

ACTIONS Board of Supervisors Meeting of September 17, 2025		
		September 18, 2025
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
1. Call to Order. The meeting was called to order at 1:01 p.m. by the Chair, Mr. Andrews. All BOS members were present. Also, present were Jeff Richardson, Andy Herrick, Claudette Borgersen, and Travis Morris.		Link to Video
4. Adoption of Final Agenda. By a vote of 6:0, ADOPTED the final agenda.		
5. Brief Announcements by Board Members. <u>Mike Pruitt:</u> - Reminded the public that early voting would start on Friday, September 19, 2025, and included the General Assembly delegates who represented Albemarle County, the School Board, the Board of Supervisors, and Scottsville Town Council. <u>Bea LaPisto-Kirtley:</u> - Reported on the Charlottesville-Albemarle Convention Visitors Bureau (CACVB) meeting and shared statistics regarding tourism spending. - Announced that the Economic Development Authority (EDA) would be having a joint meeting with the Charlottesville EDA on October 14, 2025, and reported on the EDA's business retention and expansion visits with businesses in the County. - Mentioned that there was a new State law, effective July 1, 2025, that prohibited businesses and vendors with 20 or more of the same type of business from using Styrofoam for takeout. <u>Ann Mallek:</u> - Announced that the Rivanna River Basin Commission Conference would be held on September 24, 2025, from 9:30 a.m. to 3:00 p.m. at The Center on Rio Road. - Announced that the Crozet Arts and Crafts Festival would be held on October 11-12, 2025, at Crozet Park, from 10:00 a.m. to 5:00 p.m. - Cautioned community members that there was an uptick of scams recently, including employment scams and delivery notices pretending to be FedEx or UPS in which the scammer requested more information to track a package. She advised everyone to use caution. <u>Jim Andrews:</u> - Reminded the public of the dates for the Rivanna Solid Waste Authority (RSWA) fall cleanup events: - Commercial Hazardous Waste Disposal - September 19, 2025 - Household Hazardous Waste Disposal - September 20 and 21, 2025 - Furniture - September 27 - Appliances - October 4, 2025 - Tires - October 11, 2025 - Announced that the Batesville Apple Butter Weekend would take place on October 11-12, 2025.		
7. Public Comment on: Matters Previously		

Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings). • <u>The following individuals addressed the Board concerning truck traffic in Earlysville Forest:</u> • Brian McKay • Linda Pierce • Susan Green • Margaret Walter • Chuck Collins • Justine Bailey • <u>The following individuals spoke toward agenda item #10 Zoning Fill Regulations:</u> • Dave Norford • Neil Williamson		
8.1 Huckleberry Hill Farm Utility Easement. • ADOPTED resolution approving the new utility easement.	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 1) <u>County Attorney:</u> Provide Clerk with copy of fully executed easement. (Attachment 2)	
9. 2026 Legislative Priorities. • By a vote of 6:0, AMENDED attachment B (proposed 2026 Legislative Positions) to add the language "and local enabling authority for" after "study of" (Support a state study of <i>and local enabling authority for</i> rent stabilization/rent gouging protections). • By a vote of 6:0, ADOPTED the proposed 2026 Legislative Program (Attachment A). • By a vote of 6:0, ADOPTED the proposed 2026 Legislative Positions (Attachment B) as previously amended and strike "Locality Enforcement of Landlord-Tenant Act" from the position statement.	<u>County Attorney:</u> Proceed as discussed. (Attachments 3-4)	
10. Work Session: Zoning Fill Regulations. • HELD.		
Recess. • At 3:51 p.m., the Board recessed and reconvened at 4:06 p.m.		
11. Presentation: Albemarle County Climate Action. • RECEIVED.		
12. Closed Meeting. At 5:24 p.m., the Board went into closed meeting pursuant to section 2.2-3711(A) of the Code of Virginia: • under subsection (6) to discuss and consider the investment of public funds related to an existing performance agreement with Agrospheres, Inc. and related to a potential performance agreement for a commercial development on Seminole Trail in the Rio Magisterial District, where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County; • under subsection (8), to consult with legal counsel regarding specific legal matters (including a performance agreement with Agrospheres, Inc.) requiring the provision of legal advice by such counsel; and		

under subsection (29), to discuss the negotiation or re-negotiation of separate public contracts with Agrospheres, Inc., and a commercial development on Seminole Trail in the Rio Magisterial District, each involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the County and the Board.		
Note: Ms. McKeel left the meeting at 5:24 p.m.		
13. Certify Closed Meeting. At 6:02 p.m., the Board reconvened into an open meeting and certified the closed meeting.		
14. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Jeff Richardson:</u> Presented the September 2025 Progress Albemarle report.		
15. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings). <u>The following individuals addressed the Board concerning Data Centers:</u> - John Smith - Tom Deyo - Janet Wolfe - Sage Bradburn - Kelly Hart <u>Alicia Lenahan</u>, Scottsville Magisterial District, spoke regarding an Immigration and Customs Enforcement (ICE) resolution. <u>Hugh Meagher</u>, White Hall District, spoke regarding item #10 on the agenda.		
16. <u>Pb. Hrg.: Ordinance to Amend County Code Chapter 15, Taxation, Article 9, Transient Occupancy Tax.</u> By a vote of 5:0:1 (McKeel absent), ADOPTED ordinance.	<u>Clerk:</u> Forward copy of signed ordinance to Finance and Budget, and County Attorney's office. (Attachment 5)	
17. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ned Gallaway:</u> - Commented on the possibility that the Thomas Jefferson Planning District Commission would draft a joint letter about transportation funding. <u>Bea LaPisto-Kirtley:</u> - Mentioned that she hoped to bring forward the information regarding Styrofoam and updated recycling practices from SWAAC in a formal letter to the Board the following month. <u>Ann Mallek:</u> - Commented on emails sent to the Board from Samantha Giannangeli and Catherine Erskine regarding the situation in Earlysville Forest requesting that: clean earth fill activities not be permitted on conservation easements, special exceptions are not provided for fill activities that would not be completed within one year, and to not authorize fill activities on properties that did not directly access a public road. She said the new ordinance discussed earlier on the agenda would help solve many of the problems. - Remarked that Catherine Erskine's email discussed the dump trucks in Earlysville Forest addressed noise and pollution concerns, citing		

Albemarle County Code. • Stated that the speaker during public comment, Ms. Green, did not have enough time to share all of her video documentation of the issue in Earlysville Forest with trucks and she would be forward everything to the Board. • Mentioned that the Earlysville Homeowners Association and residents were requesting a public hearing about the already granted special exception, and they asked the Board to consider the request. <u>Jim Andrews:</u> • Commented on his vote on Earlysville and encouraged strict enforcement of the permit to the point of potentially rescinding the permit if they found there were in fact violations being committed. <u>Mike Pruitt:</u> • Commented that the Board could only reconsider the vote if there were instances of noncompliance, which the County Attorney confirmed.		
18. Adjourn to October 1, 2025, 1:00 p.m., Lane Auditorium. • The meeting was adjourned at 7:05 p.m.		

ckb/tom

Attachment 1 – Resolution Approving Conveyance of a Utility Easement Across Parcels 01900-00-00-0100, 01900-00-001G0, and 01900-00-00400

Attachment 2 – Proposed Utility Easement Agreement and Plat

Attachment 3 – 2026 Legislative Program

Attachment 4 – 2026 Legislative Positions

Attachment 5 – Ordinance No. 25-15(1)

**RESOLUTION APPROVING CONVEYANCE OF A UTILITY EASEMENT
ACROSS PARCELS 01900-00-00-00100, 01900-00-00-001G0, AND 01900-00-00-00400**

WHEREAS, the County of Albemarle, Virginia (County) and the Albemarle County Conservation Easement Authority (ACEA) co-hold a conservation easement on Parcels 01900-00-00-00100, 01900-00-00-001G0, and 01900-00-00-00400 ("the Property");

WHEREAS, the Property is owned by Zachary Weinersmith, Kelly Lynne Weinersmith, Martin Weiner, Jr., and Shannon Weiner ("the Owners");

WHEREAS, Virginia Electric and Power Company, operating as Dominion Energy, has proposed acquiring a new 15-foot wide utility easement to permit the undergrounding of existing power and telecommunications lines; and

WHEREAS, the ACEA and the Owners consent to a new utility easement across the Property;
and

WHEREAS, the Albemarle County Board of Supervisors finds that this utility easement will not impair the conservation values of the Property protected by the existing conservation easement;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the proposed utility easement across Parcels 01900-00-00-00100, 01900-00-00-001G0, and 01900-00-00-00400, and authorizes the County Executive to sign any documents needed to effect this conveyance as proposed, once those documents have been approved as to form and substance by the County Attorney.



Underground Distribution Easement Agreement

This Underground Distribution Easement Agreement (this "Agreement") is made and entered into as of JUNE 12, 2025 by and between Zachary WEINERSMITH, Kelly Lynne WEINERSMITH, Martin WEINER, JR., and Shannon WEINER ("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business as Dominion Energy Virginia, with its principal office in Richmond, Virginia ("GRANTEE").

WITNESSETH:

1. That for and in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, GRANTOR grants and conveys unto GRANTEE the perpetual right, privilege and exclusive easement on the property described herein, for the distribution and transmission of electricity, internal communications related thereto, and for internet and communication services (the "Easement") which shall include the right to lay, construct, operate and maintain one or more lines of underground conduits and cables, the right to install, operate and maintain certain aboveground facilities associated with the underground electric distribution and data transmission system, and the right to apportion, lease, or license the internet and communications rights to third parties.
2. The portion of the GRANTOR's property encumbered by the Easement shall be referred to herein as the "Right-of-Way." The Right-of-Way shall extend across the lands of the GRANTOR situated in Albemarle County, Virginia, as more fully described on Plat Number 13-24-0591 (the "Plat"), attached to and made a part of this Agreement. The location and width of the boundaries of the Right-of-Way is shown in broken lines on the Plat, the width of the Right-of-Way shall be fifteen (15) feet.
3. All facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, reconstruct, remove, repair, improve, relocate (within the boundaries of the Right-of-Way), and make such changes, alterations, substitutions, additions to or extensions of the GRANTEE's facilities as GRANTEE may from time to time deem advisable.
4. GRANTEE shall have the right to keep the Right-of-Way clear of all obstructions which would interfere with its exercise of the rights granted hereunder and/or endanger the safe and proper operation of GRANTEE's facilities. Subject to the foregoing, GRANTEE shall repair damage caused by GRANTEE to roads, fences or other improvements on GRANTOR's property provided, however, GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after such damage occurs.
5. GRANTOR may use the Right-of-Way for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with GRANTEE's exercise of any of its rights hereunder and/or endanger the safe and proper operation of GRANTEE's facilities.
6. GRANTEE shall have the right of ingress to and egress from the Right-of-Way over such private roads and/or lands of Grantor as may now or hereafter exist within the property boundaries of GRANTOR.
7. GRANTOR represents that it has the right to convey the rights and privileges granted hereunder; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the easement granted hereunder; and that GRANTOR shall execute such further assurances thereof as may be reasonably required.

Prepared by and after recording return to: Stantec Consulting Services Inc., 1011 Boulder Springs Drive, Suite 225, Richmond, VA 23225

DEVIDNo(s). 13-24-0591

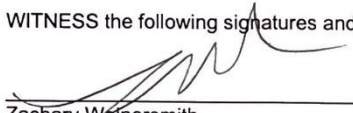
Tax Map No. 01900-00-00-00100 and 01900-00-00-00400

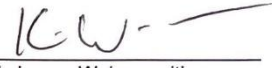
Page 1 of 6

8. This Right of Way Agreement is binding upon the successors and assigns of the parties hereto.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

WITNESS the following signatures and seals:


Zachary Weinersmith


Kelly Lynne Weinersmith

ZACH WEINERSMITH

Kelly Weinersmith

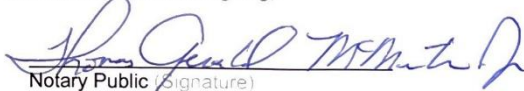
State of VIRGINIA

City/County of ALBEMARLE

The foregoing instrument was acknowledged before me ☒ In Person, ☐ Remote Notarization on this

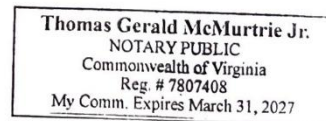
10 day of JUNE, 2025, by, Zachary Weinersmith and Kelly Lynne Weinersmith.
(Name/s of Grantor/s Signing)

THOMAS GERALD MCMURTRIE JR.
Notary Public (Print Name)


Notary Public (Signature)

Virginia Notary Registration No. 7807408

My Commission Expires 3/31/2027



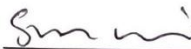
(Affix Notary Seal Above Line)

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WITNESS the following signatures and seals:


Martin Weiner, Jr.


Shannon Weiner

MARTIN WEINER

Shannon Weiner

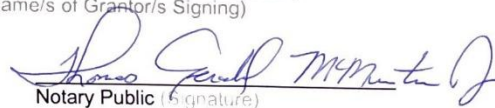
State of VIRGINIA

City/County of ALBEMARLE

The foregoing instrument was acknowledged before me ☒ In Person, ☐ Remote Notarization on this

12 day of JUNE, 2025, by, Martin Weiner, Jr., and Shannon Weiner.
(Name/s of Grantor/s Signing)

THOMAS GERALD MCMURTRIE JR
Notary Public (Print Name)


Notary Public (Signature)

Virginia Notary Registration No. 7807408

My Commission Expires 3/31/2027

Thomas Gerald McMurtrie Jr.
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7807408
My Comm. Expires March 31, 2027

(Affix Notary Seal Above Line)



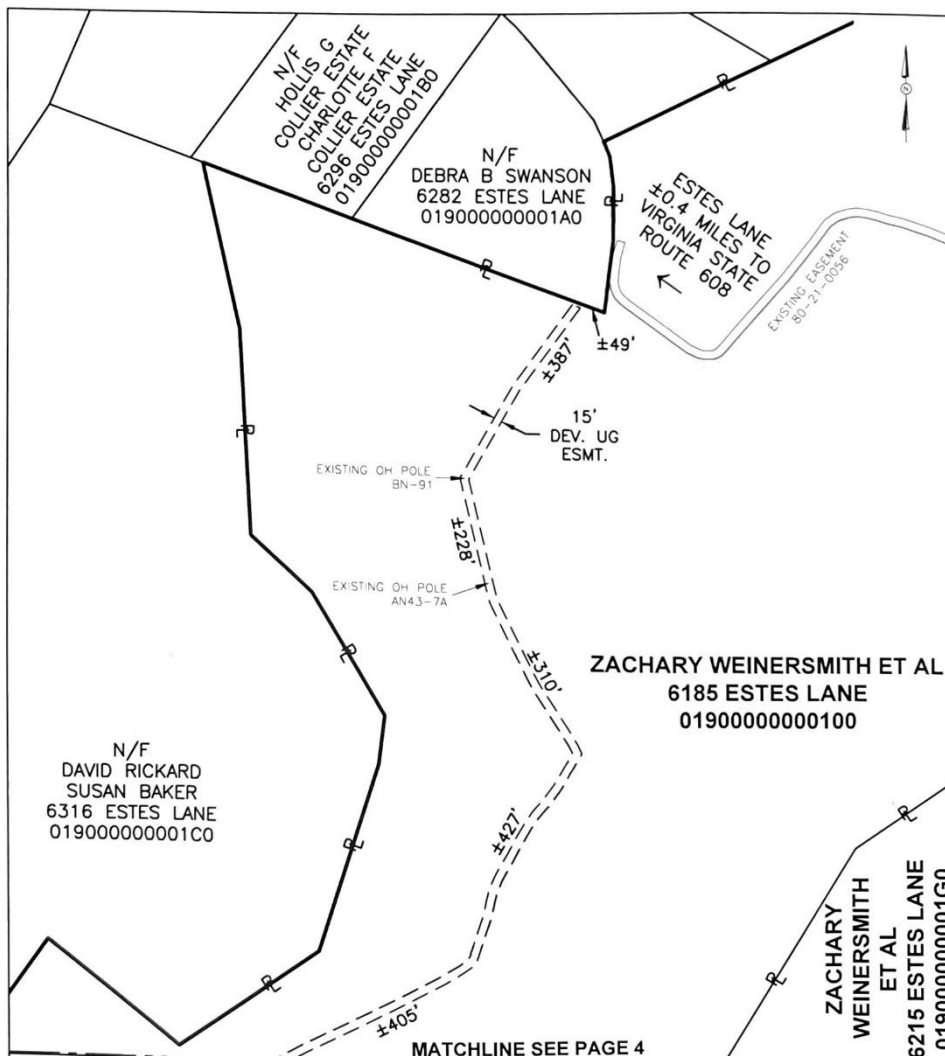
Underground Distribution Easement Agreement

EXHIBIT "A"

This Exhibit A shall be attached to and made a part of the Underground Distribution Easement Agreement dated June 12, 2025, by and between Zachary WEINERSMITH, Kelly Lynne WEINERSMITH, Martin WEINER, JR and Shannon WEINER, ("GRANTORS"), and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation doing business in Virginia as Dominion Energy Virginia ("GRANTEE"), the following terms and conditions are incorporated therein:

This conveyance is subject to all terms and conditions of an open-space deed of easement recorded at Albemarle County Deed Book 3525, Page 348, which is binding upon all successors in interest in the Property in perpetuity.

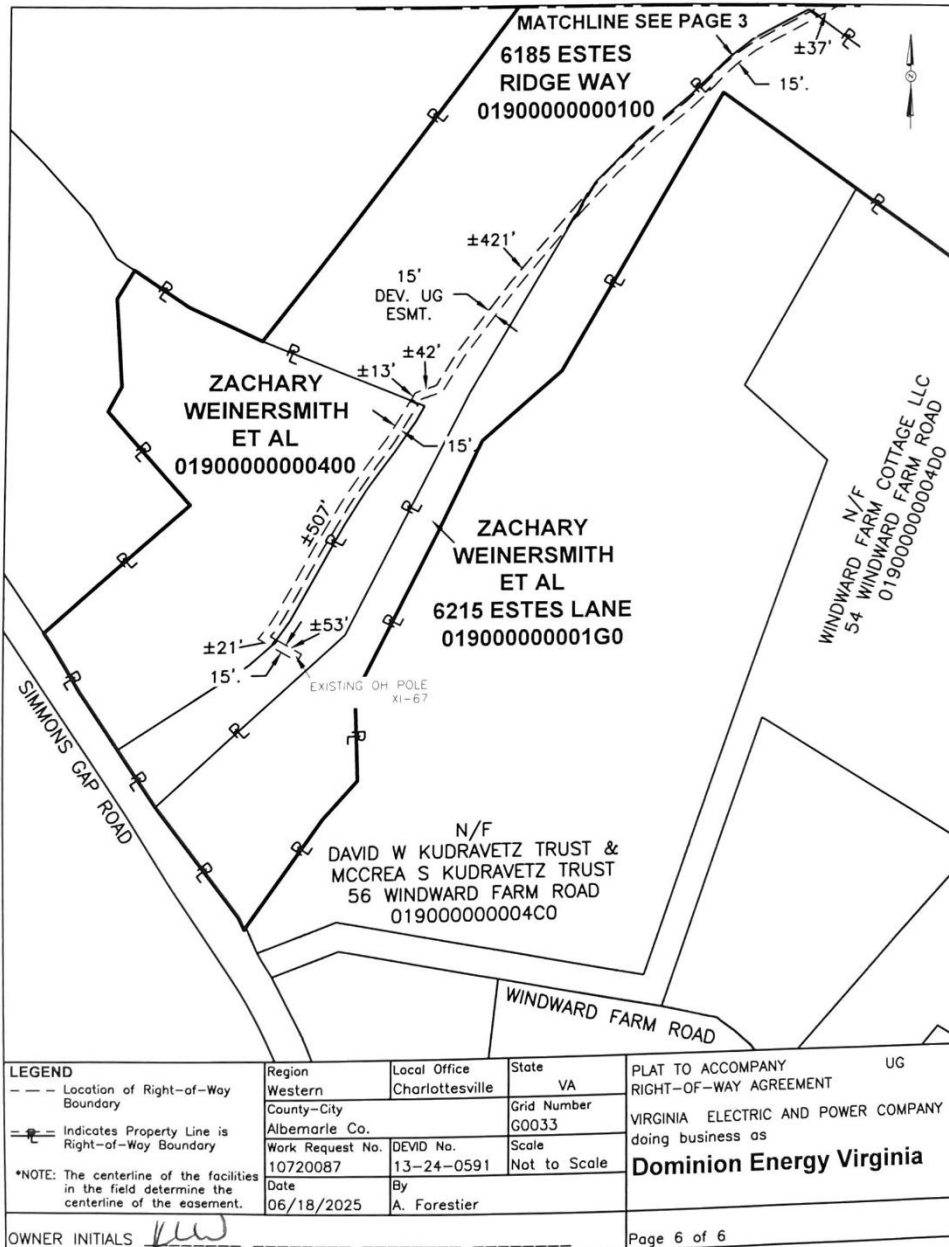
Under the terms of that easement, the following may be constructed, installed, located or placed, provided they are otherwise consistent with that easement: (a) driveways and other improvements and facilities customary and related to the use of a single parcel; and (b) improvements and facilities related to a land division including, but not limited to, public streets or private roads, and drainage and other utility facilities required by the County.



MATCHLINE SEE PAGE 4

LEGEND --- Location of Right-of-Way Boundary --- Indicates Property Line is Right-of-Way Boundary *NOTE: The centerline of the facilities in the field determine the centerline of the easement.	Region	Local Office	State	PLAT TO ACCOMPANY UG RIGHT-OF-WAY AGREEMENT VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia
	Western	Charlottesville	VA	
	County-City		Grid Number	
	Albemarle Co.		G0033	
	Work Request No.	DEVID No.	Scale	
	10720087	13-24-0591	Not to Scale	
	Date	By		
	06/18/2025	A. Forestier		
OWNER INITIALS <u>KLW</u>				Page 5 of 6

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County of Albemarle
Board of Supervisors

2026 Legislative Program

LEGISLATIVE PRIORITIES

Virginia Code Amendments

1. *Enable localities to enforce the Virginia Landlord-Tenant Act*
2. *Expand authority to use photo speed monitoring devices*
3. *Enable a referendum on a local option one-cent sales tax for school division capital projects*

Budget Amendment

4. *State funding for Biscuit Run Park– Monacan Indian Nation Tribute Park Connector Greenway Trail project*

Virginia Code Amendments

1. **Enable localities to enforce the Virginia Residential Landlord-Tenant Act**

Summary

Amend [Virginia Code § 55.1-1259](#) to enable localities to enforce the Virginia Residential Landlord-Tenant Act.

Description

Enabling localities to enforce the Virginia Residential Landlord-Tenant Act would allow them to address material noncompliance by a landlord with the rental agreement, or with any provision of the law, that if not promptly corrected, would constitute a fire hazard or serious threat to the life, health, or safety of tenants or occupants.

Rationale

This initiative would allow localities to directly enforce the Virginia Residential Landlord-Tenant Act on behalf of residents who may otherwise lack the resources to remedy legal issues associated with rental housing. Legal services for tenants seeking to address lease violations by the landlord or health and safety issues not covered by the Uniform Statewide Building Code can be prohibitively expensive or in short supply. Enabling localities to enforce provisions of the Virginia Residential Landlord Tenant Act would enable County residents to access services otherwise unavailable and assist them in addressing material lease violations.

2. **Expand authority to use photo speed monitoring devices**

Summary

Amend [Virginia Code §§ 46.2-882](#) and [46.2-882.1](#) to enable the use of photo speed monitoring devices on segments of secondary roads where speeding has been identified as a problem.

Description

The enabling authority would be implemented by ordinance and would apply only to segments of secondary roads having posted speeds of 35 miles per hour or higher with speeding, crash, and fatality data supporting the need for additional

speed enforcement. In addition, the selected road segments would be required to have signs posted informing drivers that such devices are being used to monitor speed.

Rationale

This initiative would give localities the option to use photo speed monitoring devices as an enforcement tool on designated segments of secondary roads where speeding is prevalent. Using such devices would promote safety both of the public, by providing broader enforcement of speed limits, and of law enforcement officers, who are otherwise making traffic stops on potentially dangerous road segments (e.g., segments without shoulders or with limited sight distance). Additionally, the use of technology where human intervention is unnecessary would allow law enforcement officers to do other critical police work.

3. Enable a referendum on a local option one-cent sales tax for school division capital projects

Summary

Amend Title 58.1, Subtitle I, Chapter 6 of the Code of Virginia to enable Albemarle County to conduct a referendum on an additional 1% retail sales tax dedicated to school division capital projects.

Description

Amend either (i) [Virginia Code § 58.1-602](#) to designate Albemarle County, in addition to other previously designated cities and counties, as a "qualifying locality" with such authority, or (ii) [Virginia Code § 58.1-605.1](#) to provide such authority to all cities and counties. In either case, such a tax would require approval in a local referendum and would be subject to expiration no more than 20 years after the governing body's initiation of the referendum.

Rationale

The County lacks a dedicated funding mechanism for school construction and renovation projects, which are largely funded presently by existing tax revenues and proceeds of bond issues. Additional taxing authority would generate revenues dedicated solely to school division capital projects, providing further fiscal capacity and flexibility to the County.

Budget Amendment

4. Provide state funding for Biscuit Run Park – Monacan Indian Nation Tribute Park Connector Greenway Trail project

Summary

Include \$1,480,000 in the state budget to fund a one-mile, accessible trail the state-owned and locally-developed Biscuit Run Park that connects the Park's western entrance to the newly-opened Monacan Indian Nation Tribute Park, within the Southwood Mobile Home Park redevelopment project.

Description

Biscuit Run Park is currently under construction by Albemarle County. The Park land is owned by the Commonwealth of Virginia and leased to the County for a 99-year term. The Park's master plan includes a paved circulator trail that runs the perimeter of the Park's 1,200-acres. The County opened the Park in Fall 2024 with the first phase of park access and the first section of trails, at an estimated cost of more than \$6 million. Other master plan elements, including the Park circulator trail, will be developed over several years and based on local budget capacity. The County seeks an investment of \$1,480,000 to construct a segment of the planned accessible circulator trail to connect the Southwood neighborhood's new Monacan Indian Nation Tribute Park to Biscuit Run Park. The trail segment requires two small pedestrian bridges to cross streams in the area as well as raised boardwalk sections that will significantly reduce wetland impacts and enhance resiliency of the trail in the long-term.

Rationale

The land comprising Biscuit Run Park was acquired by the Commonwealth of Virginia in 2009, initially for development—with no timeline—as a state park. In 2018, the state leased the land to the County for a 99-year term for development, use and occupancy as a County park. Phase 1A of the Park, opened in December 2024, provides access to 1,200 acres and draws users from Central Virginia, the Shenandoah Valley, and beyond. Design and construction are underway in 2025 for athletic fields, stream restoration, a maintenance building, additional trails, and a mountain biking pump track facility. A capital contribution by the state would accelerate the completion and availability of park amenities at this regional recreational facility, fulfilling a need contemplated when the state initially acquired the land.

LEGISLATIVE PRINCIPLES

The following high-level legislative principles supplement the County's specific legislative priorities and provide guidance for staff and legislators in determining whether the County supports certain legislation.

In addition to supporting the legislative program of the Thomas Jefferson Planning District Commission (TJPD), Albemarle County also supports legislation that:

- Advances the County's Strategic and Comprehensive Plans
- Expands local authority related to land use and taxation
- Provides adequate state support for state-mandated activities, including public education
- Promotes environmental sustainability

Specifically, Albemarle County encourages legislators to:

Broadband and the Internet

- Support legislation that promotes accessible and affordable broadband for all County residents, either through state funding or expanded enabling authority.

Economic Development

- Support legislation that furthers Albemarle County's economic development strategic plan goals, including state support for specific economic development projects and regulatory flexibility.

Growth Management, Environmental Protection, and Land Use

- Oppose legislation that erodes local authority over land use matters;
- Support legislation that enhances local authority or provides funding related to environmental sustainability.

Health and Human Services

- Support legislation that benefits community members or enhances the ability of local Departments of Social Services to better perform their work.

Housing

- Support legislation that promotes the production and preservation of affordable housing, whether through state support or enhanced enabling authority.

Local Government Finance

- Support equal taxing authority of cities and counties, funding for state-supported services, and fully funding state mandates.

Public Safety

- Support legislation that promotes the safety of residents, including authority over traffic regulation, and the safety initiatives of the Albemarle County Police and Fire Rescue Departments.

Solid Waste

- Support legislation that reduces waste generation, improves recycling and composting rates, reduces litter, and increases diversion of materials sent to landfills.

Transportation

- Support adequate state funding for transportation, including transit and multi-modal improvements.

2026 Legislative Positions

Broadband and the Internet

Broadband Deployment: Support legislation by the state and the federal government that would assist localities and provide financial incentives to localities and their communities in deploying universal, affordable access to broadband technology, particularly in unserved and underserved areas, while at the same time preserving local land use authority for siting telecommunications infrastructure. This includes supporting continued and increased funding for the Virginia Telecommunications Initiative (VATI). In addition, support legislation that would: (1) ensure that coverage maps used to determine underserved and unserved areas or census blocks are accurate; (2) amend the definition of “coverage” to mean that service actually exists in a census block or area and the service availability within that census block or area is substantial.

Digital Equity: Support statewide efforts for advancing digital equity.

Net Neutrality: Unless the Congress or the Federal Communications Commission restores net neutrality at the national level, support legislation that would prohibit internet service providers from slowing down or blocking access to websites, charging companies extra to deliver their services faster, and other acts that adversely affect consumers and discourage competition.

Economic Development

Site readiness: The biennium budget should include robust funding for the Virginia Business Ready Site Program to continue to improve the Commonwealth’s position as a top state for business.

Growth Management, Environmental Protection, Land Use, and Transportation

Biosolids: Support legislation enabling localities, as part of their zoning ordinances, to designate, and/or reasonably restrict the land application of biosolids to, specific areas within the locality based on criteria related to the public safety and welfare of its citizens and the environment. In addition, support legislation regarding the land application of biosolids that protects the environment, public health and safety.

Environmental: Support legislation prohibiting businesses from using disposable plastic bags and straws and to require bottle deposits, or enable localities to do so, with exceptions applicable to straws for hospitals and other care facilities. Oppose legislation that reduces local authority to regulate new natural gas infrastructure for development projects. Support sustainable material management (SMM) legislation, including extended producer responsibility (EPR) legislation, that improves recycling rates, reduces litter, and reduces the amount of material being sent to landfills.

Erosion and Sediment Control Standards for Agriculture and Forestry Operations: Support legislation that would establish minimum statewide erosion and sediment control standards for agriculture and forestry operations. These standards could include those within the Chesapeake Bay Preservation Act’s regulations, which include: (1) for agriculture operations, soil and water quality conservation assessments evaluating the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides, and, where necessary, resulting in plans outlining additional practices needed to ensure that water quality protection is being accomplished; stream buffers are maintained; and best management practices for agricultural ditches are used; and (2) for forestry operations, requiring operations to be conducted using the appropriate best management practices as prescribed by Virginia’s Forestry Best Management Practices for Water Quality, and requiring that a full 100-foot buffer be established in woody vegetation when the silvicultural activity ceases within the buffer area on the property and a new land use is proposed.

Local Authority Concerning Land Use Matters: Oppose legislation that erodes local authority over land use matters, including permissibility of and standards applicable to data centers and utility-scale clean energy projects.

Open-space Easements: Support legislation that augments local efforts in natural resource protection through: (1) continued funding of the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (*e.g.*, the ACE Program in Albemarle County); (2) continued provision of matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; (3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological, and scenic value that attract tourism; (4) increased incentives for citizens to create conservation and open-space easements; (5) fully allocating the Land Preservation Tax Credit transfer fee for the stewardship of protected land; and (6) restoring the individual cap on the use of the Land Preservation Tax Credit to \$50,000 per year.

Stop Extending the Sunset Provisions for Certain Development Approvals that Would Otherwise Expire: Allow expiration of the sunset provisions in Virginia Code § 15.2-2209.1. First established in 2009 when the General Assembly adopted Virginia Code § 15.2-2209.1 to extend the validity of certain land use approvals during the Great Recession, the General Assembly has repeatedly extended the sunset clauses for various land use approvals. Most recently, the General Assembly extended the validity of these approvals in Virginia Code § 15.2-2209.1:1 because of the COVID-19 pandemic. The continued extension of these approvals results in the continued validity of non-vested and undeveloped but approved projects well beyond their otherwise applicable expiration date. Some projects protected by the extension of the sunset provisions were approved as much as 15 years ago. These projects may no longer be consistent with the locality's current planning policies or zoning or site development requirements.

Transportation Funding: Support legislation to: (1) allow a Charlottesville-Albemarle Regional Transit Authority to establish a new dedicated funding source to support multi-modal transportation in the region; (2) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs including necessary funding to support both project construction, and appropriate staffing needs to administer programs; (3) direct funding efforts to expand transportation choices and engage in multimodal transportation planning; and (4) fund maintenance of rural road systems. Oppose any legislation or regulations that would require the transfer of responsibility to counties for constructing, maintaining, or operating new and existing secondary roads.

Water Quality and Resources: Support state funding for the following: (1) agriculture best management practices; (2) stormwater grant initiatives; and (3) wastewater treatment plant upgrades.

Health and Human Services

Child Care for Low Income Working Families: Support legislation to provide additional funds to localities to assist low-income working families with childcare costs. Funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Community Services Boards: Support increased state funding for Community Services Boards commensurate with the recommendations of the study entitled *CSB Behavioral Health Services* prepared by the Joint Legislative Audit and Review Commission (JLARC) and dated December 12, 2022.

Mental Health Services: Support expanded access to community-based behavioral/mental health services, including improved access to therapeutic services for adolescents, mobile crisis teams for community based behavioral health crises, and full staffing and operation of Crisis Intervention Team Assessment Centers (CITAC) as an alternative to Temporary Detention Orders (TDOs).

Housing

Affordable Housing Funding: Support legislation that would provide state funding to increase the supply of affordable housing, including increased funding for the Communities of Opportunity Tax Credit Program administered by the Virginia Department of Housing and Community Development.

Locality Right of First Refusal: Support a locality right of first refusal when affordable housing is sold or converted.

Rent Stabilization: Support a state study of and local enabling authority for rent stabilization/rent gouging protections.

Supportive Housing: Support legislation providing for the creation of permanent supportive housing and other supportive housing.

Local Government Administration and Finance

All-Virtual Public Meetings: Support legislation that would allow all local public bodies to hold all meetings virtually.

Civil Penalties: Support legislation that would allow for the establishment of a schedule of civil instead of criminal penalties for violations of local ordinances.

Composite Index: Support legislation to amend the Composite Index Funding Formula by re-defining the local true value of real property component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified for and are being taxed under a land use value taxation program.

State Mandates Funding: Request full funding for state mandates in all areas of local government including (but not limited to): local school divisions, costs related to jails and juvenile detention centers and state-supported human services positions

Taxing Authority: Support legislation to further enhance county taxing authority so that counties enjoy authority comparable to cities to address capital and operations needs and to reduce over-reliance on the real property tax as a revenue source.

Public Safety

Demerit Points for Truck Violations: Assign demerit points under the Uniform Demerit Point System for violations involving overweight or overlength trucks or unpermitted through trucks. (*Virginia Code* § 46.2-492)

Emergency Management and Community Resilience: Request expanded direct state support to localities for emergency management and community resilience, including expansion of the Emergency Management Performance Grant Program (EMPG).

Fire and Emergency Medical Services: Support legislation that provides for additional state funding for local fire and emergency medical services to ensure adequate staffing levels consistent with high levels of public safety and health.

ORDINANCE NO. 25-15(1)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE 9, TRANSIENT OCCUPANCY TAX, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article 9, Transient Occupancy Tax, is hereby amended as follows:

By Amending:

Sec. 15-902 Collecting and remitting the tax; reports.

Chapter 15. Taxation
Article 9. Transient Occupancy Tax

Sec. 15-902 Collecting and remitting the tax; reports.

Each accommodations intermediary or accommodations provider shall collect and remit the tax imposed under this article and submit reports, in accordance with Virginia Code § 58.1-3826 and § 58.1-3827, and as follows:

- A. *Duty to collect the tax.* The accommodations intermediary or accommodations provider has the duty to collect the tax at the time payment for the lodging becomes due and payable, regardless of how payment is made.
- B. *Tax added to the cost of the room or space.* The accommodations intermediary or accommodations provider shall add the amount of the tax owed by the purchaser to the cost of the accommodation.
- C. *Taxes collected held in trust until they are remitted.* The taxes collected shall be held in trust by the accommodations intermediary or accommodations provider until remitted to the County.
- D. *Accommodations provider entitled to commission.* Every accommodations provider is allowed a commission of three percent of the amount of tax due and accounted for; however, an accommodations provider is not allowed a commission if any part of the amount of taxes due is delinquent at the time of payment.
- E. *Reporting.* The accommodations intermediary or accommodations provider shall complete a report on a form and containing the information as the Director of Finance may require, showing the amount of gross receipts collected and the tax required to be collected.
- F. *When report delivered and taxes remitted.* The accommodations intermediary or accommodations provider shall sign and deliver the report to the Director of Finance with remittance of the tax. The reports and remittance of the tax shall be made on or before the twentieth day of each month.
- G. *Retail sales facilitated by accommodations intermediary.* An accommodations provider shall not be required to submit a report to the Director of Finance if (i) all retail sales of accommodations owned by the accommodations provider are facilitated by an accommodations intermediary and (ii) the accommodations provider attests to the locality that all such sales are facilitated by an accommodations intermediary. Such attestation shall be effective for 12 months beginning with the month in which the attestation is made. Thereafter, such attestation shall be due annually on a date determined by the Director of Finance, on such forms and in such manner as the Director of Finance may prescribe and require. However, such accommodations provider shall make out and submit a report in accordance with this subsection for the retail sale of any accommodations not facilitated by an accommodations intermediary and shall remit such tax as otherwise required by this article.

((§ 15-902: 8-15-74, 4-13-88; § 8-42; Code 1988, § 8-43, Ord. No. 98-8(2), 6-10-98; § 15-902, Ord. 98-A(1), 8-5-98) (§ 15-903: Code 1988, § 8-44; Ord. No. 98-8(2), 6-10-98; § 15-903, Ord. 98-A(1), 8-5-98) (§ 15-904: Code 1988, § 8-45; Ord. No. 98-8(2), 6-10-98; § 15-904, Ord. 98-A(1), 8-5-98); § 15-902, Ord. 19-15(1), 4-17-19; Ord. 21-15(5), 12-1-21; Ord 25-15(1), MM-D-YY State law reference(s)—Va. Code §58.1-3, §58.1-3826, and §58.1-3827.