizing plan recommendations was essential for providing implementation guidance, focus, and direction over the next five years. She said that prioritizing recommendations allowed the County to effectively allocate limited funding and staff capacity, better informing the strategic plan, Capital Improvement Program (CIP), and County budget.

Ms. Swartzendruber stated that provided on the screen were the six big moves that staff and leadership had drafted for the Board's consideration. These big moves were strategic groupings of key initiatives organized around common themes that had the greatest potential to advance the goals of AC44

over the next five years. She said they spanned across multiple policy areas and often involved collaboration with multiple City departments and external partners. These were drafted by staff with input from leadership, keeping in mind the themes that they had heard through public engagement and the Planning Commission and Board feedback.

Ms. Swartzendruber said that they would go through each one briefly, and there were more detailed descriptions in the packet that the Board had received. The first big move was aligning regulations to support AC44. For example, this would involve updating and modernizing the Zoning Ordinance to allow residential uses in commercial districts by right in some locations. She said the second big move was to increase affordable housing access and options and they could achieve this by updating their zoning and land use regulations to allow for a broader range of housing types, such as duplexes, small-scale multifamily units, and accessory dwelling units.

Ms. Swartzendruber stated that they were looking to focus greater density and intensity in activity centers. This big move would also require that they identify and protect at-risk homes and support rehabilitation with potential subsidies and grants, working with both the County and State housing offices would be critical. Projections indicated that they would need to accommodate approximately 31,000 people, with around 13,000 households, over the next 20 years. This third component addressed where that growth would occur. Their growth management policy suggested that it should happen in development areas, while their Comprehensive Plan recommended that it primarily took place in activity centers.

Ms. Swartzendruber explained that the increased density and intensity would enable more efficient provision of new and upgraded infrastructure and services. Investing in infrastructure, services, and amenities would make it an attractive place for people to live, work, and visit.

Ms. Swartzendruber said the fourth big move, supporting agriculture and forestry uses in rural areas, originates from the Economic Development Strategic Plan that was discussed about a month ago. This initiative aims to preserve and encourage food production, while protecting the rural character, heritage, and environment. She said the fifth big move was also in support of the Economic Development Strategic Plan, which would expand economic opportunities through the Future Land Use Map (FLUM) and future area planning processes.

Ms. Swartzendruber stated that the sixth big move was focused on mitigating and preparing for the impacts of climate change. This included not only reducing local greenhouse gas emissions but also increasing carbon sequestration. Their natural systems could offer high-impact climate protection, and proactive investments in infrastructure upgrades could help prepare for potential climate-related events.

Ms. Swartzendruber said moving forward to tracking and reporting, staff had been discussing internally with leadership exactly what metrics they would track and how they would track them. She explained that staff had decided on tracking progress on the big moves, as articulated in several metrics that will provide a complete picture of their progress. It was essential to note that metrics showed trends and patterns, and specific performance indicators would be established as part of the strategic plan effort. Considering the big move three, which addressed accommodating anticipated growth in development areas and activity centers, their metrics that they may use and track include the number of housing units within a 15-minute walk of a park, the number of fatal and severe crashes for cyclists and pedestrians, and miles of shared use paths and dedicated bike lanes.

Ms. Swartzendruber stated that these were just examples of the metrics they would be looking at. They were discussing internally what exactly those metrics should be in response to comments on the big moves. The metrics would be updated and reported as part of Planning Commission's Annual Planning Report, which would be forwarded to the Board as part of, or in coordination with, the annual Strategic Plan Execution Analysis & Reporting (SPEAR) report that would be received. This would occur annually.

Ms. Swartzendruber stated that they also had identified the Development Areas Report, which was a report that they would gather information for every five years at a minimum. This report was typically updated when they updated their Comprehensive Plan or when required by state code. However, it could be requested more often if the Board requested it. On the screen, there were a few examples of the factors that would be evaluated as part of the upcoming Development Areas Report.

Ms. Swartzendruber stated that they would be evaluating their transportation level of service, water and sewer feasibility, environmental stewardship, and assessing their critical resources. She stated that she would like to recognize the great partnership they've been developing with Mr. Gabe Giacalone and Ms. Kristy Shifflett in their Office of Performance and Strategic Planning for ongoing coordination to ensure the strategic plan and AC44 were aligned. The big moves identified in AC44 could inform the goals and objectives of the strategic plan update, as well as the next five years of the Capital Improvement Plan and County budget. They had worked with Mr. Giacalone to update the names of the topics and definitions, ensuring consistency between the documents. She said that AC44 would measure trends and patterns with metrics, specific targets, and performance measures, which would be established as part of the strategic plan effort.

Ms. Swartzendruber stated that they received feedback from the Planning Commission, whom they met with on July 6, 2025. The feedback centered around the Big Moves, particularly Big Move #2, they should prioritize aging in place, Big Move #3, include "green and inviting" in the description, Big Move #4, they should address the recreation and tourism economy, and could be strengthened by focusing on local agricultural support, and Big Move #6, they should address relocation due to climate

change and incorporate better site design to mitigate the effects of climate change. In general, the feedback requested that they incorporate themes of social fabric, social gathering, arts, and culture.

Ms. Swartzendruber stated that the Planning Commission also emphasized the importance of partnerships and implementation, and reducing the number of total actions in the plan. She said that next, she would like to review the schedule and upcoming events. They anticipated having a complete AC44 draft available for publication on their website and hard copies upon request in early August. They would have a community check-in around the week of August 21, where they would provide a state of the document and gather feedback. They would then attend a PC meeting to discuss the full document, followed by a public hearing on September 23. They would be seeking the Board's approval of the document on October 15, 2025. As a reminder, she encouraged those in the audience and listening online to visit their Engage Albemarle site for more information, including updates, surveys, and newsletters.

Mr. Pruitt asked if the Big Moves were meant to fully encompass the actions and ordering those actions, or if there were actions in the Comprehensive Plan that were not included in the Big Moves.

Ms. Swartzendruber replied that staff was trying to capture in the six Big Moves a collection of actions that would move the plan forward most efficiently and completely in the next five years. They also recognized that some of those actions may continue over the next 10 or 15 years, so they focused their priorities correctly on these six Big Move

Mr. Pruitt said that he was unsure of the answer to that question. Upon reflection, he thought it could be interpreted in either direction. If he thoroughly reviewed their Comprehensive Plan, page by page, line by line, he could potentially fit the content into one of the Big Move. He said that he understood that the big moves themselves were prioritized. He was wondering if the intent was that there were items not included in the Big Moves which were considered lower priority, or if everything was indeed contained within them. This also brought to mind the Planning Commission's feedback, as some of their comments made him realize that he initially assumed everything was contained within the Big Move.

Ms. Swartzendruber acknowledged that staff's determination in that respect was that not everything would be contained within the Big Move. She said the intent was to prioritize the moves that likely needed to come first, either because it was a major priority or because it was a necessary first step in accomplishing other components of the plan.

Mr. Pruitt stated that he supported the first three Big Moves and believed they were in the correct order. He recalled that the Planning Commission had provided feedback that highlighted the importance of aging in place, specifically referencing Big Move #2. He said that the comment about "green and inviting" communities may be corollary, and he was unsure if it was essential to their goals with the Big Move. He questioned whether the organization's current focus accurately reflected the ordering of Big Moves #4 and #5. He clarified that this was not his personal opinion, but rather an observation.

Mr. Pruitt explained that as a County, they were heavily invested in economic development, which was a pressing concern for the County leadership and Supervisors. Additionally, it felt like economic development was pulling in the opposite direction of agricultural and forestry interests, so it did not align with the ordering. He clarified that he was interpreting these items as ordered.

Mr. Andrews said that his interpretation was that they were not in a specific order.

Ms. Swartzendruber clarified that the Big Moves were not intentionally put in a sequential order of importance

Mr. Pruitt asked if it was the right move to have the Big Moves as unordered. He said that because they were such broad goals, he was unsure if it helped narrow the focus. As the Board was not responsible for implementation, he would trust staff to make the determination as to whether they could feasibly prioritize the plan components in this manner. However, he felt that if the Big Moves were so inclusive that they did not truly prioritize anything specifically.

Mr. Pruitt said that since this was the conclusion of the plan, he wanted to ensure they were not introducing new facts at this stage, but he wondered if some of the tables they included did just that. He also wondered how much of this chapter was duplicative of things they said in other sections of the plan. Additionally, he questioned whether the community story was best included at the end of the document, or if it should be in a separate document so that it could be more easily accessed.

Ms. Mallek said that what she had heard was that this was the priority list, and items not on this list would be delayed for five to ten years. She said that after a year of discussion, it appeared that 80% of the proposed changes would not be considered. She said that given this, she was concerned about how the individual chapters were reflected in these six items. She said that she did not want to make assumptions, as she did not want to provide incorrect information. She said that, for instance, water protection was noticeably absent, and without clean water, it was impossible that the other aspects could be implemented. She said that rural areas were not addressed in any way other than as a place to host agricultural businesses.

Ms. Mallek said that she was trying to understand this prioritization. She said that she had thought she was on the right track, but the introduction today had left her with questions. She said that she planned to review the few pages she had and submit her comments. She said that she would like to

know more about the schedule that had been presented earlier. Specifically, she would like to know when they would be able to review the pages to see how their comments and questions were reflected. Given that the public hearing stage was too late for any changes to be made, she would appreciate it if staff could provide her with this information.

Ms. Swartzendruber clarified that the final draft plan would be published in early August, and the Board would make comments on the full document on September 10.

Ms. Mallek said that she appreciated that clarification. She said that regarding the Implementation Chapter, she wholeheartedly supported the updates paragraph, which she believed provided a clear and concise summary of their efforts. It could serve as an introduction or a conclusion and effectively captured the essence of their goals. Secondly, she was pleased to see the content they included in the affordable housing and access section, which addressed the concerns she had previously highlighted.

Ms. Mallek noted that preserving existing stock and implementing anti-displacement strategies were crucial to avoiding a step backward. She said that she was particularly concerned about the impact of rising rents on her constituents, who had been forced out of mobile home parks due to tripling of rents. She said that she hoped they could swiftly find a way to do better for those citizens.

Mr. Michael Barnes, Director of Planning, explained that one way to think about the Big Moves was to consider them as a starting point; these six key themes had emerged throughout the comprehensive planning process and had helped guide the community's efforts. They encompassed six major objectives, not necessarily in a specific order, that the community was striving to achieve. He believed that many of the actions outlined in the document would be undertaken by multiple departments, often in partnership with external organizations. While the priorities were broad, they would serve as a foundation, helping the community to stay focused and oriented as they moved forward in time.

Mr. Barnes said that if they could successfully implement these six key initiatives, they could make significant progress on many of the plan's aspects. He said that he thought it was worth considering that some of the environmental aspects, such as those related to water quality, may be too narrow in focus. He said that if they pushed hard enough, the Board may need to ask staff to expand on these initiatives to better serve the community over the next 10 to 15 years, whether through the strategic plan or other community-facing efforts. He said that ultimately, their goal was to complete these six key objectives.

Mr. Gallaway said that he had discussed this chapter with Nathan Moore, his district Planning Commissioner, this morning. He said that one of the slides mentioned that the PC feedback was focused on incorporating arts and cultural elements throughout various areas of the plan. He said that he had made similar comments during his time on the School Board, but he believed that that approach lost its purpose because it was not explicitly valued as a distinct priority. He said that cultural issues, historical, and cultural areas were deeply embedded in the rural nature of this County.

Mr. Gallaway said that Mr. Moore had described the idea as "arts and parks," which aimed to address key needs for physical safety, economic security, as well as for social belonging. The aspect of social enterprise and the appreciation of aesthetics beyond just natural elements was not adequately addressed, and Mr. Moore's assessment was that they should address that in a seventh Big Move in the Comprehensive Plan. He was thrilled that Nathan brought up the concept of social belonging and loneliness, as highlighted in the 2023 Surgeon General's white paper.

Mr. Gallaway emphasized that if a local government failed to provide venues for social interaction and human creations, it missed an opportunity to experience the transcendent moments that came from it. He appreciated Mr. Moore's conversation this morning, as it reminded him of the importance of valuing the arts as an integral component of their local society. He also recalled visiting Savannah, Georgia, where the City's grid-like pattern was punctuated by squares featuring trees, fountains, statues, and other recreational amenities. These social squares, whether small or large, served as hubs for gathering, whether organized or not, and also calmed the traffic throughout the City.

Mr. Gallaway stated that those squares brought people together, whether they wanted to be together or not, as they navigated the City. He said he was not advocating for a grid component for Albemarle, as their geography was very different from Savannah, however, the point remained that the jurisdiction was providing spaces for people to come together. Once in those spaces, a variety of things were offered to foster not just social belonging, but also the transcendent nature of experience, art, or history. To him, this was worthy of a Big Move rather than being scattered throughout other chapters.

Mr. Gallaway explained that he thought this was a priority because he was reminded that, in school divisions, they thought that activities like drama clubs, music clubs, or arts classes were just for fun, but they spent millions of dollars on social-emotional learning. He wanted to note that arts classes were the spaces where children were taught social-emotional learning the most effectively, yet they did not allocate similar resources to increase the number of arts teachers.

Mr. Gallaway stated that therefore, he was emphasizing that if they believed this was important and worthy of a Big Move, they should address it, rather than letting it get lost in the mix. If they thought it was worthy of its own purpose, they should say so, as it may be overlooked if it was merely added to other initiatives. He thought they could further build on this approach in their current park designations, particularly with the development of Biscuit Run Park. It would be beneficial to incorporate this mentality when programming and designing the park. Also, as they moved forward with the Rio Small Area Plan

and activity centers, the jurisdiction should take responsibility for providing these spaces and inform the design to ensure they served a purpose beyond just existing. He said that would like to state that he appreciated Mr. Moore's advocacy for this idea, which he believed could be a seventh "Big Move."

Mr. Gallaway said that he would also like to provide some comments based on what had previously been stated. He often wondered if the State's requirement for a comprehensive plan was due to the fact that some jurisdictions were struggling to implement any type of plan at all. The State may have mandated it to encourage compliance. In Albemarle County, they had a five-year financial plan, strategic plan, and other initiatives that addressed the comprehensive plan's goals. However, they often struggled to achieve the 250-plus actions outlined in the plan within the next five years. He was reminded that the Comp Plan was intended to be a general plan, and even the State Code acknowledged this.

Mr. Gallaway said that this document was intended to provide scope and purpose, ensuring that everyone, regardless of their background or affiliation, had a clear understanding of the County's direction. He was trying to climb the hierarchy, but he was getting bogged down in details. He said to answer staff's question, yes, they were succeeding in providing that general scope and direction. He wholeheartedly supported adding a seventh Big Move to this plan. He said that regarding Mr. Pruitt's mention of economic development in relation to Big Move #5, he believed economic development and economic opportunity were distinct concepts.

Mr. Gallaway stated that economic development referred specifically to economic activity, while economic opportunity encompassed a broader range of factors beyond that. He thought this seventh component should be a Big Move and supported it. He said that he questioned the accuracy of Big Move #4 in capturing the essence of what they were about as a County. They frequently argued about the distinction between rural and development areas, and in addition to preserving water quality, they had recently discussed how their community valued nature in terms of aesthetics. He asked if they were truly pursuing agricultural and forestry uses in rural areas, or were they instead focusing on preserving the existing rural landscape to the greatest extent possible?

Mr. Gallaway stated that this was a question that had been debated, and their Board actions often reflected a preference for maintaining the status quo. In light of this, he was doubting whether Big Move #4 was adequately addressing their County's trajectory. Furthermore, he had concerns about Big Move #1, which suggested aligning regulations to support AC44 implementation. Perhaps they should rephrase it to state that the Board's actions would align to support AC44. He said that it mentioned regulations, but it was unclear who exactly was in charge of those regulations. Terms such as Zoning Ordinance and County Code got lost.

Mr. Gallaway stated that he had heard that in the past, density in the development area had been approved at only 58% of the capacity stated in the current Comprehensive Plan. He said that the responsibility for that rested with the Board's actions. Perhaps they needed to rephrase it to state that the Board's actions would support the implementation of AC44. This would ensure that all regulations fell under that framework, and decisions would be guided by the Board's actions.

Mr. Gallaway said that this would have a significant impact on their decision-making process and regulations. He was throwing this out as a potential tweak that placed the responsibility on elected officials to make decisions in line with the Comprehensive Plan and its implementation. He was aware that he had voted against the recommendations of the currently adopted plan in the past, but once this was adopted, he would have to accept that he was responsible for everything that came after that. Therefore, he had anticipated some changes. He said at this point, he should be able to confidently say yes, his intention as a Supervisor was that his actions would support the implementation of this Comprehensive Plan once it was approved.

Ms. McKeel stated that the Planning Commission's discussion about this chapter was very informative and somewhat addressed what Mr. Gallaway was stating. She said that she had also wanted to note that they needed to add to the Big Moves priorities where to place community's health and social fabric and arts and culture, as Mr. Moore had suggested. Furthermore, as an aging community, they needed to address that large segment of the community in their planning. She said that regarding Big Move #4, "support agriculture and forestry uses in the Rural Area" read to her that they would just keep doing the same type of work they had been doing.

Ms. McKeel noted that while there were a few successful farms in the County, the data from the U.S. Department of Agriculture indicated that they did not have many agricultural operations in the County at all, and she wondered how they could better support the viability of farming in Albemarle. She wanted to support farms that provided produce to feed people rather than crops to feed livestock. She also agreed with Mr. Gallaway that economic opportunities were distinct from economic development, and they needed both. She added that her district's representative on the Planning Commission, Julian Bivins, had stated that the Comprehensive Plan was a bureaucratic document that had to provide clarity and predictability in how they were building community.

Ms. LaPisto-Kirtley said that she was overall supportive of staff's draft document. She said that she understood that some had requested a seventh Big Move, and she was wondering if the arts and culture priority could be incorporated under either a seventh Big Move or with the activity centers. She said that it seemed that their activity centers were open to accommodate arts and culture, so she was curious to know if they could be integrated into these centers, as well as other significant areas such as Biscuit Run and Free Bridge Lane. If they were to develop an urban park, she believed arts and culture could also be a part of it.

Ms. LaPisto-Kirtley said that she thought it was essential to align the regulations to support AC44, but she was not sure if they needed to explicitly mention the Board of Supervisors, as it seemed implied given their role in creating the Comprehensive Plan. However, she did wonder about the long-term effectiveness of this plan, given that it could be revised every five years and new Board members could make changes. She agreed with Mr. Gallaway that as Supervisors, they had voted against the Comprehensive Plan in the past, so she was unsure if they could uphold this plan for future Board members. She said that she appreciated the fact that this was not a priority list in terms of the numbering of the Big Moves.

Ms. LaPisto-Kirtley said that she was very supportive of supporting agriculture and forestry, as it was a vital part of Albemarle's identity and a major draw for people. She said that she believed their beautiful river and mountains were a unique selling point, and she would love to see their trails and river expanded for tourism and local use. This would not only improve their quality of life but also provide economic opportunities.

Ms. LaPisto-Kirtley said that if they did not have economic opportunities, they would not have the Economic Development Authority (EDA), as economic development required that opportunity, so those went hand-in-hand. She said that regarding mitigating and preparing for the impacts of climate change, she was wondering if their water resources, which were crucial to ensuring safe water through their reservoirs, could be incorporated into that Big Move. Whether or not it needed to be explicitly mentioned, she thought it was worth considering.

Mr. Andrews said that he wanted to respond to some of Mr. Gallaway's comments. He said that in each of these, he recognized that the Big Moves description was a shorthand for encompassing multiple pieces, and therefore, whether that shorthand was sufficient to incorporate or not may be part of the issue, he needed to examine the descriptions that followed. For example, aligning regulations to support AC44 implementation seemed to suggest that they were discussing staff actions, such as completing a zoning update, subdivision regulations, and other necessary policy changes to bring before the Board to support AC44's other goals.

Mr. Andrews suggested that, if it was a compromise, aligning regulations to support AC44 implementation and support Board action to support AC44. A big part of this was ensuring the Board actually implemented AC44 and did not just pay lip service to it. He stated that regarding the second Big Move, increasing affordable housing access was well-stated. It specifically mentioned a multi-pronged approach, and he believed it was a high priority for the Board. The third Big Move, investing in compact, connected, developed areas with an emphasis on activity centers, seemed to incorporate some of the social gathering components discussed as a potential Big Move #7.

Mr. Andrews said that however, he also heard from the Planning Commission that they had requested it not just be compact and connected, but also welcoming and green. Therefore, he said he would like to see this reflected in the description, as he did not want it to be just compact and connected if it was not inviting otherwise. The fourth Big Move, supporting agriculture and forestry uses in rural areas, was a good point, but the shorthand did not capture an essential element of that. The description, however, did better in that it mentioned preserving the County's rural character, cultural heritage, environmental health, and protecting environmentally sensitive areas, wetlands, forests, wildlife corridors, and watersheds. stated that some of these concerns were incorporated in the description, but in this particular case, the shorthand felt a bit too short and needed to be expanded to include preserving the County's rural character as part of that.

Mr. Andrews said the fifth Big Move, addressing economic opportunity, immediately jumped into the Economic Development Strategic Plan, but it also said that these complemented each other. Therefore, it was essential to discuss economic opportunity in a way that incorporated some forms of economic development, but he did not have a problem with the shorthand version of this.

Mr. Andrews stated that the sixth Big Move, mitigating and preparing for the impacts of climate change, was a high priority that he was very supportive of. He had a lot of sympathy for the idea that they would prioritize gathering activities. He thought something like Biscuit Run, for example, was not reflected as a priority alone in the plan. Perhaps he was wrong, and it would be helpful to understand this better, but if it was not, then a Big Move #7 that included it, as well as other ways to bring the community together and provide space for such activities, was needed. He continued that the overall plan emphasized overarching goals of equity and climate, with climate specifically mentioned. He knew equity was mentioned in the context of aligning regulations to support these goals, but it did not stand out as a prominent emphasis. He stated that perhaps there was a way to highlight it more, and a Big Move #7 could do that.

Mr. Pruitt said that he still struggled with the issue he initially raised, which may not be fully aligned with the majority of the Board. He said that he wanted to reiterate his point, and he appreciated the clarification that had been provided after he finished speaking. The explanation had helped to discuss their Board's grand strategy, and he found it helpful for public storytelling. However, his concern was that these Big Moves were not constructed in a way that allowed for accountability.

Mr. Pruitt said that he worried that they lacked clarity for both Board-to-staff accountability and public-to-Board accountability. He said that he did not believe they could use this document as a priority tool. If they set a five-year goal, such as an incentive package for how to develop hot dog stands on boardwalks, he questioned whether they had developed a clear action in the plan to achieve this. He

brought this up tongue-in-cheek, but it related to a specific action in one of their chapters. He said that he could state that to him, it seemed to suggest investing in compact and connected development areas, but staff could state that they did not believe that one paragraph was speaking to that, and it was not a central priority.

Mr. Pruitt stated that the lack of clarity made it difficult for him, as a Board with legislative oversight, to use this document as a tool for oversight of the executive arm of their government. Furthermore, he was concerned that the public would not be informed about the necessary tools to hold them accountable for their promises. He believed this was essential in government. If he were to be cynical, he might say that this document was helpful in justifying their current priorities, rather than providing a clear goal.

Mr. Pruitt stated that he agreed with the other comments regarding Big Move #4, specifically Mr. Andrews' feedback. The headline did not accurately reflect what they were doing or what they claimed to want to achieve. Supporting agriculture and forestry would require very intrusive, semi-industrial co-located facilities, which they had shown little appetite for in the past. This included large Concentrated Animal Feeding Operations (CAFO), mills, canneries, and other similar operations that the Board had grappled with in the past.

Mr. Pruitt stated that he remained uncertain that they had the political appetite for such projects in this County. The text appeared to be more focused on the broader, positive externalities that came from having a rural community, including the environmental benefits and water quality that they enjoyed, as well as the economic benefits from tourism. The plan's text seemed to be speaking more to these aspects, particularly the second graph. The headline may be wrong compared to the description.

Ms. Mallek said that she agreed with previous comments about the importance of local food that directly provides food products to consumers. She said that she had recently looked up the data, and they still had 866 farms, with a decrease due to consolidation, which was actually a lot. She said that as someone who had been reporting on the agricultural census for many years, she found it interesting that the 187 acres was within the national average, which was unusual considering many farms were much larger, often exceeding 10,000 acres.

Ms. Mallek said that she agreed that minimizing regulations was a solution, but it was essential to strike a balance. She said that for instance, while some regulations for an auto plant might be necessary, they may not be required for a small-scale operation like an egg farm. She said that as they moved forward, it was important to keep this in mind. She stated that the Comprehensive Plan was not a metric, but rather a vision that served as the overarching framework. She said that as they delved into smaller sections, those were where the rules and regulations would be established.

Ms. Mallek said that on page 4, the vision for the County was not an ambitious goal, but rather an expected reality. She said that she still found the vision appealing and hoped that they would work diligently to maintain it. She said that on page 5, she had sent notes regarding this to staff, but she would like to reiterate the significance of understanding the jurisdictional area for public water and sewer. She said that strict adherence to public water and sewer extension policy not only strengthened the Comprehensive Plan's implementation but also protected ratepayers from excessive costs associated with infrastructure development.

Mr. Gallaway asked if staff could review the tracking and reporting steps they would be doing for this Comprehensive Plan.

Ms. Swartzendruber explained that regarding the growth management policy, they looked at different factors that would need to be evaluated every five years at a minimum in order to assess their success in implementing the goals of the Comprehensive Plan.

Mr. Gallaway said that he was attempting to reconcile the annual reports with the five-year reports. He said that he was wondering why they needed a five-year report when they already had annual reports. He said that he may be misunderstanding the differences in the reporting requirements.

Ms. Swartzendruber said that it became more detailed in the five-year report, where they delved into additional factors and conducted more in-depth analysis.

Mr. Gallaway asked if this was meant to inform the next comprehensive plan, as they aimed to provide a detailed analysis of the past five years.

Ms. Swartzendruber confirmed that that was their intent.

Mr. Barnes said that with the title of the development areas utilization report, they would like to examine whether they were meeting their goals of using the development area efficiently. He said that as they reviewed the metrics, they must determine whether they were effectively utilizing the space or were they running out of room and needed to consider expanding it. He said that they would see if they were heading in the right direction.

Mr. Gallaway said that this did not eliminate the need to see what they had discussed in front of them during actual rezoning applications.

Ms. Swartzendruber answered that it did not.

Mr. Gallaway said that there would be one regarding an application in front of the Board, one stating where they were at on an annual basis, and one in-depth five-year report that would inform the next comp plan.

Mr. Barnes explained that the Development Area Report was a review of how they were utilizing their development area every five years. When a rezoning occurred, a subset of that report would focus on this particular parcel and how this related to the larger development area plan. At the top of this slide, they were tracking trends, so with the big six or seven Big Moves, they were trying to determine which direction they were headed, and therefore this was a trend line analysis. They believed that when creating strategic plans, performance indicator measures would be adopted.

Mr. Barnes said that their goal was to increase affordable housing by a specific number over the next five years. He said that a more specific goal would be tied to a particular aspect of the budget, as that was where the implementation of those goals occurred. The Comprehensive Plan provided a 20-year vision for achieving their objectives. He said that as the Board worked on the strategic plan, that would be responsible for implementing those goals.

Mr. Gallaway said that in terms of accountability, as Mr. Pruitt had mentioned, he had reviewed their mission, vision, and values, and it seemed the Big Moves were trying to achieve a similar point. He did not think those overarching values could be used for accountability because they were too general; however, they did provide a general direction of the County. He said he was not considering the Big Moves as actionable priorities, but rather as general ideas that should be sensed in the Comprehensive Plan overall. However, he was still trying to fully ponder that aspect.

Ms. McKeel said that perhaps the list of Big Moves would be best as a bulleted list instead of the current numbered list. She reiterated that she would like to see a seventh Big Move about social fabric, health, and culture. She noted that she agreed they should be reporting annually; however, the Development Area Report likely would need to be completed more frequently than five years.

Ms. Swartzendruber replied that staff's idea was to utilize the annual report as a catalyst for further analysis. If the trends in the report were heading in the wrong direction, it would be an opportunity for the Board to request a more in-depth report from staff. Perhaps that could be achieved in year two or year five, but hopefully, the yearly report would provide some early warning signs or indicators that they should start examining the situation more closely.

Ms. McKeel said that she would recommend that the Board not be the sole responsible party for deciding when something needed to change. She said that she would also suggest reviewing the document for repetitive language and streamlining it to avoid unnecessary repetition, particularly in the economic development section. By taking a closer look at the document through this lens, they could work towards a cleaner and more efficient process. She said that she appreciated the hard work that staff had put into this, and she was grateful for the opportunity to contribute to its improvement.

Ms. LaPisto-Kirtley agreed that staff should frequently bring back data to the Board so they could keep track of how they were doing. It was important to have metrics in that sense. She said that she believed they should specifically include apartments as part of their planning for density, as they were not currently included in the document. While there was a general perception that apartments were too expensive to build in the County, they should consider that a future economic environment may allow for more development of them. She said that regarding Big Move #4, she thought that perhaps the wording could be amended to include the continuation and preservation of agriculture and forestry uses in the Rural Area.

Mr. Andrews said that regarding tracking and reporting, reporting occurred annually, and development areas were required to report a minimum every five years. He said that to be consistent, they were discussing the implementation chapter. He said that he was reviewing page 13 of the distributed document, tracking and reporting, and he did not see a mention of five years anywhere. The information was listed on the slide, but it did not appear to be reflected in the actual text.

Ms. Swartzendruber stated that it was included in Part 2 where the Development Areas Report information was detailed, but they could also add it in the other section so that it was clear that they were related.

Mr. Andrews said that they had example metrics that also may be too big to imply anything meaningful for future planning. He said that he would like for staff to expand on what actions in the Comprehensive Plan were not necessarily included in the Big Moves, and what that meant in terms of policy when they adopted AC44.

Mr. Pruitt said that if those lines were distinguished, it would help him determine whether or not the document was useful. He was unclear at this point whether the chapter addressed their priorities because he did not have the clarity of what the Big Moves actually prioritized.

Mr. Andrews said that he believed there were several initiatives that could still align with the Big Moves, even if they did not appear to be directly related. He said that for example, they discussed rural preservation and climate mitigation but had not explicitly addressed the Dark Skies Ordinance. He said that he did not want them to imply that they were not prioritizing this issue because it was not included in the Big Moves; that would be unfortunate.

Ms. McKeel added that in terms of tracking and reporting, she wanted to clarify that the census data was a much broader view of their community, and the Asset-Limited, Income-Restricted, Employed (ALICE) data was more specific in analyzing trends in all the neighborhoods of Albemarle. The ALICE data was addressing their cost-burdened households in a different manner than census data.

Ms. LaPisto-Kirtley asked if staff could clarify the example metric of “vehicle miles traveled.”

Ms. Swartzendruber stated that it was about tracking the number of miles a given person travels in a day or any given amount of time. She said that for instance, if in a week she traveled 20 miles, that encompassed all her trips to work, her trips to the grocery, and even her trips to the mountains for hiking. She said that the measure was trying to determine how much time they spent in their cars for single occupancy.

Mr. Barnes said that the single occupancy component was crucial because it was a key indicator of their transportation system's efficiency. He said that as people shifted towards reducing single occupancy driving and adopted alternative modes of transportation, such as biking, walking, or using mass transit, it provided valuable insight into whether their system was operating at its best and if there were opportunities for improvement. He said that it also served as a measure of quality of life.

Ms. LaPisto-Kirtley asked if this was only measuring the travel of residents or if it encompassed visitors of the County from outside areas.

Mr. Barnes said that in this regard, it was measuring everyone. He said that when considering commuter traffic into the community, it was one of the factors that contributed to congestion during the AM and PM peak hours. He said that the extent to which they could encourage carpooling or utilize mass transit to reach the town was crucial in supporting the investments they needed to make to manage peak hour traffic.

Ms. LaPisto-Kirtley said that it seemed like a big task to achieve. She said that she would be interested in knowing how many people were utilizing mass transit or park-and-rides to get a sense of how much of their population was using those services and therefore how much they were reducing congestion on their roads.

Mr. Barnes stated that it was an example metric, and he appreciated the feedback because it certainly was possible that it was not the appropriate metric they should measure. Staff would be working on trends to include in the final document.

Mr. Andrews asked if there was any other feedback the Board needed to provide to staff.

Ms. Swartzendruber said that one thing she would mention was that staff would take feedback on those chapters at their meeting in September. If they would like to provide any wording suggestions, repetitive paragraphs, or language improvements via email, staff would appreciate it and could incorporate them into the final draft.

Recess. The Board adjourned its meeting at 3:05 p.m. and reconvened at 3:18 p.m.

Agenda Item No. 10. **Work Session:** Review of 2025 Legislative Priorities and Initial Discussion of 2026 Legislative Priorities.

The Executive Summary forwarded to the Board states that Each year, the Board considers and approves a set of legislative priorities to pursue in the upcoming General Assembly session. The Board then meets with the County's local delegation from the General Assembly to discuss these priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). This discussion will be the first of three anticipated Board discussions to develop priorities for the 2026 General Assembly session.

Staff will review the disposition of the County's legislative priorities for the 2025 General Assembly session, found in Attachment A. Last year's Legislative Positions and Policy Statements are attached as Attachment B. Staff will facilitate an initial discussion of the 2026 session.

There are no specific, identifiable budget impacts.

Staff recommends that following the presentation, the Board provide direction to staff in preparation for the 2026 legislative session.

Mr. Andy Herrick, County Attorney, stated that this would be their first review of the Board's legislative priorities. He said that they would take a look back at the 2025 General Assembly session, as well as ahead to the 2026 legislative session. He was joined today by Emily Kilroy, their Director of Economic Development, who would be going over many of the slides with them. Deputy County Executive Trevor Henry had been involved in this process and would not be speaking to them today, but he had been involved earlier, along with David Blount from the Thomas Jefferson Planning District Commission (TJPDC). He said he would like to thank James Douglas, from the County Attorney's Office.

for his involvement in the legislative process as well.

Mr. Herrick stated that this would be the first of three legislative priority sessions they would have over the course of the summer and fall, so this was just an initial review. He asked the Board to please note that nothing was set in stone at this point. He would begin by discussing the 2025 session, before handing things off to Ms. Kilroy to review the 2026 session. He said as they may recall, heading into the 2025 session, this Board had six legislative priorities, which included three potential amendments to the Virginia Code. One of the initiatives was to expand offenses subject to property forfeiture for community threats, but unfortunately, there was no patron for that in the Assembly, so it did not proceed.

Mr. Herrick stated that another initiative was for enabling a referendum to allow for an additional \$0.01 sales tax for school construction, which was actually adopted by the Assembly in 2024 but was vetoed by the Governor. The same sequence of events happened in the 2025 session as well. Also, in the 2025 session, the bill that was most similar to what the County had advocated for with their priority of expanded photo speed monitoring authority was House Bill 1666, which unfortunately failed. He stated that there were some other related bills dealing with photo speed authority that were adopted, but they actually limited or put additional specifications on the places where localities could have photo speed enforcement, so there was continued activity in that area, but it was not necessarily positive or favorable to the County.

Mr. Herrick said additionally, there were a couple of budget amendments that had some success. The County had requested \$11.2 million in state funding for the Rivanna Futures project, which was introduced by Delegate Laufer and Senator Deeds. Unfortunately, those amendments failed to proceed through the Assembly.

Mr. Herrick said that their efforts to secure funding for the Biscuit Run Park Monacan Indian Nation Tribute Park Connector Trail did gain more traction, however. This initiative would have provided \$1,368,000 in funding for a one-mile Americans with Disabilities Act (ADA)-accessible trail in the Biscuit Run Park, which was initially included in the budget that passed through the Assembly. The Governor later suggested an amendment to reduce this amount, but the Assembly reinstated the full amount, and the Governor ultimately vetoed it. As a result, despite having broad support in the General Assembly, they were unable to secure funding for this project.

Mr. Herrick said that the sixth initiative was for a legislative study on tools to mitigate rent increases caused by multi-family residential redevelopment. Although it was not an act of the Assembly, Delegate Callsen requested this study administratively from the State Department of Housing and Community Development. This concluded their overview of the 2025 Assembly session with the County's legislative priorities. He said that he would now turn it over to Ms. Kilroy to discuss the 2026 session.

Ms. Emily Kilroy, Director of Economic Development, stated that Mr. Blount was out of office this week but had provided some of his insights on the 2026 session of the General Assembly, which she would briefly review. She explained that the General Assembly was a complex entity, with many dynamics at play, and Mr. Blount did an excellent job of explaining what to expect in the year ahead. Significant topics that they expected to be addressed in the 2026 session were heavily influenced by the outcome of the November elections. As a result, their understanding of these issues was still evolving, particularly since there had been no election heading into last year's session.

Ms. Kilroy stated that this year, with an election, the direction of some of these issues was still uncertain. However, Mr. Blount had provided them with an understanding that stakeholders were continuing to discuss Virginia's energy needs, with a focus on meeting the growing demand for data centers. The energy demands of the data center sector were a key part of this conversation. Data centers themselves were the subject of many bills that had been introduced last session, but ultimately all data center-related legislation that came out of committee failed to pass. It was expected that many of these bills would return in 2026.

Ms. Kilroy stated that regarding housing affordability, there would be continued efforts to incentivize and require actions to increase the stock of affordable housing across the Commonwealth. This could include a new version of the housing targets legislation, which would require localities to increase their total housing stock by 1.5% per year over five years, but this legislation had failed this past year. Medicaid and other human services areas were likely to be most affected by federal funding reductions.

Ms. Kilroy stated that the legislature had added \$640 million to the State biennial budget this year to close a Medicaid funding gap. If federal funding reductions occurred, tougher decisions would be needed about backfilling with state general fund dollars. Education funding, along with Medicaid, was another major state budget driver. The legislature had been able to finally restore State funding for K-12 support personnel to previous levels after about 15 years.

Ms. Kilroy stated that the current question was whether the commitment to education funding priorities and long-term responses to the 2023 Joint Legislative Audit and Review Commission (JLARC) education funding report would be possible in the face of declining revenues that may be needed to be filled. Some key takeaways from the 2025 session that could inform their approach for 2026 were the preservation of local authority, which had been a long-standing position held by this Board and many other communities in the Commonwealth.

Ms. Kilroy stated that, with a few exceptions, bills that restricted or removed local land use

authority had not passed during the 2025 session, and they expected this trend to continue into 2026. The House and Senate committees were reviewing federal impacts, and special subcommittees were meeting regularly to receive reports and analysis on various program funding areas. She said this work aimed to position lawmakers to make more informed decisions when addressing state budget decisions brought on by federal funding cuts. She said that she would ensure that staff sent the Supervisors a link to the subcommittees' reports, which were rich in content and provided valuable insights.

Ms. Kilroy stated that the 2026 session will be shaped by the outcome of the November 4 elections, with the candidates for statewide offices set to be determined following the primary election. The FY26 state budget adjustments and the FY27-28 biennial budget would be heavily influenced by federal funding and the most current economic conditions in Virginia. The next two-year State budget will be shaped during the January to March session, and issues such as energy, data centers, and housing are likely to be top priorities in the General Assembly.

Ms. Kilroy stated that as they moved into 2026, there was a lot to consider, and the path ahead was driven by conversations between staff, the County Attorney's Office, her office, and the Executive Office, including a debriefing of the 2025 sessions to assess changes and streamline the legislative priority process. She said that their recommendation for the legislative program this year involved three key considerations.

Ms. Kilroy stated that firstly, they could focus on statewide issues of significance, leveraging organizations with staff resources and expertise, such as TJPDC, to address these issues. Secondly, they could identify specific value for Albemarle County by working with the local delegation to deliver benefits that were unique to their community. She said that they had had great success in recent years with items specific to Albemarle, such as the Biscuit Run project, which had made it all the way to the end of the General Assembly process. She recalled also that when they first started discussing it, there was a statewide focus on the fact that some localities had the ability to enact the \$0.01 sales tax for schools through a referendum.

Ms. Kilroy stated that initially, the thought was that Albemarle could be added to the list of localities that could do this. She said that they had joined a wave of momentum where many localities were pursuing this at the same time, and it had become a statewide issue. She believed that if they thought about it in this way, they could be very effective. The strong connection they had with their local delegation and carrying local priorities was a good way to set their community up for success. She said that she would like to discuss what that might look like.

Ms. Kilroy stated that requests for new legislation and budget amendments for 2026, including staff's proposal to revisit the Biscuit Run Monacan Indian Tribute Parks and Trail funding, which had been successful last time and made it to the end of the process. With the new Governor, they thought there was an opportunity to see a different outcome for that project. There was also a timely opportunity with the stream restoration project at Biscuit Run and the trail work that could be done in tandem with that restoration, presenting some opportunities for efficiency.

Ms. Kilroy said that State-level advocacy for Rivanna Futures was still critically important to the success of that project. She said that they had been excited to host members of the General Assembly Military and Veterans Caucus, where they were able to make significant progress in gaining widespread support for the project. She said that the outcome of the site readiness grant they had applied for would help them refine the strategy for the General Assembly, but for now it was a placeholder for the Board to consider until their next work session when they would know more.

Ms. Kilroy stated that some statewide items they could work on with other partner agencies, included expanding local authority for a \$0.01 sales tax increase for school capital and expanding local authority for photo speed cameras. This last topic was a new one, based on recent remarks made by both candidates for Governor regarding the potential elimination of the personal property tax in Virginia. Last year, when this issue was discussed, there was significant concern expressed by localities, which ultimately were routed through the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML). These organizations effectively brought attention and conversations to the impact of this change across the state. Staff recommended that the Board consider this topic as they head into 2026.

Ms. Kilroy stated that the final topic they would like to discuss today was the 2026 Positions and Policy Statements. This document provided a broad articulation of support or opposition for statewide issues and positions staff to respond to requests from the local delegation during session when it was impractical to reach out to the Board for a poll on a particular topic. After many years of additions, they had grown the document to 49 positions and policy statements. Some of the items within it may have been hot topics at a specific time, but perhaps that time had passed. Therefore, staff recommended that they take the time this year to fully revise that document to ensure it remained relevant and focused on principles that could be used to respond to legislator inquiries during session.

Ms. Kilroy said that in terms of where they currently were in this process, they would be back at the Board's second meeting of August and September. Their goal this year was to meet with the legislators sometime in October. What they had found over the past several cycles was that the General Assembly had orientation sessions, caucus meetings, committee meetings, and then the winter holidays, making it challenging to get a meeting on the calendar in November. They would then continue engagement work with them in the fall and winter, heading into and during session. She said that the main question for the Board to give feedback on was regarding their big picture proposal, which would be for the County to focus on local items and partner with state-wide organizations on any state-level

priorities that affected Albemarle.

Mr. Pruitt stated that he wanted to briefly address the existing priorities and how they seemed to be being carried over. He had previously expressed minor concerns regarding sales tax and speed monitoring devices, but he also acknowledged the importance of gravity and momentum. He was glad to see those elements being included. However, he wanted to flag the issue of personal forfeitures for community threats. They had not secured a sponsor, and he was aware of the challenges they had faced in structuring a solution. He appreciated the efforts made by the team in developing the solution.

Mr. Pruitt said that he had also been considering polling data and vetoed legislation. Given the upcoming legislative year in 2026, he was concerned that continuing to focus on that issue may not be the most productive use of their time and energy. This problem seemed to be a systemic issue that they were struggling to address, and he was frustrated by their inability to find a legislative solution. While it may not be the right time or place to tackle this broader issue, he thought it was essential to acknowledge the problem and consider alternative solutions in the future. He said he would be in favor of removing this item from the list of Legislative Priorities.

Mr. Pruitt stated that as a housing lawyer and part-time housing advocate, he concurred with some of the assessments made. He believed the Democratic gubernatorial candidate stances were deferential to VACo, which was particularly noticeable with housing issues. He thought it was essential to explore alternatives to personal property taxing authority that could be more equitable and progressive. If they could find a metric that they could all agree on, replacing personal property tax with some other tax could be a better solution. Personal property tax, in addition to the burden it placed on their constituents when adjustments were necessary, was less equitable than income tax. However, the State collected income tax and localities could not.

Mr. Pruitt stated that he believed this was a serious conversation they needed to have, and he wanted to explore what that looked like. Currently, they seemed to play a guessing game between real property and personal property taxes to determine which was more equitable. They lacked concrete data on which tax scheme was more regressive. If they were to consider eliminating personal property tax, they would need that information before they could have a conversation about how the County would address personal property tax. He acknowledged that his statements were bold, but he truly believed this was core to building a just society, as it related to taxation and funding their endeavors.

Mr. Pruitt stated that he did not want to default to the instinct that this was government money, which they needed to protect so they would have consistent funding. He emphasized that this concern also applied to the sales tax for school construction, as it was one of the least equitable ways to fund their schools. He wanted to also note that this Board had previously discussed locality enforcement of the Landlord-Tenant Act, a topic he was passionate about, and he believed it could be elevated to a key priority. The County had struggled with this issue for years, and he thought it would be symbolically valuable to demonstrate this Board's support.

Mr. Pruitt recalled that their previous discussion of rent gouging as a study was a compromise because the County had not had much time to research it, but that was a year ago. He said that he was supportive of local control to prohibit rent gouging, which was a tool and was not committing to any specific action; he believed in local power and local authority. He wanted to see staff present a plan for implementing rent gouging regulations. He said that he saw this as an opportunity to add another tool to their toolkit, which they could utilize as needed, based on the recommendations of staff and the developments they could create on that.

Mr. Pruitt said that he would support eliminating this study and instead, support state rent stabilization and rent gouging protections. He said that they could condition this study to only apply to enabling authorities, rather than directive ones. He said that he would also support enabling authority-related rent stabilization or rent gouging protections. He said that it appeared that they were approaching a second set of presentations and discussions, and they had already begun those.

Mr. Andrews noted that they had a rent stabilization study under housing, but the specific study in question was focused on redevelopment. He said that it was not about rent stabilization in existing housing, but rather about whether they should study the tools available to the County if the property was turned over to new owners who planned to make changes. He said that this was a distinct issue from the rent stabilization policy.

Mr. Pruitt said that he believed they had previously agreed to endorse one as a priority and one as a policy position. He said that one study was a policy position that supported the possibility of studying that, if it should come up, and the other was a priority related to redeveloped properties, which Delegate Callsen had forwarded.

Ms. Mallek stated that the framework Ms. Kilroy had presented appeared to be very workable. She said that she would expect the bills removing local authority from last year to return, as many people in State positions had little respect for local government and believed their judgment was superior. She said that this lack of respect could lead to a disregard for their authority and a willingness to undermine their decisions. She said that she found this to be a significant problem because many individuals lacked the necessary knowledge to make informed decisions about local issues.

Ms. Mallek said that she thought they should be prepared for this and expect that others would be taking similar steps. She said that the 1.5% housing initiative was particularly challenging to understand,

and she believed that issue would be returning at some point, hopefully worded differently. She said that many people had lost trust in the State's ability to uphold its promises regarding elimination of personal property tax. She said that she did not have a solution to that issue, but ultimately, the outcome in November would play a significant role in determining the future. She asked if staff could send the Board a red-lined copy of the policy statements to start with.

Ms. Kilroy replied that staff would take a first pass at the policy statements and provide their recommended amended version in the Board packet at their August meeting.

Mr. Gallaway said that the main topic he wanted to discuss appeared to be covered under the rewritten priorities list. He had no issue with the carryover items, but he thought they needed to have a direct conversation with their delegates and senator about transportation funding in the state. They had a transportation priorities piece under the priorities section, which addressed the transit authority and other relevant issues, but it often got lost in the discussion. He said that the total cost for smart scale applications throughout the Commonwealth the previous year was \$9.4 billion, with the Smart Scale request being \$8.2 billion and the awarded amount being less than \$1 billion.

Mr. Gallaway said that this was a statewide issue that was truly concerning. He said that they had been discussing the potential elimination of real property tax, while the State was trying to exert control over local funding decisions. He said that they underfunded local projects and then expected them to find alternative solutions. He thought it was time for the State to take responsibility for funding its own needs and decide how to fund basic infrastructure. He noted that one of the top concerns for local elected officials was road projects and transportation issues in their localities. If the state was only funding at one-ninth the amount, it was time to stop talking about taking away their funding tools and figure out its own funding solutions.

Mr. Gallaway said that he had reviewed the list of projects, and he believed that 98% of them were actual needs and critical to the communities. Their own County had submitted five projects, and with the TJPDC, they had been able to increase that to eight or nine. However, they had left critical projects out of the mix. The State needed to find a way to fund not just road maintenance but road projects. He did not recall ever having a conversation about this with State officials during the legislative priority process that he was aware of, but they needed to have these conversations and rally around the issue.

Mr. Gallaway said that if they rewrote the priorities, they may find other issues that aligned with this one and advocate in a way that would create a bigger impact. They needed to address some larger funding issues related to transportation. He hoped the Board would agree with this assessment. He said that he understood the rationale behind staff's suggestion of meeting with their delegation in October but based on previous feedback they had gotten from their representatives, he believed they should aim for a summer meeting to get ahead of the curve on the General Assembly session.

Ms. McKeel agreed that they needed to have an earlier meeting date than October. She also noted that they had been informed earlier this year that the State would be addressing transportation, but it appeared they had been more preoccupied by data centers. She agreed with Mr. Gallaway that they needed to address their mounting transportation needs and related issues. Their conversations with Virginia Department of Transportation (VDOT) had indicated that some of their local projects were of high importance to the State and were sure to be expedited, but the outcome was that none of them were funded.

Ms. McKeel noted that VDOT's funding was being diverted towards cleanup efforts after torrential storms, which was not planned for and significantly affected funding opportunities for transportation. She said that she believed that transportation should be one of their local priorities. She also was cautious about fully endorsing the elimination of personal property tax, because she was unsure if the State would actually assist localities and make up the difference. There had been numerous times in the past where localities had revenue sources that the State later took as state-level revenues.

Ms. McKeel stated that she knew that they were all aware of the state-wide transportation funding issues and they must begin with holding their own state delegation accountable. She wanted them all to work together to figure out a solution. She also agreed with Ms. Kilroy that much of the information in their policy statement document was outdated and it likely could be shortened. She thanked Mr. Pruitt for being proactive and considering that the Board eliminate the property forfeiture priority, which seemed difficult to handle at this time. She said that she agreed that they needed to focus on enforcing the Landlord-Tenant Act as well, because their County had too many residents who rented from predatory landlords and got into seriously concerning and detrimental situations that the local government could not help with.

Ms. LaPisto-Kirtley said that she supported the three carryover priorities from last year. She said that if the State eliminated personal property tax, in order to support that move she would need to see an alternative solution that provided the same revenue to localities. She said that she would support that alternative. But to eliminate personal property tax without a plan for replacement, she would not support it. She said that transportation remained a top concern for constituents, and she consistently heard about roads, traffic, and congestion. It would be beneficial to explore solutions for transportation. Data centers were a local issue, and she believed they could be addressed locally without relying on State assistance.

Ms. LaPisto-Kirtley said that she did not want to spend too much time on data centers unless the State attempted to make a requirement, and the County had no control over the terms. She said that she supported the local enforcement of the Landlord-Tenant Act. She also agreed with the demerit

points for truck violations on page 5. She said that she believed this was a crucial step in addressing the issue of oversized trucks on rural roads, where they often disregarded traffic signs and regulations. The officers had concerns about the potential consequences of issuing demerit points. However, she thought there needed to be a stronger approach to addressing this issue.

Mr. Andrews stated that when looking at the big picture, focus programs were more specific and he thought that was a great idea. He had noticed that this approach seemed to apply to budgetary items. They had previously identified speed cameras and sales tax as two significant items for them. When they started to leverage VACo and partner with the TJPDC, he believed that it was a great move, but he did not think their priorities would always align with VACo's. VACo would undoubtedly provide valuable assistance with local control, but there may not always be a direct correlation between each locality's priorities, and he would not want to compromise important legislation for Albemarle.

Mr. Andrews said that he agreed with the comments regarding transportation, and he thought they should take a closer look at this issue. He would not repeat the other comments, but he was unclear about what could be said for personal property tax without hearing more details. He did not know what VACo and TJPDC would have to say, but it was obviously an issue where the County needed to be held harmless. He said that he was fine with removing civil forfeitures, but he also supported going further with Landlord-Tenant Act protections, including rent.

Mr. Andrews stated that additionally, he would like to mention that the Solid Waste Alternatives Advisory Committee, which he chaired, had recommendations for environmental legislation. He hoped they would consider these recommendations. Upon reviewing them, he found they were consistent with their existing policies. There may be a few additional items, such as a study on microplastics, that were not specifically mentioned in Albemarle's list but were worth advocating for.

Ms. Kilroy said that if Supervisors had a specific item they would like to ensure staff were aware of and incorporate it into the conversation in August, she asked that they reach out to Mr. Herrick and herself, and they would make sure to include it in the second conversation for this session. Following that, staff would work between now and then to develop a redline version of the positions and policy statements document. She also heard several of the Supervisors discuss the importance of transportation and the Landlord-Tenant Act. She said staff could try to structure their October meeting with the local delegation to focus on these issues, perhaps not with a specific ask, but rather an opportunity to discuss the challenges they were facing.

Mr. Pruitt stated that their delegates had previously stated that October was too late in the year for a meeting. While an earlier date would put staff on a hard timeline, he would be worried otherwise about not getting this information to their representatives on time.

Ms. Mallek said that one additional point she wanted to bring up was that trailer parks had become a new venture capital investment opportunity across the country. She said that the abuse of tenants in these situations may already be addressed in the Landlord-Tenant Act discussions, but she wanted to mention it. She said that the recent takeovers of trailer parks in the White Hall District had resulted in many people being displaced due to tripled rent increases.

Ms. Mallek said that unfortunately, none of the promises made during the approval process of those developments had been upheld. She said that secondly, she had been informed about mandatory collective bargaining being expected to return at a recent VACo board meeting. She said that they should also be considering this as they moved forward. She said that that was the extent of her information, but for Counties that had implemented it, it had been a significant budgetary challenge.

Agenda Item No. 11. **Presentation:** VDOT Quarterly Report.

Ms. Carrie Shephard, Charlottesville Residency Administrator, stated that she would be presenting the VDOT Quarterly Report. She said that first, she would like to provide some updates regarding their preliminary engineering. She said that the Route 29 shared use path was recently advertised, and they expected to have a bid letting by the end of July, which was a significant milestone. She said that for the Exit 107 Park and Ride, they were scheduled to hold a public hearing in October 2025, and they would be issuing a press release as the date approached. She said that the Fifth Street Hub and Trails project had also reached another milestone, with the right-of-way acquisition phase underway.

Ms. Shephard said that the 250 Route 20 improvements for the Pantops Corridor were still on track for a spring 2026 advertisement date. She said that the Route 702 Fontaine Avenue bridge replacement project over the Morey Creek was also recently put up for advertisement, and they expected a bid letting at the end of July. She said that she would also like to mention that they had a Smart Scale meeting with the County scheduled for Monday to discuss round seven.

Ms. Shephard said that their design-build bundles were also making progress. She said that the pedestrian bridge over Hydraulic was currently under construction, and the five elements, which included the four roundabouts and the green-T at Belvedere, were officially under construction. She said that a press release was issued last week regarding the detour that would be in place beginning July 23, 2025, which would be in place through December while the roundabout was being constructed.

Ms. Shephard explained that the detour would be a segment of Route 680, and maps were

available on VDOT's website. For the final bundle, the District Avenue roundabout, Fontaine interchange improvements, and the Fontaine shared use path, they had held a public hearing at the end of May, which was well-attended, and the project was moving forward. She said that they were also making progress on their rural rustic's projects, including Sutherland Road, which was now under construction, and Glendower Road Phase 1 and 2.

Ms. Shephard said for construction activities, Old Ivy Road, Bridge 601 over 29, was also moving forward. She said she would like to highlight a new project, Route 712 Plank Road, which was the reconstruction of a headwall. She said that the project had started on July 7, 2025, and was expected to be completed by August 8, 2025. She said that in addition to the traffic engineering work orders she had not mentioned, she wanted to assure them that they continued to respond to citizen requests through the work order system. These requests typically involved signage, speeding, crosswalks, sidewalk issues, and other concerns. She said that they addressed a wide range of issues, so if there was a specific matter the Board would like her to follow up on, she asked that they please let her know.

Mr. Pruitt said that he deeply appreciated the beginning of construction on Glendower Road.

Ms. Mallek said that was also pleased to hear Ms. Shephard's reports on Routes 240, 250, and 680 projects, and she had not heard any complaints about the detour. She said that she did have one question that someone had asked her this morning. She asked if Ms. Shephard could get a cost-to-date from VDOT about the last year of work on Earlysville Forest Drive. She said that she drove it again today, and all the work they had done two weeks ago was unsuccessful.

Mr. Gallaway asked for clarification on the limited access control mentioned in the update on the John Warner Parkway.

Ms. Shephard said that it was new to her as well; she knew it was in the process but was unclear on the details.

Mr. Gallaway said that he would appreciate a follow-up email that elaborated on that item. He said that he would also email her with a few specific and small items for VDOT to address.

Ms. LaPisto-Kirtley asked if the paving on Stony Point Pass had been completed up to Pennybaker Lane.

Ms. Shephard replied no; the Rural Rustic paving had not been completed. The work they had completed in this quarter was to replace the culvert that had been washed out from storms.

Mr. Andrews expressed gratitude for all of Ms. Shephard's help in addressing local issues on VDOT roads.

Agenda Item No. 12. Closed Meeting.

At 4:19 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under subsection (1) to discuss and consider appointments to various boards and commissions including, without limitation: the Albemarle Conservation Easement Authority, the Community Policy and Management Team (CPMT), the Pantops Community Advisory Committee, the Region Ten Community Services Board, and the Board of Directors of the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals;
- Under subsection (5) to discuss and consider a prospective business or industry or the expansion of an existing business or industry in the vicinity of Seminole Trail in the Rivanna Magisterial District where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community;
- Under subsection (6) to discuss and consider the investment of public funds related to an existing performance agreement with Bonumose, Inc. and related to a potential performance agreement for a commercial development on Seminole Trail in the Rio Magisterial District, where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County;
- Under subsection (8), to consult with legal counsel regarding specific legal matters, including both a performance agreement with Bonumose, Inc. and a contract payment issue, requiring the provision of legal advice by such counsel; and
- Under subsection (29), to discuss the negotiation or re-negotiation of separate public contracts with Bonumose, Inc., and a commercial development on Seminole Trail in the Rio Magisterial District, each involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County and the Board

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

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

Agenda Item No. 13. Certify Closed Meeting.

At 6:04 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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

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

Agenda Item No. 14. Boards and Commissions.
Item No. 14.a. Vacancies and Appointments.

Ms. McKeel **moved** that the Board make the following appointments to Boards and Commissions:

- **Appoint** Mr. Rex Linville to the Albemarle Conservation Easement Authority to fill an unexpired term ending December 13, 2025.
- **Appoint** Mr. Eugene Conti to the Community Policy and Management Team (CPMT) as the Private Service Provider with said term to expire June 5, 2028.
- **Reappoint** Ms. Megan Nedostup and Mr. Richard Ruffin to the Pantops Community Advisory Committee with said term to expire on June 30, 2027.
- **Appoint** Ms. Nelsie Birch to the Charlottesville Albemarle SPCA Board of Directors, with said term to expire on June 30, 2028.

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

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

Agenda Item No. 15. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, stated that his monthly report was tied to their strategic plan and their six goals, which were informed by the work being done within the organization. He said that he would like to start by highlighting Trevor Henry, who is pictured to the left. As their Deputy County Executive, Trevor was deeply connected to the Veterans Community and had been instrumental in supporting Defense Affairs work in their area. He appreciated the active veteran's footprint in their community.

Mr. Richardson stated that recently, Mr. Henry visited 99-year-old Rod Clark, a World War II Marine and Purple Heart recipient, in North Garden. Mr. Clark was a property owner and owner of a farm in the area. Mr. Henry's visit was a meaningful way to honor Mr. Clark's service and distinguished career. He stated that as Mr. Clark was approaching his 100th birthday next March, they were looking forward to celebrating with him.

Mr. Richardson said that regarding performance, he would like to highlight several recent upgrades. The Simpson Park Spray Park has received improvements to enhance safety, accessibility, and usability throughout the year. These upgrades include new water filtration systems, pump systems, and improved maintenance. The park now featured new spray features and updated surfacing, which have enhanced safety and user experience. Additionally, the restrooms had been converted to year-round use, reflecting their commitment to community wellness and equitability.

Mr. Richardson said that he was pleased to announce that their new GIS viewer was now live. This modern web-based tool restores search and mapping functions, which would continue to improve with regular updates. Users could now search by address, parcel ID, or owner name and view details like acreage, zoning, school district, and floodplain status. Key layers like proffers, steep slopes, and water protection ordinance were also available. Some features from the old platform, like sketching tools and identifying abutting owners, were still in progress and would be added in future updates. He would like to thank their Information Technology (IT) staff for their hard work in getting this back online, as they had heard from their public that this is essential.

Mr. Richardson continued to explain that the next picture in his presentation was their Albemarle County Human Services Alternative Response Team (HART), who recently attended an international co-responder conference in Atlanta. For their audience and those listening, he would like to remind them that their HART staff was a multidisciplinary team, consisting of a firefighter-paramedic, a social worker, and a police officer. They would respond to calls in their community that appear to be mental health-related crises. They were now pleased to have their second team on board.

Mr. Richardson stated that they had brought new insights and best practices from a national network of behavioral health and professional public safety professionals. Kaki Dimock, Chief Human

Services Officer, was the keynote speaker at this national conference. She had researched this team as an organizational opportunity and shared tools for emotional intelligence and high-pressure response work, focusing on resilience, adaptability, and connecting people in the moment of crisis. This was a testament to good work and a strong partnership between their Police Department, Fire Department, and Social Services.

Mr. Richardson said that regarding their people and investment in their organization, 11 staff members from throughout their organization recently attended the University of Virginia Leading, Educating, and Developing (LEAD) program during Fiscal Year 25. This one-week program, focused on building leadership and development for their managers, was a commitment to growth and development. He said that the graduates listed in his presentation came from various departments and demonstrated their commitment to growth and development. He said that they were seeing the benefits of this investment.

Mr. Richardson stated that he recently attended the graduation of Recruit School 25 from their Fire Rescue Department, where 22 individuals graduated after 26 weeks of intensive training in Emergency Medical Services (EMS), fire operations, emergency vehicle driving, firefighter survival, and more. He said that the pinning ceremony was a celebration at Monticello High School earlier this month, marking the start of their careers in the fire service. Their Fire Chief delivered the keynote address, highlighting the dedication of these individuals to public service. He said that it was a moving and uplifting experience, and he was proud of their fire rescue department.

Mr. Richardson said that he would now like to take this opportunity to thank Colonel Sean Reeves, the Chief of their Albemarle County Police Department, for being there that evening. He said that they were also pleased to announce the recent addition of Major Camille Stewart to their ACPD department and broader Albemarle County organization as Deputy Chief. He said that following a national search, Camille brought 29 years of law enforcement leadership experience. He asked Colonel Reeves if he would like to introduce Major Stewart to the Board and to the public.

Mr. Sean Reeves, Chief of Police of the Albemarle County Police Department, said that it was his honor to introduce them to the newest Deputy Chief of Police of the Albemarle County Police Department, Major Camille Stewart. As Mr. Richardson mentioned, this was a thorough and extensive nationwide search process. The Virginia Association of Chiefs of Police and their Human Resources Department conducted a nationwide search, and after reviewing 30 applicants, Major Stewart was selected for this position. The selection process was highly competitive, involving multiple boards, a community panel, a chief of police panel, and an internal staff panel. He had had the opportunity to get to know Major Stewart briefly, and he could confidently say that she was a valuable asset to their community and their police department.

Ms. Camille Stewart, Deputy Chief of Albemarle County Police, stated that she recently retired from Fairfax County Police after 29 years of service, during which she held various assignments, including internal affairs, investigations, operations, and served as a flight medic on the helicopter. She said that she is a member of the National Capital Region's incident management team, a multidisciplinary team. She had the opportunity to work with a team of information officers who can be deployed to different incidents. As a public information officer, she was able to accomplish many great things.

Ms. Stewart said that recently, she participated in a reinforcement effort for the French Olympics in Paris, working closely with the French police to support their work. This was an amazing experience. She said that she was extremely happy to be here. She said that originally from Botetourt County, she had the pleasure of passing through Albemarle numerous times when going to and from Fredericksburg, where she used to live. She said that it was a beautiful place, and she was thrilled to be here.

Mr. Richardson said that he finally wanted to thank the Board for recognizing Colonel Haas earlier in their meeting for all the great work he had done with NGIC and the greater community. He read comments made to the recruit school graduation by Fire Rescue Chief, Dan Eggleston.

Agenda Item No. 16. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings)..

Ms. Mary Stewart, resident of Albemarle County, stated that she was concerned about the Department of Justice's memo titled Civil Division Enforcement Priorities, issued on June 11, 2025. She said that among the concerns it raised was a threat to naturalized American citizens. She said that federal law had always provided for revocation when an individual became a naturalized citizen through fraud, lying about or concealing facts related to their eligibility.

Ms. Stewart said that denaturalization had been used judiciously across Republican and Democratic administrations, with the exception of its use against alleged communists during the McCarthy era in the late 1940s and early 1950s. She said that from 1990 to 2017, the Department of Justice had filed only about 11 denaturalization cases per year. She said that all American citizens, naturalized or born here, were subject to the penalties of criminal law if they committed crimes.

Ms. Stewart said that removing someone from their family and established life had been too harsh for anything other than the most heinous crimes. She said that for instance, Nazis who lied about their role in the Holocaust were stripped of citizenship if discovered and deported. She said that the new policy, which allowed the DOJ to pursue "any other cases" deemed sufficiently important, was so vague

that it would permit denaturalization for just about anything.

Ms. Stewart said that this could include actions prior to or following naturalization, exercising First Amendment rights, or encouraging diversity in hiring. It could also target troublesome journalists, students, university professors, infectious disease doctors, or lawyers. She said that all these individuals were now vulnerable to the vagaries of an administration that had shown a preference for deporting people without due process and dismissing questions after the fact. In 2023, there were approximately 25 million immigrants in this country who had become naturalized citizens. Today, their lives had become less certain.

Ms. Stewart stated that too few people in their community were aware of the danger they faced. She stated that the public was asking the Board of Supervisors to use their positions to educate the people who relied on their leadership, as well as asking them to take courage and stand firm. The American people were the guardrail that would prevent the destruction of their democracy.

Ms. Alicia Lenahan, Scottsville District, stated that in June, the Supreme Court granted the President the authority to dismantle the Constitution through an executive order. While some may view the decision limiting nationwide injunctions as administrative, it was not. For a brief period, the birthright citizenship protections afforded by the 14th Amendment were only available to the plaintiffs named in existing cases. A class action lawsuit was filed, and a federal district judge in New Hampshire issued a national restraining order protecting the citizenship of babies born in this country. The federal government has appealed. If it prevails, the executive order will become law on July 25, 2025.

Ms. Lenahan stated that under this scenario, citizenship will be denied to babies born to undocumented mothers and mothers with lawful but temporary immigration status unless the father was a U.S. citizen or lawful permanent resident. To paraphrase Justice Sotomayor, these injunctions protect newborns from the exceptional, irreparable harm associated with losing a foundational constitutional right and its immediate benefits. The lower federal courts honored the most basic value of their constitutional system by keeping the government within the bounds of law. Today, it was birthright citizenship; tomorrow, an executive order may do away with their right to free speech or freedom of assembly. Perhaps the administration would target the 10th Amendment to limit the powers vested in state and local governments.

Ms. Lenahan stated that when asked recently what kept Justice Ketanji Brown Jackson up at night, she gave a candid response. She said that she was most concerned about the state of their democracy, and she was very interested in getting people to focus, invest, and pay attention to what was happening in the country and in the government. She said that Justice Jackson's message was both a warning and a challenge. The state of their democracy was fragile and would not be preserved by accident or inertia. It would require all of them to stay engaged, speak up, and care deeply, even when it was difficult.

Ms. Lenahan said that the state of their democracy was worrying a Supreme Court justice, which should worry all of them as well. She asked them to remember Martin Luther King's admonition that history would have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people. Too few people in the community were aware of the danger they faced. They were asking the Board to use their positions of service and trust to educate the people who relied on their leadership.

Mr. Ron Ignatz, Scottsville District, stated that they had all been aware of the significant funding allocated to the Immigration and Customs Enforcement (ICE) and Homeland Security Departments. However, they had not received as much information about the programs being eliminated and the individuals in this community who would be negatively impacted. Earlier this year, Move to Health Equity had written a letter to Congressman McGuire, carefully explaining how his constituents would be affected by proposed Medicaid changes. These facts seemed to have been ignored.

Mr. Ignatz explained that nearly 2 million Virginia residents relied on Medicaid and Children's Health Insurance Program (CHIP) for their healthcare. Of that, 166,000 lived in the 5th District, including newborns, young children, adults, pregnant women, and older adults. Widespread cuts to Medicaid and CHIP would leave many without access to comprehensive health coverage or critical services. Contrary to the notion that Medicaid recipients were lazy, a recent study by the Center on Budget and Policy priorities showed that 92% of adults under 65 enrolled in Medicaid were either working, caring for family, ill, disabled, or attending school.

Mr. Ignatz stated that as a trigger state, if federal funding for Medicaid expansion fell below 90%, more than 630,000 Virginians, including 53,000 in the 5th District, would automatically be disenrolled from Medicaid. The Supplemental Nutrition Assistance Program (SNAP) was also at risk. It was the nation's most effective anti-hunger program, helping reduce poverty, improve health, and economic outcomes, while supporting low-wage workers and serving as the first line of defense against hunger during economic downturns.

Mr. Ignatz stated that in Virginia, 827,000 residents received SNAP, with 67% in families with children and 33% in families with older or disabled members. The average monthly SNAP benefits ranged from \$506 for households with children to \$118 for households with older adults. The average daily SNAP benefit was \$5.84. His question to the Board was, how was the County working with providers such as

the Free Clinic, Region Ten, Sentara, and UVA?

Ms. Karen Mann stated that she was not a resident of Albemarle, but she was the pastor of Sojourners United Church of Christ here in Charlottesville. She said that she was here as a concerned community leader, along with other community members who shared her concerns. Like the Supervisors, they were all watching with alarm as their federal government escalates its attacks on their immigrant neighbors. She said that they felt overwhelmed and at times powerless to protect their neighbors, so they looked to the Board of Supervisors, their local leaders, for guidance and support. They appreciated the stances and leadership they had already shown on this issue, and the community thanked them for that.

Ms. Mann stated that a recent budget bill signed into law pours \$170.7 billion into immigration enforcement, a significant increase that surpasses the military budgets of all but 15 countries. It provided \$45 billion for detention facilities and \$29.9 billion for ICE enforcement, a threefold increase in ICE's annual budget, making ICE the largest federal law enforcement agency in the nation's history. The government was doubling down on its efforts to execute the largest mass deportation in history, and now ICE and cooperating agencies were sweeping up anyone they could, rather than targeting only violent criminals.

Ms. Mann stated that Governor Youngkin's office boasted about Virginia's progress this year, but the lack of documentation on the 2,512 people arrested as violent criminals illegally in the country raised serious questions about the accuracy of the claims. Nationally, the Cato Institute found that 65% of the over 200,000 individuals ICE had detained between October 2024, and June 2025 had no prior criminal convictions, and 93% of those detained were never convicted of any violent offenses. These actions eroded public confidence and safety, and they looked to their local leaders to demonstrate moral leadership in the face of the immorality of their federal government.

Ms. Mann said that the Supervisors' constituents urged them to take action to protect the residents of this community, regardless of their status. Specifically, they were asking the Board to follow the example of Huntington Park, California, which recently passed a resolution strongly condemning the use of unmarked vehicles, masked, and unidentifiable personnel in immigration enforcement activities. This resolution would focus on verification, directing the local police department to confirm the identity and legitimacy of individuals claiming federal authority, to address community fear and distrust resulting from the presence of masked individuals in unmarked cars claiming to be federal agencies, to demand transparency and identification from those claiming to act with federal authority.

Ms. Mann stated that they, as concerned community members, were circulating a petition with a draft resolution for the County to consider which would address these concerns. They asked that the Board, as their local leaders, protect their community from this immoral and dangerous escalation from the federal government.

Ms. Sage Bradburn, Jack Jouett District, stated that she was also here to discuss the Department of Justice's memo on Civil Division Enforcement Priorities, which had raised several serious concerns, including the decision to utilize their longstanding civil rights laws to combat private sector diversity, equity, and inclusion policies, programs, and activities deemed illegal by the Trump administration. One tool the Department of Justice would employ was the False Claims Act. Instead of pursuing individuals, the DOJ would prosecute entities receiving federal funds while knowingly violating civil rights laws. She said that this list of potential targets included schools, cities, non-profits, and numerous other entities. The DOJ would also seek treble damages, a punishment with significant budget implications for localities. She said that these budget implications were, in fact, a substantial burden for local governments.

Ms. Bradburn said that the DOJ was attempting to coerce individuals opposing the administration's policies into compliance, as seen in Jim Ryan's resignation and their ongoing interference. She said that another priority was ending sanctuary jurisdictions, which had been exercising their legal right to limit cooperation with federal immigration enforcement. She said that sanctuary jurisdictions were supported by the 10th Amendment, which reserved powers not delegated to the federal government to states, localities, and the people. This principle of federalism, dividing power between the federal and state governments, was fundamental to their Constitution. However, the federal government had been using executive orders to circumvent the Constitution.

Ms. Bradburn stated that although local government and their law enforcement were under enormous pressure to comply, and recent developments constituted significant threats to the Board and their community; however, their constituents were asking them to stand strong and resist the pressure. She wanted the Board to understand that their community stood with them and would be fighting alongside them.

Agenda Item No. 17. **Public Hearing: Spot Blight Declaration – 50 Churchill Lane, Parcel ID 07400-00-00-08200 (Samuel Miller District)**. To receive comments on a proposed ordinance to declare the Property located at 50 Churchill Lane, (Parcel ID 07400-00-00-08200) a blighted property. This ordinance would authorize the County Executive or his designee, on behalf of the Board, to acquire, hold, clear, repair, manage, or dispose of the Property and to recover the costs of any repair or disposal of such Property from the owner or owners of record, in accordance with Virginia Code 36-49.1:1.

The Executive Summary forwarded to the Board states that the presence of blighted and

deteriorated properties can have negative economic and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances. On March 19, 2025, the Board of Supervisors approved the scheduling of a public hearing to consider adoption of a spot blight ordinance for 50 Churchill Lane, Parcel ID 07400-00-00-08200, in the Samuel Miller District. A map is provided as Attachment A and property photos are provided as Attachment B.

Staff received a complaint regarding the conditions of this property and determined through an investigation that the house is uninhabited and unsafe. Staff then initiated the spot blight abatement process, as outlined below.

As the County Executive's designee, the Community Development Director made a preliminary determination (Attachment C) that the property was blighted and sent notice to the property owner of the reasons supporting this preliminary determination:

- 1) The structure is open, allowing the entry of exterior elements, such as weather and animals, which are detrimental to the health, safety, and welfare of the public.
- 2) The structures are falling down and unsafe and therefore detrimental to the health, safety and welfare of the public and emergency responders.

The County requested an abatement plan from the owner. Pursuant to Virginia Code § 36-49.1:1 (Attachment D), the property owner had 30 days to respond in writing. Because the property owner did not respond within 30 days with a written abatement plan acceptable to the County, staff recommended that the Board schedule a public hearing to consider an ordinance declaring this property to be blighted. Staff engaged with the property owner to summarize the items to be corrected in the County-generated Abatement Plan (Attachment E).

Staff has developed a scope of work to implement the abatement plan, including razing the structures and associated site work.

The estimated total cost of the County's abatement plan is approximately \$61,000 (Attachment F). Approximately \$64,541 remains in the Community Development Department's budget line item allocated to spot blight remediation. The FY26 budget includes an additional \$53,000 in this budget line item.

Staff recommends that the Board adopt an ordinance (Attachment G) declaring this property blighted and authorizing staff to implement the County's abatement plan.

Ms. Jalen Boone, Property Compliance Officer, stated that she was joined by Lisa Green, Manager of Code Compliance. She stated that she would present one property for the Board's consideration today as a blighted property authorized by the Code of Virginia. On March 19, 2025, the Board approved the resolution of intent authorizing today's public hearing regarding this property. She said that first, she would like to provide an update on some previously blighted properties.

Ms. Boone explained that 5624 Brownsville Road was recently abated by the County in June 2025. She said staff would monitor the reimbursement of the expenses used to abate this violation. On October 1, 2024, 2941 Rolling Road met the criteria outlined in the Virginia Code, allowing the County to initiate its sale and recoup the funds expended on the cleanup. At this time, Community Development will be able to request that finance initiate the judicial sale process through taxing authority consulting services or tax.

Ms. Boone stated that she would next present the property for consideration today, 50 Churchill Lane. Provided was an aerial view of the property, located in the Rural Area and in the Samuel Miller District. This property was uninhabited, dilapidated, and deteriorated, and as such, endangered the public health, safety, and welfare of the residents of Albemarle County. Next, she showed a series of pictures of the property. In June 2025, at their most recent site visit, pictures were taken, however, they were also showing pictures from December 2024, which provided a clearer view of the property without vegetation.

Ms. Boone stated that the condition of the house was substantially similar to the pictures taken in June. They could see that the house was open to the elements and unfinished from the pictures taken from the south and southeast. The next pictures were taken facing the west and from the east; the small accessory structure had mold and the wood was deteriorating. In the photos taken from the west and south, the third structure, an accessory structure had holes in the roof, and the structure was partially collapsed. As of July 3, 2025, the owner had been in contact with the Community Development Department (CDD) to obtain a demo permit.

Ms. Boone stated that they intended to demo all three structures, seed, and straw. However, because the work had not been done yet, they recommended that the Board consider a spotlight ordinance for this property. She said staff had received the demo permit from the owner, and it was currently under review. However, if the owner failed to complete their abatement plan, the county would abate the blighted structure. They would verify the County's abatement plan, confirm the costs, and execute and recover those costs.

Mr. Pruitt asked if the two accessory structures were subject to abatement and demolition.

Ms. Boone replied yes.

Mr. Pruitt said that he had previously thought the spot blight ordinance was specific to residential structures, so that was good to know. He asked if there was a timeline that staff had in mind for the owner.

Ms. Boone explained that the reason this item was before the Board today was because it had taken an inordinate amount of time to work with the owner on this issue. It appeared that because it had been raised to the Board's attention, the owner now wanted to speed up the process, but staff felt it was necessary to secure this ordinance in the event the owner did not follow through.

Mr. Gallaway said that the Board had sometimes alluded to a blighted property being turned into something the County could own and use it to create affordable housing opportunities. He asked what steps would have to occur before the County could actually get the property.

Mr. Herrick explained that the first step in the process would be to declare the property blighted. He said that following the Board's declaration, the County would gain the authority to raze the structures on the property and, more importantly, own the property itself. He said that this declaration did not have any constraints on what the County could do with the property once it was declared blighted; it was merely the first step. At this point, the County's plan was to demolish the existing building. However, there was no requirement that the County must follow this course of action; they could potentially choose a different path once the property was declared blighted.

Mr. Andrews asked if this property was part of a Homeowners Association (HOA).

Ms. Boone stated that she believed that there was a neighborhood HOA.

Mr. Andrews asked if the County would be part of the HOA if it was part of the property's deed.

Mr. Herrick replied that any owner of the property would be subject to the neighborhood covenants.

Mr. Andrews opened the public hearing and invited members of the public who were signed up to speak.

Ms. Therese Gibson, Samuel Miller District, stated that 50 Churchill Lane was adjoining her backyard, and Ms. Boone had done a beautiful job of presenting what this property looked like. She said that she would also like to add that no mowing or downed tree removal has occurred in the past four years. She explained that garbage, toilet bowls, and old appliances were what had been stored in what was left of the barn. As a member of the HOA Board for Langford Farms, she knew that neighbors of the property had repeatedly requested that the owner comply with their neighborhood covenants, only to receive no response.

Ms. Gibson stated that in February 2024, their family dog fell into the old in-ground silo while chasing a deer. The floor of the silo was between 10 and 20 feet deep, but it was difficult to determine due to the debris filling the floor. Her husband had to use a 24-foot ladder to retrieve their dog and carry him to safety. Fortunately, neither of them were injured, but the story may have been different if a child had fallen into the hole. She requested that the Board declare 50 Churchill Lane a blighted property and ensure that it was cleared and all dangerous structures and safety hazards removed. She said that her request was made out of concern for the health and safety of their neighborhood.

Ms. Gibson stated that she also had a letter from their HOA president, who writes: "Dear Albemarle County Board of Supervisors, one of my key responsibilities as president of the Langford Farms Homeowner Association is to keep our neighborhood and our neighbors safe from physical and financial risk to the greatest degree possible. The property to which this blight finding is being evaluated has for some time presented a physical risk to the neighborhood due to its poor overall condition and proximity to families with pets and young children. The buildings on the property are structurally unsound and at risk for imminent collapse. There are also at least two open pits that similarly pose risk to the safety of our neighborhood's children and pets. It would be a tragedy if an injury or fatality to occur when potential risks are known to all and nothing was done to mitigate them. With this in mind, I, as president strongly encourage a blight finding so that our neighborhood can be made safer for all who live there. With regards, Kevin Fox."

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

Mr. Pruitt said that it seemed like a straightforward situation. He agreed with some of the things Mr. Gallaway had mentioned, but he was uncertain that they had the internal infrastructure staff capacity to handle banking or repurposing of land at this time. He said that he believed it would be more strategic to plan for this in the future.

Ms. Mallek said that the process had been followed, and she was supportive of staff's recommendation.

Mr. Gallaway asked if the costs of the demolition were inclusive of administrative and staff costs for the process, or if it was purely for the physical demolition of the structures.

Ms. Boone replied that it did cover some staff costs if they were involved in the cleanup work.

Mr. Gallaway said that he would like for all costs to be recovered for the entire blight remediation process, rather than just the costs of on-site demolition.

Ms. Lisa Green, Code Compliance Manager, clarified that currently, the demolition costs were for the demo itself and the staff providing that service. She said that they were not for County staff.

Mr. Gallaway said that perhaps in the future, they could consider adding a service fee to the demo costs. He said that he was not expecting an immediate answer or support for this idea tonight; this was a suggestion to think about, and the Board could revisit it later. He said that this issue had been ongoing for six years and was now on their radar, so he was prepared to begin understanding what it took for the County to acquire properties that reached this point.

Mr. Richardson said that they would take that as direction and work through the County Attorney's Office to determine what they could and could not do under the prevailing ordinances in law.

Ms. McKeel said that she was supportive of staff's recommendation.

Ms. LaPisto-Kirtley asked if the open pits on the property would be filled in as part of the demolition and remediation process.

Ms. Boone replied yes.

Mr. Andrews stated that this situation was unfortunate, but he was glad the County had this ability and did not take it lightly.

Mr. Andrews **moved** that the Board of Supervisors adopt the Spot Blight Ordinance (Attachment G) for the property at 50 Churchill Lane, declaring this property blighted and authorizing staff to implement the County's abatement plan. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. Gallaway added that if there were individuals or entities that knowingly allowed these properties to become blighted, while also having the financial resources to just pay the bill for the County to deal with it, that was what could lead to neglect over the years. He said that on the other hand, if one did not have the means and the resources to address the issue, that was a different scenario. He stated that for those who had the means and wanted the County to just do it, they ran such risk until the County was able to take control of the properties. He said that he believed that if property owners became aware that if they allowed their properties to become blighted, the County would take control of them, they would start seeing different outcomes for these situations.

Ms. Mallek noted that at the housing conference, other localities such as Henrico County had created "blight maintenance districts," so the County could apply that designation to individual parcels and allowed the locality to make use of the property in the future. She said that she may not be explaining it entirely accurately, but Stacy Pethia was aware of those existing processes in other localities that Albemarle may be able to adopt for their own use.

Ms. McKeel added that she personally knew of developers who were interested in converting abandoned or blighted properties into affordable housing when possible.

ORDINANCE NO. 25-A(2)

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of Albemarle County hereby finds and declares the Property located at 50 Churchill Lane to be a "blighted property," as that term is

defined in *Virginia Code* § 36-3. The County Executive or his designee is authorized, on behalf of the Board, to implement the County's abatement plan, to acquire or repair the Property, with the power to hold, clear, repair, manage or dispose of such Property, and to recover the costs of any repair or disposal of such Property from the owner or owners of record, all in accordance with *Virginia Code* § 36-49.1:1.

Agenda Item No. 18. **Public Hearing: SP202400024 Spring Hill Farm Subdivision.**

PROJECT: SP202400024 Spring Hill Farm Subdivision (Sign #94, 95, 96, 97)

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 05800-00-00-095E0

LOCATION: Grassmere Road/Ivy Depot Road/Loblolly Lane/Dick Woods Road (Rt 637), approximately 0.5 miles from the intersection of Route 637 and Interstate 64.

The Executive Summary forwarded to the Board states that, at its meeting on May 27, 2025, the Albemarle County Planning Commission (PC) held a public hearing and voted (7:0) to recommend approval of SP202400024 Spring Hill Farm, to allow a residential development in the Rural Areas zoning district, for the reasons stated in the staff report and with the conditions discussed at the PC public hearing.

The staff report, PC action letter with recommended conditions, and PC minutes are provided as Attachments A, B, and C. During the PC public hearing, no members of the public spoke.

The PC reviewed this item on both March 25, 2025 and May 27, 2025. The PC deferred this item at its March meeting to address several staff and PC concerns related to driveways and areas for conservation. The applicant submitted revisions following that meeting that addressed the concerns raised at the March 2025 meeting, which led to the positive recommendation for approval by staff and the PC at the May 27, 2025, meeting. Following the PC meeting, the County Attorney's Office revised proposed Conditions 3-6 for clarity.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP202400024, subject to the conditions contained in the staff report.

Ms. Rebecca Ragsdale, Planning Manager, stated that she would be presenting a Special Use Permit (SUP) for the Board's consideration. She said she would begin by outlining the general location and vicinity of the permit, followed by a brief history and then the specifics of what they were asking the Board to take action on this evening. She explained that the location of this request was situated roughly between Ivy Road and Interstate 64, near the Ivy exit, and was also accessible from Grassmere and Dick Woods Road.

Ms. Ragsdale stated that the provided map displayed the parcel boundaries. The parcel was currently 340 acres in size and had been previously subdivided, including sections that were part of the Springhill Farm. The background of this special use permit was unique, dating back to 1981 when the original parcels were created by subdivision, and subject to the special use permit approved by the Board at that time. There was a residue of undeveloped land, and over the years, the Board had allowed the use of portions of that residue, with special use permits expiring between 1981, 2002, and 2003. Recently, a request was made to create two lots from a portion of the larger 400-acre residue.

Ms. Ragsdale explained that, however, they were now seeking the final special use permit for the remaining acreage. The original parcel was approximately 480 acres, with 33 lots created, followed by the creation of two additional lots. She stated that the property had a frontage on Grassmere Road, just over the railroad tracks, and also on Dick Woods Road. It featured several streams on the northern end and eastern edge of the parcel. The permit approved around 2002 and 2003 was for the two lots accessed off of Dick Woods Road. The existing cul-de-sac streets were part of the original development, and some of the original lots were platted and set up for an extension of the subdivision.

Ms. Ragsdale stated that the primary requirement for this special use permit was to review the layout, and the minimum lot size must be 21 acres, according to the Zoning Ordinance. They had previously discussed this in the staff report, as they had last time. She said that the property was primarily wooded, with some critical slopes marked in orange. The blue and purple buffers were showing up along the floodplain for Ivy Creek and Little Ivy Creek. She said that due to the large size of the parcel, it could be a bit difficult to see the details of the concept plan.

Ms. Ragsdale explained that the general lot layout would create six parcels, with the minimum lot size ranging from 21 to 30 acres, as well as one 44-acre lot. They had also taken steps to create areas that would be considered conservation on the plat with areas set aside for critical resources, such as stream buffers. This request was considered by the Planning Commission in two meetings, with the first concept plan not being recommended for approval. After staff and the Commission recommended adjustments, the current concept plan was developed.

Ms. Ragsdale stated that the updated plan utilized shared driveways and building site placement to minimize impacts and create 21-acre lots. It also located building sites and driveways along existing roads, such as Loblolly and Spring Lane, resulting in multiple points of access. Staff believed that this was a suitable property configuration, similar to what was commonly seen in the area. This proposal also received support from the community, with neighbors agreeing that the layout was consistent with the surrounding area.

Ms. Ragsdale said that although additional residential development was not a recommendation of their comprehensive plan, this unique situation warranted consideration. The older special use permit did not fully utilize the property's subdividable potential in 1981, and staff concluded that there would be no issues, nor would this development change the area's character. She said staff also noted the efforts made to preserve natural resources and align with the Comprehensive Plan. Staff believed that the combination of the concept plan and special use permit conditions, which were restrictive in terms of rural area development, presented a positive aspect of this proposal.

Ms. Ragsdale said that the special use permit conditions required the development to be in general accord with the concept plan, with limitations of 6 residential lots of 21 acres or more, limiting the location of driveways and entrances, the addition of hiking trails, and providing for the open space conservation. She said that additional conditions included replanting disturbed stream buffers, best management practices for agriculture, and limiting land clearing for residential uses to two acres. The fire marshal also recommended additional provisions for driveways and turnarounds.

Ms. Mallek asked if the residue land was part of the County's land use program while the owner waited to subdivide it and develop it.

Ms. Ragsdale said that she was unsure of the tax history of the land. She noted that it was used for forestry, and the applicant could provide more details.

Ms. Mallek said that she was taken aback by the history and the repeated development of small areas of the parcel when it seemed clear that everything would be in conservation and leftover multiple times. She asked if this was the next iteration and another request for development of the residue area would be expected in ten years. She stated that when this property was first divided in 1981, it was after the County had downzoned land and there was strong resistance to rural subdivisions.

Ms. Ragsdale explained that the owner was only allowed to do six more residential units, each with a minimum lot size of 21 acres.

Ms. Mallek said that another special use permit could be submitted. She asked if the rest of the land would be in conservation easement.

Ms. Ragsdale said that in terms of density on this parcel, they were limited to six and could not request additional development rights. Therefore, this proposal was inclusive of the final six they could achieve on that residue land.

Mr. Andrews stated that to confirm his understanding, it appeared that, prior to the current application, this project would have fallen under the five development rights and 21-acre rule. However, the presence of a previous development complicated matters, necessitating further action today.

Ms. Ragsdale confirmed that was correct.

Mr. Andrews opened the public hearing.

Mr. Ethan Miller said that he and his wife, Diane Edgerton Miller, were the owners of Blue Springs Land Corporation, which owned this property. He explained that this property was first acquired by his wife's grandmother, Nettie Marie Jones, in May 1980. In 1981, she presented a plan to the Board of Supervisors to create 33 lots in two special permits on the original 695 acres. Approximately 500 acres remained after that project was completed. The key to the plan was to retain the character of the farm, including the original farmhouse, which dated back to the 1830s. He said that the middle of the property was left as a farm with the old farmhouse, and subdivision lots were placed along the sides.

Mr. Miller said that the original Spring Hill Farm property, which had retained its character, was now owned by John and Maria Hedges, who had a lovely horse farm there on the remaining approximately 56 acres. He said that the lots sold reasonably well. However, unfortunately, Mrs. Jones passed away in 1991, leaving the property undivided. A review of the original project, done by Will Riley and surveyor Kirk Glockner, showed that they left space for additional development, including a right-of-way in Phase 1 Spring Lane and a temporary cul-de-sac in Phase 2.

Mr. Miller said that the covenants clearly stated that the developer intended to continue development, but that was never done. In 1993, his wife and he acquired the property from her grandmother's estate. They had various ideas for the property, but during that period, it was in forestal use. He said that as shown in the aerial picture, all but about 10 acres were in forest and remained so today. The trees were growing, and selective timbering had occurred over the years, but never clear-cutting, as it was never the intention to engage in commercial forestry. In 2022, they had owned the property for 29 years and decided it was time to figure out what to do with it.

Mr. Miller said that so, what they did was subdivide two lots on the southern portion of the property, totaling approximately 100 acres, which were topographically distinct and separate from the rest of the property. They were not accessible from the northern portion of the property and were accessible at Dick Woods Road, just at the new Ivy Creek bridge constructed on Dick Woods Road. Today, they were here to present a plan to subdivide the remaining 342 acres of the property. They had developed an initial plan, which they had revised in collaboration with staff and was before the Board tonight. The plan

involves six additional lots, ranging from 21 to 44 acres.

Mr. Miller stated that according to the staff report, they were also restricting the clearing of the forest for residential development to no more than two acres per lot, including driveways. This meant that they are preserving 96.5% of the property, with only 12 acres available to be cleared for the proposed residential use. In essence, they were protecting 330 acres from residential development. He noted that they had held community meetings, and their neighbors were in support of this plan. He explained that the key point was that this was the final plan, and it was important. Once this plan was approved, there would be no more special permits. The restrictions included limiting each of the six lots to only one residential building, that could not be subdivided, which would be included in the covenants.

Mr. Miller said that in summary, this plan provided the residents with certain benefits. He said the first being that the property remains the same as today with only 3600 feet of additional new driveway construction. It gives residents certainty that this 342-acre property, located four miles from Charlottesville, would not be rezoned by any future Board of Supervisors. He said that this was because action was being taken tonight, which would prevent any future Board from deciding to rezone the property based on changing political winds. As a resident of Albemarle County, he had lived there for 43 years and had seen significant changes in the area since his arrival in 1977. The property in question was adjoined by 30 separate properties, each with an average lot size of 4 acres, and was located in a relatively heavily developed area of Ivy. He said that they believed this plan was a good one and hoped that it would be supported by the Board.

Mr. Gallaway asked what price point the proposed homes would be.

Mr. Miller said that typically, the price point of lots in this area depended on the views of the surrounding area. However, the two lots subdivided to the south each sold for \$995,000. One of the lots was 64 acres and one was 28 acres. The prices also depended on access, so they expected the lots across the railroad tracks to be less expensive. However, it ultimately depended on the market.

Mr. Gallaway asked if the estimated price of these proposed lots would be around \$1 million.

Mr. Miller said that for the homes on Grassmere, he believed they would likely be between \$500,000 and \$750,000.

Mr. Gallaway asked if that was just for the land or for a built home and the land.

Mr. Miller replied that he was referring to just the land. He had seen similar prices in the surrounding area, but at this stage he could not say for sure. He clarified that they would be selling only the land and would not be building houses.

Mr. John Hedges, the owner of the original Spring Hill Farm, said that arguably, their property was the most affected by this development. He wondered if the Board ever seen a developer like this, who had presented a proposal that was so unique. He said that Mr. Miller had come to them with 400 acres and proposed building six lots, confining the dwelling units to a 2-acre parcel, and leaving the rest of the land forested. He said that his point was that it was a good project. He urged the Board to approve the special use permit.

Mr. Hedges said that the developer had made a significant effort to meet with the neighborhood, surrounding properties, and to come up with a development that the community could support. He said that as the only one speaking in support of this project, he believed it highlighted the developer's efforts and success in the community. One final point: this was a land use decision, and the price of a lot had no bearing on that.

Mr. Miller said that he appreciated Mr. Hedges' statement of support. He agreed that they had made a big effort to engage the community, who had expressed their support for it. He said that he hoped the Board would approve this SUP request.

Ms. Mallek asked if the replanting of disturbed buffers, as mentioned in the report, would be done to repair anything disturbed during this new construction or if it would repair past damage from years prior as well.

Ms. Ragsdale said that it would apply to any disturbance to the buffers.

Mr. Pruitt said that the Board often discussed how the highest and best economic use in Rural Area land was agricultural and recreational; however, the highest and best use for investors would continue to be residential. He thought this application was a good example of that dynamic and of the type of residential they could expect from this type of residential development in the Rural Area.

Ms. Mallek said that looking at the topographic map, there appeared to be some challenges to developing the land. She believed they had done their due diligence in identifying the six best areas for residential use on the parcel and she expected they would do it well.

Mr. Gallaway said that he first wanted to state that he supported the application. However, he did have some political comments that, as Mr. Hedges had noted, were unrelated to the land use aspect of this application. He recalled that past politics that he had witnessed would result in this land staying completely forested, despite this proposal being of minimal impact on the land. Furthermore, the Board

had repeatedly discussed that the only types of newly developed housing lots in the Rural Area were the types presented in this application. A land value of \$500,000 to \$900,000, exclusive of the costs of building a home, were concerning in terms of the affordability of future housing in the County.

Mr. Gallaway recalled the Chestnut Grove application for 50 units would develop a portion of the lot and preserve the rest as wooded area. Staff's scrutiny in terms of how that development fit in with the Comprehensive Plan considerations was much greater than what he saw in the staff report for this proposal. While the neighborhoods were comparably very different and had different considerations in terms of their surrounding areas, it was concerning that the level of scrutiny was so different between two residential SUP applications. He said that he would like to receive a follow-up from staff that addressed that issue. When considering how things had changed in the County since 1981, one of those things was that land was now selling for \$500,000 and \$900,000 and the only developments that could be built were unaffordable ones such as these. At some point, the County needed to address that.

Ms. McKeel agreed with Mr. Gallaway that the County and Board of Supervisors had been inconsistent in how they approved developments throughout the County. Regardless, she was supportive of this application.

Ms. LaPisto-Kirtley asked Mr. Gallaway if the difference between 50 homes in Chestnut Grove and six homes in this application would weigh on how he perceived those two requests.

Mr. Gallaway noted that the by-right development of Chestnut Grove would have been six units versus their SUP request of 50 units. He was simply making a point of addressing the scrutiny that was applied to each of these applications. The points made in opposition to Chestnut Grove were that the six by-right units would likely have been in a much more affordable price range than this subject application's estimates for just the land.

Mr. Andrews said that except for the previous uses, this would have been a by-right application as each parcel was more than 21 acres. However, there was a restriction to keep all but 2 acres for each parcel as forested, which he appreciated.

Mr. Andrews closed the public hearing and said that he was ready to make the motion.

Mr. Andrews **moved** that the Board of Supervisors adopt the Resolution (Attachment D) to approve SP202400024, subject to the conditions contained in the staff report. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE SP202400024
SPRING HILL FARM**

WHEREAS, upon consideration of the staff report prepared for SP202400024 Spring Hill Farm, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.1 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

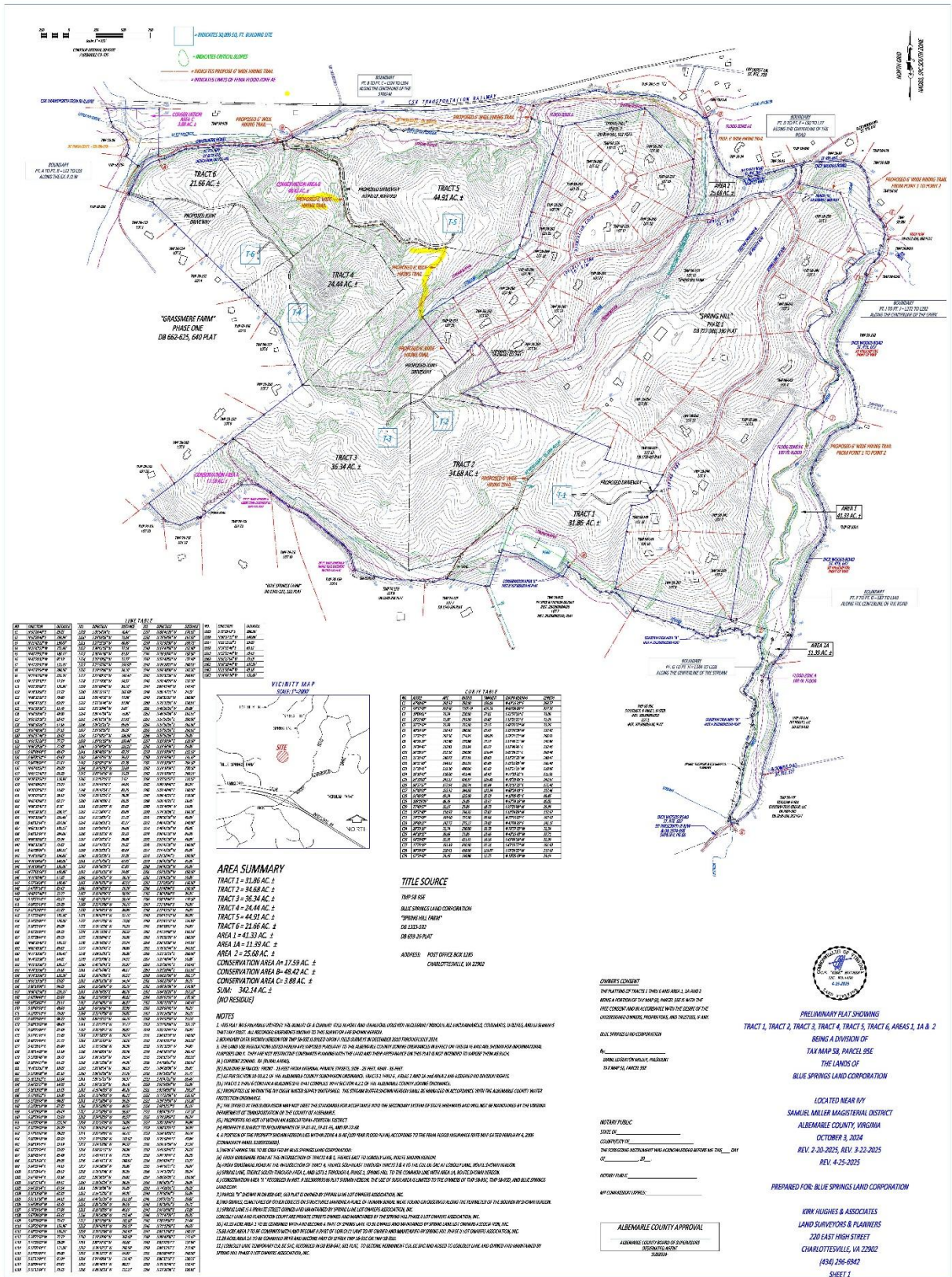
NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202400024 Spring Hill Farm, subject to the conditions attached hereto.

* * *

SP202400024 Spring Hill Farm - Conditions

1. Development of the parcel must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan titled "Preliminary Plat" prepared by Kirk Hughes & Associates, last revised 4-25-2025. To be in general accord with the Preliminary Plat, development must reflect the following major elements essential to its design:
 - a. Location of proposed Tracts
 - b. Location of Conservation Areas
 - c. Location of entrance and access to proposed Tracts
 - d. Location of proposed hiking trailsMinor modifications to the Plat that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Only one dwelling unit is permitted on each new Tract.
 3. Stream buffers must be established and maintained consistent with Albemarle County Code § 17-601 along all streams; provided, however, that any existing entrance driveway and stream crossing that is permitted under Albemarle County Code Chapter 17 (the "Water Protection Ordinance") may remain within the stream buffer. The owner(s) must obtain approval by the Agent (in consultation with the County Engineer) of a tree planting plan within the stream buffers to protect the currently open (non-forested) areas adjacent to the streams, prior to the final subdivision plat creating any new Tracts.
 4. Prior to engaging in agricultural use on any parcel subdivided after [SP approval date], the owner(s) must obtain County approval of a best management practices plan, which at a minimum must include:
 - Fencing livestock out of streams;
 - Installing alternative watering systems for livestock;
 - Planting riparian buffers with native vegetation; and
 - Establishing nutrient management plans.
 5. Land clearing for residential development (including driveways, accessory structures such as sheds or pools) may not exceed two acres per parcel. This condition does not apply to agricultural or forestry use(s). For purposes of this condition, land clearing for the construction of farm buildings, such as barns for the storage of tractors and other agricultural equipment, is considered agricultural use and not residential development, but may require permitting under the Water Protection Ordinance.
 6. Prior to any land disturbance for residential uses, the owner(s) must obtain approval of a grading plan and erosion and sediment control plan meeting the requirements of Water Protection Ordinance.
 - a. This subdivision will create a common plan of development. All land disturbing activities to construct dwellings will require land disturbance permits in addition to building permits. Land disturbance includes residential development under Condition 5, including driveways, home sites, and drainfield sites.
 - b. Driveway designs must be submitted with the building and land disturbance permit applications.
 7. Any driveway, shared driveway, or private street must provide a turnaround area adequate for emergency vehicles, as determined by the Fire Marshal.
-



Agenda Item No. 19. **Public Hearing: ZTA 2023-01 Commercial Solar.** To receive comments on the proposed adoption of an ordinance to regulate solar energy facilities and battery energy storage facilities by amending *Albemarle County Code* § 18-3.1 (Definitions), § 18-10.2 (Permitted uses), and § 18-26.2 (Permitted primary and accessory uses and structures; prohibited uses and structures) and by adding § 18-4.22 (Accessory solar energy facility and accessory battery energy storage facility) and § 18-5.1.66 (Energy Facility)."

The Executive Summary forwarded to the Board states that the Planning Commission (PC) held a public hearing on January 14, 2025, and by a vote of 6:0 (Moore absent) recommended approval of ZTA 2023-01 Commercial Solar.

The proposed ordinance establishes regulations for solar energy facilities and battery storage facilities. As summarized in Attachment A, the proposed ordinance would allow accessory solar and battery energy storage as a by-right use in all zoning districts, would require a special use permit for large scale solar facilities in the Rural Areas zoning district and Industrial districts, and would establish regulations, setbacks, and screening requirements.

The PC stated concerns about the impact of by-right facilities on sensitive areas including forested areas, high value habitat areas, areas of biodiversity, historic districts, viewsheds, and important farmland soils. The PC noted that existing mapping and definitions for these areas are limited. The PC

also noted that approximately 25% of the County is currently protected by some form of conservation easement, which may limit the placement of solar facilities. The PC expressed concern with the proposal to allow 21-acre disturbance in the Rural Areas zoning district until more clarity could be documented to guide future by-right developments in sensitive areas.

In response to the PC's concerns, staff revised the proposed ordinance to limit (a) by-right facilities in the Rural Areas zoning district to 21 acres of fenced area and (b) disturbance of more than 10 acres of (i) habitat cores, forest blocks, and corridors connecting habitat areas (as these features are identified in the Comprehensive Plan/Biodiversity Action Plan), (ii) prime farmland (as determined/identified by the United States Department of Agriculture's Natural Resources Conservation Service), and/or (iii) areas recently farmed preceding an application (i.e., within the last 10 years).

Staff recommends that the Board adopt the attached ordinance (ZTA 2023-01 Commercial Solar).

Mr. Bill Fritz, Development Process Manager, stated that he was joined tonight by Mike Zehner, the consultant hired by Albemarle County to help them work on this Zoning Text Amendment (ZTA). He said that he would provide an overview of the ordinance, and then he and Mr. Zehner could address concerns. He explained that this ordinance included definitions for solar energy facilities, energy storage systems, and wildlife corridors. He said that the main elements of the ordinance would allow the use by-right over existing impervious surfaces, by-right for 500 square feet of ground-mounted facility, by-right for 21 acres of fenced area for existing Rural Area parcels, which would be one 21 acre area on any parcel in existence on the date of adoption of the ordinance and larger facilities allowed by special use permit in the Rural Areas. He stated that the Planning Commission had modified the original proposal to focus on the fenced area rather than the panel zone.

Mr. Fritz said they also had provisions for battery energy storage systems, which were allowed by-right up to 500 square feet and larger by special use permit in the RA and industrial areas. Supplemental standards set out the minimum requirements for these facilities. These standards could be increased during special use permit reviews and modified or waived by the Board of Supervisors in specific cases.

Mr. Fritz stated that some of the key standards included requirements for height, setbacks, and environmental protection. The Virginia Pollinator Smart Certification was required once facilities reached a certain size. There were also standards for screening, building codes, fire requirements, fence design, and limitations on locating in high-scoring forest and farmland soils. Facilities had to comply with the Water Protection Ordinance (WPO) and lighting requirements. For special projects that came in under a special use permit, they had a list of required information that applicants had to submit to allow for a review. They could supplement this list if necessary on a case-by-case basis.

Mr. Fritz stated that this process also allowed the County to use a consultant, which the applicant would then pay for, and it incorporated the 2232 review, which assessed compliance with the Comprehensive Plan. Their decommissioning standards complied with State Code and covered disposal and recycling of materials, updating costs, and establishing an escrow account. The Planning Commission had recommended approval by a vote of 6 to 0, with one commissioner absent, and had made several recommendations, which he had outlined in the transmittal summary. One of these recommendations was to transition from a panel zone to a fenced area as the measurement for size limitations. Another recommendation was to minimize the impact on prime wildlife habitats, forests, and soils.

Mr. Fritz stated that to address this, they had proposed that any by-right facility could not disturb more than 10 acres of prime farmland soils were identified by the U.S. Department of Agriculture, or 10 acres of areas shown as forested areas of 4.1 or greater in the Biodiversity Plan and Comprehensive Plan. He said that the reason staff had chosen this threshold based on the discussion during the review of wireless standards regarding the use of the 4.1 measure as a threshold for determining an avoidance area. They had applied this same logic to their proposed standard.

Mr. Pruitt said that he knew that a tremendous amount of work had been done in drafting this ordinance, including engaging with the community and in their planning processes, but the public presentation seemed relatively brief. He added that he had been somewhat frustrated with how long it had taken to get this ordinance to the current stage since this topic currently had a lot of bearing on their current economic development strategy and the health of their rural area. He asked if Mr. Fritz could explain the change requested by the Planning Commission from panel size to fenced area.

Mr. Fritz explained that they originally had the panel zone allowed at 21 acres, with the reasoning being that in rural areas, someone could develop a 21-acre lot by-right. A 21-acre lot could be converted from agricultural production, clear cut, and turned into a residential lot, so they felt the 21-acre allowance for solar developments would be appropriate for that same size of parcel. He stated that the Planning Commission had talked about a lot of different aspects of this ordinance, including the panel zone, fenced area, area of disturbance, and the area that was cleared. In terms of the area of disturbance and area that was cleared, it was difficult to describe how that would be measured, so the Commission felt it would be easier to measure the fenced area; it set a more manageable parameter.

Mr. Pruitt asked if his understanding was correct in that if a fenced area was limited to 21 acres, it would encompass the entire parcel, while if the panel zone was 21 acres, it would mean the parcel could be larger than 21 acres due to the screening, fencing, and other equipment adding to the size of the area.

Mr. Fritz said yes; it would also require cleared area to prevent any shading of the panels, which the Commission did discuss. He said that they had discussed the appropriate size and settled on 21 acres.

Mr. Pruitt asked how they would handle multi-site aggregation. For example, the Woodridge Solar site was not one field; it was multiple. He asked if there was anything in this Ordinance that would constrain a developer from acquiring five adjacent 21-acre parcels and developing five by-right uses when they would otherwise need to come to the Board for a special use permit.

Mr. Fritz replied yes, the Ordinance addressed that. He said that first, the provision was for 21 acres, which applied to any parcel in existence as of the date of adoption of the Ordinance. He said that the other was a sliding scale, based on the size of the facility, which increased the setback from other facilities. Therefore, two 21-acre facilities must be separated by a certain amount to prevent them being adjacent to each other.

Mr. Pruitt said that he had rural residents who were deeply concerned about environmental issues. He said that this was a complex problem, as it pitted a single interest group against another. He said that it was his rural residents who were worried about conservation, who were typically also passionate about green energy and green initiatives, who would be most immediately impacted by this issue due to living in the rural area.

Mr. Pruitt said that a concern he had was the alarm surrounding the "by-right" concept. He said that the Board had frequently stated that they had developed a series of best practices, but he had heard some Board members, including himself, express reservations about some of their earlier approved projects. He said that in the short time they had been approving solar projects, they had learned how to improve them significantly.

Mr. Pruitt said that the projects the Board had approved in 2017 were now considered subpar and they understood how to improve future projects. He said that residents were concerned about past approved projects and if the County would continue to support similar projects in the future. He asked if staff could provide information on the administrative review or site planning process for a project that was developed by-right and what level of scrutiny they would be subject to.

Mr. Fritz said that the Ordinance included a provision that exempted by-right solar projects from site plan regulations, but applicants were still required to submit all information that was required for a site plan. He said that they followed this process for other types of applications as well, to streamline the administrative process. He said that in this case, the applicant was still required to submit all necessary information.

Mr. Fritz explained that staff would review it to verify that the applicant was not disturbing critical slopes, stream buffers, and other environmental factors, and that they were meeting all relevant setbacks, height limitations, fire marshal requirements, and separation of rows for firefighting purposes. They would also review the entrance and exit arrangements, and the Virginia Department of Transportation would be involved. Furthermore, a stormwater plan and an erosion sediment control plan were required, in addition to the usual site plan requirements.

Mr. Pruitt said that when contrasting the requirements for larger facilities that would be subject to SUP versus the community-scale projects that would be developed by-right on 21-acre lots, he wondered if there were additional requirements for commercial scale other than legislative approval, or if all solar developments would have to adhere to the same set of requirements.

Mr. Fritz said that the requirements were the same, but the main difference lay in the scale of the larger projects. He said that there was a plan associated with it, so they knew where everything would be located, so they were reviewing that plan. He said that on a large-scale project, such as the one they had discussed, there were specific considerations, like the routing of energy and minimizing the disturbance of power lines crossing over obstacles.

Mr. Fritz said that underground equipment, lighting, and setbacks were also taken into account. He said that the key difference between a special use permit and a by-right development was that with a special use permit, the Board had the flexibility to adjust requirements, such as increasing setbacks or specialized landscaping, if deemed necessary. He said that in contrast, a by-right development was based on established requirements and did not offer the same level of flexibility.

Mr. Pruitt said that Mr. Fritz had mentioned that for by-right developments, they would require all the information typically contained in a site plan but would not require the site plan approval process for the development. He asked what the key elements were that would be missing from the review in that case.

Mr. Fritz said that the process was similar to what they did for a site plan, with a key difference. He explained that for example, one of the requirements of a site plan was that the applicant must show the topography for the entire parcel plus 50 feet beyond the property. In this case, by requiring site plan information as necessary, having that information readily available would ease the administrative process.

Mr. Pruitt asked what the screening requirement was in the Ordinance. He said that additionally, in a previous SUP, there was concern that they were selectively choosing which requirements a

developer had to follow because they did not require the Pollinator Smart Certification for a solar development because the developer asserted that it would be difficult for them to achieve. He said that the Board had discussed whether they should instead include a "best efforts" clause so that noncompliance with pollinator certification did not lead to the entire development being shut down.

Mr. Fritz recalled that the concern that was raised in that case was the ability to acquire all necessary planting materials, with uncertainty about whether they could fulfill that requirement. He said that there was also a concern about the potential loss of the Virginia Pollinator Smart Program, but it was unlikely to be eliminated, as it was already in place and provided a valuable resource. Without comparable staff resources, they had chosen to stick with the program. He said that the Virginia Pollinator Smart Program required the developer to submit plans and details to the State, which the State administered and monitored. Related to that, staff would be uncomfortable with a developer making "best efforts." In cases like that, or in the case of a by-right facility, they could request a special exception to waive the requirement to make best efforts. Instead of adhering to the Pollinator Smart Program, they could propose an alternative, which would allow them to evaluate its effectiveness and compare it to the Virginia Pollinator Smart Program.

Mr. Michael Barnes, Director of Planning, added that staff had discussed the Pollinator Smart Program with the State.

Mr. Fritz confirmed that was correct; they had extensive discussions with the state about the program, and it seemed like they were excited to implement it and were supportive of it. He said that additionally, in response to Mr. Pruitt's question about screening, those requirements were listed on page 4 of the proposed Ordinance in Attachment G.

Mr. Pruitt asked if Mr. Fritz could elaborate on the part of the Ordinance that mentioned areas recently farmed preceding an application.

Mr. Fritz explained that they had applied the definition of agricultural activity, which was currently defined in the Ordinance. He said that this definition encompassed a broad range of activities, including farming, silviculture, horticulture, and fisheries. He said that to determine how the property had been used in the area over the past 10 years, staff would be requesting information that demonstrated this usage. They could utilize aerial photographs and other available data to obtain this information, while adhering to the definition of agricultural activity currently in place in the Ordinance.

Mr. Pruitt asked if that was something a property owner could waive or avoid.

Mr. Fritz stated that they could come to the Board of Supervisors and ask for a special exception.

Mr. Pruitt said that he would finally like to ask for more information on how staff determined the height requirements for equipment and if they were consistent with industry practices. He recalled there had been multiple special exception requests made to the Board of Supervisors for set off distances for cell tower antennae, with the reasoning being that industry practices had changed.

Mr. Fritz stated that the maximum height allowed was set with the intent of minimizing visibility. The maximum height they had set for above the ground was an attempt to find a happy medium so that it was high enough to allow for maintenance, but not so high that rain runoff velocity from the panels would create erosion problems. They had tried to mitigate the impact by keeping the height at 10 feet.

Ms. Mallek noted that 9 feet was the height at which a gutter was placed at the top of the first floor of a house, and there was a lot of velocity in that runoff, so she was concerned about that height. She said that 914,760 square feet by-right was far beyond her comfort level. She said that the 21-acre minimum was meant for a 2-acre house in a rural setting, not for a facility that would take up the entire 21 acres. She hoped that other Board members would agree with her that a much smaller number would be appropriate in order to allow this Ordinance to move forward. She said that the impacts would be too great otherwise, especially considering that things were changing on a monthly basis in this industry. She asked if Mr. Fritz could clarify how two facilities could not be located next to each other.

Mr. Fritz explained that the setback between two 10-acre to 21-acre facilities must be 2000 feet, so they could not be located next to each other.

Ms. Mallek asked if that was the distance between the property lines.

Mr. Fritz replied no; that was the distance between the facilities.

Ms. Mallek said that meant that whoever got there first got power and no one else did. She said believed whatever setbacks they required, they should go to the property line, so they were not valuing one property owner over another. She said that on another note, there were so many forest blocks in the County that were just below 4.1, so they would be unprotected if they only considered those 4.1 and greater. She said that she did not support that, and it seemed unreasonable. She asked how they would prevent agricultural land from being immediately converted into solar farms.

Mr. Fritz replied that no facility could disturb more than 10 acres of land that had been used for agricultural activity within the last 10 years.

Ms. Mallek expressed concern that anyone with less than 21 acres would have no protection and

all the requirements for decommissioning would not exist. She said that this was a huge gap, and all facilities larger than 500 square feet should be required to complete the decommissioning process and remove all the electrical wiring from the site.

Mr. Fritz replied that they were required to go through the decommissioning process.

Ms. Mallek stated that it was only required for specially permitted facilities.

Mr. Fritz said that decommissioning had to be carried out in accordance with an approved decommissioning plan. There was a provision that required it to be decommissioned. He said that according to page 5, Section D, it stated that the facility must be removed once it reached its operational end. The operator was required to notify the County, and that the decommissioning be performed in compliance with an approved decommissioning plan. He said that the section also discussed the necessary details of that decommissioning plan.

Ms. Mallek asked what size of facility this applied to.

Mr. Fritz clarified that there was no specific size; this provision applied to by-right facilities.

Ms. Mallek said that she was confused by the layout of the ordinance; she had missed that section in her review. She asked if every solar facility developer would need to have a decommissioning plan.

Mr. Fritz confirmed that they were required to submit a decommissioning plan. He said that there was a provision in the zoning regulations that allowed the Zoning Administrator to waive it based on the size of the facility. He said that for instance, if a small facility were 600 square feet, a decommissioning plan might not be necessary in that specific situation. However, at this time, the decommissioning plan was required for all solar installations and the Ordinance contained that provision that the Zoning Administrator could make the determination that it was not required.

Mr. Fritz confirmed yes; if staff developed something, they could certainly provide that to the Board.

Ms. Mallek asked if there were criteria related to when more than 10 acres could be disturbed by special exception. She was concerned that they were being too lenient with environmental protection by allowing exceptions such as this.

Mr. Fritz explained that everything in Section 5 could be modified, except where the ordinance explicitly prohibited it. He said that the Board had significant latitude to determine what to consider and whether to grant or deny exceptions.

Ms. Mallek said that she was concerned about achieving consistency across different applications if there was a total lack of consistency.

Mr. Fritz said that the Board of Supervisors could adopt a resolution stating that the Board of Supervisors would consider X, Y, Z when granting a special exception in any particular case.

Ms. Mallek said that they should have those rules written down ahead of time so the Board would have rules to follow and provide consistency with future applications. She said that she would like to inquire about the references to topsoil in both the Planning Commission discussions and public writings. She asked what was going to be done with all the subsoil that would be removed during the installation process.

Mr. Michael Zehner, Director of Planning and Community Development with the Berkeley Group, stated that typically, this was addressed during specific project conditions, but in this case, they had by-right applications. He said that they would usually recommend stockpiling and reutilizing the material on site. He noted that the state regulations now addressed this to some extent, particularly with regards to the stockpiling of topsoil during the reclamation of the site at the end of the facility's life. He said that they could certainly explore options for managing the material during the construction stage.

Ms. Mallek said that she would assume that disturbing the topsoil and then stockpiling it in one big pile would likely reduce the beneficial microbes and other elements. She asked if the rules regarding battery storage were applicable to all battery storage units or if they only applied to those of a certain size.

Mr. Fritz replied yes; Item 12 on page 4 stated that energy facilities must be constructed, maintained, and operated in accordance with all applicable codes and standards. He said that the list went on to specify the various types of energy facilities, including battery energy and solar energy, so they were addressed. He said that the regulations would apply as written unless the Board of Supervisors granted a special exception.

Ms. Mallek said that one definition had a size associated with it and the other had a different size along with different requirements; however, if it was not an issue, she would move on. She asked if the wiring would be in conduit between panels and rows of the solar facilities.

Mr. Zehner replied that it depended on the facility; they had seen some that had above-ground wiring, while others had buried wires, and typically conduit would be used for the buried wires.

Ms. Mallek asked if they could require the removal of the conduit. She recalled that with breaks in the wires, the cadmium and zinc that leaked in North Carolina and poisoned a significant amount of land were supposedly linked to the conduit. She said that that was 10 years ago, and at the time, there were no rules in place. She said that they needed to ensure that they were making a genuine effort to restore the land to its original condition. This included thoroughly addressing this in the decommissioning chapter outlined in page 7. She said that the County should not be left with hundreds of thousands of dollars in costs to remove equipment or remediation that others had failed to properly do.

Ms. Mallek said that she would like to address a recent question they had received regarding an agency bringing an application, only to transfer ownership to a new party. She said that she would like to know how the Ordinance addressed the process of transitioning contact information for the Fire Department, which was supposed to be readily available. She said that there was no provision in their plans that she could find that would outline this process, given that they were seeing a surge in applications from busy agencies across the state.

Mr. Fritz said that there was no mention of ownership in this document. He said that the decommissioning plan would include information about successors and assigns, which would be relevant in the event of a transfer of ownership. He said that these regulations would still apply regardless of who the owner was.

Ms. Mallek asked if the County would be notified of a change in ownership, and then that information would be passed on to the Fire Department. She also asked if staff would consider including language to require water bars for roadways at solar facility sites, which were required for timber sites and would prevent erosion.

Mr. Zehner said that required under provision 4 under decommissioning.

Ms. Mallek said she read that, but she was saying that water bars should be specifically addressed.

Mr. Gallaway said that he wanted to focus on the decommissioning plan, as he believed he understood it correctly. According to the regulations, the plan was required for everyone; some elements may be waived, and the CDD Director or designee could make that determination. He said that the funds, as referenced in Section 8E, allowed for the use of alternative payments, such as a performance bond, letter of credit, or other forms of security, rather than requiring a cash deposit upfront. He said there was another descriptor that said every five years, they must ensure that the amount was up to date according to inflation and other financial factors. He asked whether this required the owner to obtain a new letter of approval or credit rating, or whether it simply necessitated a periodic review and update of their financial viability.

Mr. Fritz said that every five years, when the decommissioning plan was updated, the security of that plan was reevaluated and updated as necessary to ensure its approval. If not, there would be a break in the decommissioning plan.

Mr. Gallaway asked if there was anything in the ordinance that addressed a situation where topsoil would be used on the site after construction was completed.

Mr. Zehner said that the only provision that addressed topsoil was decommissioning. He said that it was not his expectation or experience that topsoil was stockpiled for the life of the project. Typically, topsoil was stockpiled during the construction phase and used for site dressing and stabilization, which was the intended purpose. Currently, the Ordinance did not address this. In standard conditions, they would recommend that topsoil be stockpiled as a condition of a special use permit; however, in this ordinance there would be by-right developments.

Mr. Gallaway said that he believed it would be appropriate to add a requirement that the soil removed from the ground during construction should be then put back underneath the panels, because it would likely be the best soil to grow the plants that would be underneath the panels.

Mr. Zehner said that in a similar vein, they usually required that any trees removed for construction be mulched and used for soil retention on the site.

Mr. Gallaway recalled that, regarding the Pollinator Smart Program, there was a scorecard that adequately allowed for a "best effort" scenario, so that did not need to be addressed specifically in their local regulations.

Ms. McKeel said that she had not seen anything in the Ordinance about grazing sheep on solar facility sites, but they did address pollinators. She asked how grazing animals would be addressed.

Mr. Fritz said that sheep grazing was a permitted use on agricultural and rural lands, so they did not need to specify it as an allowed use in this part of the Ordinance. However, with the Virginia Pollinator Smart Program, it was referenced in case someone could not meet the requirements of the program and wanted to provide an alternative instead.

Ms. McKeel asked how the implementation of wildlife corridors would actually happen at these sites. She said that while she understood it in concept, she was wondering what methods they would be

using to make it happen on these sites.

Mr. Fritz explained that the fence must be either high enough to keep out deer or low enough to allow them to enter and exit freely. There were options at the base of the fencing area that could permit small animals to come and go, or periodic openings could be provided to allow small animals to access the area while keeping deer out. He added that the Virginia Department of Wildlife Resources (DWR) had specific methods they could refer to.

Ms. LaPisto-Kirtley asked if the wildlife corridor provisions would be up to the property owner and they would decide whether they wanted to allow deer in or not. She asked what the process would be if someone put up a solid fence that did not allow any wildlife in or out.

Mr. Fritz said that it would need to meet the fencing standards. They did not specify that it had to be a chain link or a solid fence; it simply could not be barbed wire. He said that the fence must be one height or the other and either option was required to have the openings at the bottom for small animals.

Mr. Fritz noted that the Virginia Pollinator Smart Program was not only for the benefit of pollinators; it provided habitat for ground birds and other wildlife.

Ms. LaPisto-Kirtley asked if decommissioning standards were only required by special use permit.

Mr. Fritz clarified that State Code required decommissioning plans once facilities reached a certain size; however, this proposed ordinance required decommissioning for all facilities, regardless of size.

Ms. LaPisto-Kirtley asked if smaller facilities could have the decommissioning plan waived by determination from a County staff member.

Mr. Fritz said that they could develop standards that would enable them to not have a decommissioning plan or a modified decommissioning plan.

Ms. LaPisto-Kirtley asked what was required in a decommissioning plan.

Mr. Fritz said that it would require removal of all panels, including all footings, equipment, and any conduit that was previously in the ground, and then restoring the site.

Ms. LaPisto-Kirtley asked if they would be required to amend the soil to improve the quality.

Mr. Fritz stated that they would need to look at the decommissioning plan of a particular case to see if it was necessary. However, they would need to stabilize the soil as they would for any other construction site.

Ms. LaPisto-Kirtley asked if a 21-acre site used for a solar facility would need to be completely fenced in.

Mr. Fritz replied that any panel zone greater than 2 acres would require fencing around it.

Ms. LaPisto-Kirtley asked, if someone was only using 10 acres of a 21-acre parcel for panels, would the 10 acres need to be fenced or the 21 acres?

Mr. Fritz answered that the 10 acres would need to be fenced. While they could fence more than that if they wanted to, they could not go past their 21 acres.

Mr. Zehner clarified that regarding decommissioning, the decommissioning must include remediation of any agricultural land so that the land was tillable and suitable for agriculture. This may require amending the soil to make it usable for farming.

Ms. LaPisto-Kirtley said that she appreciated the clarification.

Mr. Andrews said that on the first slide, it mentioned "impervious," but he did not actually see the word mentioned in the ordinance. He asked where it was defined in the ordinance in terms of the difference between by-right ground-mounted panels and by-right panels over existing impervious surfaces.

Mr. Fritz said that, as it was written in the ordinance, they were using pervious surfaces as a reference because they did not want vacant land in the development areas for solar facilities. Therefore, the limitation was on pervious surfaces within the development areas and did not apply to the rural areas. He said in the rural areas, they could go up to 21 acres by virtue of the language on page 8, where they specified the allowed uses, including solar energy facilities with a fenced area of 21 acres or less, and over 21 acres by special use permit.

Mr. Andrews asked when pervious versus impervious changed the standard being applied. He said that an additional question he had was when something could be done by special use permit and when something required a special exception in terms of modifications.

Mr. Fritz said that a special exception would be a modification waiver of anything in Section 5166.

He said that everything in the sections 4 through page 8 could be modified through a special exception. The special use permit would only be required for facilities greater than 21 acres or battery energy storage facilities, excluding accessory battery energy storage facilities. The key difference between the two was that special use permits were always reviewed by the Planning Commission and then the Board of Supervisors, whereas special exceptions were reviewed directly by the Board of Supervisors, with the Planning Commission only involved if the Board referred it to them. He said that accessory uses were always permitted, which they defined in the language.

Ms. Mallek asked if an accessory battery storage would be allowed without any regulations.

Mr. Fritz clarified that it would still have to meet the Building Code, and there was a specific provision in the ordinance about the regulations it would need to meet.

Ms. Mallek emphasized that regarding fencing, she wanted to make sure that barbed wire and razor wire were not allowed.

Mr. Fritz said that according to the DWR requirements, anything over 96 inches could have barbed and razor wire, but any height under that was not allowed.

Ms. Mallek asked if the nine-month permit stabilization under the overlot grading ordinance still applied.

Mr. Fritz replied that they specifically stated that if there was an exemption, which there was not, in Chapter 17, these facilities were not eligible for that. Therefore, they must comply with the erosion sediment control plans and any other requirements outlined in the Water Protection Ordinance.

Mr. Pruitt stated that as they entered into permitted solar uses, they had revenue agreements that involved the machinery and tools being used to generate power, with the power generation exceeding the solar use whenever that occurred. He said that he was unsure if the power generation was permitted by right, and he could not find it in the ordinance. He asked if this meant that they were only collecting revenue from the machinery and tools on projects that did not have special conditions imposed by a permit.

Mr. Zehner stated that they could negotiate terms of siting agreements, but only for those greater than 5 megawatts (MW). He noted that he had not commonly seen any provisions about direct power usage that would apply.

Mr. Pruitt asked if there was a measure of how much land was required for a 5-mW facility.

Mr. Zehner stated that a good rule-of-thumb was that it would require 10 acres per megawatt.

Mr. Pruitt asked if it would be fair to say that the County could not collect revenues from a solar development that was the size of a by-right development.

Mr. Fritz replied that if it was less than 5 megawatts, the County did not have the authority to enter into a siting agreement.

Mr. Pruitt asked if it was correct that even if all the solar developments were allowed only by special use permit, the County would be unable to get revenues other than machinery and tools tax from facilities less than 5 megawatts.

Mr. Fritz confirmed that was correct.

Ms. LaPisto-Kirtley asked if staff felt the proposed ordinance was strong enough to ensure that the decommissioning process would be successful and there were protections in the case of a solar company going bankrupt or abandoned the site. She wanted to ensure the decommissioning would be done safely and preserve the integrity of the environment.

Mr. Zehner stated that he wished he could provide a definitive answer, but he was not aware of any projects in Virginia that had been decommissioned. He said that he was aware of one project, but he did not have the details. He said that he could assure them that the provisions in their ordinance were robust and aligned with Berkley's recommendations. He said that the bonding provisions were particularly important, as they ensured that there was a financial draw in place in case the company walked away. He would emphasize the importance of reviewing the decommissioning plan submitted with the permit, which was typically updated every five years. It was important to ensure that these plans addressed all the fine points of the project.

Mr. Zehner noted that some of the plans they had reviewed required revisions due to insufficient information. Some companies may argue that they should not be required to submit a decommissioning bond, but utility companies often sought to waive this requirement. He said that their standard practice was to require bonding for all types of projects. That security process was essential, whether it was a letter of credit, cash escrow, or another form of assurance, as it provided a level of confidence that funds were available should they be needed.

Ms. LaPisto-Kirtley asked if this would cover the costs of decommissioning.

Mr. Zehner replied yes; and they must return every five years to re-evaluate those cost estimates. Typically, what they saw was that the initial decommissioning plan provided a cost estimate from an engineer. Occasionally, they reviewed these estimates and determined whether the cost was accurate, taking into account all labor, materials, and other factors. He said that they usually excluded salvage value from the calculation, as it could impact the cost of the bond. By not accounting for potential salvage, they could ensure the full cost was reflected, not including salvage.

Mr. Andrews opened the public hearing and invited members of the public who had signed up to speak.

Ms. Sarah Delgado, Rio District, stated that she worked at the Community Climate Collaborative (C3). She thanked the Board for the thoughtful discussion tonight on this topic. She also wanted to thank the County for taking the time over the past two years to refine the draft Solar Ordinance, and she supported the County's decision to move forward with this draft, with a few revisions. She appreciated the County's efforts to allocate additional budget funds for this fiscal year towards their shared climate goals.

Mr. Delgado stated that as someone who had installed solar panels on her roof, she could attest to the peace of mind that came with using clean energy in her home and for her electric vehicle. While the federal tax credits that allowed her to get these panels were expiring sooner than anticipated, she believed it was essential to pass this Ordinance without delay to encourage residents and local businesses to develop clean energy locally. Unfortunately, many people could not afford the added expense of panels, limiting their access to clean energy and ultimately furthering reliance on fossil fuels.

Ms. Delgado stated that it was their responsibility to make clean energy available in their community, rather than relying on Virginia utilities to build more fossil fuel plants near neighborhoods that had been historically disinvested in and disadvantaged. She hoped this Solar Ordinance would enable community solar programs, providing renters and other residents with opportunities to buy into clean energy solutions. She would like to see more than 21 acres by right for ground-mounted panels, while also ensuring that developments were restricted within sensitive ecosystems.

Ms. Delgado said that, however, she appreciated the compromise and community input that had gone into this draft, which included clear guidelines for developers, environmental protections, and opportunities for future larger developments. She also supported removing the provision about prohibiting development of recently farmed land in the by-right regulations, as it did not necessarily indicate soil quality or degradation. Furthermore, she requested the Board remove the height limits for the panels, which would inhibit certain categories of agrivoltaics that could help with agricultural activity, prevent erosion, and create clean energy. By adopting this ordinance draft, with these recommended changes, Albemarle County would be ahead of most other Counties in the Commonwealth in balancing environmental protections with small-scale clean energy production and would be pushing their County forward.

Ms. Lila Castleman stated that she was a rising senior in high school. She said that she was here to express her support for the draft Solar Ordinance. Although she was not an expert on solar panels or solar energy, she understood that this ordinance, despite its imperfections, would be a crucial step forward in Albemarle County's and the Board of Supervisors' efforts to ensure a sustainable future.

Ms. Castleman said that as they had witnessed numerous natural disasters in recent years, including devastating wildfires, heatwaves, and floods, it was clear that climate change posed a significant threat to their planet. She said that examples included wildfires in California last summer, the heatwaves in Europe, and the recent disastrous floods in Texas, which were all acknowledged as being directly linked to global warming. She stated that the consequences of inaction would only worsen as global warming continues to escalate. She said that it was imperative that local governments, such as Albemarle County, take proactive measures to mitigate the effects of climate change, especially while the federal government was spreading misinformation and working to make climate issues worse.

Ms. Castleman said that in this context, the County's Climate Action Plan, carbon reduction goals, and additional funding for climate action initiatives were commendable steps in the right direction. She said that in the five years since the 2050 carbon-neutrality goal was written into the Climate Action Plan, greenhouse gas emissions from Albemarle County had not decreased. They required more concrete action to achieve net-zero carbon emissions in the next 25 years. She stated that this Solar Ordinance draft had the potential to expand access to solar energy within the County, reducing reliance on destructive fossil fuels and contributing to a more sustainable future. She urged the Board to pass this Ordinance, as it would help protect the world that her generation would inherit.

Ms. Carolyn Pugh stated that she did not currently live in Albemarle County, but she had grown up in the Rio District and had lived in the area for most of her life. She wanted to first state that she wholeheartedly agreed with the comments of the first two speakers. She stated that two weeks ago, the so-called Big Beautiful Bill was signed into law, creating a short runway for projects to take advantage of federal incentives. Just this week, the Virginia State Corporation Commission approved Dominion Energy's integrated resource plan as legally sufficient, despite the fact that it did not comply with the Virginia Clean Economy Act. Meanwhile, due to projected data center demand, Dominion had proposed 6 gigawatts of new fossil fuel infrastructure, which, if built, would raise their energy rates and accelerate pollution across the state.

Ms. Pugh said that as the state and federal government moved towards a fossil-fueled future, and as Albemarle County grappled with whether and how to allow data centers to be built locally, the urgency of transitioning to local, resilient, affordable, clean energy sources that could meet the County's own energy demand only increased. This draft ordinance had come a long way since the first draft was released over a year ago, which, as some had pointed out, had taken a long time to make this forward progress. She appreciated that the County staff had taken an enormous amount of community and stakeholder input and worked to design a balanced ordinance that allowed for solar energy production while protecting the environment.

Ms. Pugh stated that it enabled commercial projects to be built on land below 21 acres, as long as they met strict criteria related to screening, soil and plant management, and decommissioning. It also factored in concerns around biodiversity and their local flora and fauna, protecting high-quality forest blocks and requiring the highest level of Virginia pollinator certification, which, to her knowledge, was the highest standard of any locality in the state. While the ordinance was not perfect, and the public had suggested a few modifications, which she would not repeat. She simply wanted to reiterate that there was some urgency to getting this passed. This was a good ordinance overall, and she urged the Board to act swiftly and allow projects to begin being built under a clear set of rules.

Mr. Reed Chrobak stated that he was an 11th grader at Community Lab School in Albemarle. As a teenager, he will grow up in a world where the effects of climate change were significantly worse. He said that it was absolutely essential that they mitigate climate change now by reducing their reliance on fossil fuels, particularly in the energy sector. Clean energy, especially solar power, would play a key role in the energy transition, and it was crucial to have clear guidelines for solar development. He was here to urge the Board to pass Albemarle County's draft Solar Ordinance. As an intern at the Community Climate Collaborative, he had reviewed the first draft of the Solar Ordinance last year and was concerned by its restrictive nature.

Mr. Chrobak said that he appreciated that the County had listened to community feedback and revised the ordinance to strike a better balance between protecting nature and allowing the County to take significant steps towards addressing climate change by limiting by-right facilities to 21 acres. While the proposed Ordinance was less restrictive than many others in Virginia, there was still room for improvement. He encouraged the Board to adopt the recommended changes, particularly removing the line in Section 5.1.66.A.18 that prevented solar energy facilities on land used for farming in the last 10 years.

Mr. Chrobak stated that even recently farmed land may no longer be suitable for agriculture, and farmers should be able to develop small solar energy facilities to supplement their income and generate cleaner energy. He also urged the Board to remove the height restrictions on solar panels listed in Section 5.1.66.A.1, as relaxed height restrictions allowed for increased design flexibility and the incorporation of agrivoltaics projects. Finally, he strongly recommended removing the reference to "undefined resources" in Section 5.1.66.A.17, which was too vague and subjective. With federal tax credits for solar expiring soon, it was essential to have clear regulations for solar development, and the Ordinance provided this.

Mr. Eshaan Mital, Rivanna District, stated that he was a student at Albemarle High School. He said that as climate change progressed, they must transition away from coal and natural gas to cleaner fuels that could power their country sustainably. Every month, they watched in horror as television reports documented devastating floods that were exacerbated by human inaction. Every year, during hurricane season, the Rivanna River's width increased, and heavy rainfall destroyed homes and businesses in the County.

Mr. Mital stated that it was the governments and their collective responsibility to provide the necessary resources and freedom to switch to a sustainable future. This was why passing this Solar Ordinance was important. He hoped that the Solar Ordinance would allow for more community solar, enabling residents to adopt solar energy. He also supported increasing the by-right acreage for solar energy from 21 acres, which currently had a production capacity of only 2 megawatts. The current 21-acre limit was too low for the residents of the County to reap significant benefits from cheap renewable energy.

Mr. Mital said that however, he understood the need for a compromise, as this allowed communities to have a greater say in the solar projects surrounding them. Passing this ordinance quickly was significant for renewable energy projects to take root quickly. He recommended removing the restrictions on solar on recently farmed land, as this did not take into account that recently farmland did not necessarily mean the land was well-suited for farming. Recently farmed land could have significant soil degradation, so prohibiting solar production on such land was counterproductive and would starve rural communities of cheap energy.

Mr. Mital stated that at a time when data centers were driving up electricity prices, reducing solar production was not a feasible option. During the budget town hall in April, he had asked a Supervisor how far they were from meeting the climate goals set by the County several years ago, and the Supervisor did not have an answer to his question. He hoped that the Board would vote in support of the Solar Ordinance with his recommended modifications, so that they could secure a sustainable future in the County.

Ms. Patricia Maida, Scottsville District, stated that she had lived in the Scottsville District for 25 years. She stated that she lived right off of Secretarys Road, near Woodbrook. The area where they were planning to build the solar panels was a pine forest only five years ago but was now a moonscape. She said that the water that ran off initially was cleared by timbering, but then they removed everything. Subsequently, they applied chemicals to eradicate any foliage, making it the moonscape. She said that after five years, it was questionable that the planes that released those toxins flew over her house. She said she hung clothes outside, and she was grabbing those clothes when she noticed the planes.

Ms. Maida stated that three years later, both herself and her neighbor developed breast cancer. She said she did not know if it was the toxins, but they flowed into the nearby creeks that emptied into the Chesapeake Bay. She said that when the Board initially approved these solar panels, which were for solar panels and inverters. Now, they wanted to install battery energy storage systems, which posed several potential health hazards, primarily related to chemical leaks, fires, and electric risks. She said the chemicals used in these battery systems were toxic and flammable, and they also emitted gases. The biggest concern was the heat generated by these batteries.

Ms. Maida stated that additionally, if there was a spark or a lightning strike, it could start a fire or an explosion. She said she lived right next to this facility, just 800 feet away. There were no City water sources, and no fire hydrants. To her knowledge, there were no measures in place to prevent an explosion or fire. She was concerned that she would lose her home if that happened.

Ms. Paula Beazley stated that she was a resident of Esmont. She said that the discussion around industrialized solar had brought out much discussion and apparently resentment towards the agricultural land in this County. She said that if they did not care about their agricultural and forestal lands, they should at least care about the permanent damage research showed from industrial-sized impervious surfaces. Their current special use provision was 0.5 acres, but they were now proposing a massive increase to 21 acres. She said that was a significant change, and she did not feel it was warranted by their County's experience with solar.

Ms. Beazley said that she would refer them to the July article in C-Ville Weekly written by the Associate Director of UVA's Environmental Institute. The article stated, "The fewer impervious surfaces, the more trees, intact landscapes, which includes our agricultural lands, the less severe the floods will be." She said that one inch of rain produced nearly 30,000 gallons of water flooding off of one acre of solar panels. She said that the County was proposing 21 acres, 917,780 square feet, which was a massive jump from what they had currently experienced. The special use process involved the Planning Commission, Board of Supervisors, and public engagement.

Ms. Beazley stated that however, it seemed that public engagement was being limited to non-rural areas, where residents would not be directly affected. In contrast, those in non-rural areas could obtain special use permits at 500 square feet. Once the landscape was fragmented, soil, streams, and groundwater were poisoned, and it was irreversible and would not solve their ecosystem issues. She said they should be smarter. She had submitted written comments on new technology and systems that could take carbon monoxide out of the air and convert it to fuel usable in all structures.

Ms. Beazley stated that she had every confidence that these smarter solutions would be developed in the near term and would provide cleaner, smaller, and more beneficial energy needs. Sunlight may be clean, but not when the panels contained toxic materials and penetrated deep into the earth's surface. She had submitted written comments about the specific provisions in this draft that about what would create serious problems. She urged the Board to reject this draft, specifically the by-right provisions for up to 21 acres and many of the provisions as discussed today. Additionally, she was concerned about the limitations on agriculture or forest blocks, which would exclude most of the forests in this County, and the 10 acres still allowing for 435,600 square feet. She said that additionally, she would like to submit some articles for the public record.

Ms. Jeanne Van Clief said that she was a resident of Esmont, adjoining Alan and Cyndra Van Clief's proposed solar farm property. She said that she was there to express her strong opposition to this draft Ordinance. She said that while advocating for renewable energy, there were critical concerns that must be addressed before considering this project. She said that the 21 acres in question was equivalent to 16 football fields, which would require 21,000 to 31,500 solar panels. If the neighboring property owner were to install the same type of facility, the 0.5 acres separating them would be only 38% of a soccer field, which she believed was unacceptable. She said that given that this was a rural agricultural area, she strongly believed that this use should not be allowed.

Ms. Van Clief said that in her opinion, a special use permit should be required for all energy facilities, regardless of their size. She said that the draft plan lacked setbacks, which she believed should be a requirement for all facilities. She said that panel screening and buffering should be required for all energy facilities, not just those 10 acres or more. She said that a site plan should be submitted prior to approval for all energy facilities, and a siting agreement should be required for projects of 5 acres or more of panel area. She said that screening trees should be 50% higher than the highest panel, but she did not see a height requirement specified in the draft. She said that the maximum height of panels should be 15 feet, which the draft raised to 20 feet.

Ms. Van Clief said that by-right projects were permitted to disturb 10 acres of habitat cores, forest blocks, and prime farmland, but her assertion was that no area should be disturbed. She said she was aware that other counties, such as Fauquier and Madison, had implemented stricter regulations on approving solar facilities. She said that in Louisa County, a \$15 million lawsuit was currently pending over flooded retention ponds, which had resulted in ruined land and prevented farming. She said that she hoped that the Board would take these comments seriously and respond thoughtfully to them, and that they would not allow the solar farm request to proceed.

Mr. Grey McLean, Jack Jouett District, stated that he was there this evening to first and foremost applaud the Albemarle County staff for their extensive work and community engagement on the proposed solar ordinance. He said that he would like to urge the Board of Supervisors to adopt the ordinance. He said that he believed it was leadership on this Board of Supervisors that called for the ordinance's development. He said that the staff had done a great job of engaging the community on the issue, and the result was an ordinance that balanced many competing demands.

Mr. McLean said that he would now stop being eloquent as he was going off script. He said that, like many others, he had been in many rooms where climate change issues had been advocated for, and he had heard many students speak. He said that he would encourage everyone, including himself, to not smile and be proud that they were here and speaking to them as their children and grandchildren. He asked everyone to instead listen to them, think about the world they were inheriting, and act. He stated that he sincerely appreciated the Board of Supervisors and staff dealing with all the nuances, but he asked that the Board act boldly and do more.

Ms. Martha Donnelly, resident of Charlottesville, said that she was a landscape architect and proud graduate of the University of Virginia's Class of 1975. She said that she strongly opposed this ordinance as written, particularly with regard to the by-right provision. She said that she was not aware if anyone was aware, but the biodiversity crisis was a far more existential threat than global warming. She said that since 2019, they had lost approximately 45% of all the insects globally. She said that they were a crucial part of the food chain.

Ms. Donnelly said that trees were essential host plants for insects, with 90% of insects living part of their life cycle in trees. She said that the white oak, for example, was a host to over 550 species of insects. When someone said that someone could clear-cut 21 acres of trees under the by-right provision, she would ask that they consider the devastating impact on the environment. As Mr. McLean had mentioned, she commended the young people involved, but there was a wealth of information to consider beyond this particular issue.

Ms. Donnelly said that if the Board had not read Doug Tallamy's "Nature's Best Hope," she highly recommended it. It provided pertinent information that would inform the Board's decision-making processes. When she moved to UVA from Washington, D.C., she was struck by the beauty of the Blue Ridge Mountains. She said that she wanted to leave you with a quote from John O'Donohue, a philosopher and poet, from his book "The Invisible Embrace: Beauty."

Ms. Donnelly quoted:

"Beauty is mostly forgotten and made to seem naïve and romantic. The blindness of property development creates rooms, buildings, and suburbs that lack grace and mystery. Socially, this influences the atmosphere in the workplace, the school room, the board room, and the community. It also results in such degradation of the environment that we are turning more and more of our beautiful earth into a wasteland. Much of the stress and emptiness that haunts us can be traced back to our lack of attention to beauty."

Ms. Hayley Owens, resident of Charlottesville, said that she had been a lifelong resident of the area. She said that it was her first time speaking with the Board, and she wanted to express her support for the Solar Ordinance, especially with the modifications that had been encouraged, the deep research and collaboration done with the Charlottesville Community Climate Collaborative. She said that she had heard a lot of comments tonight about the beauty of the area and the importance of their natural resources, which she fully agreed with. They had to preserve their resources and cultivate them with creativity, excitement, and vitality. They needed to feel like they could achieve their goals in this area.

Ms. Owens acknowledged the communities that had been burdened by fossil fuels for so long. However, their local region had been fortunate in this regard, with its natural beauty and preserved forests and agricultural lands. She believed now it was time for their community to take responsibility for the energy that they consumed, not just for the sake of young people, but for all people and for their own sake.

Ms. Owens said that the state of the world made progress feel counterproductive, but seeing solar panels gave her a sense that there was hope and people were recognizing the improvements that they could make. She requested the Board to please support the draft Solar Ordinance and support those who had been doing research to figure out how they can encourage these developments to occur in a responsible manner.

Ms. Sadhbh O'Flynn, Climate Justice Policy Manager with the Community Climate Collaborative, stated that Albemarle had been working on its solar ordinance for over three years. Since then, C3 and the community had remained engaged with the updated revisions, which had taken months to complete, while the climate continued to change. Unfortunately, they had witnessed disasters unfold during this time. The question of why they were not covering every single impervious surface in the County with solar panels before even considering ground-mounted solar had been repeatedly asked.

Ms. O'Flynn agreed that it was a valid question that they had addressed. As an advocate for rooftop and car park solar panels, C3 had worked with the County, City, and LEAP (Local Energy Alliance Program) to connect locals with affordable ways to install panels on rooftops. They had recognized the Piedmont Virginia Community College (PVCC) for its work on its net zero building powered by rooftop and carport solar. The Community Climate Collaborative's recently released 2024 impact report included testimony from community members who installed solar on their roofs under C3's guidance.

Ms. O'Flynn stated that rooftop solar was a critical component of a clean energy future, energy affordability, and energy resilience. Her point was not to praise their efforts, but to provide context for their support of this ordinance as written. They were indeed facing an ecological crisis. This crisis was caused by the same extractive systems that were driving climate change. Climate change was exacerbating the ecological crisis, having a significant impact. The root cause of this crisis was climate change. They still did not fully understand the biodiversity impacts of events like those in western North Carolina, Texas, and California.

Ms. O'Flynn stated that to inform their position on this ordinance, they had conducted preliminary analysis on rooftop solar's capacity to meet the County's current energy needs. This analysis was based on data from the National Renewable Energy Laboratory and Google Earth's Environmental Insights. They estimated that covering every suitable residential and commercial rooftop with solar would cost between \$1.85 and \$2.78 billion. This would exhaust local capacity, add process inefficiencies, and still leave a gap between current usage and production. Ground-mounted solar costs one-third of that amount. Climate justice required that richer resource-intensive localities like Albemarle take responsibility for both energy production and use, or energy production and use reduction.

Ms. O'Flynn stated that County residents consumed more energy than the average American, according to utility data aggregated by Freeing Energy. While it may not feel like it to many struggling households, Albemarle was also a comparatively wealthy U.S. County. Regardless of their relative wealth, the cost of installing solar on every rooftop was not realistic within the urgent time frame demanded by the scale of the climate crisis. They needed drastic systems change, but it was not happening fast enough. That was not to say they should give up, but they must answer the difficult question. She requested the Board to please pass the ordinance.

Ms. Susan Kruse, Executive Director of the Community Climate Collaborative, stated that she would leave the detailed comments to her colleagues and as the Board had received in emails so far. She stated that in 1979, Jimmy Carter installed 32 solar panels on the White House, which were very early versions of the type of panels they had today and were used to heat water at the White House. Carter's remarks at the time were eerily prescient: "A generation from now, the solar heater can either be a curiosity, a museum piece, an example of a road not taken, or it can be a small part of one of the greatest and most exciting adventures ever undertaken by the American people."

Ms. Kruse stated that while there was growing awareness of the scientific community at the time that sea levels and global temperatures were rising, the term climate change did not enter the public lexicon until the late 1980s and early 1990s. Carter was ahead of the country, stating that he wanted to harness the power of the sun to enrich their lives as they move away from their crippling dependence on foreign oil. In his State of the Union address that year, he unveiled an ambitious plan to power 20% of America with renewable energy by the year 2000. It turned out to be the road not taken, as President Reagan removed the solar panels in 1986, and renewable energy did not return to the White House until 2002, when President George W. Bush installed solar panels to heat the White House pool.

Ms. Kruse stated that this road not taken was not unique to the White House, however. The road not taken has been a recurring theme across the country, in rooms just like this one, where they heard from their community and protect their own viewsheds, while failing to take action on environmental issues. They often prioritized their perceptions of environmental integrity over actual progress, while the world burns. Climate change was paved by the road not taken. Although this Solar Ordinance was not perfect, it was a step forward, and Albemarle County could be proud of it. In the words of Robert Frost, it may be the road less traveled, but it can make all the difference. She urged the Board to pass this ordinance and move towards clean energy in Albemarle County before the tax credits expire. It was their obligation to meet these climate goals, and she hoped the Board would join them in supporting this initiative.

Mr. Rob Propes, Rivanna District, stated that he was representing CEP Solar, a Richmond-based solar development company. He thanked the Board for the opportunity to share some thoughts with them this evening regarding the proposed revisions to the solar ordinance. He said first, he would like to commend the County, the Planning staff, and all those who contributed to the proposed revisions for drafting a thoughtful and well-balanced draft Ordinance. CEP submitted their written comments to Mr. Fritz last week, and he understood that those comments were circulated to each of the Supervisors last Thursday.

Mr. Propes said that he would only touch on a couple of points this evening in the interest of time. One of the proposed revisions was a requirement to ensure there was appropriate access for emergency vehicles. He said that CEP fully supported this idea, but they believed some minor edits were necessary to clarify what was required and ensure that the requirement aligned with what they had seen in other Counties as well as what they had heard from the County Fire Marshal's Office.

Mr. Propes said that the proposed language could be interpreted to suggest that space be provided to allow emergency vehicles to access every panel row, which was not consistent with what other Counties required and was not what he had heard from the County Fire Marshal's Office. This would also require extra space between the rows and significantly more land. What was typically required was an access road to each section of the fenced panels, recognizing that a project site may include more than one section of fenced panels.

Mr. Propes stated that it was also important to include an area on the perimeter of each section of fenced panels that emergency vehicles could use to turn around. He would recommend including language in the ordinance that required a solar developer to obtain input from the Fire Marshal's Office on the design of any internal access roads to ensure that the Fire Marshal's Office was comfortable with the plan. Another proposed revision he would like to touch on was the requirement to achieve gold-certified Virginia pollinator status under the Virginia Pollinator Smart Program within three years of the issuance of a building permit.

Mr. Propes said that while CEP supported the idea to incorporate pollinator habitat within a solar project, their conversations with professionals who were experienced in designing and installing pollinator habitat within solar projects suggested that achieving this standard within three years was overly aggressive and would require planting a pollinator seed mix too early in the life of the project when the soil may not be ready to support the vigorous growth of pollinators. He said that they recommended implanting a cover crop seed mix as the first step to establishing the vegetative cover.

Mr. Chad Graham, Scottsville District, said that he appreciated the time the County had taken to update the solar ordinance and hoped that the new ordinance struck a balance between supporting good projects and not being overly restrictive. He said that as a proven technology, solar energy quietly generated clean energy without requiring new public services. One of the proposed changes to the solar ordinance included the ability to permit a solar project by right, as long as the project was 21 acres or less.

Mr. Graham said that he appreciated the common-sense approach of considering smaller, community-scale-sized projects for by-right permitting. However, he respectfully asked that they consider increasing the size limit to 50 acres to capture the type of smaller community-scale projects that he hoped to develop on his land. He said that smaller projects had lower profit margins, and by allowing them to be permitted by right, the County could help minimize the time it took to approve these projects, making them more economically viable.

Mr. Graham said that he believed these smaller projects could be properly sited and coexist in rural areas with minimal impact on neighbors. He said that permitting by-right smaller solar projects by right would not compromise on construction or operational standards but would only reduce the permitting time. He said that he strongly suggested that they take these considerations into account and thanked the Board for their time.

Ms. Grace Clair, resident of Charlottesville, stated that she was raised in Nelson County and had grown up in and around Albemarle County. She said that she was very proud to be from here and to be in central Virginia. She was also proud of Boards like Albemarle's that put so much thought and effort into ordinances like this, which would help them move forward into the future. Having grown up in rural Nelson County, she had had the opportunity to see the devastating impacts of climate change on rural communities, particularly in recent years with the extreme weather they had been experiencing. It had become increasingly worse, and she had found her passion and career in solar power development as a result.

Ms. Clair said that she was voicing her strong support for this solar ordinance as well as the modifications expressed by the C3 representatives. This would not only set Albemarle County up for success in a continually developing energy environment, where demand was increasing more than they could produce. It would also set a good example for surrounding Counties, such as Nelson, demonstrating how they could move forward in a way that supports solar development while considering the needs of their community. She requested that the Board pass the Solar Ordinance with the modifications in consideration for the community and all the research and work that C3 had done.

Mr. Chris Meyer, Board Chair of the Charlottesville Renewable Energy Alliance (Cville REA), the trade association for clean energy companies here in Charlottesville. Over the past year, he had worked closely with colleagues, including Mr. Fritz, to develop this ordinance, and he believed it was in a position where he was pleased with the outcome and would like to see it move forward. He noted that unfortunately, Albemarle County currently imported almost all of its electricity, with the state of Virginia still importing more than 30%, largely from West Virginia's coal-fired generation. This new ordinance would require Albemarle County to utilize only a small portion of its 464,000 acres to produce clean and

inexpensive electricity to meet its own demand, which could be achieved through solar power in a responsible manner.

Mr. Meyer stated that Cville REA supported the proposed ordinance for several reasons, including it streamlined permitting for commercial and industrial roof array systems, benefiting local installers like Virtue Solar, Sunday Solar, and Tiger Solar, who could offer better and cheaper solar arrays to local businesses, thereby helping them lower their costs. It also facilitated battery energy storage projects, which helped manage excess energy and reduce costs overall by stabilizing energy flow.

Mr. Meyer said that finally, this ordinance treated solar projects like any other land use, allowing for a by-right use on a 21-acre lot, which would facilitate smaller community solar projects that could benefit the County's low-income residents directly. He said that he had heard some confusion about whether solar projects must meet environmental regulations even if they were by-right. To clarify, solar projects still had to meet the State's extensive environmental wetlands and forest conservation regulations, regardless of the size of the project.

Mr. Meyer said that Cville REA's members had developed and built the majority of Virginia's solar arrays on schools, larger utility-sized projects for Dominion, and installed the majority of residential and community rooftop solar in the Piedmont Region. He explained that the industry was successful because it valued and cared for the environment and the communities where they worked. They were excited about this new Ordinance, which would facilitate even more projects closer to home. They looked forward to seeing the Ordinance approved as proposed.

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

Mr. Pruitt said that he wanted to address the concerns of his constituents in his district regarding the prospect of large-scale solar installations in their backyards. He said that he believed that these projects were being subjected to a similar level of scrutiny as other developments. However, the issue at hand was primarily the cost. It was not about the quality of the property or the projects being deployed. Rather, it was about the financial burden of these projects, and whether they were allowing only major corporate players to develop solar or providing equal access to the playing field.

Mr. Pruitt said that to him, the ordinance addressed many of the concerns he had heard from residents, who felt that they were allowing anything without sufficient scrutiny. He believed that the standards being deployed were identical to those for other developments, and they were essentially conducting a site plan review for every development. This gave him comfort regarding those concerns. He also wanted to address the concerns about biodiversity, habitat destruction, and beauty. These were issues he had discussed from this podium and took seriously.

Mr. Pruitt acknowledged that while solar did impact local animal habitats and did have an impact on beauty, it was essential to compare it to the alternative. The alternative to solar was not necessarily a more environmentally friendly option, it meant that those negative impacts to the environment were happening somewhere and also expanding them in the future by using coal, petroleum, natural gas, and nuclear energy, all of which involved mining, while solar was one of the lowest-impact approaches available with contemporary technology.

Mr. Pruitt stated that unless they considered hydroelectric generation, which was not a feasible option, solar was the most minimal-impact approach available. In Virginia's current energy mix, solar was the least harmful of the sources they currently used. However, he was concerned about the impact on large landowners in rural areas, who often had significant tracts of land. He said this meant that they had to have a way to make it affordable for them, which meant that most residents in the rural area, regardless of their economic status, had agricultural land use on their properties.

Mr. Pruitt stated that regardless of their intentions, this provided people with another option for economic viability on their property. He said that this use would give people another option, such as using their land to offset the burden of zoning requirements that come with owning a land in this area. He also heard from farmers that they would like to have some form of cross-subsidy to help their agricultural business. He said that this is indeed a cross-subsidy, as it allows for a more economically viable use of land that can offset other concerns. With that in mind, he had a specific concern about the 10-year requirement.

Mr. Pruitt said that to him, it appeared that this could potentially trap certain groups, such as farmers who wanted to transition to solar energy. He said that while there was a carve-out in the ordinance for farmers who continued to use a portion of their land for agricultural activities, it also meant that farmers who wanted to quit hay production or other land uses were effectively trapped for 10 years. He said it meant that they must stop using their land for a specific purpose and then go out of land use for ten years before they could transition to solar energy. Mr. Pruitt stated that he was not comfortable with this level of entrapment of current landowners, as it forced them to continue using one type of land use before they could transfer their land into a different use that they wanted to encourage.

Mr. Pruitt said, furthermore, he would like to address the reference to "relevant and accepted resources." He initially thought this only applied to special use cases, where the Board and County staff would consider the Comprehensive Plan, Biodiversity Action Plan, and other resources.

Mr. Pruitt stated that however, if this also applied to special exception processes for by-right projects, it could be used as a weapon by a neighbor to contest compliance with their ordinance. He would like to either remove this reference or replace it with something more specific to ensure clarity. Something like, "or other County-developed resources designated for this purpose," would enable them to create a pending effect on their solar ordinance, rather than leaving it ambiguous and open to potential litigation by neighbors. These two amendments were key areas he would like to suggest for the Board to consider.

Ms. Mallek noted that the ordinance mentioned that the Executive Director of the Airport would be consulted about certain developments. She asked if the Executive Director of the Airport would have decision-making ability with regard to approval of projects.

Mr. Fritz said that in speaking with the Airport Authority, they had requested that this information be provided to them. He said that they believed they possessed the necessary tools to address any potential issues if anything were to interfere with airport operations, they had their own measures in place to prevent such interference. According to their conversation, one of the points they had discussed was that some airports across the country were actually installing solar facilities within the fenced area of the airport, utilizing the available open land. He said that they indicated that they did not see this as a significant issue, but rather preferred to receive advance notice so that they could address any potential concerns through cooperative efforts or their own tools.

Ms. Mallek asked if that their tools might be limited by the fact that their neighbors already had easement restrictions on what could be done across the street, where the vineyards were located. She said that it could not be done with solar panels aimed directly at the airport runway.

Mr. Fritz said that the airport specifically could not have glare from panels that would interfere with airport operations.

Ms. Mallek said that many public comments had mentioned community solar. She said that as far as she had seen in the ordinance, there was nothing that restricted or promoted community solar.

Mr. Fritz said that many speakers had shared their perspectives on this issue. He said that some argued that the ordinance facilitated community solar, while others claimed it was too restrictive to accommodate such projects. He said that they had not fully explored the concept of community-scale solar, instead treating the use as a land-use issue. They addressed how much area was being disturbed compared to the amount of megawatts generated, and what constituted a large or medium-scale project. He confirmed that the phrase "community-scale solar" did not appear in this Ordinance.

Ms. Mallek noted that the main prohibition against community solar was Dominion Energy, which required users to pay \$75 per month to be part of the program even if they only had \$5 worth of electricity. Only a very small percentage of people had access to it as it currently stood. She said that finally, she wanted to address a concern raised about emergency vehicle access.

Mr. Fritz explained that he collaborated with Howard Lagomarsino to develop this language, and they aimed to avoid specifying exact separation standards, as different designs could achieve the desired outcome. He said that instead, the language required that sufficient separation be maintained between rows of photovoltaic panels or battery energy storage facilities to provide fire access and meet clear zone requirements.

Mr. Fritz stated that this allowed the installer to work with the Fire Marshal official to determine the most suitable arrangement, which may involve closer rows with a larger perimeter area or separate rows that were fire accessible. He said that the goal was to ensure safe access, prevent trapping, and facilitate issue resolution. He said that the language was written with the intent of providing maximum flexibility to the installer while also ensuring they achieved public safety access.

Ms. Mallek said that she deeply appreciated all of staff's responses to her numerous and varied questions. However, she still felt like she could not support 21 acres as a by-right allowance for this use. She could support 5 to 10 acres, but 914,000 square feet of panel area was just too much.

Mr. Gallaway said that he understood how the cash collected for the decommissioning costs would address that, but he would like to ask staff if they felt confident that the other instruments were as assured for the County in terms of liability concerns.

Mr. Fritz said that they were utilizing the same concept that they applied to erosion sediment control and other similar measures.

Mr. Gallaway asked if the County would have the legal right to access the property to do the decommissioning if the property was still owned by someone else.

Mr. Fritz stated that when developing the decommissioning plan, they would consider that aspect within the plan. They had been incorporating similar considerations into their existing decommissioning plans.

Mr. Gallaway asked if the 10-year waiting period for previously farmed land could be approved for a special exception.

Mr. Fritz confirmed that yes; it qualified for a special exception.

Mr. Gallaway stated that this ordinance development had been an interesting issue because, unlike previous discussions, the emails and public feedback had presented a more unified perspective. He said that while some had expressed concerns that they were not going far enough, others had praised the proposed plan for being spot on. He said that he would like to commend Mr. Fritz and his staff for their hard work in navigating these complex issues. They have had to balance competing interests and concerns, including their unique local practices, which could sometimes make it challenging. As Ms. Maliek often said, when there was pain felt by everyone, it was often a sign that they had found a solution that worked.

Mr. Gallaway stated that at this point, he was prepared to support the proposed plan, with the amendment submitted by Mr. Herrick. He would also consider other amendments, but he was willing to vote in favor of the plan. He said that he believed the rationale behind the 21-acre restriction was reasonable and well thought out. He cautioned those who supported this ordinance to be mindful of the slippery slope of using property rights to justify the idea of allowing property owners to immediately convert their farmland into solar use. He understood that the idea was in support of solar energy, but by justifying conversion of land to solar in that way was an uneven logic.

Mr. Gallaway stated that if they allowed immediate clear-cutting for one use, they may inadvertently open the door to other uses that could be detrimental to the community. He hoped that by providing the special exception and special use permit process, they could strike a balance between what was allowed by-right and what was permitted on a case-by-case basis. This process provided consistency and allowed them to make informed decisions.

Ms. McKeel asked if staff could address a concern raised by a public commentor about the timeline for implementing the pollinator program.

Mr. Fritz stated that the requirement was for the Pollinator Smart Certification to be achieved three years after a building permit was issued. He recalled that the speaker's comment was that they may need more time than that to establish the plants. However, the three-year mark was recommended by the State. They could increase it by one year if it was deemed appropriate.

Ms. McKeel said that if staff felt that three years was achievable, then she would defer to them. She said that she also wanted to address a serious concern raised by someone about the battery storage facilities. She asked if staff had more information on that specific topic.

Mr. Fritz said that there had been concerns raised by some speakers and correspondents regarding the safety of batteries and potential fire hazards. He said that this was why they had very specific standards for what batteries must be built to and what building codes they must meet. In speaking with the building official, they discussed how some older facilities had simple designs that caused issues with door swings, leading to problems with certain facilities. As a result, the code had been updated to account for things that had been learned throughout implementation of these facilities. He said that this was a result of lessons learned from past incidents. He said that the concerns they had heard were centered around the safety of batteries and what happened when they did catch on fire.

Ms. McKeel thanked Mr. Fritz for answering her questions. She said that she was supportive of this ordinance, and she greatly appreciated all of staff's work in researching this land use, developing language, and community outreach. She noted that there had been recent discussions about utilizing fusion reactors for energy, and she would suggest that they take advantage of their best fusion reactor, which was the sun.

Ms. McKeel said she had a friend in Earlysville that had sent an e-mail to her that captured exactly how she felt about the matter. She read the e-mail which contained 4 points as reasons to pass the ordinance: 1) It allowed by-right solar for fenced areas for up to 21 acres making small community scale projects easier to build. 2) It unlocked economic opportunities by reducing permitting barriers. 3) Creates clarity and consistency for developers, landowners, and the public in an uncertain federal context. 4) helps Albemarle County make progress on its net zero by 2050 climate commitment. She said her friend captured what the Board was trying to accomplish.

Ms. LaPisto-Kirtley said that she understood Mr. Pruitt's suggestion about reducing the 10-year requirement for recently farmed land to be converted to solar. However, she also was concerned that people would put in solar panels on every farm in Albemarle, which would be a severe degradation to the environment. She supported putting solar panels on land that was laying fallow and did not require extensive clear-cutting, especially because it might be easier than farming. For that reason, she supported the 10-year waiting requirement. She asked if they had specified anything about the type of batteries that would be used for solar facilities, such as lithium batteries, and their flammability. She noted that their local Fire Department had recently purchased blankets because those were the only materials that could put out lithium battery fires.

Mr. Zehner stated that that was generally what was incorporated into those designs, as well as references to the NFPA (National Fire Protection Association) code in draft ordinance. He said that the suppression systems were also taken into account in the design of these facilities. He explained that the batteries were stored in storage containers on-site and were designed with safety measures in mind to suppress a potential fire.

Ms. LaPisto-Kirtley said that the ordinance stated that energy facilities over 10 acres must be screened from streets and abutting parcels not under common ownership. She asked if that would prevent their scenic areas from being populated with solar panels.

Mr. Fritz said that yes; but only for facilities that were larger than 10 acres.

Mr. Andrews said that he would also be supportive of the draft ordinance and some of the additional changes. He said that he would like to make an additional comment regarding the importance of preserving their forests and agricultural production. He said that regarding carbon sequestration, studies by the UCS (Union of Concerned Scientists) and others had shown that the amount of carbon saved by an acre of solar panels far exceeded the amount that would have been sequestered if the land were left untouched, and sometimes even the woods there, unless the woods were very old growth. He reiterated that the amount of carbon reduced by preventing the burning of fossil fuels with use of solar panels was greater than the carbon sequestered by open farmland, pine plantations, and young woodlands.

Mr. Andrews that this was not the sole criterion, and biodiversity impacts, wildlife corridors, and other factors were also important considerations. He said that he did not intend to belittle these concerns, but rather to provide a balanced perspective and emphasize their need for solar power to replace fossil fuels. He said that he was generally supportive of the 21-acre restriction for solar facilities in Rural Areas, and he appreciated the proposed amendment to include a sentence that limited ground-bounded solar facilities to 21 acres. However, Ms. Mallek had also requested to reduce the by-right allowance to 5 acres.

Mr. Pruitt said that he would like to note that while the Board frequently discussed the 21-acre measurement, he believed it was not easily reached as a reality. Disturbance of 10 acres of forest habitat or 10 acres of prime agricultural soil would require legislative action in the form of a special exception. He believed that many of the locations people were concerned about being affected were functionally protected in that way. He said that the areas that were that large and not forested or in agricultural use were likely already cleared land with poor soils.

Mr. Andrews said that regarding the proposed reduction of the 10-year time period for farmland to be converted to solar facility use, he would be supportive of removing that language because they had other indicators, such as the 4.1 forest block measure and soil quality, to determine whether the land's best use was for agriculture.

Ms. Mallek said that she was still supportive of the 10-year waiting period because it reduced the potential of people pre-clearing land in anticipation of applying for a special use permit. Furthermore, the Board could grant a special exception to someone wanting to convert their farmland in a period of less than 10 years, and in those cases they would require sufficient information to support that decision.

Ms. LaPisto-Kirtley agreed that she would support keeping that language in the ordinance, understanding a special exception could be granted.

Ms. McKeel asked if staff had concerns about the consideration of removing that stipulation from the ordinance.

Mr. Fritz explained that that language was drafted to address specific concerns raised by the Planning Commission, and it did not appear in the original draft of the Ordinance.

Ms. McKeel said that in that case, she would support removing it.

Mr. Gallaway said that the special exception process seemed to be more thoughtful in terms of requiring some explanation for why someone wanted to suddenly change the use on their property. Otherwise, someone may just be changing their land use on a whim when one endeavor did not work out. However, if they continuously received a large number of special exceptions related to this, they could revisit it.

Mr. Andrews asked how quickly the special exception could be processed.

Mr. Fritz said he believed it was 90 days

Mr. Herrick said he was unsure if there was a minimum period stipulation, however it was more about logistics and how fast staff could process the special exception.

Mr. Pruitt said that since they wanted to encourage a large number of community-scale solar facilities in the County, he believed it was possible the Board could be reviewing a large number of special exceptions. However, these types of developments would take a long time than other special exceptions the County may process.

Mr. Andrews said that from his perspective, their County had many farm operations that were solely producing hay and could be argued to be not as productive as producing food crops yet they were telling those hay farms that they had to wait 10 years to switch from hay to hosting solar. He said that his main point was that a farmer should be able to decide that the crop they were producing was not worth it and make that decision without having to wait 10 years.

Ms. Mallek noted that farmers whose land was in land use needed to be aware of the potential rollback taxes that they would incur when they left the program.

Mr. Andrews said that he would propose switching the timeline from 10 years to 5 years. He said that this change would therefore also be tied to their rollback policy. He said that if they had been under land use in the past five years, they would be claiming that and would have rollback taxes five years after that.

Ms. LaPisto-Kirtley asked what staff thought of that proposal.

Mr. Fritz said that he did not have a specific recommendation and that it was meant to speak to the recommendations of the Planning Commission.

Mr. Andrews said that another section for potential amendment was regarding Section 16, where there was the phrase "other relevant and accepted resources." He said that Mr. Pruitt had suggested instead to include "other County-designated resources for this purposes." Additionally, he had heard suggestions about amending the modification of the timeline for the Virginia Pollinator Smart Program.

Mr. Zehner stated that the Pollinator Program would include a performance plan in order to achieve the certification, which would be evaluated over time to show performance. They would not necessarily have to check all the boxes within the three-year period.

Ms. Mallek said that the most important consideration for her was that they already had a nine-month permanent vegetative cover ordinance rule in place for their overlot grading, which had been in effect since 2010. She said that stabilizing it with cover crop would be the first step and then improve the quality of the vegetation from that point, because perennial seeds would not succeed otherwise.

Mr. Andrews said that it appeared there was not support for changing the three-year period. He said that there had also been some concerns from C3 representatives about the 10-foot maximum for the lower edge of panels. While he was sympathetic to the argument that having them too tall would lead to erosion issues, he also felt that the height of the panels would be partially determined by the cost of materials, and no one would be building them taller than they needed to be.

Ms. LaPisto-Kirtley asked if the 10 feet was a standard.

Mr. Zehner said that it was what they commonly recommended, and he believed the comment was made with respect to the potential that it may have precluded some type of agrivoltaics. However, he could not think of a situation where it would impact the ability to have agrivoltaics.

Mr. Andrews stated that he was hearing support for changing the agricultural land waiting term from 10 years to five years and for designating County resources specifically for this purpose, rather than other relevant and accepted resources. Additionally, there was the change recommended by the County Attorney that made it clear that by-right ground-mounted solar energy facilities in the Rural Areas were limited to a maximum of 21 acres of fenced area on any parcel in existence at the time of adoption of this Ordinance.

Mr. Pruitt **moved** that the Board of Supervisors adopt the attached Ordinance ZTA2023-01 Commercial Solar, as revised on July 16, 2025, and the most recent version submitted by council at time 22:27. Ms. McKeel **seconded** the motion.

Vote (Mike/Ann)

Roll was called and the motion carried by the following recorded vote:

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

ORDINANCE NO. 25-18(2)

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

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

By Amending:

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

By Adding:

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

Chapter 18: Zoning

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Article I, GENERAL PROVISIONS
Sec. 3.1 Definitions

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Section 3.1—Definitions.

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

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

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

. . .

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

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

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

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

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

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

Chapter 18. Zoning

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Article II, BASIC REGULATIONS

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

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

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

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Chapter 18. Zoning

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Article II, BASIC REGULATIONS

Sec. 5.1.66 Energy Facility

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Sec. 5.1.66- Energy Facility.

A. Minimum Development Requirements for Energy Facilities.

1. The maximum height of the lowest edge of all ground-mounted photovoltaic panels is 10 feet as measured from the finished grade. The maximum height of panels, buildings, structures, and other components of a solar facility is 20 feet, as measured from the highest natural grade below each element. This limit does not apply to utility poles, substations, roof-mounted solar facilities, or the interconnection to the overhead electric utility grid.
2. Accessory solar energy facilities, whether roof- or ground-mounted, are subject to the applicable structure setbacks of the zoning district in which the facility is located. The setback standards do not apply to parcels under common ownership.
3. Ground-mounted accessory solar energy facilities located outside the Rural Areas (RA) zoning district are limited to 500 square feet of fenced area, or 400 square feet of panel zone when placed over existing pervious areas.
4. By-right solar energy facilities in the Rural Areas (RA) zoning district are subject to the following separation standards from other by-right solar energy facilities.

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

5. By-right ground mounted solar energy facilities in the Rural Areas (RA) zoning district are limited to a maximum of 21 acres of fenced area on any parcel in existence at the time of adoption of this ordinance. Any solar energy facility with a panel zone of one acre or greater must be fenced.
6. Any solar energy facility with greater than one acre of fenced area within five nautical miles of a licensed airport must provide the Chief Operation Officer of the airport with both (i) written notice to stating the system's location, technology to be used, and total land coverage and (ii) a glint/glare study.
7. Ground-mounted solar energy facilities with greater than 21 fenced acres, are subject to the

following setbacks:

- a. 100 feet from adjacent parcels, not under common ownership, and all public rights-of-way, and;
 - b. 300 feet from dwellings on adjacent parcels, not under common ownership.
8. No energy facility may be located within riparian buffers, nontidal wetlands, and floodplains, each as defined in Chapter 17 of the Albemarle County Code.
9. Energy facilities must maintain sufficient separation between rows of photovoltaic panels or battery energy storage facilities to provide fire access and meet clear zone requirements.
10. All ground-mounted solar energy facilities with a fenced area of two acres or greater must obtain Gold Certified Virginia Pollinator Smart status within three years of issuance of a building permit. Gold Certified Virginia Pollinator status must be maintained for the life of the facility.
11. Energy facilities with a fenced area of at least 10 acres must be screened from public streets and abutting parcels not under common ownership. Screening provided must meet the screening level provided by a triple staggered row of evergreen trees and screening shrubs planted 15 feet on center with screening shrubs making up not more than 33% of the plantings and equally dispersed. The director of community development may approve any plan providing equal or greater screening. All new plantings must include a variety of species from the County's approved list.
12. Energy Facilities must be constructed, maintained, and operated in accord with all applicable codes and standards, including (but not limited to): applicable fire, electrical, and building codes adopted by the County; the National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems, 2023 Edition and subsequent additions; and the Underwriters Laboratories (UL) 9540A Ed. 4-2019, Standard for Test Method for Evaluating Thermal Runway Fire Propagation in Battery Energy Storage Systems and subsequent editions.
13. Battery energy storage facilities must have the following setbacks:
 - a. 100 feet from adjacent parcels not under common ownership, and all public rights-of-way, and;
 - b. 300 feet from dwellings on adjacent parcels not under common ownership.
14. Any fencing on the interior of the buffer/screening area of ground-mounted energy facilities may not be at a height of less than 61 inches or greater than 96 inches (inclusive of razor/barbed wire). Fences of 61 inches or less in height may not include razor/barbed wire. Such fenced areas must provide wildlife corridors through the facility. All such fencing must allow for movement and migration of small wildlife species.
15. Energy facilities are not permitted within any large forest block with a score of 4.1 or greater as shown on "Map 2: Ranking the Conservation Value of Large Forest Blocks" in the Biodiversity Action Plan. .
16. By-right projects must not disturb more than 10 acres in the aggregate of habitat cores, forest blocks, or corridors connecting habitat areas, as these features are identified in the Comprehensive Plan/Biodiversity Action Plan, except that the Board of Supervisors may permit disturbance of more than 10 acres by special exception. When considering impacts to habitat areas, on both special exception and special use permit applications, the Board of Supervisors should consider the Comprehensive Plan/Biodiversity Action Plan, the Virginia Department of Conservation and Recreation Natural Heritage Data Explorer, or other County-designated resources for this purpose, as well as determine the particular mix of species and composition of affected habitat areas.
17. By-right projects must not disturb either (a) more than 10 acres of prime farmland (as determined/identified by the United States Department of Agriculture's Natural Resources Conservation Service) and/or (b) areas used for an agricultural activity within the five years preceding an application, unless portions of the parcels used for the facility will continue to be used for an agricultural activity.
18. Notwithstanding any exemption in *County Code* Chapter 17, all ground-mounted energy facilities whose total land disturbance area, including the horizontal projected areas underneath panels, is at least 10,000 square feet, must comply with *County Code* Chapter 17.
19. Notwithstanding [section 32.2](#), a site plan is not required for an energy facility, but the energy facility is subject to the requirements of [section 32](#). An applicant must submit all schematics, plans, calculations, drawings, and other information required by the director of community development to determine whether the facility complies with [section 32](#). In making this determination, the director of community development may impose reasonable conditions authorized by [section 32](#) in order to ensure compliance.

20. Any new associated electrical transmission lines, whether connecting internal portions of the project or connecting to a switchyard, substation, or point of interconnection, and whether above or below ground, must be located in a manner to minimize intrusiveness and mitigate their impact to surrounding parcels.
21. Except for any outdoor lighting required by federal law:
 - a. Outdoor lighting is permitted only during maintenance periods.
 - b. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded to the standard of [section 4.17](#).

B. Special Use Permit Process.

1. The County may engage independent consultant(s) to review any special use permit application for an energy facility and all associated documents for completeness and compliance with applicable County, state, and federal laws. Any costs associated with the review must be paid by the applicant, and are in addition to any other required fees.
2. As part of its review of special use permit applications for energy facilities, the Commission will also conduct a Comprehensive Plan review under Virginia Code § 15.2-2232 and will specify whether the facility is in substantial accord with the County's Comprehensive Plan.

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

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

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

D. Decommissioning and Site Rehabilitation

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

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

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Chapter 18. Zoning

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Article III District Regulations
Sec. 10 – Rural Areas District - RA

Sec. 10.2.1 - By right

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

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

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

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Sec. 10.2.2 - By special use permit

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

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

- 59. Battery energy storage facilities (reference 5.1.66).

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

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Chapter 18. Zoning

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Article III District Regulations
Sec. 26 – Industrial Districts - Generally

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

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

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

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

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

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

There was none.

Agenda Item No. 21. Adjourn.

10:29 p.m., the Board adjourned its meeting to August 6, 2025, 1:00 p.m. in Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date: 12/03/2025
Initials: CKB