

ACTIONS

Board of Supervisors Meeting of December 18, 2019

December 19, 2019

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 1:00 p.m., by the Chair, Mr. Gallaway. All BOS members were. Also present were Jeff Richardson, Greg Kamptner, Claudette Borgersen and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Item #21 Ordinance to Amend County Code Chapter 9, Motor Vehicles (Residential Parking) was pulled from the agenda. Item #8.11 (Special Exception for Disturbance of Critical Slopes) was pulled from the Consent Agenda. Under Item #23 (From the Board -- Committee Reports and Matters Not Listed on the Agenda), two items were added: a resolution in support of legislation improving the Local Fiscal Impact Review Process, and a resolution of support of objectors Champion Brewery on Earlysville Road. By a vote of 6:0, ADOPTED the final agenda as amended. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Recognized that on the past Saturday, many wreathes were placed for lost family members during the Wreaths Across America ceremony at the Dogwood Memorial and at the WWI, WWII, Korea, and Vietnam Memorial in the front yard of the County Office Building. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Noted that Tuesday was the anniversary of the Battle of the Bulge, which was an important day that had a lot of personal resonance with him. 		
<p>6. Proclamations and Recognitions.</p> <ul style="list-style-type: none"> Mr. Randolph was presented with a plaque from the Board in appreciation for his dedicated service and leadership. Mr. Dill was presented with a plaque from the Board in appreciation for his dedicated service and leadership. 		
<p>7. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> Mr. Jeff Holloway, Site Director and Operating Unit Director at Northrop Grumman Corp. on Route 29, introduced his replacement, Michael Corrigan. <p><u>The following individuals spoke in regard the proposal to make Albemarle County a Second Amendment sanctuary:</u></p> <ul style="list-style-type: none"> Ms. Gay Einstein Ms. Virginia Rovnyak Mr. Kirk Bowers 		

	<ul style="list-style-type: none"> • Mr. John Cruickshank • Ms. Pat Cochran • Mr. Nathan Alderman • Ms. Deborah Povich • Ms. Sarah Lanzman • Dr. Charles Battig commented on climate change and the Paris Climate Agreement. • Ms. Nancy Carpenter commented on affordable housing and solutions for intervention. <p><u>The following individuals spoke in regard to Champion Brewery:</u></p> <ul style="list-style-type: none"> • Mr. Tom Straussburg • Ms. Chris Tucker 	
8.1	<p>Personnel Policy P-86 Amendment.</p> <ul style="list-style-type: none"> • ADOPTED resolutions to amend personnel policies P-81 and P-86. 	<p><u>Clerk:</u> Forward signed resolutions to Human Resources and the County Attorney's office. (Attachments 1 and 2)</p>
8.2	<p>Resolution Request for Funding Through VDOT Recreation Access Program to Construct New Entrance and Roadway to Biscuit Run Park.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to authorize the County Executive and/or his designee(s) to execute the application for Recreational Access Funds for this project. 	<p><u>Clerk:</u> Forward copies of signed resolution to Parks and Recreation and the County Attorney's office. (Attachment 3)</p> <p><u>County Executive:</u> Proceed as authorized.</p>
8.3	<p>Eastern Avenue South Connection Design and Engineering Study.</p> <ul style="list-style-type: none"> • APPROVED Engineering Study. 	<p><u>Kevin McDermott:</u> Proceed as directed.</p>
8.4	<p>Conveyance of Small Pieces of Land to Virginia Department of Transportation for Bridge Replacement in Totier Creek Park.</p> <ul style="list-style-type: none"> • ADOPTED resolution authorizing the County Executive to sign the deed of conveyance after it is approved as to substance and form by the County Attorney. 	<p><u>Clerk:</u> Forward copy of signed resolution to Facilities and Environmental Services and the County Attorney's office. (Attachment 4)</p>
8.5	<p>Authorization to Schedule a Public Hearing for Ordinance to Amend County Code Chapter 4, Animals.</p> <ul style="list-style-type: none"> • SET public hearing. 	<p><u>Clerk:</u> Advertise in the Daily Progress and Schedule on Agenda when ready.</p> <p><u>County Attorney:</u> Notify Clerk when ready to schedule.</p>
8.6	<p>Resolution to accept road(s) in the Stillhouse Ridge Subdivision into the State Secondary System of Highways. (<i>Samuel Miller Magisterial District</i>)</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 5)</p>
8.7	<p>Resolution to accept road(s) in the Berkshire Landing Subdivision into the State Secondary System of Highways. (<i>Jack Jouett Magisterial District</i>)</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 6)</p>
8.8	<p>Resolution to accept road(s) in the Woodlawn Subdivision into the State Secondary System of Highways. (<i>Jack Jouett Magisterial District</i>)</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<p><u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 7)</p>
8.9	<p>Resolution of Intent to Amend Design Standards for Land Disturbing Activities.</p>	<p><u>Clerk:</u> Forward copy of signed resolution to Community</p>

	<ul style="list-style-type: none"> • ADOPTED Resolution of Intent. 	Development and the County Attorney's office. (Attachment 8)	
8.10	<p>Resolution of Intent to Amend Procedures for Review of Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions.</p> <ul style="list-style-type: none"> • ADOPTED Resolution of Intent. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 9)	
8.12	<p>SDP201900052 W4 Development Car Wash – Special Exception Request.</p> <ul style="list-style-type: none"> • ADOPTED resolution to approve Special Exception request. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 10)	
9.	<p>Work Session: Five Year Financial Planning (Long-Range).</p> <ul style="list-style-type: none"> • HELD. 	<u>OMB:</u> Proceed as directed.	
	<p>Recess. At 3:02 p.m., the Board recessed and reconvened at 3:17 p.m.</p>		
10.	<p>Work Session: 2020 Crozet Master Plan Update: Guiding Principles & Goals.</p> <ul style="list-style-type: none"> • HELD. 	<u>Andrew Knuppel:</u> Proceed as directed.	
11.	<p>Work Session: Rio29 Form Based Code Framework Recommendations.</p> <ul style="list-style-type: none"> • HELD. • CONSENSUS to proceed with an optional overlay. • CONSENSUS to support the draft framework. • CONSENSUS to proceed with the option 1 timeline approach, which focuses internally, with staff drafting legal code language, working with the County Attorney's Office, partner agencies, VDOT, Fire Rescue and includes a joint public hearing with the planning commission. 	<u>Community Development:</u> Proceed as directed.	
23.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>b. Resolution of Support of Objectors Champion Brewery Earlysville Road.</p> <ul style="list-style-type: none"> • DISCUSSED. <p>a. Resolution in Support of Legislation Improving Local Fiscal Impact Review Process.</p> <ul style="list-style-type: none"> • By a vote of 6:0, APPROVED the Resolution. 	(Attachment 11)	
8.11	<p>Special Exception for Disturbance of Critical Slopes per 18-4.2 on TMP 63-19E.</p> <ul style="list-style-type: none"> • By a vote of 4:2 (Randolph, Mallek), ADOPTED resolution to approve Special Exception request. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 12)	
12.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 5:13 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 appointments to the Albemarle Conservation Easement Authority and the Architectural Review Board; and • Under Subsection (7), to consult with legal counsel and briefings by staff members 		

	pertaining to actual litigation between the Board of Supervisors and the Scottsville Volunteer Rescue Squad.	
13.	Certify Closed Meeting. <ul style="list-style-type: none"> At 6:02 p.m., the Board reconvened into open meeting and certified the closed meeting. 	
14a.	Boards and Commissions: Vacancies and Appointments. <ul style="list-style-type: none"> REAPPOINTED Mr. Jay Fennell, Ms. Charlotte (Sherry) Buttrick, and Ms. Rose Emery to the Albemarle Conservation Easement Authority with said terms to expire December 13, 2022. APPOINTED Mr. Fred Missel to the Architectural Review Board to fill an unexpired term ending November 14, 2014. 	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.
15.	From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> Mr. Gallaway reminded the public that Item 21, Ordinance to Amend County Code Chapter 9, Motor Vehicles (Residential Parking), was pulled from the agenda but invited the public to speak towards the item if they chose to do so. <u>The following individuals spoke in regard to the proposal to make Albemarle County a Second Amendment sanctuary:</u> <ul style="list-style-type: none"> Ms. Judy Freeman Mr. Tom Sikes Mr. Phil Woodson Mr. Andy Eckert Mr. Neil Williamson, Free Enterprise Forum, thanked Rick Randolph and Norman Dill for their service on the Board. 	
16.	<u>Pb. Hrg.: Ordinance to Amend County Code Chapter 4, Animals (Dogs Running at Large).</u> <ul style="list-style-type: none"> By a vote of 6:0, DEFERED consideration of Ordinance to Amend County Code Chapter 4 (Running at Large) until February 19 	<u>Clerk:</u> Advertise in the Daily Progress and Schedule on February 19 Agenda.
17.	<u>Pb. Hrg.: SP201900010 Rivanna Solar.</u> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED SP201900010 Rivanna Solar. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and the County Attorney's office. (Attachment 13)
18.	<u>Pb. Hrg.: 19-03(3) – Agricultural and Forestal Districts.</u> <ul style="list-style-type: none"> By a vote of 5:1, ADOPTED the ordinance to approve the addition to the Yellow Mountain Agricultural and Forestal Districts and to continue the Buck Mountain, Buck's Elbow Mountain, Chalk Mountain, Fox Mountain, Jacobs Run, Sugar Hollow, and Yellow Mountain Agricultural and Forestal Districts. 	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and the County Attorney's office. (Attachment 14)
19.	<u>Pb. Hrg.: ZTA 2019-03 Religious Assembly Uses in the Rural Area.</u> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED ZTA2019-03 Religious Assembly Uses in the Rural Area. 	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and the County Attorney's office. (Attachment 15)
20.	<u>Pb. Hrg.: Regulation and Licensure of Certain Mobility Devices.</u> <ul style="list-style-type: none"> By a vote of 5:1 (Mallek), APPROVED Regulation and Licensure of Certain Mobility 	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and the County Attorney's office. (Attachment 16)

	Devices, cited in the Executive Summary, with the omission of Section 9-903, "Riding on Sidewalks."	
21.	<u>Pb. Hrg.: Ordinance to Amend County Code Chapter 9, Motor Vehicles (Residential Parking).</u> <ul style="list-style-type: none"> Removed from agenda. 	
22.	<u>Pb. Hrg.: Conveyance of Real Property to the Albemarle County School Board.</u> <ul style="list-style-type: none"> By a vote of 6:0, APPROVED the conveyance of real property to the Albemarle County School Board (located at 133 Galaxie Farm Lane). 	<u>Clerk:</u> Forward copy of signed resolution to Facilities and Environmental Services and the County Attorney's office. (Attachment 17)
23.	From the Board: Committee Reports and Matters Not Listed on the Agenda. b. Resolution of Support of Objectors Champion Brewery Earlysville Road. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the resolution in support of the objectors for the Champion Brewery license. <u>Liz Palmer:</u> <ul style="list-style-type: none"> Mentioned that 9 of the 11 letters to private property owners on the line of the future Southfork to Ragged Mountain Reservoir have been sent out. <u>Diantha McKeel:</u> <ul style="list-style-type: none"> Commented that there is a rural area and a development area and now the County is at a point where the urban area is urbanized, and the quality of life issues must be solved in the urbanized area, part of which is in the rural area. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Commented that in Old Trail, where the developers have been carefully following the landscaping requirements in the site plan ordinance, the kinds of trees that are required are not appropriate for the places in which they are being put. She received a request that the County staff and Board think about how there could be different tree lists that are available. 	<u>Clerk:</u> Forward copy of signed ordinance to Community Development and the County Attorney's office. (Attachment 18)
24.	From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> Distributed the first issue of the County Executive Monthly Report to the Supervisors and announced the report would be distributed once a month at the first meeting of the month. 	
25.	Adjourn. <ul style="list-style-type: none"> The meeting was adjourned at 9:15 p.m. 	

ckb/tom

Attachment 1 – Resolution Approving PP-81

Attachment 2 – Resolution Approving PP-86

Attachment 3 – Resolution Requesting Funding Through the Recreation Access Program to Construct a New Entrance and Roadway to Biscuit Run Park

Attachment 4 – Resolution to Approve Conveyance of Real Property to The Commonwealth of Virginia, Acting by and Through the Virginia Department of Transportation

- Attachment 5 – Resolution to Accept Road(s) in the Stillhouse Ridge Subdivision into the State Secondary System of Highways.
- Attachment 6 – Resolution to Accept Road(s) in the Berkshire Landing Subdivision into the State Secondary System of Highways.
- Attachment 7 – Resolution to Accept Road(s) in the Woodlawn Subdivision into the State Secondary System of Highways.
- Attachment 8 – Resolution of Intent - Zoning Text Amendment Design Standards for Grading
- Attachment 9 – Resolution of Intent Zoning Text Amendment Procedures for Review of Zoning Text Amendments, Zoning Map Amendments, Special Use Permits and Special Exceptions
- Attachment 10 – Resolution to Approve Special Exception to Vary the Application Plan Approved in Conjunction with ZMA198700007 Jefferson Square Shopping Center and the Site Plan Approved in Conjunction with SDP198800001 Rio Hill Shopping Center
- Attachment 11 – Resolution in Support of Legislation to Improve the Process for Review of Legislation with Local Fiscal Impact
- Attachment 12 – Resolution to Approve Special Exception for Disturbance of Critical Slopes and Modification of a Building Site for TMP 63-19e
- Attachment 13 – Resolution to Approve SP 2019-10 Rivanna Solar
- Attachment 14 – Ordinance No. 19-3(3)
- Attachment 15 – Ordinance No. 19-18(8)
- Attachment 16 – Ordinance No. 19-9(2)

- Attachment 17 – Resolution to Approve Conveyance of Real Property to The Albemarle County School Board
- Attachment 18 – Resolution in Support of the Objectors to the Pending Application for a Limited Brewery License (#751919) For 2001 Earlysville Road in Albemarle County

RESOLUTION

WHEREAS, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-901; and

WHEREAS, the Board desires to amend Section P-81 regarding holidays.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-81, Holidays, of the County of Albemarle Personnel Policies, as follows:

Section P-81 Holidays

A. Holidays Observed

The County has established the following holiday schedule for County 12-month benefits-eligible employees.

1. New Year's Day – January 1
2. Martin Luther King, Jr. Day - Third Monday in January
3. President's Day (Washington's Birthday) – Third Monday in February
4. Memorial Day – Last Monday in May
5. Independence Day – July 4
6. Labor Day – First Monday in September
7. Veteran's Day – November 11
8. Thanksgiving Day – Fourth Thursday in November
9. Friday after Thanksgiving
10. Christmas Eve – December 24
11. Christmas Day – December 25
12. Floating Holiday – 1 day per fiscal year

Other holidays are granted by special proclamation of the Board of Supervisors. Holiday leave for qualified employees is paid.

Employees of departments who serve both the County and Albemarle County Public Schools as client groups may choose, with supervisor approval, which holiday leave schedule to follow each fiscal year. If the holiday schedules of the County and Albemarle County Public Schools do not equal the same number of days, County employees who choose to follow the Albemarle County Public Schools holiday schedule must be granted the same number of holidays as other County employees. If business needs necessitate a mid-year change, an employee's schedule shall be adjusted so that the employee receives no more than the Board approved number of holidays granted that fiscal year.

Under certain situations, due to coverage requirements or non-County building closures, the holiday schedule for some departments or groups of employees within departments may fall on alternate dates within the fiscal year. Departments in these situations must receive Director of Human Resources/designee approval for designating alternate holiday schedules. These alternate holiday schedules must equal the number of approved County holidays.

Employees of offices that follow the State holiday schedule (such as the courts and constitutional offices) may be approved for an alternate holiday schedule matching the State's holiday schedule regardless of whether the schedule contains more, fewer, or the same number of days at the County's schedule.

B. Qualifying for Holiday Leave

1. Twelve (12)-month benefits-eligible employees qualify for holiday leave (except floating holiday) as soon as they begin working. New employees must physically work at least a day before a holiday to qualify for holiday leave.
2. Employees who are terminating employment with the County will not qualify for holiday leave unless they

physically work a day after the holiday. Approved paid leave may be used in lieu of physically working following a holiday. If a holiday falls on the last day of the month or week, holiday leave may be granted by the department head/designee for retiring employees.

3. If a holiday falls within the employee's scheduled annual leave, holiday leave may be used in lieu of annual leave.

C. Working on Holidays

1. Due to coverage requirements, some employees may be required to work on a scheduled holiday. Any qualified non-exempt employee who is required by the department head/designee to work on a scheduled holiday shall:
 - a. Be paid the hourly rate for the hours worked on the holiday plus the hours normally granted for the holiday; or
 - b. Substitute another day in the workweek / work cycle (for 28-day public safety employees) as holiday leave, including days in the workweek / work cycle (for 28-day public safety employees) before the established holiday.
2. Qualified exempt employees who work on a holiday may take the holiday on another day approved by the supervisor within the fiscal year. Employees may not take the holiday prior to the County designated holiday date, except within the workweek / work cycle (for 28-day public safety employees) in which the holiday falls. Unused holiday leave is never paid out and does not carry over fiscal years. Holiday leave does not transfer if an employee changes departments. It must be taken prior to transfer or it is forfeited.
3. Qualified employees who are scheduled to work on a holiday, but fail to do so for any reason, are considered to have observed the holiday. Unworked scheduled work hours in excess of holiday hours must be covered by use of some other appropriate leave.
4. Alternative Work Schedules: A "day of holiday leave" is equivalent to a "day of leave" as defined in section I(B), above. Employees must discuss the impact of holiday leave on their alternative work schedules with supervisors. Employees are responsible for making up any hourly difference between the hours granted for the holiday and the employees' work schedule by either using other applicable leave or working at another time during the workweek or work period. Fire Rescue employees on 12- or 24-hour shifts will receive 12 hours of a "day of holiday leave" regardless of their "day of leave" status.

Example: A non-exempt employee's day of leave is 8 hours/day and the employee's position is established at 8 hours/day, 5 days/week for a total of 40 hours/week. The employee has an alternative work schedule of 10 hours/day, 4 days/week for a total of 40 hours per week. Eight (8) hours of holiday leave would be granted and the employee must account for the remaining 2 hours by working 2 additional hours within that workweek or using 2 hours of compensatory time leave or annual leave.

D. Floating Holiday

1. Employees who qualify for holiday leave as of July 1 of each year are granted one (1) day of floating holiday leave for that fiscal year. Qualified employees are granted the floating holiday leave based on their day of leave status on July 1 of each year.
2. Scheduling of a floating holiday shall follow the same approval procedures as annual leave. Floating holiday leave may be used in the same increments as annual leave.
3. Floating holidays do not rollover to the following fiscal year.
 - a. Non-exempt employees who have not taken the floating holiday by June 30 of each year will be paid out for any unused floating holiday leave at the employee's hourly rate.
 - b. Exempt employees who have not taken the floating holiday by June 30 of each year will not receive additional pay.

- c. Employees who move during a fiscal year from a non-exempt position eligible for the floating holiday to an exempt position eligible for the floating holiday (and vice versa) will receive/not receive additional pay based upon their non-exempt/exempt status at the end of the fiscal year.
- 4. Upon transfer/hire from a 12-month position to any position that is not eligible for the floating holiday leave and upon separation of employment:
 - a. Non-exempt employees will be paid out for any unused floating holiday leave at the employee's hourly rate.
 - b. Exempt employees will not receive additional pay for any unused floating holiday leave.
- 5. For the implementation year of floating holiday leave, employees who qualified for holiday leave as of July 1, 2019 will be granted one (1) day of floating holiday leave on January 1, 2020 for the remainder of the FY2019-2020 fiscal year.

E. Half-day Holidays

The Board may grant half-day holidays to benefits-eligible 12-month employees. A "half-day" is defined as half of an employee's day of holiday leave. Any non-exempt employee who receives approval not to work the other half of the day is responsible for taking compensatory time leave, annual leave, leave without pay, or arranging with his/her supervisor to work those hours within the workweek. An exempt employee who doesn't work on the half-day may make arrangements with the supervisor to work the time missed on another day within the fiscal year or use annual leave for the half-day.

F. Religious Holidays

Any regular or temporary employee observing a religious holiday occurring on the employee's workday may request time off. Supervisors should allow employees to take time off for such occasion if the time off can be accommodated without undue hardship to the department. Leave must be requested in advance in accordance with policy. Supervisors shall contact the Department of Human Resources prior to denying religious holiday leave requests. Applicable accrued leave shall be used. Leave without pay will be considered in the absence of accrued leave.

Amended: August 4, 1993; August 2, 2000; February 10, 2016

RESOLUTION

WHEREAS, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-901; and

WHEREAS, the Board desires to amend Section P-86 regarding building closure leave and holiday leave.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-86, Leave Program, of the County of Albemarle Personnel Policies, as follows:

Section P-86 Leave Program

V. Building Closure Leave

Paid leave and unpaid leave due to inclement weather and other County emergencies are addressed in § P-66, Coverage Due to Weather and/or Emergency.

XIII. Holiday Leave

A. Holidays Observed

The County has established the following holiday schedule for County 12-month benefits-eligible employees. Other holidays are granted by special proclamation of the Board of Supervisors. Holiday leave for qualified employees is paid.

1. New Year's Day – January 1
2. Martin Luther King, Jr. Day - Third Monday in January
3. President's Day (Washington's Birthday) – Third Monday in February
4. Memorial Day – Last Monday in May
5. Independence Day – July 4
6. Labor Day – First Monday in September
7. Veteran's Day – November 11
8. Thanksgiving Day – Fourth Thursday in November
9. Friday after Thanksgiving
10. Christmas Eve – December 24
11. Christmas Day – December 25
12. Floating Holiday – 1 day per fiscal year

Employees of departments who serve both the County and Albemarle County Public Schools as client groups may choose, with supervisor approval, which holiday leave schedule to follow each fiscal year. If the holiday schedules of the County and Albemarle County Public Schools do not equal the same number of days, County employees who choose to follow the Albemarle County Public Schools holiday schedule must be granted the same number of holidays as other County employees. If business needs necessitate a mid-year change, an employee's schedule shall be adjusted so that the employee receives no more than the Board approved number of holidays granted that fiscal year.

Under certain situations, due to coverage requirements or non-County building closures, the holiday schedule for some departments or groups of employees within departments may fall on alternate dates within the fiscal year. Departments in these situations must receive Director of Human Resources/designee approval for designating these alternate holiday schedules. These alternate holiday schedules must equal the number of approved County holidays.

Employees of offices that follow the State holiday schedule (such as the courts and constitutional offices) may be approved for an alternate holiday schedule matching the State's holiday schedule regardless if the schedule contains more, fewer, or the same number of days at the County's schedule.

B. Qualifying for Holiday Leave

1. Twelve (12)-month benefits-eligible employees qualify for holiday leave (except floating holiday) as soon as they begin working. New employees must physically work at least a day before a holiday to qualify for holiday leave.
2. Employees who are terminating employment with the County will not qualify for holiday leave unless they physically work a day after the holiday. Approved paid leave may be used in lieu of physically working following a holiday. If a holiday falls on the last day of the month or week, holiday leave may be granted by the department head/designee for retiring employees.
3. If a holiday falls within the employee's scheduled annual leave, holiday leave may be used in lieu of annual leave.

C. Working on Holidays

1. Due to coverage requirements, some employees may be required to work on a scheduled holiday. Any qualified non-exempt employee who is required by the department head/designee to work on a scheduled holiday shall:
 - a. Be paid the hourly rate for the hours worked on the holiday plus the hours normally granted for the holiday; or
 - b. Substitute another day in the workweek / work cycle (for 28-day public safety employees) as holiday leave, including days in the workweek / work cycle (for 28-day public safety employees) before the established holiday.
2. Qualified exempt employees who work on a holiday may take the holiday on another day approved by the supervisor within the fiscal year. Employees may not take the holiday prior to the County designated holiday date, except within the workweek / work cycle (for 28-day public safety employees) in which the holiday falls. Unused holiday leave is never paid out and does not carry over fiscal years. Holiday leave does not transfer if an employee changes departments. It must be taken prior to transfer or it is forfeited.
3. Qualified employees who are scheduled to work on a holiday, but fail to do so for any reason, are considered to have observed the holiday. Unworked scheduled work hours in excess of holiday hours must be covered by use of some other appropriate leave.
4. Alternative Work Schedules: A "day of holiday leave" is equivalent to a "day of leave" as defined in section I(B), above. Employees must discuss the impact of holiday leave on their alternative work schedules with supervisors. Employees are responsible for making up any hourly difference between the hours granted for the holiday and the employees' work schedule by either using other applicable leave or working at another time during the workweek or work period. Fire Rescue employees on 12- or 24-hour shifts will receive 12 hours of a "day of holiday leave" regardless of their "day of leave" status.

Example: A non-exempt employee's day of leave is 8 hours/day and the employee's position is established at 8 hours/day, 5 days/week for a total of 40 hours/week. The employee has an alternative work schedule of 10 hours/day, 4 days/week for a total of 40 hours per week. Eight (8) hours of holiday leave would be granted and the employee must account for the remaining 2 hours by working 2 additional hours within that workweek or using 2 hours of compensatory time leave or annual leave.

D. Floating Holiday

1. Employees who qualify for holiday leave as of July 1 of each year are granted one (1) day of floating holiday leave for that fiscal year. Qualified employees are granted the floating holiday leave based on their day of leave status on July 1 of each year.

2. Scheduling of a floating holiday shall follow the same approval procedures as annual leave. Floating holiday leave may be used in the same increments as annual leave.
3. Floating holidays do not rollover to the following fiscal year.
 - a. Non-exempt employees who have not taken the floating holiday by June 30 of each year will be paid out for any unused floating holiday leave at the employee's hourly rate.
 - b. Exempt employees who have not taken the floating holiday by June 30 of each year will not receive additional pay.
 - c. Employees who move during a fiscal year from a non-exempt position eligible for the floating holiday to an exempt position eligible for the floating holiday (and vice versa) will receive/not receive additional pay based upon their non-exempt/exempt status at the end of the fiscal year.
4. Upon transfer/hire from a 12-month position to any position that is not eligible for the floating holiday leave and upon separation of employment:
 - a. Non-exempt employees will be paid out for any unused floating holiday leave at the employee's hourly rate.
 - b. Exempt employees will not receive additional pay for any unused floating holiday leave.
5. For the implementation year of floating holiday leave, employees who qualified for holiday leave as of July 1, 2019 will be granted one (1) day of floating holiday leave on January 1, 2020 for the remainder of the FY2019-2020 fiscal year.

E. Half-day Holidays

The Board may grant half-day holidays to benefits-eligible 12-month employees. A "half-day" is defined as half of an employee's day of holiday leave. Any non-exempt employee who receives approval not to work the other half of the day is responsible for taking compensatory time leave, annual leave, leave without pay, or arranging with his/her supervisor to work those hours within the workweek. An exempt employee who doesn't work on the half-day may make arrangements with the supervisor to work the time missed on another day within the fiscal year or use annual leave for the half-day.

F. Religious Holidays

Any regular or temporary employee observing a religious holiday occurring on the employee's workday may request time off. Supervisors should allow employees to take time off for such occasion if the time off can be accommodated without undue hardship to the department. Leave must be requested in advance in accordance with policy. Supervisors shall contact the Department of Human Resources prior to denying religious holiday leave requests. Applicable accrued leave shall be used. Leave without pay will be considered in the absence of accrued leave.

RESOLUTION
REQUESTING FUNDING THROUGH THE RECREATION ACCESS PROGRAM
TO CONSTRUCT A NEW ENTRANCE AND ROADWAY TO BISCUIT RUN PARK

WHEREAS, Biscuit Run Park is owned by the Commonwealth of Virginia, leased to Albemarle County, and is to be developed by Albemarle County as a nearly 1,200-acre recreational facility serving the residents of Albemarle County and adjoining localities; and

WHEREAS, the property on which this facility will be located has no adequate access to a public street or roadway and will require the construction of a new roadway that will connect to Avon Street Extended (Route 742) and provide access to the first parking area serving a major focal point; and

WHEREAS, the access road is planned to be constructed entirely on publicly owned property as required by Section 33.2-1510(C) of the *Code of Virginia*; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section 33.2-1510 of the *Code of Virginia* requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access roads to publicly-owned recreational areas; and

WHEREAS, the Board of Supervisors has duly adopted a zoning ordinance pursuant to Article 7 (Section 15.2-2280 et seq), Chapter 22, Title 15.2 of the *Code of Virginia*; and

WHEREAS, it appears to the Board of Supervisors that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate Biscuit Run Park as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.2-1510 of the *Code of Virginia*; and

WHEREAS, the Board agrees, in keeping with the intent of Section 33.2-405 of the *Code of Virginia*, to use its good offices to reasonably protect the aesthetic or cultural value of this road leading to or within areas of historical, natural or recreational significance; and

WHEREAS, the County of Albemarle acknowledges that no land disturbance activities may occur within the limits of the proposed access project without the permission of the Department of Transportation as a condition of the use of the Recreational Access Fund; and

WHEREAS, Albemarle County hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Albemarle County hereby requests that the Director of the Department of Conservation and Recreation (a) designate Biscuit Run Park as a public recreational area and (b) recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said park;

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described; and

BE IT FURTHER RESOLVED, that the County Executive and/or his designee(s) are authorized to act on behalf of the Board of Supervisors to execute any and all documents necessary to secure the funding sought through the Recreational Access Program up to, but not exceeding, \$350,000 in State funds, to be matched with not less than \$100,000 in Local funds.

**RESOLUTION TO APPROVE CONVEYANCE OF REAL PROPERTY
TO THE COMMONWEALTH OF VIRGINIA, ACTING BY AND THROUGH
THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Board finds it is in the best interest of the County to convey portions of Tax Parcel 13600-00-00-02900 (735 square feet of prescriptive right-of-way, 2,083 square feet of fee simple land, and 6,744 square feet of temporary construction easement), located at 9290 Totier Creek Road (the "Property"), to the Commonwealth of Virginia, acting by and through the Virginia Department of Transportation ("VDOT"), for the purpose of VDOT's replacement of a bridge in Totier Creek Park.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, hereby approves the conveyance of the Property to the Commonwealth of Virginia, acting by and through VDOT, for the above purpose, and authorizes the County Executive to execute a Deed of Conveyance on behalf of the County after it is approved as to substance and form by the County Attorney.

ATTACHMENT 5

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 18th day of December 2019, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Stillhouse Ridge Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 18, 2019**, 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 **Stillhouse Ridge Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 18, 2019**, 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.

* * * * *

In the County of Albemarle

By resolution of the governing body adopted December 18, 2019

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official):

Report of Changes in the Secondary System of State Highways

Project/Subdivision Stillhouse Ridge

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: 33.2-705, 33.2-334

Street Name and/or Route Number

☐ **Stillhouse Ridge Lane, State Route Number 861**

Old Route Number: 0

☐ From: Route 689, Pounding Creek Road

To: 0.34 Miles South to CDS, a distance of: 0.34 miles.

Recordation Reference: DB 3159: PG 92-94

Right of Way width (feet) = 0

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 18th day of December 2019, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Berkshire Landing Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 18, 2019**, 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 **Berkshire Landing Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 18, 2019**, 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.

* * * * *

In the County of Albemarle

By resolution of the governing body adopted December 18, 2019

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official):

Report of Changes in the Secondary System of State Highways

Project/Subdivision Berkshire Landing

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: 33.2-705, 33.2-334

Street Name and/or Route Number

☐ **North Berkshire Road, State Route Number 1431**

Old Route Number: 0

☐ From: Route 1430, Solomon Road

To: 0.04 Miles North, a distance of: 0.04 miles.

Recordation Reference: DB 3414, PG 659-665

Right of Way width (feet) = 0

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 18th day of December 2019, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Woodlawn Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 18, 2019**, 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 **Woodlawn Subdivision**, as described on the attached Additions Form AM-4.3 dated **December 18, 2019**, 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.

* * * * *

By resolution of the governing body adopted December 18, 2019

A Copy Testee

Signed (County Official): _____

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
DESIGN STANDARDS FOR GRADING**

WHEREAS, an objective of the Comprehensive Plan is “Ensure clean and abundant water resources for public health, business, healthy ecosystems, and personal enjoyment by preventing shortages and contamination”; and

WHEREAS, protecting natural resources and healthy ecosystems is part of the stated Albemarle County strategic vision; and

WHEREAS, grading activities may result in adverse impacts to the natural resources, including water resources of the County.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, general welfare, and good stewardship, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-4.2, § 18-30.7.5, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

* * * * *

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
PROCEDURES FOR REVIEW OF ZONING TEXT AMENDMENTS, ZONING MAP AMENDMENTS,
SPECIAL USE PERMITS AND SPECIAL EXCEPTIONS**

WHEREAS, the Albemarle County Code includes regulations pertaining to legislative zoning actions such as zoning text amendments, zoning map amendments, special use permits, and special exceptions in Albemarle County Code § 18-33; and

WHEREAS, revisions to this section were adopted on September 5, 2018; and

WHEREAS, the revisions have not resulted in the desired improvements to the review process; and

WHEREAS, amending the review process to re-establish the prior review process is desired to reduce the administrative burdens imposed by the current regulations.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-33 and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
TO VARY THE APPLICATION PLAN APPROVED IN CONJUNCTION WITH
ZMA198700007 JEFFERSON SQUARE SHOPPING CENTER AND THE SITE PLAN APPROVED IN
CONJUNCTION WITH SDP198800001 RIO HILL SHOPPING CENTER**

WHEREAS, the Owner of Tax Parcel 04500-00-00-093C0 filed a request for a special exception to vary the Application Plan approved in conjunction with ZMA198700007 Jefferson Square Shopping Center (now Rio Hill Shopping Center) and with the site plan approved in conjunction with SDP198800001 Rio Hill Shopping Center, which addressed the Board's required changes to the ZMA198700007 Application Plan, to allow the modification of the building footprint and supportive parking layout, in conjunction with SDP201900052 W4 Development Car Wash.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3, 18-33.43 and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Application Plan approved in conjunction with ZMA198700007 Jefferson Square Shopping Center (now Rio Hill Shopping Center) and the site plan approved in conjunction with SDP198800001 Rio Hill Shopping Center, as requested, subject to the conditions attached hereto.

* * *

**Special Exception to Vary
the ZMA198700007 Jefferson Square Shopping Center
Application Plan and the SDP198800001 Rio Hill Shopping Center Conditions**

1. Adjacent to Route 29, the final site plan must:
 - a. Provide a shared use path that is at least 14 feet wide.
 - b. Include a landscape strip that is at least 8 feet in width between the shared use path and the travelway, to buffer pedestrians from vehicular travel.
2. Adjacent to Woodbrook Drive, the final site plan must:
 - a. Provide a shared use path that is at least 10 feet wide.
 - b. Include a landscape strip that is at least 6 feet in width between the shared use path and the travelway, to buffer pedestrians from vehicular travel.

**RESOLUTION IN SUPPORT OF LEGISLATION TO IMPROVE THE PROCESS FOR REVIEW OF
LEGISLATION WITH LOCAL FISCAL IMPACT**

WHEREAS, each year the General Assembly considers thousands of pieces of legislation, many of which have a significant impact on local governments; and

WHEREAS, in recognition of the need for localities to have an opportunity to review and analyze legislation that may require additional expenditures of local funds or reduce local revenues, Virginia Code sets out a process for the Commission on Local Government to develop local fiscal impact statements for such bills, with the assistance of local volunteers; and

WHEREAS, under the current process, the large volume of bills and the rapid pace of the legislative session limit the time that is available for the review of bills with implications for local government finances; and

WHEREAS, the local volunteers who assist with the fiscal impact review process take on this responsibility in addition to their regular duties, often during the same time as local budgets are being finalized; and

WHEREAS, prior to 2010, legislation that had a local fiscal impact was required to be introduced by the first day of the General Assembly session, which allowed some additional time for the legislation to be reviewed by the Commission on Local Government and local staff, but this requirement was eliminated in the 2010 session, compressing the opportunity for review of legislation in subsequent General Assembly sessions; and

WHEREAS, additional time to review legislation would allow for a more thorough understanding of the potential ramifications of bills affecting local finances; and

WHEREAS, a robust analysis of legislation affecting local governments benefits policymakers, as localities work in partnership with the state to deliver critical services to Virginia residents;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Albemarle, Virginia expresses its support for legislation that would provide additional time for review and analysis of legislation with a fiscal impact on localities, as well as direct further consideration of additional ways to improve the review process.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR DISTURBANCE OF CRITICAL SLOPES
AND MODIFICATION OF A BUILDING SITE FOR TMP 63-19E**

WHEREAS, the Owner of Tax Parcel Number 06300-00-00-019E0 (TMP 63-19E) filed a request for a special exception for disturbance of critical slopes and modification of a building site.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Transmittal Summary prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-4.2.3, 18-4.2.5, 18-33.48, and 18-33.49, the Albemarle County Board of Supervisors hereby approves the special exception for disturbance of critical slopes and modification of a building site for TMP 63-19E, as described above, subject to the conditions attached hereto.

* * *

Special Exception for TMP 63-19E – Special Exception Conditions

1. The area of land disturbance on critical slopes must be in general accord with the application plan, as shown on the plan entitled "Erosion and Sediment Control Plan TMP 06300-00-00-019E0", prepared by G.V. "Kirk" Hughes of Kirk Hughes and Associates, and dated May 24, 2019, last revised on October 31, 2019.

**RESOLUTION TO APPROVE
SP 2019-10 RIVANNA SOLAR**

WHEREAS, the Applicant submitted a request to amend a special use permit that was previously approved (SP 2017-18 Rivanna Solar) by extending the expiration date by three years, from March 14, 2020 to March 14, 2023, and the application is identified as SP201900010 Rivanna Solar ("SP 2019-10"); and

WHEREAS, on November 12, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2019-10 with staff-recommended conditions; and

WHEREAS, on December 18, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2019-10.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2019-10 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-10.2.2(58) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2019-10, subject to the conditions attached hereto.

* * *

SP 2019-10 Rivanna Solar Special Use Permit Conditions

1. Development and use shall be in general accord with the following revised plans prepared by Draper Aden Associates titled "Conceptual Layout, Rivanna Solar Farm" dated January 5, 2018 (hereinafter "Concept Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements as shown on the Concept Plan:

- a) Location of solar development envelopes;
- b) Location of access/entrance improvements;
- c) Location of equipment yard; and
- d) 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, shall be limited to the areas shown on the Concept Plan as "Proposed Solar Development Envelopes," "Proposed Landscape Buffer" areas, and the "Temporary Construction Entrance" and the "Permanent Entrance" areas, unless additional land disturbance is approved by the Director of Planning in writing and prior to the land disturbance.

Minor modifications, with the approval of the Zoning Administrator and the Director of Planning, to the Concept Plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.

2. Landscaping and screening shall be substantially the same as shown on the revised plan prepared by Draper Aden Associates titled "Landscape Buffer Details" dated January 5, 2018 and shall be planted as shown on a landscaping plan approved by the Director of Planning or his or her designee.
3. All inverters shall be set back at least one hundred (100) feet from property lines and rights-of-way.
4. The applicant shall submit a tree-protection agreement between the applicant and the landowner of Tax Map Parcel 09300-00-00-047E0 with the building permit application. This agreement shall prohibit the removal of shrubs or trees (except for non-native or invasive species) by either party within 475 feet of the rear boundary of this parcel until decommissioning of the solar energy facility on Tax Map Parcel 09400-00-00-017A0 is complete. The tree-protection agreement shall be subject to review and approval by the County Attorney, and shall be in a form and style so

that it may be recorded in the office of the Circuit Court of the County of Albemarle. Prior to issuance of a building permit, the tree-protection agreement shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.

5. All outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties.
6. The applicant shall submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application that shall include the following items:
 - a) A description of any agreement (e.g. lease) with all landowners regarding decommissioning;
 - b) The identification of the party currently responsible for decommissioning;
 - c) The types of panels and material specifications being utilized at the site;
 - d) Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
 - e) An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to thirty-six (36) inches below grade or down to bedrock, whichever is less; and
 - f) An estimate of all costs associated with rehabilitation of the site.

The Decommissioning Plan shall be prepared by a third-party engineer and must be signed off by the party responsible for decommissioning, and all landowners of the property included in the project. The Decommissioning Plan shall be subject to review and approval by the County Attorney and County Engineer, and shall be in a form and style so that it may be recorded in the office of the Circuit Court of the County of Albemarle.

7. Prior to issuance of a building permit, the Decommissioning Plan shall be recorded by the applicant in the office of the Circuit Court of the County of Albemarle.
8. The Decommissioning Plan and estimated costs shall be updated every five years, upon change of ownership of either the property or the project's owner, or upon written request from the Zoning Administrator. Any changes or updates to the Decommissioning Plan shall be recorded in the office of the Circuit Court of the County of Albemarle.
9. The Zoning Administrator shall be notified 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, shall be removed entirely, and the site shall be rehabilitated as described in the Decommissioning Plan, within 180 days of the abandonment or discontinuance of the use. In the event that a piece of an underground component breaks off or is otherwise unrecoverable from the surface, that piece shall 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 March 14th, 2023, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

ORDINANCE NO. 19-3(3)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-209	Buck Mountain Agricultural and Forestal District
Sec. 3-210	Buck's Elbow Mountain Agricultural and Forestal District
Sec. 3-212	Chalk Mountain Agricultural and Forestal District
Sec. 3-214	Fox Mountain Agricultural and Forestal District
Sec. 3-222	Jacobs Run Agricultural and Forestal District
Sec. 3-231	Sugar Hollow Agricultural and Forestal District
Sec. 3-233	Yellow Mountain Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS**ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE****DIVISION 2. DISTRICTS****Sec. 3-209 Buck Mountain Agricultural and Forestal District.**

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

- A. *Date created.* The district was created on January 4, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 8: parcels 16A, 16C, 17E, 17F, 37, 44, 44A.
 - 2. Tax map 17: parcels 2D6, 26B, 26C1, 26C2, 26C3.
- C. *Review.* The district is reviewed once every five years and will next be reviewed prior to December 18, 2024.

(4-12-95; Code 1988, § 2.1-4(o); § 3-209, Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99; Ord. 99-3(5), 10-6-99; Ord. 09-3(2), 9-2-09; Ord. 09-3(4), 12-2-09; Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19)

Sec. 3-210 Buck's Elbow Mountain Agricultural and Forestal District.

The district known as the "Buck's Elbow Mountain Agricultural and Forestal District" was created and continues as follows:

- A. *Date created.* The district was created on December 2, 2009.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 25: parcel 1.
 - 2. Tax map 38: parcels 4, 7, 8, 10, 20.
 - 3. Tax map 39: parcels 1, 1D, 1F, 1F1, 1G, 2B, 8, 10A, 21Q, 21R, 21Z.
- C. *Review.* The district is reviewed once every five years and will next be reviewed prior to December 18, 2024.

(§ 3-209.5, Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11; § 3-210, Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19)

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

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

- A. *Date created.* The district was created on September 6, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 97: parcels 2, 21A1, 21B, 21B1, 21C, 21D, 22, 22A, 22B, 27.
 2. Tax map 98: parcels 1G (part), 11, 12, 13, 14.
 3. Tax map 99: parcel 30.
- C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to December 18, 2029.

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

Sec. 3-214 Fox Mountain Agricultural and Forestal District.

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

- A. *Date created.* The district was created on December 2, 2009.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 14: parcels 26A, 26B, 26C.
 2. Tax map 15: parcels 1, 10A.
- C. *Review.* The district is reviewed once every five years and will next be reviewed prior to December 18, 2024.

(§ 3-212.5, Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; § 3-214, Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19)

Sec. 3-222 - Jacobs Run Agricultural and Forestal District.

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

- A. *Date created.* The district was created on January 6, 1988.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 19: parcels 25, 25A.
 2. Tax map 19A: parcels 9, 22, 31.
 3. Tax map 20: parcels 6J, 6S.
 4. Tax map 30: parcel 32B.
 5. Tax map 31: parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 44G2, 45, 45B.
- C. *Review.* The district is reviewed once every five years and will next be reviewed prior to December 18, 2024.

(3-2-94; Code 1988, § 2.1-4(i); § 3-218, Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 11-3(2), 7-6-11; Ord. 13-3(1), 12-4-13; Ord. 15-3(1), 12-2-15; § 3-222, Ord. 18-3(1), 11-7-18; Ord. 19-3(2), 9-18-19; Ord. 19-3(3), 12-18-19)

Sec. 3-231 - Sugar Hollow Agricultural and Forestal District.

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

- A. *Date created.* The district was created on September 6, 1989.
- B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 1. Tax map 25: parcels 11C, 12, 13, 14, 14A, 14B, 14C, 18, 18A, 18B, 21, 21A, 24, 25, 26, 27, 28.
 2. Tax map 26: parcels 5A, 10, 10B, 10D, 10F, 10G, 11C, 11D, 12A, 13, 14F, 19, 40B, 40C, 41A, 52, 52D.
 3. Tax map 27: parcels 8, 8E (part), 24A, 25, 26.
 4. Tax map 39: parcels 2, 2A, 3, 4, 13C3, 14, 15, 25, 25A.
 5. Tax map 40: parcels 1, 9, 9C, 9D (part), 9E, 10, 10A, 10B, 10C, 22, 22A, 27A, 46C1, 49.
- C. *Review.* The district is reviewed once every five years and will next be reviewed prior to December 18, 2024.

(11-17-93; Code 1988, § 2.1-4(q); § 3-226, Ord. 98-A(1), 8-5-98; Ord. 99-3(5), 10-6-99; Ord. 02-3(1), 1-9-02; Ord. 02-3(2), 4-3-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11; § 3-231, Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19)

Sec. 3-233 - Yellow Mountain Agricultural and Forestal District.

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

- A. *Date created.* The district was created on March 8, 1989.
 - B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:
 - 1. Tax map 54: parcels 41, 43, 43A, 43D, 71B.
 - 2. Tax map 55: parcel 15.
 - 3. Tax map 70: parcels 15, 15A, 15D, 15E, 15G, 29, 37B, 37B1 (part), 37D (part), 37K, 37L.
 - 4. Tax map 71: parcel 2B, 22, 22A, 22B, 22C2, 22K, 64, 64A.
 - C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to December 18, 2029.
- (Code 1988, § 2.1-4(p); § 3-228, Ord. 98-A(1), 8-5-98; Ord. 99-3(1), 1-13-99, Ord. 99-3(4), 5-12-99; Ord. 09-3(3), 9-2-09; Ord. 09-3(4), 12-2-09; § 3-233, Ord. 18-3(1), 11-7-18; Ord. 19-3(3), 12-18-19)

ORDINANCE NO. 19-18(8)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 10.2.1 By right.

Sec. 10.2.2 By special use permit.

Sec. 32.2 Applicability

By Adding:

Sec. 5.1.64 Religious Assembly Use in Rural Areas.

Chapter 18. Zoning**Article II. Basic Regulations****Section 5. Supplementary Regulations**

...

Sec. 5.1.64 Religious Assembly Use in Rural Areas

Each religious assembly use authorized below shall be subject to the following:

- a. *Notice.* The religious assembly shall provide written notice to the owner of each abutting lot under different ownership than the lot on which the proposed use would be located. The notice shall identify the proposed type, size, and frequency of events and assemblies, and provide the name and telephone number of a contact person who will be on-site at the religious assembly use. The notice shall be mailed at least ten (10) days prior to the issuance of a building permit.
- b. *Sound from outdoor amplified music.* Sound generated by outdoor amplified music shall be subject to the following:
 1. *Maximum sound level.* Sound generated by outdoor amplified music shall not exceed the applicable maximum sound levels in section 4.18.04.
 2. *Times of day when outdoor amplified music prohibited.* Sound generated by outdoor amplified music is prohibited between 10:00 p.m. and 7:00 a.m. the following morning.
- c. *Yards.* Notwithstanding any other provision of this chapter, the following minimum front, side, and rear yard requirements shall apply to any event or activity:
 1. *Structures used for religious assembly.* The minimum yards for structures used religious assembly shall be as follows:
 - a. *New permanent structures and temporary structures.* The minimum front, side, and rear yard requirements in section 10.4 shall apply to all permanent and temporary structures used for religious assembly.
 - b. *Existing permanent structures.* If an existing permanent structure does not satisfy any minimum yard requirement under subsection (c)(1)(a), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement, or lot line on [date of adoption], and that distance shall not be thereafter

reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.

2. *Parking areas.* The minimum front, side, and rear yards for parking areas shall be one hundred twenty-five (125) feet from any abutting lot not under the same ownership as the religious assembly use.

- d. *Expansions to existing nonconforming religious uses.* Notwithstanding the provisions of section 6.2(A), minor expansions to existing nonconforming religious assembly uses shall be permitted by right. These expansions are limited to picnic shelters, storage, office space, recreational equipment, and other similar additions or accessory structures that are determined by the Zoning Administrator to not increase the capacity of the nonconforming religious assembly use. Any new structure shall comply with the provisions of section 5.1.64(c).

(§ 18-5.1.64, Ord. 19-18(8), 12-18-19)

...

Section 10. Rural Areas District, RA

...

Sec. 10.2.1 By right.

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

...

34. Religious assembly use with assembly of not more than 200 persons.

(§ 20-10.2.1, 12-10-80; 12-16-81; 7-6-83; 11-1-89; 11-8-89; 11-11-92; 5-12-93; Ord. 95-20(5), 11-15-95; § 18-10.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(3), 6-6-12; Ord. 13-18(5), 9-11-13; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18; Ord. 18-18(2), 9-5-18; Ord. 19-18(3), 6-5-19; Ord. 19-18(6), 8-7-19; Ord. 19-18(8), 12-18-19)

...

Sec. 10.2.2 By special use permit.

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

...

35. Religious assembly use with assembly of more than 200 persons.

(§ 20-10.2.2, 12-10-80; 3-18-81; 2-10-82; 4-28-82; 7-6-83; 3-5-86; 1-1-87; 12-2-87; 11-8-89; 6-10-92; 11-11-92; Ord. 95-20(1), 3-15-95; Ord. 95-20(3), 10-11-95; Ord. 95-20(5), 11-15-95; § 18-10.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 00-18(6), 10-18-00; Ord. 01-18(2), 3-21-01; Ord. 02-18(6), 10-9-02; Ord. 04-18(1), 5-5-04 effective 7-1-04; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18; Ord. 18-18(2), 9-5-18; Ord. 19-18(3), 6-5-19; Ord. 19-18(8), 12-18-19)

...

Section 32. Site Plan

...

Sec. 32.2 Applicability

Any construction, use, change in use or other development is permitted in any zoning district only with an approved site plan complying with the requirements of section 32, other applicable requirements of this chapter, and all other applicable laws; provided that no site plan shall be required for the following:

...

- f. Any religious assembly use with assembly of not more than 200 persons.

(§ 32.2.1, Ord. 12-18(6), 10-3-12, effective 1-1-13 (§ 32.2, 12-10-80; § 32.2.1, 12-10-80); Ord. 19-18(8), 12-18-19)

ORDINANCE NO. 19-9(2)

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, 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 9, Motor Vehicles and Traffic, is hereby amended as follows:

By Adding:

- Article IX. Bicycles, Electric Power-assisted Bicycles, Motorized Skateboards or Scooters, and Mopeds
 - Sec. 9-900 Riders subject to traffic laws, etc.
 - Sec. 9-901 Required equipment for bicycles, electric power-assisted bicycles, and motorized skateboards or scooters.
 - Sec. 9-902 Riding on roadways generally.
 - Sec. 9-903 Reserved.
 - Sec. 9-904 Parking for bicycles, electric-power assisted bicycles, and motorized skateboards or scooters.
 - Sec. 9-905 Rider not to attach vehicle or himself to another vehicle.
 - Sec. 9-906 Riding on handlebars.
 - Sec. 9-907 Riding with more than one person on a motorized skateboard or scooter.
 - Sec. 9-908 Report of certain vehicle accidents.
 - Sec. 9-909 Disposition of unclaimed bicycles, mopeds, etc.
 - Sec. 9-910 Unlawful to ride motorized skateboard or scooter while using earphones.
- Article X. Permit Program for Dockless Mobility Devices for Hire
 - Sec. 9-1000 Purpose and persons covered.
 - Sec. 9-1001 Definitions.
 - Sec. 9-1002 Permit requirement.
 - Sec. 9-1003 County Executive authorized to promulgate regulations.
 - Sec. 9-1004 Maximum fleet size.
 - Sec. 9-1005 Review of permit applications.
 - Sec. 9-1006 Suspension or revocation of permits.
 - Sec. 9-1007 Appeals.

Chapter 9. Motor Vehicles and Traffic

**Article IX. Bicycles, Electric Power-assisted Bicycles,
Motorized Skateboards or Scooters, and Mopeds**

Sec. 9-900 Riders subject to traffic laws, etc.

Every person riding a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped upon a street, roadway or other public vehicular area will be subject to the provisions of this Code and the provisions of Code of Virginia, Chapter 8 (Section 46.2-800 et seq.) of Title 46.2, applicable to drivers of motor vehicles, unless the context of any such provision clearly indicates otherwise.

State Law reference – Similar provisions, Va. Code § 46.2-800

Sec. 9-901 Required equipment for bicycles, electric power-assisted bicycles, and motorized skateboards or scooters.

- A. Every bicycle, electric power-assisted bicycle, and motorized skateboard or scooter, when in use between sunset and sunrise, must be equipped with a lamp on the front which must emit a white light visible in clear weather from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved for use on the highways of this state by the superintendent of state police, which must be visible in clear weather from all distances from 600 feet to the rear, when directly in front of lawful lower beams of headlights on a motor vehicle.

- B. Every bicycle, electric power-assisted bicycle, and motorized skateboard or scooter, when in use between sunset and sunrise, must be equipped with a taillight on the rear emitting a red light plainly visible in clear weather from a distance of at least 500 feet to the rear. Any such taillight must be of a type approved by the superintendent of state police.
- C. Every bicycle, electric power-assisted bicycle, and motorized skateboard or scooter, when operated upon a street or highway, must be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

State Law reference – Similar provisions, Va. Code § 46.2-1015

Sec. 9-902 Riding on roadways generally.

- A. Any person operating a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a roadway must ride as close as practicable to the right curb or edge of the roadway, except under any of the following circumstances:
 - 1. When overtaking and passing another vehicle proceeding in the same direction;
 - 2. When preparing for a left turn at an intersection or into a private road or driveway; and
 - 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge.
- B. For the purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped and another vehicle to pass safely side by side within the lane.
- C. Bicycles, electric power-assisted bicycles, and motorized skateboards or scooters may use bicycle lanes when operating in the intended direction of travel.

State Law reference – Similar provisions, Va. Code § 46.2-905

Sec. 9-903 Reserved.

Sec. 9-904 Parking for bicycles, electric-power assisted bicycles, and motorized skateboards or scooters.

- A. No person may stand or park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter:
 - 1. upon the street, other than upon the roadway against the curb, or in a corral marked and designated for the purpose;
 - 2. upon the sidewalk, other than in a rack to support the vehicle, or attached to a street sign or light post, or at the curb or the back edge of the sidewalk;
 - 3. where they would obstruct curb ramps, pedestrian access within bus stops, or fire access;
 - 4. in, or upon, any public right-of-way, other than a street or sidewalk, except in a location specifically designated through signage or provision of racks.
- B. Bicycles, electric power-assisted bicycles, and motorized skateboards or scooters must be parked upright, in such a manner as to afford the least obstruction to pedestrian and vehicular traffic.
- C. Violations of this section will be subject to a civil penalty of not more than \$50.00.

State Law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300

Sec. 9-905 Rider not to attach vehicle or himself to another vehicle.

No person riding upon any bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped may attach the same or himself to any other vehicle on the roadway.

State Law reference – Similar provisions, Va. Code § 46.2-932

Sec. 9-906 Riding on handlebars.

No person riding a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a street, highway, or other public vehicular area may permit any person to ride on the handlebars.

State Law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300

Sec. 9-907 Riding with more than one person on a motorized skateboard or scooter.

Motorized skateboards or scooters may not be used on a street, highway, or other public vehicular area by more than one person at a time.

State Law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300

Sec. 9-908 Report of certain vehicle accidents.

It will be the responsibility of the rider to report any bicycle, electric power-assisted bicycle, and motorized skateboard or scooter accident involving bodily injury or damage of \$50.00 or more to the chief of police within 48 hours of such accident. The chief of police must keep complete and retrievable records of all such accidents involving these vehicles. Such records must include the location and nature of the accident.

State Law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300

Sec. 9-909 Disposition of unclaimed bicycles, mopeds, etc.

Where any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped has been found or delivered to the police department, and has thereafter remained in the possession of the police department, unclaimed, for more than 30 days, and the property is not owned by a Dockless Mobility Business operating under a permit issued pursuant to Article X of this Chapter, such property may be disposed of as provided in County Code § 2-502 of the County Code or as provided in Virginia Code § 15.2-1720.

State Law reference – Similar provisions, Va. Code § 15.2-1720

Sec. 9-910 Unlawful to ride motorized skateboard or scooter while using earphones.

No person may ride a motorized skateboard or scooter while using earphones on or in both ears. For the purposes of this section, “earphones” will have the meaning set forth in Virginia Code § 46.2-1078.

State Law reference – Similar provisions, Va. Code § 46.2-1078

Article X. Permit Program for Dockless Mobility Devices for Hire

Sec. 9-1000 Purpose and persons covered.

A. Purpose. The purpose of this section is to establish a permit program to regulate the operation of Dockless Mobility Services for-hire within the County of Albemarle, as defined below. The aims of the permit program shall be:

1. to ensure that Dockless Mobility Services for-hire are carried on in a manner that is consistent with the health, safety, and welfare of the public, as well as consistent with the accessibility of public right-of-way for bicyclists, pedestrians, and people with disabilities;

2. to reduce single occupancy vehicle use; and,
 3. to improve the overall mobility, safety, and equity of the County's transportation network.
- B. **Persons Covered.** Any person who provides, or applies to provide, Dockless Mobility Service for-hire, as defined below, within the County of Albemarle will be governed by the provisions of this Article.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1001 Definitions.

The following words and terms, when used in this section, will have the following meaning, unless context clearly indicates otherwise:

“Dockless Mobility Device” means a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter, as those terms are defined in the Code of Virginia.

“Dockless Mobility Business” means any person that offers, or applies to offer, Dockless Mobility Devices for-hire by relying on the public right-of-way to store the Dockless Mobility Devices for customer access and use. Dockless Mobility Business does not include any transportation service operated by the County or any other political subdivision or agency of the Commonwealth of Virginia.

“Dockless Mobility Service” means the service provided by a Dockless Mobility Business.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1002 Permit requirement.

No person may provide Dockless Mobility Services for public hire within the County of Albemarle without obtaining a permit from the County Executive pursuant to this Article.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1003 County Executive authorized to promulgate regulations.

The County Executive, or the County Executive's designee, will administer the permit program and will have the authority to promulgate regulations setting forth the requirements applicable to all persons applying for, or operating under, a permit issued pursuant to this Article. The County Executive, or the County Executive's designee, may establish reasonable fees, charges, and penalties in connection with the permit program, including, but not limited to, requirements for insurance coverage, bond payment, and indemnification.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1004 Maximum fleet size.

The County Executive, or the County Executive's designee, will have the authority to establish, modify, or eliminate a cap on the total number of Dockless Mobility Devices allowed to operate under this permit program.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1005 Review of permit applications.

- A. The County Executive, or the County Executive's designee, will evaluate each application for a permit under this program and notify the applicant in writing regarding the decision to approve or deny the application. In making such an approval or denial, the County Executive, or the County Executive's designee, may consider any established cap on the total number of Dockless Mobility Devices, aggregate demand for services, and any goal articulated in the County's Comprehensive Plan or Strategic Plan.

- B. An applicant for a permit must request an initial allocation of Dockless Mobility Devices. The County Executive, or the County Executive's designee, may determine the initial number of Dockless Mobility Devices approved under the permit. The County Executive, or the County Executive's designee, may subsequently increase or decrease the number of approved devices under a permit for any of the reasons mentioned in this section or in connection with the enforcement of any regulations promulgated pursuant to this Article.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1006 Suspension or revocation of permits.

The County Executive, or the County Executive's designee, may revoke or suspend a permit for any violation of this Article or regulations promulgated pursuant to this Article.

State Law reference – Va. Code § 46.2-1315

Sec. 9-1007 Appeals.

The County Executive, or the County Executive's designee, will establish an administrative process for any Dockless Mobility Business to appeal the denial of a permit application, the suspension or revocation of a permit, or any change in the number of approved devices under a permit.

State Law reference – Va. Code § 46.2-1315

**RESOLUTION TO APPROVE CONVEYANCE OF REAL PROPERTY
TO THE ALBEMARLE COUNTY SCHOOL BOARD**

WHEREAS, the Board finds it is in the best interest of the County to convey Tax Parcel 09100-00-00-01100 located at 133 Galaxie Farm Lane and composed of approximately 15.80 acres (the "Property") to the Albemarle County School Board (the "School Board") for the purpose of Albemarle County Public Schools constructing a high school center on the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Albemarle, Virginia, hereby approves the conveyance of the Property to the School Board for the above purpose, and authorizes the County Executive to execute a Deed of Conveyance on behalf of the County after it is approved as to substance and form by the County Attorney.

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

Parcel ID Number 09100-00-00-01100

This deed is exempt from taxation under *Virginia Code* § 58.1-811(A)(3) and 58.1-811(C)(4) and from Clerk's fees under *Virginia Code* § 17.1-266.

THIS DEED, dated as of the 19th day of December, 2019, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, Grantor, and the **SCHOOL BOARD OF ALBEMARLE COUNTY**, the Grantee, whose address is: 401 McIntire Road, Charlottesville, Virginia 22902.

WITNESSETH

By resolution of the Board of Supervisors of Albemarle County, Virginia, adopted on December 18, 2019, a certified copy of which is attached hereto, the Grantor does hereby CONVEY to the Grantee the following real property:

All that certain parcel of real estate situated on State Route 620 in the County of Albemarle, Virginia, containing 16.186 acres, more or less, being Parcel 11 on the Albemarle County Tax Map 91, and shown as "TMP 91-11" on a plat of Thomas B. Lincoln Land Surveyor, Inc. dated December 19, 2000, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 1979, page 46 (the "Plat"); being a portion of the property conveyed to the Grantor herein by deed of Kimco, L.C., dated November 10, 2000, and recorded in said Clerk's Office in Deed Book 1979, page 44.

This conveyance is subject to an easement for ingress and egress over the existing old road, identified on the Plat as the "old road bed." Neither party hereto shall be responsible for maintenance of the old road except that each party shall be responsible for the repair of any damage caused by its own use.

This conveyance is further made expressly subject to easements, restrictions, conditions, and reservations contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by limitation of time contained therein or have not otherwise become effective.

The Grantor grants all of the described property to the Grantee so long as the described property is used for public educational purposes by Grantee, including a mixed-use facility that provides educational and internship opportunities for Grantee's school children. In addition to its operation as a public school, the described property is deemed to be "used for public educational purposes" during periods when Grantee is actively planning, designing, constructing, reconstructing, modifying, or renovating a public school or other

educational facility, on the described property, even though students may not be in attendance on the described property during any such period, including any period not to exceed 365 consecutive days during which none of the activities described above are pending. If this condition is breached, the property shall automatically revert to the Grantor or its successors, without the necessity of the Grantor or its successors taking any affirmative action to effectuate this reverter.

WITNESS the following signatures and seals.

GRANTOR: SIGNATURES APPEAR ON THE FOLLOWING PAGE
COUNTY OF ALBEMARLE, VIRGINIA

Jeffrey B. Richardson, County Executive

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE:

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by Jeffrey B. Richardson, County Executive, on behalf of the County of Albemarle, Virginia, Grantor.

Notary Public

My Commission Expires:_____

Notary Registration No.:_____

Approved as to form:

County Attorney

**RESOLUTION IN SUPPORT OF THE OBJECTORS TO THE PENDING APPLICATION FOR A LIMITED
BREWERY LICENSE (#751919) FOR 2001 EARLYSVILLE ROAD
IN ALBEMARLE COUNTY**

WHEREAS, the Albemarle County Board of Supervisors (the “County Board”) is the policy-making body of the County; and

WHEREAS, a primary role of the County Board, composed of elected local representatives, is to take appropriate steps to protect the health, safety, and welfare of County residents; and

WHEREAS, a November 4, 2019 press release associated with the proposal for a limited brewery stated that “Camp Champion will be an outdoor venue, restaurant and bar with a summer camp vibe;” and

WHEREAS, the proposed Camp Champion, which is the subject of the application for a limited brewery license (#751919), would be located at 2001 Earlysville Road in Albemarle County (the “Property”); and

WHEREAS, the Property abuts the South Fork Rivanna Reservoir, a public water supply impoundment, and is surrounded to the north, south, and east (including across the Reservoir) by residential areas and to the west (across the Reservoir) by the Ivy Creek Natural Area; and

WHEREAS, a Virginia Department of Transportation (“VDOT”) study from December 2015 reported that the stretch of Earlysville Road, in close proximity to the Property, has travel lanes of 10 to 11 feet wide, which are less than the standard 12-foot lanes, and has shoulders varying from 0 to 1 foot less in width than the 6-foot shoulder length VDOT recommended; and

WHEREAS, this stretch of Earlysville Road has steep embankments and drop-offs, and vehicles frequently run off the road and crash, some of which have been fatal; and

WHEREAS, the County has long encouraged and required good land management practices and water quality protections on the properties surrounding the South Fork Rivanna Reservoir, including a requirement that properties maintain a 200-foot buffer along the Reservoir to protect water quality and provide habitat for wildlife, and the values of properties in the area reflect the peaceful, quiet nature of the area that these policies and protections have helped to preserve; and

WHEREAS, County residents have invested more than fifty years of effort and untold financial resources into protecting the South Fork Rivanna Reservoir from silt, effluent, and contaminants, including a significant downzoning approved by the County Board in 1980 for the purpose of protecting the drinking water watershed, an action that was challenged in court and ultimately upheld as a legitimate exercise of the County Board’s power to protect the health, safety, and welfare of the citizens of the City of Charlottesville and the County; and

WHEREAS, the Property is located approximately 700 feet east of and across the South Fork Rivanna Reservoir from the Ivy Creek Natural Area, a 219-acre natural area jointly owned by the County and the City of Charlottesville and managed by the not-for-profit Ivy Creek Foundation for purposes of environmental education, land conservation, and the improvement of water quality; and

WHEREAS, the Ivy Creek Foundation actively uses the Ivy Creek Natural Area’s Educational Building, historic River View Farm (possibly the only intact African-American farmstead in the region), and the “Barn” building to provide environmental education opportunities for children and adults and provides guided educational walks, including night walks for stargazing and to observe nocturnal wildlife; and

WHEREAS, the County Board has followed the requirements imposed on it by Virginia Code § 15.2-2288.3:1 regarding the proposed Camp Champion, by which the Board is required to classify a licensed limited brewery as an agricultural use under the County’s zoning regulations, but the Board also recognizes that the proposed use at the Property does not appear to be capable of being conducted as a farm.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Albemarle County Board of Supervisors that, based on the information the County Board has received about the “Camp Champion” proposal, the activities that may be allowed under a license, including the on-premises sale, tasting, and consumption of beer, and the information and concerns received from residents of the surrounding neighborhoods (the “Objectors”), the County Board has serious concerns about the effects the operation of a limited brewery on the Property will have on the surrounding residential areas and the Ivy Creek Natural Area and the Natural Area’s related activities; and

BE IT FURTHER RESOLVED that the County Board strongly supports the Objectors in their opposition to the issuance of a limited brewery license for the Property because of the concerns they have identified, which include but are not limited to the following:

A. The operation of a limited brewery with on-premises sale, tasting, and consumption in this suburban location of residences and residential neighborhoods would adversely affect real property values and substantially interfere with the usual quietude and tranquility of the surrounding residents by subjecting them to increased noise, traffic, odors, and light pollution, and generally making the area a less desirable place to live (see Virginia Code §4.1-222(A)(2)(d)); and

B. The operation of a limited brewery with on-premises sale, tasting, and consumption in this suburban location of residences and residential neighborhoods would adversely affect real property values and substantially interfere with the usual quietude and tranquility of the surrounding residents by adding traffic to a dangerous and curvy stretch of road (see Virginia Code §4.1-222(A)(2)(d)); and

C. The operation of a limited brewery with on-premises sale, tasting, and consumption in this location would adversely affect and interfere with the normal, orderly conduct of the affairs of the Ivy Creek Natural Area and Ivy Creek Foundation by substantially increasing traffic, noise, and commercial activity in close proximity to the Natural Area, altering the educational and tranquil recreational experience of visitors and causing considerable disruption to birds and waterfowl population (see Virginia Code §4.1-222(A)(2)(c)).

BE IT FURTHER RESOLVED that the County Board requests the Hearing Officer and the Virginia Alcoholic Beverage Control Board to fully consider those concerns when considering whether to grant a limited license brewery for the Property.