

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of April 5, 2023</p>		
		April 6, 2023
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Ms. Price. All BOS members were present, with the exception of Ms. McKeel, who arrived at 1:42 p.m. Also present were Jeff Richardson, Steve Rosenburg, Claudette Borgersen, and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Moved item # 23, From the Board: Committee Reports and Matters Not Listed on the Agenda, to after item # 12, Virginia Department of Transportation (VDOT) Quarterly Report. Item #12, the Virginia Department of Transportation (VDOT) Quarterly Report, was updated online on March 30 to correct an error in the original report. The action for Item #8.3, Consideration of Permit Approval for Area Private Emergency Medical Services Agencies, was to authorize advertisement of the item for Public Hearing, not to issues permits to allow Delta Response Team and Kiwi Emergency Medical Services to provide non-emergency medical transport services within the County. The order of the public hearings, items #21 and #22, Woodbridge Solar were to be held in reverse order from original published agenda. By a vote of 5:0, ADOPTED final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Apologized to community members for cancelling his budget town hall and stated that it would be rescheduled. <p><u>Bea LaPisto Kirtley:</u></p> <ul style="list-style-type: none"> Commented that she attended 3 budget meetings for community members. Remarked that in recognition of National Child Abuse Prevention Month, she attended the planting of the pinwheel garden, which symbolizes the importance of children growing up free from abuse and neglect. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Mentioned that she had shared links with the Clerk's office, which were provided by VDOT at the last MPO (Metropolitan Planning Organization) meeting, regarding the smart scale process for funding and grant application backgrounds. Commented that at the MPO meeting it was discussed that residency has started a new process of supporting localities in involving project selection to make the projects more complete. Shared that Dominion Energy has encouraged everyone to report power outages and emphasized that community members should not rely on thinking that their neighbors are reporting. Reported That the EPA is working on developing regulation and communications of risks on the PFAS (polyfluoroalkyl substances) 		

<p>chemical process in in two phases: drinking water and waste water.</p> <ul style="list-style-type: none"> Announced that the White Hall Ruritan Club is holding its 12th annual plant sale on Saturday, April 29 from 8am to 1pm, and on Sunday, April 30, 10am to 1pm, on the grounds of the White Hall Community Building. Funds raised will go for local scholarships, educational opportunities and improvements to the community building. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> Commented that she had attended a presentation at Washington and Lee Law School where Philip Hirschkop, lead attorney in Loving v. VA was the speaker. She reminded everyone to continue to be vigilant to fight against discrimination and marginalized communities. 		
<p>6. Proclamations and Recognitions.</p> <p>a. Proclamation Celebrating National Arab American Heritage Month.</p> <ul style="list-style-type: none"> By a vote of 5:0, ADOPTED proclamation and presented to Hanandi Al-Samman. 	(Attachment 1)	
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> Barbara Cruickshank, White Hall District, spoke towards the evaluation of radiation at Albemarle High School. Susan Greenfield, Scottsville District, spoke towards item #9 on the agenda. 		
<p>8.2 Fiscal Year 2022 and 2023 Virginia Department of Health (VDH) Local Government Agreements.</p> <ul style="list-style-type: none"> ADOPTED, Resolution to approve the FY 23 and FY 22 Virginia Department of Health (VDH) Local Government Agreements and AUTHORIZED the County Executive to execute both Agreements after they are approved as to form and substance by the County Attorney. 	<p><u>Clerk:</u> Forward copies of signed resolution to Finance and Budget and County Attorney's office. (Attachments 2-4)</p> <p><u>County Executive:</u> Forward executed agreements to the Clerk.</p>	
<p>8.3 Consideration of Permit Approval for Area Private Emergency Medical Services Agencies.</p> <ul style="list-style-type: none"> SCHEDULED public hearing. 	<p><u>Clerk:</u> Schedule on agenda and advertise in Daily Progress when ready.</p> <p><u>Fire Rescue:</u> Notify Clerk when ready to schedule on agenda.</p>	
<p>8.4 SE202200071 and SE202200072 Little Explorers Discovery School.</p> <ul style="list-style-type: none"> ADOPTED Resolutions to approve SE202200071 and SE202200072. 	<p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 5 and 6)</p>	
<p>8.5 SE 2023-12 North Fork UVA Discovery Park - Critical Slopes Special Exception.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve the proposed special exception to allow the disturbance of critical slopes in Area B-5 of the North Fork UVA Discovery Park. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 7)</p>	
<p>9. SE202200065 Greenfield Short Term Rental Homestay. (<i>Scottsville Magisterial District</i>)</p> <ul style="list-style-type: none"> By a vote of 4:2 (Kirtley/Price), ADOPTED resolution to approve SE2022-00065 as amended. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)</p>	
<p>10. Work Session: VDOT/Albemarle County FY 24-29 Secondary Six-Year Plan.</p>	<p><u>Community Development:</u> Proceed as discussed.</p>	

	<ul style="list-style-type: none"> • HELD. 	
11.	<p>Presentation: Transportation Planning Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
12.	<p>Presentation: Virginia Department of Transportation (VDOT) Quarterly Report.</p> <ul style="list-style-type: none"> • RECEIVED. 	
23.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Consideration of Reimbursement for Supervisor Participation in an Educational and Leadership Program.</p> <p>Note:</p> <ul style="list-style-type: none"> • At 3:42 p.m., Supervisor Price read the following statement and left the meeting: <i>"As reflected in the agenda materials for this item, I have requested that the Board of Supervisors authorize reimbursement of the amount of \$500 to be paid by me to participate in a program of George Mason University's Carter School for Peace and Conflict Resolution. Accordingly, I am disqualifying myself from participating in this matter as required by the State and Local Government Conflict of Interests Act. I have also filed a written disclosure statement with the Clerk to the Board of Supervisors, which further explains my disqualification. Finally, since I will not participate, I ask that Vice Chair Jim Andrews preside over the Board's consideration of the matter."</i> • Motion to reimburse Supervisor Price for her participation in a program of George Mason University's Carter School for Peace and Conflict Resolution, upon providing proof of successful completion, passed by a vote of 5:0. <p>b. Other Matters.</p> <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Thanked Board members and County staff that attended the <i>Coming Back Home</i> Summit, which was hosted by the Regional Housing Partnership. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Mentioned that there was an article in the Daily Progress on March 31, 2023 regarding UVA and Sentara teaming up for a pediatric mental health clinic. <p><u>Donna Price:</u></p> <ul style="list-style-type: none"> • Expressed thanks to Supervisor Gallaway for his leadership and Albemarle County representation for his assistance with organizing the <i>Coming Back Home</i> Summit. 	
13.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 3:51 p.m., the Board went into closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia: • under subsection (1), to discuss and consider (a) appointments to various boards and commissions including, without limitation, 5th & Avon Community Advisory Committee, Crozet Community Advisory Committee, Places 29 (North) Community Advisory Committee, 	

<p>Citizens Transportation Advisory Committee (CTAC), Agricultural and Forestal Advisory Committee, Economic Development Authority, Equalization Board, Historic Preservation Committee, Natural Heritage Committee, Rivanna Solid Waste Authority, and Rivanna Water and Sewer Authority, and (b) the six-month performance of the County Attorney; and</p> <ul style="list-style-type: none"> • under subsection (8), to consult with and be briefed by legal counsel regarding specific legal matters requiring legal advice relating to compensation of certain county officials. 		
<p>14. Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 6:00 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
<p>15. Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> • APPOINTED, Mr. Craig Schoaf to the 5th & Avon Community Advisory Committee with said term to expire September 30, 2025. • REAPPOINTED, Ms. Melanie van Roijen to the Agricultural and Forestal District Advisory Committee with said term to expire April 17, 2027. • REAPPOINTED, Mr. Martin Meth and Mr. Lee Kondor to the Citizens Transportation Advisory Committee (CTAC) with said terms to expire April 3, 2026. • APPOINTED, Mr. Chapman Munn to the Citizens Transportation Advisory Committee (CTAC) to fill an unexpired term ending on April 3, 2025. • APPOINTED, Mr. Bruce Butala to the Crozet Community Advisory Committee with said term to expire March 31, 2025. • REAPPOINTED, Mr. Michael Monaco to the Crozet Community Advisory Committee with said term to expire March 31, 2025. • APPOINTED, Mr. Craig Schoaf to the Historic Preservation Committee with said term to expire on June 4, 2026. • APPOINTED, Ms. Mona El Khafif to the Natural Heritage Committee with said term to expire September 30, 2027. • APPOINTED, Mr. Anthony Pagnucco to the Places 29 (North) Community Advisory Committee with said term to expire August 5, 2024. • REAPPOINTED, Mr. Jeff Richardson and Mr. Lance Stewart to the Rivanna Solid Waste Authority (RSWA) with said terms to expire April 01, 2025 • REAPPOINTED, Mr. Gary O'Connell and Mr. Jeff Richardson to the Rivanna Water and Sewer Authority with said terms to expire April 01, 2025. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>16. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
<p>17. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • There were none. 		

18.	<u>Pb. Hrg.: Fiscal Year 2023 Budget Amendment and Appropriations.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve appropriation #2023038, #2023039, #2023040, and #2023041 for local government and school projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and County Attorney's office. (Attachment 9)	
19.	<u>Pb. Hrg.: SP202200027, SE202200056, and SE202200057 Wakefield Kennel.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP202200027 Wakefield Kennel with conditions. By a vote of 6:0, ADOPTED resolution to approve SE202200056 Wakefield Kennel. By a vote of 6:0, ADOPTED resolution to approve SE202200057. 	<u>Clerk:</u> Forward copies of signed resolutions to Community Development and County Attorney's office. (Attachments 10-12)	
20.	<u>Pb. Hrg.: SP202200028 2240/2241 Gobblers Ridge Development Rights.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP202200028 Gobblers Ridge, to grant one additional development right for the existing parcel. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 13)	
21.	<u>Pb. Hrg.: SP202200015 Woodridge Solar and SE202200035 Woodridge Solar - Critical Slopes Special Exception.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP202200015 Woodridge Solar Project as amended. By a vote of 6:0, ADOPTED resolution to approve SE202200035 Woodridge Solar – Critical Slopes Special Exception. 	<u>Clerk:</u> Forward copies of signed resolutions to Community Development and County Attorney's office. (Attachments 14 and 15)	
22.	<u>Pb. Hrg.: SP202200014 Woodridge Solar Substation.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP202200014 Woodridge Solar Substation as amended. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 16)	
24.	Adjourn to April 19, 2023, 1:00 p.m., Lane Auditorium. <ul style="list-style-type: none"> The meeting was adjourned at 9:11 p.m. 		

ckb/tom

Attachment 1 – Proclamation Celebrating National Arab American Heritage Month

Attachment 2 – Resolution to Approve the FY 22 and FY 23 Agreements Between the County of Albemarle and the Commonwealth of Virginia Department of Health

Attachment 3 – FY 23 Local Government Health Department Agreement

Attachment 4 – FY 22 Local Government Health Department Agreement

Attachment 5 – Resolution to Approve SE202200071 Little Explorers Discovery School Parking Lot

Attachment 6 – Resolution to Approve SE202200072 Little Explorers Discovery School Sidewalk and Street Trees

Attachment 7 – Resolution to Approve SE 2023-12 North Fork Uva Discovery Park – Critical Slopes Special Exception

Attachment 8 – Resolution to Approve SE2022-00065 Greenfield Short Term Rental Homestay

Attachment 9 – Resolution to Approve Additional Fiscal Year 2023 Appropriations

Attachment 10 – Resolution to Approve SE202200056 Wakefield Kennel

Attachment 11 – Resolution to Approve SE202200057 Wakefield Kennel

Attachment 12 – Resolution to Approve SP 202200027 Wakefield Kennel

Attachment 13 – Resolution to Approve SP202200028 Gobblers Ridge Development Right

Attachment 14 – Resolution to Approve SE202200035 Woodridge Solar - Critical Slopes Special Exception

Attachment 15 – Revised Resolution to Approve SP202200014 Woodridge Solar Substation

Attachment 16 – Revised Resolution to Approve SP202200015 Woodridge Solar

Proclamation Celebrating National Arab American Heritage Month

- WHEREAS,** the National Arab American Heritage Month is recognized in April and is a time for celebrating the history, contributions, and cultures of Arab Americans; and
- WHEREAS,** Arab American communities have played an important role in shaping, advancing, and enriching the fabric of our nation and Albemarle County by making immense contributions to all areas of life including government, business, arts and sciences, medicine, law enforcement, technology, and the military; and
- WHEREAS,** the history of Arab Americans in the US. has been neglected or defaced by misconceptions, harmful stereotyping; and
- WHEREAS,** Arab Americans join all Americans in the desire to see a peaceful and diverse society, where every individual is treated equally and feels safe; and
- NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Albemarle County Board of Supervisors, do hereby recognize and honor Arab American Heritage Month and continue to affirm our commitment to equity and inclusion in Albemarle County.

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

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

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

Electronic Signature Agreement Page

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

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

Authorizing officer printed name and title

Authorizing officer signature

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

Robert W. Hicks
Authorizing signature

LGA-Revised December 2022

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Date

Dr. Thomas Franck
District Health Director
Blue Ridge Health District

Date

Local authorizing officer signature

Jeffery B. Richardson
Authorizing officer printed name

County Executive
Authorizing officer title

Date

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

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

LGA-Revised December 2022

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

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

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
UNDER LOCAL ORDINANCE OR CONTRACT

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

Revised 07/2018

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

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

OPTIONAL PUBLIC HEALTH MEDICAL SERVICES

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

Electronic Signature Agreement Page

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

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

Authorizing officer printed name and title

Authorizing officer signature

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

Robert W. Hicks
Authorizing signature

LGA-Revised December 2022

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Date

Dr. Thomas Franck
District Health Director
Blue Ridge Health District

Date

Local authorizing officer signature

Jeffery B. Richardson
Authorizing officer printed name

County Executive
Authorizing officer title

Date

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

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

LGA-Revised December 2022

LGA-Revised December 2022

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

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

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

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

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
UNDER LOCAL ORDINANCE OR CONTRACT

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

Revised 07/2018

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

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

OPTIONAL PUBLIC HEALTH MEDICAL SERVICES

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

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

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

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

* * *

SE202000071 Little Explorers Discovery School Condition

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

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

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

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

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

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

* * *

SE202000072 Little Explorers Discovery School Condition

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

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

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

WHEREAS, upon consideration of the staff report prepared for SE 2023-12 North Fork UVA Discovery Park - Critical Slopes Special Exception, the information presented at the public hearing, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.5(a)(3) and 18-8.5.5.2, the Albemarle County Board of Supervisors hereby finds that the proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and that:

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

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

* * *

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

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

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

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

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

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

* * *

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

BE IT RESOLVED by the Albemarle County Board of Supervisors:

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

**RESOLUTION TO APPROVE
SE202200056 WAKEFIELD KENNEL**

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

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

**RESOLUTION TO APPROVE
SE202200057 WAKEFIELD KENNEL**

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SE202200056 Wakefield Kennel, to modify Albemarle County Code § 18-5.1.11(a) to allow the structure(s) or area(s) occupied by animals to be located approximately 63 feet from a residential lot line.

**RESOLUTION TO APPROVE
SP 202200027 WAKEFIELD KENNEL**

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

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

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

* * *

SP2022-27 Wakefield Kennel Special Use Permit Conditions

1. Development of the commercial kennel use must be in general accord with the conceptual plan titled "Wakefield Kennel Diagrammatic Site Layout" drawn by Line and Grade Civil Engineering. To be in general accord with the Conceptual Plan, the proposed use must reflect the following major elements essential to the design of the development:
 - a. Location of buildings;
 - b. Location of parking areas;
 - c. Location of outdoor runs; and
 - d. Location of sound-dampening fence
 Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The number of kennels may not exceed one hundred (100) dog kennels.
3. The outdoor runs must be surrounded by a sound-dampening fence as shown on the concept plan and described in greater detail in the application narrative.

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

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

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

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

**RESOLUTION TO APPROVE
SE202200035 WOODRIDGE SOLAR - CRITICAL SLOPES SPECIAL EXCEPTION**

WHEREAS, upon consideration of the staff report prepared for SE202200035 Woodridge Solar - Critical Slopes Special Exception, the information presented at the public hearing, any comments received, and all of the factors relevant to the special exception in Albemarle County Code § 18-4.2.5 and § 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

1. The proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties;
2. The proposed special exception would not be contrary to sound engineering practices; and
3. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of Albemarle County Code § 18-4.2 to at least an equivalent degree.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SE202200035 Woodridge Solar - Critical Slopes Special Exception to allow disturbance of those critical slopes shown as Areas A-D on staff's "Revised Critical Slopes Special Exception Analysis" (Attachment D), as excerpted from the plans prepared by Timmons Group titled "Woodridge Solar," dated 9/12/22 (Attachment A3), provided that disturbed areas of critical slopes must meet the required design standards of County Code § 18-30.7.5.

**REVISED RESOLUTION TO APPROVE
SP202200014 WOODRIDGE SOLAR SUBSTATION**

WHEREAS, upon consideration of the staff report prepared for SP 202200014 Woodridge Solar Substation and the attachments thereto, including staff's supporting analysis, the recommendation of the Planning Commission, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(6), 18-5.1.12, and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202200014 Woodridge Solar Substation, subject to the conditions attached hereto.

* * *

SP202200014 Woodridge Solar Substation Special Use Permit Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plans prepared by Timmons Group titled "Woodridge Solar," last revised September 12, 2022 (hereinafter, the "Concept Plan") and included as Attachment A3. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
 - a. Location of solar development envelopes,
 - b. Location of equipment yard, and
 - c. Retention of wooded vegetation in stream buffers

Land disturbance, which includes (but is not limited to): grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, is limited to the area(s) either (i) designated for such disturbance on the Concept Plan and/or (ii) necessary to implement the Woodridge Solar Facility Vegetation Management Plan prepared by Timmons Group, and dated September 2022. The location of the entrances and access to the solar facility is not subject to this condition. Upon the approval of the Zoning Administrator and the Director of Planning, minor modifications may be made to the Concept Plan that (i) do not otherwise conflict with the elements listed above and (ii) ensure compliance with the Zoning Ordinance, and State or Federal laws.
2. Landscaping and screening must be substantially the same (as determined by the Director of Planning and the Zoning Administrator) as shown on the Concept Plan. Additional landscaping and/or screening may be required for compliance with the screening provisions of the Albemarle County Code. The County's site plant agent will determine and specify any required planting materials during site plan review.
3. All inverters and solar panels must be set back at least two hundred (200) feet from property lines and rights-of-way.
4. The owner(s) must submit a decommissioning and site rehabilitation plan (hereinafter, the "Decommissioning Plan") with the building permit application. The Decommissioning Plan must include the following items:
 - a. A description of any agreement(s) (e.g. lease) with the landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being utilized at the site;
 - d. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
 - e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to 36 inches below grade or down to bedrock, whichever is less;
 - f. An estimate of all costs associated with rehabilitation of the site; and
 - g. Provisions to recycle materials to the maximum extent possible.

The Decommissioning Plan must be prepared by a qualified third-party engineer and approved by both the party responsible for decommissioning and all landowners subject to the project. The Decommissioning Plan is subject to review and approval by the County Attorney and County Engineer, and must be in a form and style suitable for recordation with the Circuit Court Clerk of the County of Albemarle.

5. Before a grading permit may be issued:
 - a. The owner(s) must record the Decommissioning Plan with the Circuit Court Clerk of the County of Albemarle; and
 - b. To guarantee performance of Condition 8, the owner(s) must furnish to the Zoning Administrator a certified or official check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County (collectively, the "Guarantee"), in an amount sufficient for, and conditioned upon compliance with Condition 8. The amount of the Guarantee must fully cover the costs identified in Conditions 4(e) and 4(f), and be updated as costs are updated as provided in Condition 6. The type of Guarantee must be to the satisfaction of the Zoning Administrator and the County Attorney.
6. The Decommissioning Plan and estimated costs must be updated by qualified individual(s) upon (a) change of ownership of either the property or the project's owner(s) or (b) written request from the Zoning Administrator, but in any event at least once every five years. All updated decommissioning plan(s) must include as-built plans. The owner(s) must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
7. The owner(s) must notify the Zoning Administrator in writing within 30 days of any abandonment or discontinuance of the use.
8. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site rehabilitated as described in the Decommissioning Plan, within 180 days of any abandonment or discontinuance of the use. Any piece(s) of any underground component(s) must be excavated to a depth of at least 36 inches below the ground surface.
9. If the use, structure, or activity for which this special use permit is issued is not commenced by April 5, 2028, the permit will be deemed abandoned and will thereupon terminate.
10. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14.
11. Panels may be cleaned only with water and biodegradable cleaning products.
12. No above ground wires are permitted except for those (a) associated with the panels and attached to the panel support structure, (b) tying into the existing overhead transmission wires, and/or (c) necessary to avoid impacting wetlands or stream buffers.
13. Before activating the site, the owner(s) must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
14. The property owner(s) must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
15. Outdoor lighting for the facility is permitted only during maintenance periods. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required by *County Code* § 18-4.17, except for any outdoor lighting required by state or federal law.
16. The owner(s) must use diligent efforts to achieve VA Pollinator-Smart Certification under the Virginia Pollinator-Smart Solar program. If the project fails to obtain or maintain such certification, upon a demonstration to the Zoning Administrator's reasonable satisfaction that such certification (or maintenance of such certification) is not commercially viable despite at least five years of the owner(s)' diligent efforts and adherence to the Woodridge Solar Facility Vegetation Management Plan, the Zoning Administrator, with input from the qualified consultant that is monitoring the Vegetation Management Plan per Condition 19, may approve alternative measures to approximate such certification.
17. Until commencement of decommissioning, plantings and vegetation management on the site must be in general accord with the "Woodridge Solar Facility Vegetation Management Plan," prepared by Timmons Group, and dated September 2022.

18. During or after grading of the site and prior to planting and seeding, soil amendments as recommended in the Vegetation Management Plan must be applied to all areas of the site to be planted or seeded.
19. The Vegetation Management Plan must be monitored by a third-party approved by the Zoning Administrator. The monitor must submit a report twice per year for the first five years of the project's operation, and the annually thereafter until the project is decommissioned.

**REVISED RESOLUTION TO APPROVE
SP202200015 WOODRIDGE SOLAR**

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

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

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

* * *

SP202200015 Woodridge Solar Special Use Permit Conditions

20. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plans prepared by Timmons Group titled "Woodridge Solar," last revised September 12, 2022 (hereinafter, the "Concept Plan") and included as Attachment A3. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
 - d. Location of solar development envelopes,
 - e. Location of equipment yard, and
 - f. Retention of wooded vegetation in stream buffers

Land disturbance, which includes (but is not limited to): grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, is limited to the area(s) either (i) designated for such disturbance on the Concept Plan and/or (ii) necessary to implement the Woodridge Solar Facility Vegetation Management Plan prepared by Timmons Group, and dated September 2022. The location of the entrances and access to the solar facility is not subject to this condition. Upon the approval of the Zoning Administrator and the Director of Planning, minor modifications may be made to the Concept Plan that (i) do not otherwise conflict with the elements listed above and (ii) ensure compliance with the Zoning Ordinance, and State or Federal laws.
21. Landscaping and screening must be substantially the same (as determined by the Director of Planning and the Zoning Administrator) as shown on the Concept Plan. Additional landscaping and/or screening may be required for compliance with the screening provisions of the Albemarle County Code. The County's site plant agent will determine and specify any required planting materials during site plan review.
22. All inverters and solar panels must be set back at least two hundred (200) feet from property lines and rights-of-way.
23. The owner(s) must submit a decommissioning and site rehabilitation plan (hereinafter, the "Decommissioning Plan") with the building permit application. The Decommissioning Plan must include the following items:
 - h. A description of any agreement(s) (e.g. lease) with the landowners regarding decommissioning;
 - i. The identification of the party currently responsible for decommissioning;
 - j. The types of panels and material specifications being utilized at the site;
 - k. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
 - l. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to 36 inches below grade or down to bedrock, whichever is less;
 - m. An estimate of all costs associated with rehabilitation of the site; and
 - n. Provisions to recycle materials to the maximum extent possible.

The Decommissioning Plan must be prepared by a qualified third-party engineer and approved by both the party responsible for decommissioning and all landowners subject to the project. The Decommissioning Plan is subject to review and approval by the County Attorney and County Engineer, and must be in a form and style suitable for recordation with the Circuit Court Clerk of the County of Albemarle.

24. Before a grading permit may be issued:
 - c. The owner(s) must record the Decommissioning Plan with the Circuit Court Clerk of the County of Albemarle; and
 - d. To guarantee performance of Condition 8, the owner(s) must furnish to the Zoning Administrator a certified or official check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County (collectively, the "Guarantee"), in an amount sufficient for, and conditioned upon compliance with Condition 8. The amount of the Guarantee must fully cover the costs identified in Conditions 4(e) and 4(f), and be updated as costs are updated as provided in Condition 6. The type of Guarantee must be to the satisfaction of the Zoning Administrator and the County Attorney.
25. The Decommissioning Plan and estimated costs must be updated by qualified individual(s) upon (a) change of ownership of either the property or the project's owner(s) or (b) written request from the Zoning Administrator, but in any event at least once every five years. All updated decommissioning plan(s) must include as-built plans. The owner(s) must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
26. The owner(s) must notify the Zoning Administrator in writing within 30 days of any abandonment or discontinuance of the use.
27. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site rehabilitated as described in the Decommissioning Plan, within 180 days of any abandonment or discontinuance of the use. Any piece(s) of any underground component(s) must be excavated to a depth of at least 36 inches below the ground surface.
28. If the use, structure, or activity for which this special use permit is issued is not commenced by April 5, 2028, the permit will be deemed abandoned and will thereupon terminate.
29. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14.
30. Panels may be cleaned only with water and biodegradable cleaning products.
31. No above ground wires are permitted except for those (a) associated with the panels and attached to the panel support structure, (b) tying into the existing overhead transmission wires, and/or (c) necessary to avoid impacting wetlands or stream buffers.
32. Before activating the site, the owner(s) must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and lifesaving procedures, and material handling procedures.
33. The property owner(s) must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
34. Outdoor lighting for the facility is permitted only during maintenance periods. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required by *County Code* § 18-4.17, except for any outdoor lighting required by state or federal law.
35. The owner(s) must use diligent efforts to achieve VA Pollinator-Smart Certification under the Virginia Pollinator-Smart Solar program. If the project fails to obtain or maintain such certification, upon a demonstration to the Zoning Administrator's reasonable satisfaction that such certification (or maintenance of such certification) is not commercially viable despite at least five years of the owner(s)' diligent efforts and adherence to the Woodridge Solar Facility Vegetation Management Plan, the Zoning Administrator, with input from the qualified consultant that is monitoring the Vegetation Management Plan per Condition 19, may approve alternative measures to approximate such certification.
36. Until commencement of decommissioning, plantings and vegetation management on the site must be in general accord with the "Woodridge Solar Facility Vegetation Management Plan," prepared by Timmons Group, and dated September 2022.

37. During or after grading of the site and prior to planting and seeding, soil amendments as recommended in the Vegetation Management Plan must be applied to all areas of the site to be planted or seeded.
38. The Vegetation Management Plan must be monitored by a third-party approved by the Zoning Administrator. The monitor must submit a report twice per year for the first five years of the project's operation, and the annually thereafter until the project is decommissioned.