

ACTIONS

Board of Supervisors Meeting of February 5, 2025

February 6, 2025

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The meeting was called to order at 5:00 p.m. by the Chair, Mr. Andrews, with the exception of Ned Gallaway, who joined the meeting at 5:01 p.m. All BOS members were present. Also present were Jeff Richardson, Andy Herrick, Claudette Borgersen, and Travis Morris. 		
<p>2. Closed Meeting.</p> <ul style="list-style-type: none"> At 5:01 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 both: <ul style="list-style-type: none"> appointments to various boards and commissions including, without limitation: the 5th & Avon Community Advisory Committee, the Economic Development Authority, the Equalization Board, the Historic Preservation Committee, the Natural Heritage Committee, the Pantops Community Advisory Committee, and the Places 29 (North) Community Advisory Committee; and appointment of the County's director of facilities and environmental services. 		
<p>3. Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:00 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
<p>Non-Agenda: Resolution Appointing Director of Facilities and Environmental Services.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution Appointing Jeffrey Dumars as the Director of Facilities and Environmental Services. 	<p><u>Clerk:</u> Forward copy of signed resolution to Human Resources, FES, and County Attorney's office. (Attachment 1)</p>	<p align="center">Link to Video</p>
<p>4. Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> APPOINTED, Ms. Naomi Aitken and Ms. Amanda Brookman to the 5th & Avon Community Advisory Committee, with said term to expire on September 30, 2026. APPOINTED, Mr. William Howard as the Jack Jouett District representative, and Mr. David G. Mitchell as the White Hall District representative, to the Equalization Board with said terms to expire on December 31, 2025. APPOINTED, Mr. Dennis Hughes to the Historic Preservation Committee, with said term to expire on June 4, 2027. APPOINTED, Mr. Robert Jennings to the Natural Heritage Committee, with said term to expire on September 30, 2028. APPOINTED, Mr. Anthony Jargowsky to the Pantops Community Advisory Committee, with said term to expire on June 30, 2026. APPOINTED, Mr. Jeffrey Dumars, Director of Facilities and Environmental Services to the Rivanna Solid Waste Authority with said term to expire on April 1, 2027. 		
<p>5. Call back to Order.</p> <ul style="list-style-type: none"> At 6:02 p.m., the Chair Mr. Andrews call the meeting back to order. 		
<p>8. Adoption of Final Agenda.</p>		

<ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED the final agenda. 		
<p>9. Brief Announcements by Board Members.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Reminded community members that the 2025 State of the Community event, hosted by the Chamber of Commerce, was scheduled for Friday, February 21, 2025. from 8:00 a.m. to 10:00 am at Piedmont Virginia Community College (PVCC). • Mentioned that the grand opening of the Albemarle Employee Care Clinic, was recently held and that a second location on Route 29 north would be opening. • Noted work on the Old Ivy Road bridge deck replacement would begin on February 17, and detours would be necessary. She said more information can be found on the VDOT website under "Projects". <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Commented that the Hillsdale-Greenbrier intersection was moving forward and had already passed the design stage and was likely to be completed by the fall. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Commented that when one attends the State of the Community event at PVCC, they would be able to park their car in the parking lot under solar panels, providing a unique opportunity to see how that solar installation worked up close. • Announced that the Crozet Volunteer Fire Department would be celebrating their 115th anniversary this April, and that she was privileged to attend their celebration dinner. • Commented that the Western Albemarle Rescue Squad, founded in 1978, recently celebrated the learning and achievements of their 130 active members, who responded to over 2,100 calls in 2024 and noted the graduation of 28 new members, including nine juniors who completed their training while still in high school. She extended her congratulations to all the agencies and their members for providing strong service to the community and inspiring everyone. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> • Lamented that the Hatton Island Ferry was closing permanently, and it would not reopen this summer. He expressed concern regarding the economic vibrancy of the Scottsville region, noting that in addition to the ferry closing, five small businesses had shut down or were sold in the past month. He said that he hoped they would have the opportunity to discuss this further in their joint meeting with the Town of Scottsville later this year. • Stated that the primary election was scheduled for June 17, with early voting beginning on May 2. • Addressed the recent federal government actions, which have had a significant impact on the Albemarle County community and jeopardized the livelihoods of many individuals working in non-profit organizations. 		
<p>10. Proclamations and Recognitions.</p> <p>a. Proclamation Celebrating Black History Month.</p>	(Attachment 2)	

<ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED proclamation and presented to Rebecca Kinney. 		
<p>11. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).</p> <ul style="list-style-type: none"> • <u>The following individuals addressed the Board concerning affordable housing and an affordable housing trust fund:</u> <ul style="list-style-type: none"> • <u>Mark Lorenzoni</u> • <u>Matthew Gilligan</u> • <u>Vicki Bravo</u> • <u>Lila Law</u> • <u>Sadhbh O'Flynn</u> • <u>Tom Eckman</u> • <u>Marta Keane</u>, Rio District resident, and former Chief Executive Officer (CEO) of Jefferson Area Board on Aging (JABA), introduced JABA's new CEO, Judith Selzer. • <u>Judith Selzer</u>, Chief Executive Officer (CEO) of Jefferson Area Board on Aging (JABA) and Rivanna District resident, introduced herself to the Board and commented that she was appreciative of the County's continued investment in the aging community. • <u>Sean Cossette</u>, Samuel Miller District resident, spoke towards AC44 and urged the county to adopt an ordinance banning Biosolids. • <u>Sarah Delgado</u>, Rio District resident, spoke towards investing in the Climate Action Plan in the upcoming budget. 		
<p>12.1 Tax Refund Approval Request.</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve the refund requests and authorize the Department of Finance and Budget to initiate the refund payments. 	<p><u>Clerk:</u> Forward copy of signed resolution Finance and Budget and County Attorney's Office. (Attachment 3)</p>	
<p>12.2 License Agreement for the Southern Albemarle Convenience Center.</p> <ul style="list-style-type: none"> • ADOPTED resolution authorizing the County Executive to sign a license agreement to allow the RSWA to occupy the SACC property to operate and maintain recycling and waste services. 	<p><u>Clerk:</u> Forward copy of signed resolution to Facilities and Environmental Services, and County Attorney's office. (Attachment 4)</p> <p><u>County Attorney:</u> Provide Clerk with copy of fully executed agreement. (Attachment 5)</p>	
<p>12.3 Resolution to Accept Road(s) in the Dunlora Park Subdivision Phase 1 into the State Secondary System of Highways. (<i>Rio Magisterial District</i>)</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development. (Attachment 6)</p>	
<p>13. From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • There were none. 		
<p>14. <u>Pb. Hrg.: Fiscal Year 2025 Budget Amendment and Appropriations</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve appropriations #2025028; #2025029; and #2025030 for local government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and County Attorney's office. (Attachment 7)</p>	
<p>15. <u>Pb. Hrg.: SP202400020 Carter Machinery Outdoor Storage, Display, and Sales.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP202400020 with conditions. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)</p>	
<p>16. <u>Pb. Hrg.: SP202400012 and SE202400018 City Church Multi-Use Space Addition.</u></p>	<p><u>Clerk:</u> Forward copy of signed resolutions to Community</p>	

<ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve the special use permit SP202400012 City Church Multi-Use Space Addition, with conditions. • By a vote of 5:1 (McKeel), ADOPTED resolution to approve special exception SE202400018. 	Development and County Attorney's office. (Attachments 9 and 10)	
17. Pb. Hrg.: SP202300023 Buck Island Solar. <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP202300023 Buck Island Solar. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)	
18. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ned Galloway:</u> <ul style="list-style-type: none"> • Requested a breakdown of the \$9.2 million in federal grants allocated to the County's current budget, and if the information was available in the budget book, he would appreciate page numbers, and if not, he would like a general outline of where the funds were being allocated. • Requested an update on an affordable housing trust fund, focusing on clarifying the Boards approved direction on Housing Albemarle, and ensuring staff understood the Board's guidance on the formation of a housing trust fund, its differences from the existing housing fund, and other relevant details. 	<u>Finance and Budget:</u> Proceed as requested. <u>County Executive:</u> Notify Clerk when ready to schedule.	
19. Adjourn to February 12, 2025, 3:00 p.m. Room 241. <ul style="list-style-type: none"> • The meeting was adjourned at 9:53 p.m. 		

ckb/tom

- Attachment 1 – Resolution Appointing Jeffrey Dumars as the Director of Facilities and Environmental Services
- Attachment 2 – Proclamation Celebrating Black History Month
- Attachment 3 – Resolution Requesting Tax Refunds
- Attachment 4 – Resolution to Approve License Agreement for the Southern Albemarle Convenience Center
- Attachment 5 – Proposed Southern Albemarle Convenience Center License Agreement
- Attachment 6 – VDOT Resolution Accepting Roads in the Dunlora Park Subdivision Phase 1 into the SSSoH
- Attachment 7 – Resolution to Approve Additional FY 2025 Appropriations
- Attachment 8 – Resolution to Approve SP202400020 Carter Machinery Outdoor Storage, Display, and Sales
- Attachment 9 – Resolution to Approve SP202400012 City Church Multi-Use Space Addition
- Attachment 10 – Resolution to Approve SE 2024-00018 City Church Parking Spaces Modification
- Attachment 11 – Resolution to Approve SP202300023 Buck Island Solar

**RESOLUTION APPOINTING JEFFREY DUMARS AS
THE DIRECTOR OF FACILITIES AND ENVIRONMENTAL SERVICES**

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

1. Upon the recommendation of the County Executive, Jeffrey Dumars (“Dumars”) is hereby appointed the Director of Facilities and Environmental Services for the County of Albemarle, Virginia, pursuant to *Virginia Code* § 15.2-512, effective February 8, 2025;
2. Dumars will serve as Director of Facilities and Environmental Services at the pleasure of the Board and for an indefinite term pursuant to *Virginia Code* § 15.2-513;
3. Dumars will serve as the head of the County’s Department of Facilities and Environmental Services will have the powers and duties authorized by State and County laws; and
4. Dumars will act under the supervision of the County Executive.

Proclamation Celebrating Black History Month

WHEREAS, February 2025 marks the 99th anniversary of Historian Carter G. Woodson's Dedication in promoting the achievements of Black Americans and people of African Descent; and

WHEREAS, February 2025 marks the 49th anniversary of the federal recognition of Black History Month; and

WHEREAS, Albemarle County celebrates the wisdom of civil rights leaders and community builders this month (and every day); and

WHEREAS, Albemarle County seeks to acknowledge and recognize Black Americans in the local workforce and community who contribute much time and service to enhancing the well-being of all residents; and

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby honor and celebrate Black History Month as an opportunity for all County residents to recognize and support the social, physical, and cultural contributions of Black Americans, and to take meaningful actions to create a more equitable and inclusive community for all.

Signed this 5th day of February 2025

**RESOLUTION
REQUESTING TAX REFUNDS**

WHEREAS, Virginia Code §58.1-3981 requires that erroneous tax assessments be corrected and that a refund, with interest as applicable, be paid back to the taxpayer;

WHEREAS, Tax refunds resulting from erroneous assessment over \$10,000 must be approved by the Board of Supervisors, after being certified by the Chief Financial Officer and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED that a refund in the amount of \$19,676.82 has been reviewed and certified due to filing amended business license returns and this refund shall be remitted to Cierant Corporation to conform with Virginia code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$16,042.88 has been reviewed and certified due to personal property taxes in Albemarle County that were rolling stock and this refund shall be remitted to Norfolk Southern Railway Co. to conform with Virginia code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$15,894.66 has been reviewed and certified due to payment of real estate taxes on an inactive real estate parcel and this refund shall be remitted to Galaxie Farm Investments LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$14,953.03 has been reviewed and certified due to overpayment of monthly taxes and this refund shall be remitted to Trump Virginia Acquisitions LLC to conform with Virginia Code §58.1-3981; and

BE IT RESOLVED that a refund in the amount of \$12,074.83 has been reviewed and certified due to amended business tangible personal property tax filings and this refund shall be remitted to Rolling Frito Lay Sales LP to conform with Virginia Code §58.1-3981.

**RESOLUTION TO APPROVE LICENSE AGREEMENT FOR THE SOUTHERN
ALBEMARLE CONVENIENCE CENTER**

WHEREAS, the City of Charlottesville and the County of Albemarle entered a Solid Waste Organizational Agreement, forming the Rivanna Solid Waste Authority (RSWA) to provide all waste disposal services, including recycling programs, for waste collected within the City and County; and

WHEREAS, pursuant to the County's desire for expanded recycling and refuse collection in support of the Climate Action Plan, the Southern Albemarle Convenience Center (SACC) was designed and constructed to serve southern Albemarle County; and

WHEREAS, the RSWA has been operating the SACC since June 2023; and

WHEREAS, the RSWA and the County agree that to articulate the relative areas of control and the types of responsibilities for each party, the parties should enter a license agreement;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves a license agreement between the County and the RSWA regarding the SACC, in a form as approved by the County Attorney, and authorizes the County Executive to execute the agreement on behalf of the Board.

SOUTHERN ALBEMARLE CONVENIENCE CENTERLICENSE AGREEMENT

THIS LICENSE AGREEMENT (this "License"), dated _____, 2025, is between the COUNTY OF ALBEMARLE, VIRGINIA, a political subdivision of the Commonwealth of Virginia, (the "County"), and RIVANNA SOLID WASTE AUTHORITY, a body politic and corporate formed under the Virginia Water and Waste Authorities Act (the "Authority"), recites and provides:

RECITALS

A. On November 20, 1990, the City of Charlottesville (the "City") and the County entered into a certain Solid Waste Organizational Agreement, which agreement was made as of November 5, 1990 (the "Organizational Agreement") for the purposes of forming the Authority to provide all waste disposal services, including recycling programs, for waste collected within the City and County

B. Pursuant to Section 4.3 of the Organizational Agreement, the County determined the need to offer expanded recycling and refuse collection services at strategic locations ("Convenience Centers") throughout Albemarle County in support of the County's Climate Action Plan and its goal of Sustainable Materials Management, and the County requested the Authority to manage the design and construction of, and thereafter operate, a Convenience Center to serve the southern portion of Albemarle County, and the Authority agreed to provide such services.

C. The County and the Authority worked collaboratively on the Authority's design and construction of the Southern Albemarle Convenience Center (the "Southern Albemarle Convenience Center," or the "SACC"), which provides recycling and household trash facilities for the use of the general public on land owned by the County located at 6269 Esmont Road in Keene.

D. The SACC opened in June, 2023, and the Authority operates the SACC on behalf of the County at the sole cost of the County.

E. The parties now desire to enter into a license agreement to clarify the boundaries of and clarify the rights and obligations of the parties regarding the property upon which the SACC is located and operated by the Authority.

NOW, THEREFORE, pursuant to the recitals contained herein and in consideration of the mutual agreements herein set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Subject Property. The County hereby grants to the Authority, and the Authority hereby accepts from the County, for the term and upon the terms and conditions hereinafter set forth, a license to occupy and use real property containing approximately 2.416 acres (the "Subject Property" as further described herein), comprising a portion of that certain parcel of land owned by the County containing approximately seven (7) acres, located in the Samuel Miller Magisterial District, having an address of 6269 Esmont Road in Keene, and identified on the current tax maps of the County as parcel 12100-00-00-082A2 (the "Land"). The Land is shown on a plat prepared by Draper Aden Associates entitled "Southern Albemarle Convenience Center, Plat Showing the Location of a SWM Forest and Open Space Easement to be Acquired through the Property of the County of Albemarle, Parcel ID: 121-82A2, County of Albemarle, Virginia," dated September 15, 2022, and recorded with a Certificate of Plat on October 21, 2022 in the Clerk's Office of the Circuit Court of Albemarle County, Virginia as Instrument No. 202200012153 (the "Plat"), a copy of which Plat is attached hereto for reference and convenience. Two portions of the Land, containing 1.364 acres and 3.220 acres

individually, and 4.584 acres in the aggregate, are shown on the Plat as “SWM Forest and Open Space Easement” (the “Easement Area”). The Subject Property comprises the 2.416 acres of the Land that is located outside the boundary of the Easement Area.

2. Term. The initial one-year term of this License is deemed to have commenced on July 27, 2022, the date that the Authority commenced construction of the SACC. Thereafter, unless earlier terminated pursuant to its terms, this License will automatically renew for successive one-year terms (collectively with the initial term, the “Term”) and will continue for so long as the County desires for the Authority to operate the SACC and continues to fund the Authority’s expenses in operating the SACC (the “Operating Expenses”).

3. Operation and Maintenance. Subject always to the County’s financial support and payment of the Authority’s Operating Expenses, the Authority will at its own cost and expense during the term of this License use the Subject Property to operate the SACC and must maintain and keep the Subject Property and all improvements, equipment, and facilities located therein (collectively, the “Facilities”) in a reasonably safe, clean, and attractive condition, and as required by applicable laws, ordinances, regulations, and policies, including any rules and regulations the Authority may adopt from time to time for operation of Convenience Centers. The County has no obligation to operate or maintain the SACC or the Subject Property, and the Authority has no obligation or right to maintain the Easement Area, nor any right to enter the Easement Area without the express written permission of the County.

4. Reimbursement of Operating Expenses. No rent is owed by the Authority to the County in connection with this License or the Subject Property. In lieu of paying rent to the County, the Authority operates the SACC on behalf of the County using funds specifically allocated for the Operating Expenses of the SACC from the Authority’s budget, which funds are provided by the County to the Authority pursuant to Section 4.3 of the Organizational Agreement.

5. Ownership of Improvements, Equipment, & Facilities. All improvements, equipment, and facilities located on the Subject Property will be and remain the property of the Authority.

6. Utilities. The Authority will pay when due all expenses incurred for utilities provided to the Subject Property, such as telephone, electricity, and any other applicable utility services, which expenses constitute part of the Operating Expenses.

7. Real Property Taxes. Because the SACC is a public use conducted and maintained by a governmental entity, the use is non-taxable, and no real property taxes will be imposed against the Subject Property.

8. Insurance. During the term, the Authority must maintain and keep in force as part of its Operating Expenses insurance coverage at the levels or in such amounts as the Authority may reasonably determine to be appropriate. The policy or policies must name the County as an additional insured and provide that the insurance thereunder may not be cancelled without thirty (30) days prior written notice thereof to the County. The Authority will not be liable for any claims arising out of the operation of the SACC that exceed the applicable insurance coverage limits, provided that nothing herein is a waiver of the County’s sovereign immunity. The Authority has no obligation to maintain insurance over the Easement Area and has no liability for any personal injury or property damage occurring within the Easement Area, without exception.

9. Assignments; Subordination. The Authority will not transfer or assign this License or let or sublet the whole or any part of the Subject Property without the prior written consent of the County Executive of Albemarle County, which consent may not be unreasonably withheld, delayed, or conditioned. The County will not transfer, assign, or otherwise encumber in any way any or all of its interest in the Subject Property or any or all of its rights under this

License at any time without the prior written consent of the Authority, which consent may not be unreasonably withheld, delayed, or conditioned.

10. Rights of the County Upon Authority Default. Any of the following will be deemed a default by the Authority and a breach of this License: (a) a default by the Authority in the performance of any provision, covenant, or condition of this License, and (b) any abandonment, desertion, or vacation of the Subject Property by the Authority. In the event of any such default by the Authority and the failure of the Authority to cure such default within sixty (60) days after written notice thereof by the County (unless such default is of a type that is not reasonably capable of being cured within such sixty (60) day period, such period will be extended for so long as required for such cure, provided the Authority is making diligent efforts to complete such cure), the County and its agents may reenter and resume possession of the Subject Property and terminate this License.

11. Termination and Reconciliation of Operating Expenses. Either party may terminate this License upon twelve (12) months advance written notice. In such event, the Term will expire on the date that is twelve (12) months after such notice. Prior to the expiration of the Term, the County will pay the Authority for any portion of Operating Expenses that have not yet been paid to the Authority by the County, and for all Operating Expenses incurred or estimated by the Authority to be incurred as part of the Authority's closure of the SACC, including the removal of all Facilities from the Subject Property, unless the County specifies that all or any portion of the Facilities should remain on the Subject Property following expiration of the License. The Authority must within two (2) years after the expiration of the Term complete the removal of the Facilities from the Subject Property except for any Facilities that the County has directed to remain at the Subject Property.

12. Miscellaneous.

a. Entire Agreement. This License constitutes the entire agreement between the parties and may not be modified except by written instrument executed by both the County and the Authority.

b. Governing Law. This License will be construed and governed by the laws of the Commonwealth of Virginia.

c. Binding nature. This License will be binding upon and inure to the benefit of the representatives, successors, permitted sublessees, and permitted assigns of the parties.

d. Headings. Headings have been inserted solely as a matter of convenience and do not define or limit the scope of any of the provisions contained therein.

e. No Holdover. Upon termination of this License, the Authority must deliver possession of the Subject Property to the County subject to the terms of this License.

f. Quiet Possession. If the Authority is not in default under the terms of this License, the Authority will have the quiet possession and enjoyment of the Subject Property during the term of this License.

g. Execution in Counterparts. This License may be executed in any number of duplicate originals or counterparts, all of which constitute a single agreement.

h. No Waiver. No delay or omission by any party hereto to exercise any right or power accruing upon any noncompliance or default by any party with respect to any of the terms of this License will impair any such right

or power nor be construed to be a waiver thereof, except as may be otherwise herein provided. A waiver by any party hereto of any covenant, condition, or agreement to be performed by the other party hereto must be in writing and will not be a waiver of any succeeding breach thereof or any other covenant, condition, or agreement herein contained.

i. Memorandum of License. The Authority will not record this License without the written consent of the County, however, upon the request of either party hereto, the other party will join in the execution of a Memorandum of this License for the purpose of recordation. The memorandum or short form of this License will name the parties, describe the Subject Property, set forth the term of this License, and include any other provisions required by Section 55.1-1601 of the Code of Virginia, and incorporate this License by reference.

13. Notice. Any notice provided for or permitted by this License must be in writing and sent to the following addresses:

To the County:

Office of the County Executive
Albemarle County
401 McIntire Road
Charlottesville, VA 22902

To the Authority:

Office of the Executive Director
Rivanna Solid Waste Authority
695 Moores Creek Lane
Charlottesville, VA 22902

Any party may at any time designate by written notice to the other a change of address for notices. All notices, demands and requests that are addressed as provided above and are (i) hand-delivered, (ii) deposited in the United States mail, certified, postage prepaid, return receipt requested, or (iii) accepted for overnight delivery by any reputable, national overnight courier, such as, for example, Federal Express, or Express Mail, delivery charges prepaid or with delivery not conditioned upon payment of charges, will be deemed to have been given for all purposes hereunder at the time such notice, demand or request was hand delivered, deposited in the United States mail, or accepted for delivery by the applicable overnight delivery service, each as applicable.

SIGNATURE PAGE IMMEDIATELY FOLLOWS

Signature page to License

WITNESS the following signatures.

COUNTY OF ALBEMARLE VIRGINIA

By: _____
Jeffrey B. Richardson, County Executive

Approved as to form:

Albemarle County Attorney

RIVANNA SOLID WASTE AUTHORITY

By: _____
William I. Mawyer, Jr., Executive Director

105312839_5

Exhibit A:

Attach Plat prepared by Draper Aden Associates entitled "Southern Albemarle Convenience Center, Plat Showing the Location of a SWM Forest and Open Space Easement to be Acquired through the Property of the County of Albemarle, Parcel ID: 121-82A2, County of Albemarle, Virginia," dated September 15, 2022, and recorded with a Certificate of Plat on October 21, 2022 in the Clerk's Office of the Circuit Court of Albemarle County, Virginia as Instrument No. 202200012153.

RECORDED IN
ALBEMARLE COUNTY, VA
JON R. ZUG
CLERK OF CIRCUIT COURT
FILED Oct 21, 2022
AT 10:10 am
BOOK
START PAGE
END PAGE
INST # 202200012153
TOTAL NUM PAGES 4
MEB

VIRGINIA LAND RECORD COVER SHEET

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM A – COVER SHEET CONTENT

Instrument Date: 10/6/2022

Instrument Type: PM

Number of Parcels: 1 Number of Pages: 3

[] City [X] County ALBEMARLE
CIRCUIT COURT

Tax Exempt? VIRGINIA/FEDERAL CODE SECTION

[] Grantor:

[] Grantee:

Business/Name

(Area Above Reserved For Deed Stamp Only)

1 Grantor: COUNTY OF ALBEMARLE, COUNTY OF ALBEMARLE

Grantor:

1 Grantee: COUNTY OF ALBEMARLE, RICHARDSON, JEFFREY B.

Grantee:

Grantee Address

Name: JEFFREY B. COUNTY OF ALBEMARLE, RICHARDSON

Address:

City: State: VA Zip Code:

Consideration: \$0.00 Existing Debt: \$0.00 Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00 Fair Market Value Increase: \$0.00

Original Book No.: Original Page No.: Original Instrument No.:

Prior Recording At: [] City [] County Percentage In This Jurisdiction: 100%

Book Number: Page Number: Instrument Number:

Parcel Identification Number/Tax Map Number: 12100-00-00-082A2

Short Property Description:

Current Property Address:

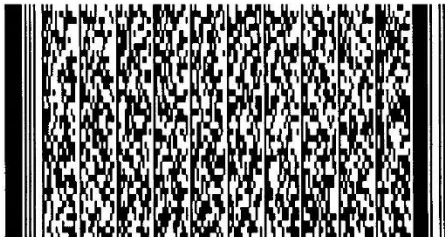
City: SAMUEL MILLER MAGISTERIAL State: VA Zip Code: 22946

Instrument Prepared By: ALBEMARLE COUNTY ATTORNEY Recording Paid By: ALBERMARLE COUNTY

Recording Returned To: DERECK H PERRY

Address: 110 AVON STREET

City: CHARLOTTESVILLE State: VA Zip Code: 22902



202200012153.002

This document was prepared by:
Albemarle County Attorney
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Parcel ID Number: 12100-00-00-082A2

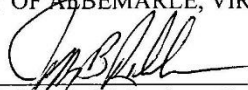
This deed is exempt from taxation under Virginia Code § 58.1-811(A)(3) and from Court Clerk's fees under Virginia Code § 17.1-266.

CERTIFICATE OF PLAT

The attached plat, made by Draper Aden Associates, dated September 15, 2022, of certain lands belonging to the County of Albemarle, Virginia, situated in County of Albemarle, Virginia, identified as Parcel ID # 12100-00-00-082A2, and being the same land acquired by the said County of Albemarle, Virginia by deed recorded in the Office of the Clerk of the Circuit Court of Albemarle County, Virginia in Deed Book 1088, page 600, is hereby confirmed and submitted for record in the aforesaid Clerk's Office.

Given under my hand this 6th day of October, 2022.

COUNTY OF ALBEMARLE, VIRGINIA

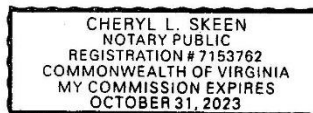
By: 
Jeffrey B. Richardson, County Executive

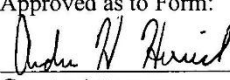
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville:

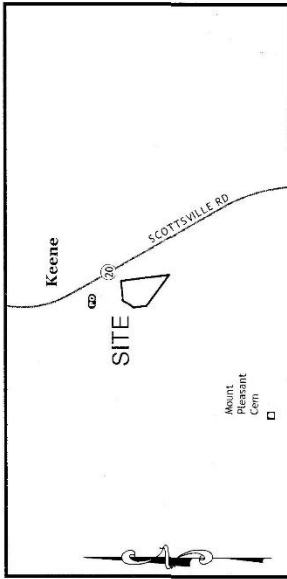
The foregoing instrument was acknowledged before me this 6th day of October, 2022 by Jeffrey B. Richardson, County Executive, on behalf of the County of Albemarle, Virginia, Grantee.


Notary Public

My Commission Expires: Oct. 31, 2023
Registration number: 7153762



Approved as to Form:
 10/5/2022
County Attorney Date



VICINITY MAP
SCALE: 1"=2,000'

NOTES:

- 1.) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE TITLE.
- 2.) EXTERIOR PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORD DOCUMENTS. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY.
- 3.) THIS SURVEY WAS PREPARED FOR THE RIVANNA SOLID WASTE AUTHORITY. DRAPER ADEN ASSOCIATES ASSUMES NO LIABILITY FOR REUSE OR MODIFICATION OF THIS DOCUMENT.
- 4.) NO GRAVES OR PLACES OF BURIAL ARE FOUND.
- 5.) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE X BASED ON A SCALED LOCATION ON FIRM PANEL #610030025D EFFECTIVE DATE 02/04/2005. THIS FLOOD DETERMINATION IS NOT A RECOMMENDATION BY DRAPER ADEN ASSOCIATES TO NOT PURCHASE OR PURCHASE FLOOD INSURANCE COVERAGE AND DOES NOT IMPLY THAT THE REFERENCED PROPERTY WILL OR WILL NOT BE FREE FROM FLOOD DAMAGE.
- 6.) THE PROPERTY SHOWN HEREON IS LOCATED IN THE TOTIER CREEK WATERSHED.
- 7.) THE PROPERTY SHOWN HEREON IS LOCATED WITHIN A "WATER SUPPLY PROTECTION AREA."
- 8.) THE PROPERTY SHOWN HEREON IS LOCATED IN THE SAMUEL MILLER MAGISTERIAL DISTRICT OVERLAY DISTRICT.
- 9.) THE PROPERTY SHOWN HEREON IS PARTIALLY LOCATED IN THE ENTRANCE CORRIDOR.
- 10.) THE PROPERTY SHOWN HEREON CONTAINS NO STREAM BUFFERS.
- 11.) THE PROPERTY SHOWN HEREON IS NOT WITHIN THE WATER AND SEWER JURISDICTIONAL SERVICE AREA.
- 12.) THE PROPERTY SHOWN HEREON IS NOT WITHIN AN AGRICULTURAL DISTRICT.
- 13.) PRIMARY ZONING: RURAL AREAS

STATEMENT OF CONSENT

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, IDENTIFIED AS A SWM FOREST AND OPEN SPACE EASEMENT ACROSS LAND CONVEYED IN DEED BOOK 1088 AT PAGE 600, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDESIGNATED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY

[Signature]
COUNTY OF ALBEMARLE
DATE: 10/16/22

CERTIFICATE OF ACKNOWLEDGMENT

CITY/COUNTY OF Albemarle, VA
COMMONWEALTH OF VIRGINIA
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS 1st DAY OF October, 2022, BY

[Signature]
[Signature]

NOTARY REGISTRATION NUMBER: 11523163
MY COMMISSION EXPIRES: Oct. 21, 2023



AREA SUMMARY

D.B. 1088 PG. 600 PARCEL 7.000 ACRES (PER COUNTY GIS)
TOTAL NEW PERMANENT 4.564 ACRES
EASEMENT AREA

APPROVALS

[Signature]
AGENT, ALBEMARLE COUNTY BOARD OF SUPERVISORS
DATE: 10/16/22



Draper Aden Associates
Engineering • Surveying • Environmental Services
110 Avon Street
Charlottesville, VA 22902
434-295-0700 Fax: 434-295-2105
Blacksburg VA
Harrisonburg VA
Hampton Roads VA
Virginia Beach, VA

DESIGNED: N/A
DRAWN: VDV
CHECKED: CAS
DATE: 09/15/2022

SOUTHERN ALBEMARLE CONVENIENCE CENTER
PLAT SHOWING THE LOCATION OF A SWM FOREST AND OPEN SPACE EASEMENT TO BE ACQUIRED THROUGH THE PROPERTY OF THE COUNTY OF ALBEMARLE, PARCEL ID: 121-82A2, COUNTY OF ALBEMARLE, VIRGINIA

SCALE: NTS
PROJECT: 2100656

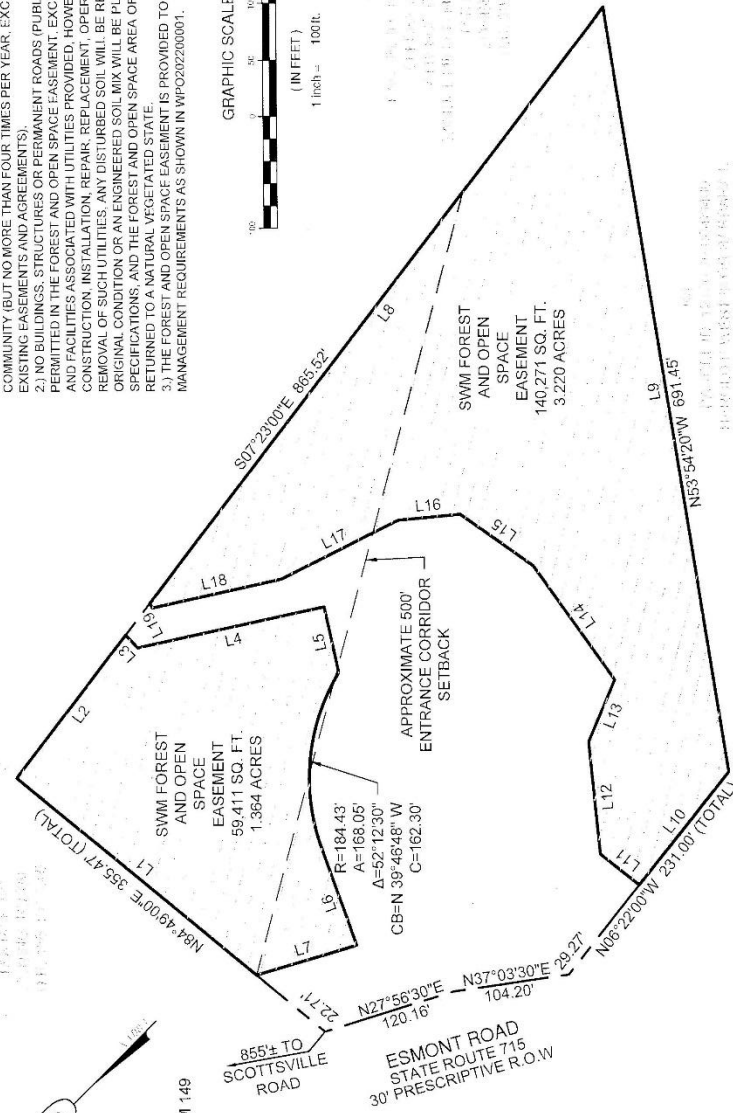
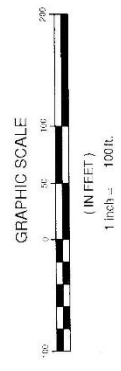
FIGURE
1 OF 2



SUBJECT PARCEL INFORMATION
 PARCEL ID: 12100-00-00-082A2
 COUNTY OF ALBEMARLE C/O FINANCE ADMINISTRATION RM 149
 KEENE PROPERTY
 SAMUEL MILLER MAGISTERIAL DISTRICT
 7.000 ACRES (PER COUNTY GIS RECORDS)
 ZONING: RURAL
 D.B. -1088; PG. 600

NOTES:

- 1.) THE FOREST AND OPEN SPACE EASEMENT IS SUBJECT TO DEQ GUIDANCE AS PROVIDED IN THE VIRGINIA STORMWATER MANAGEMENT PROGRAM. FOREST AND OPEN SPACE AREAS WILL REMAIN UNDISTURBED IN A NATURAL, VEGETATED STATE, EXCEPT FOR ACTIVITIES APPROVED BY THE LOCAL PROGRAM AUTHORITY, SUCH AS FOREST MANAGEMENT, CONTROL OF INVASIVE AND NUISANCE VEGETATION, REPLANTING AND RE-VEGETATING, PASSIVE RECREATION FACILITIES (E.G. UNIMPROVED TRAILS), AND LIMITED BUSH-HOGGING, WHERE NOT FORESTED, TO MAINTAIN DESIRED VEGETATIVE COMMUNITY (BUT NO MORE THAN FOUR TIMES PER YEAR, EXCEPT AS PERMITTED BY EXISTING EASEMENTS AND AGREEMENTS).
- 2.) NO BUILDINGS, STRUCTURES OR PERMANENT ROADS (PUBLIC OR PRIVATE) ARE PERMITTED IN THE FOREST AND OPEN SPACE EASEMENT, EXCEPT FOR STRUCTURES AND FACILITIES ASSOCIATED WITH UTILITIES PROVIDED, HOWEVER, THAT AFTER CONSTRUCTION, INSTALLATION, REPAIR, REPLACEMENT, OPERATION, MAINTENANCE OR REMOVAL OF SUCH UTILITIES, ANY DISTURBED SOIL WILL BE RESTORED TO ITS ORIGINAL CONDITION OR AN ENGINEERED SOIL MIX WILL BE PLACED PER THE DESIGN SPECIFICATIONS, AND THE FOREST AND OPEN SPACE AREA OR AREAS WILL BE RETURNED TO A NATURAL, VEGETATED STATE.
- 3.) THE FOREST AND OPEN SPACE EASEMENT IS PROVIDED TO SATISFY STORMWATER MANAGEMENT REQUIREMENTS AS SHOWN IN WPO202200001.



LINE	BEARING	DISTANCE
L1	N 84°49'00" E	276.55'
L2	S 07°23'00" E	160.59'
L3	N 88°17'38" W	15.69'
L4	S 32°51'36" W	170.12'
L5	N 57°08'24" W	60.31'
L6	N 64°27'48" W	87.07'
L7	N 28°50'33" E	93.29'
L8	S 07°23'00" E	669.07'
L9	N 53°54'20" W	691.45'
L10	N 08°22'00" W	129.24'
L11	N 83°38'00" E	44.11'
L12	S 50°30'15" E	101.10'
L13	S 21°59'46" E	60.56'
L14	S 80°08'40" E	124.62'
L15	N 80°26'22" E	79.66'
L16	N 39°44'31" E	55.74'
L17	N 18°36'19" E	116.81'
L18	N 32°43'43" E	118.08'
L19	S 71°14'45" E	4.74'

RECORDED ALBEMARLE CO CIRCUIT CLERK'S OFFICE
 INSTRUMENT # 202200012153
 OCT 21 2022 AT 10:10 am
 JON R. ZUG, CLERK BY MEB

Draper Aden Associates
 Engineering • Surveying • Environmental Services
 110 Avon Street, Raleigh, NC
 110 Avon Street, Richmond, VA
 110 Avon Street, Blacksburg, VA
 110 Avon Street, Fayetteville, NC
 110 Avon Street, Virginia Beach, VA
 434-295-0700 Fax: 434-295-2105, Hampton Roads, VA, Virginia Beach, VA

DESIGNED: N/A
DRAWN: VDV
CHECKED: CAS
DATE: 09/15/2022

SOUTHERN ALBEMARLE CONVENIENCE CENTER
 PLAT SHOWING THE LOCATION OF A SWM FOREST AND OPEN SPACE EASEMENT TO BE ACQUIRED THROUGH THE PROPERTY OF THE COUNTY OF ALBEMARLE, PARCEL ID: 121-82A2, COUNTY OF ALBEMARLE, VIRGINIA

SCALE: 1" = 100'

FIGURE
2 OF 2

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of February, 2025, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Dunlora Park Phase 1 Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 5th, 2025**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Dunlora Park Phase 1 Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 5th, 2025**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2025 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 25 Budget is amended to increase it by \$16,429,020;
- 2) That Appropriations #2025028; #2025029; and #2025030 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2025.

**RESOLUTION TO APPROVE SP202400020
CARTER MACHINERY OUTDOOR STORAGE, DISPLAY, AND SALES**

WHEREAS, upon consideration of the staff reports prepared for SP202400020 Carter Machinery Outdoor Storage, Display, and Sales, and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-30.6.3(a)(2)(b) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Highway Commercial (HC) zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan and the applicable design guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202400020 Carter Machinery Outdoor Storage, Display, And Sales, subject to the conditions attached hereto.

* * * * *

SP202400020 Carter Machinery Outdoor Storage, Display, And Sales Special Use Permit Conditions

1. Use of this site must be in general accord with the Carter Machinery Concept Plan by Balzer & Associates dated November 15, 2024. To be in general accord, equipment must be stored only in areas indicated for storage on the Concept Plan.
2. Equipment must be kept in the retracted/stowed position.
3. Site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan), including (but not limited to) all planting islands and areas shown on the Concept Plan. Landscaping shown on the plan may be required to exceed the minimum requirements of the ARB guidelines and/or the Zoning Ordinance in order to mitigate the visual impacts of the proposed use.
4. Site plan approval is subject to ARB approval of the lighting plan (submitted with the site plan). Maximum light levels must not exceed 20 footcandles. The maximum height of pole lights must not exceed 20 feet. All fixtures must have lamps whose color temperature is between 2000 and 3000 Kelvin. All site- and building-mounted fixtures must be full cutoff. All fixtures must have lamps whose color temperature is between 2000 and 3000 Kelvin.
5. Storage of equipment taller than the screening fence height is limited to the area labeled "existing gravel area" at the rear of the site.
6. Chain link fence must not be visible from the Entrance Corridors.

**RESOLUTION TO APPROVE SP202400012
CITY CHURCH MULTI-USE SPACE ADDITION**

WHEREAS, upon consideration of the staff report prepared for SP202400012 – City Church Multi-Use Space Addition, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code § 18-15.2.2 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 R-4 Residential District, 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 SP202400012 – City Church Multi-Use Space Addition, subject to conditions attached hereto.

* * * * *

SP202400012 – City Church Multi-Use Space Addition Conditions

1. Development of the use must be in general accord, as determined by the Director of Planning and the Zoning Administrator, with Sheet C2.1, titled "Concept Plan", provided in the document entitled "City Church Multi-Use Space Addition Application Plan", prepared by Timmons Group dated March 11, 2024, last revised November 15, 2024 (hereafter, the "Concept Plan"). To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the plan:
 - a. Location of the proposed building;
 - b. Location of parking;
 - c. 20' buffer along the western property line;
 - d. Wooded areas to remain
 Minor modifications to the Concept Plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Landscaping may be required to exceed the minimum requirements of the ARB guidelines and/or the Zoning Ordinance, in order to mitigate the visual impacts of the proposed use.
3. The area of assembly is limited to a maximum 320-seat sanctuary.
4. Upon demand of the County, the owner(s) must dedicate sufficient right-of-way adjacent to Rio Road for improvements identified in the Rio Corridor Road Plan, dated June 30, 2022.
5. The use must commence on or before February 5, 2030 or the permit will expire and be of no effect.

**RESOLUTION TO APPROVE SE 2024-00018
CITY CHURCH PARKING SPACES MODIFICATION**

WHEREAS, upon consideration of the staff reports prepared for SE2024-00018 City Church Multi-Use Space Addition and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.12.2(c) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- a. the public health, safety or welfare would be equally or better served by the proposed modification;
- b. the proposed modification would not otherwise be contrary to the purpose and intent of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to modify the limitation on the maximum number of parking spaces otherwise required by County Code § 18-4.12.6 and permit up to 161 parking spaces on Parcel 06100-00-00-153A1.

**RESOLUTION TO APPROVE SP202300023
BUCK ISLAND SOLAR**

WHEREAS, Buck Island Solar, LLC submitted an application for a solar energy system in the Rural Areas zoning district on Parcel ID 10500-00-00-001A0, identified as SP202300023 Buck Island Solar: and

WHEREAS, on November 26, 2024, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP202300023 with staff-recommended conditions; and

WHEREAS, on February 5, 2025, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP202300023; and

WHEREAS, upon consideration of the staff reports prepared for SP202300023 and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.1 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in Rural Areas zoning district, 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 SP202300023 Buck Island Solar, subject to the conditions attached hereto.

* * * * *

SP202300023 Buck Island Solar-- Conditions

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan prepared by BOHLER and NEXAMP last revised 10/21/2024 (hereinafter "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 areas within the limits of disturbance as shown on the Concept Plan.

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 locations 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 plan agent will determine and specify and required planting materials during site plan review.
3. The owner(s) must submit a decommissioning and site rehabilitation plan (hereinafter "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 reseeded;
- 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 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 of the County of Albemarle.

7. Prior to issuance of a grading permit, the owner(s) must record the Decommissioning Plan with the Circuit Court of the County of Albemarle.
8. 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.
9. The owner(s) must notify the Zoning Administrator in writing within 30 days of the abandonment or discontinuance of the use.
10. 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 must be rehabilitated as described in the Decommissioning Plan, within 180 days of the 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.
11. If the use, structure, or activity for which this special use permit is issued is not commenced by February 5, 2030, this permit will be deemed abandoned and will thereupon terminate.
12. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14 (Performance standards).
13. Panels may be cleaned only with water and biodegradable cleaning products.
14. No above ground wires are permitted, except for those (a) associated with the panels and attached to the panel support structure or (b) tying into the existing overhead transmission wires, and/or necessary to avoid impacting wetlands or stream buffers.
15. 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 life saving procedures, and material handling procedures.
16. 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.
17. 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.
18. 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 with input from a qualified consultant, the Zoning Administrator may approve alternative measures to approximate such certification.
19. Fencing must be consistent with the recommendations of the Department of Wildlife resources, including a minimum height of eight feet to exclude deer, with a four-inch gap at the bottom.

20. Until the County adopts a Solar Revenue Share Ordinance pursuant to *Virginia Code* § 58.1-2636(A), the owner must make a separate payment to the County (each, a “Supplemental Payment” and collectively, the “Supplemental Payments”) for each year that the project’s Estimated Solar Revenue Share exceeds its Machinery and Tools Tax (“M&T Taxes”). The amount of each Supplemental Payment will equal the difference between the Estimated Solar Revenue Share and the M&T Taxes. Each Supplemental Payment will be due at the same time the M&T Taxes are due and owing. No Supplemental Payment will be made for any year when the M&T Taxes equal or exceed the Estimated Solar Revenue Share. If the County adopts a Solar Revenue Share Ordinance, no Supplemental Payment will be made for the year in which such ordinance is adopted, or for any year thereafter.