

**FLUVANNA COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES**

**Circuit Court Room--Fluvanna County Courts**

**September 23rd, 2015**

**7:00 p.m.**

**MEMBERS PRESENT:** Barry Bibb, Chairman  
Ed Zimmer, Vice Chairman  
Lewis Johnson  
Patricia Eager  
Donald Gaines  
Tony O'Brien Board of Supervisors Rep

**ALSO PRESENT:** Jason Stewart, Planning and Zoning Administrator  
Steven Tugwell, Senior Planner  
Jay Lindsey, Planner  
Deidre Creasy, Senior Program Support Assistant  
Frederick Payne, Fluvanna County Attorney

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Barry Bibb, Chairman called the meeting to order at 7:00p.m., after which the Pledge of Allegiance was recited.

**PLANNING DIRECTOR'S REPORT (Mr. Stewart)**

1. Board of Supervisors Actions:

September 2, 2015:

**Adopted** - I move to adopt a resolution to authorize renewal of the Bourne Tract Agricultural/Forestal District, which consists of 13 parcels totaling 271.657 acres, for an additional 8 year period, expiring on August 1, 2023.

Mr. Stewart gave a presentation on Subdivision Roads.

2. Board of Zoning Appeals Actions:

*No September meeting.*

3. Technical Review Committee:

September 10, 2015:

**SUP 15:06 – Louisa County Water Authority** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water pipeline from near Route 6 along the James River north to the Louisa County and Fluvanna County border. The properties are currently zoned A-1 (Agricultural General) and the properties are located in the Columbia Election District. The Tax Parcel Numbers of the properties affected by the proposal are as follows: 67-12-A3, 14-9-4, 14-A-14, 14-A-20A, 14-A-14A, 14-A-13, 14-A-20, 23-A-51, 23-A-61, 23-A-50, 23-A-62, 23-12-D, 23-12-A, 23-A-66, 23-A-67, 23-A-72B, 23-A-70, 23-A-96, 23-A-97, 23-A-99, 23-A-101, 23-A-102, 23-A-103, 23-A-37, 23-A-36E, 23-A-36A, 34-A-2, 34-A-4, 34-3-A, 34-3-B1, 34-3-B3, 34-3-C, 34-3-C1, 34-3-B2, 34-2-A, 34-A-17, 34-A-16, 34-A-18, 34-1-1, 34-1-3, 34-1-5, 34-1-4, 33-A-30A, 44-A-46, 44-A-46A, 44-3-1, 44-3-2, 44-2-3, 44-2-5, 44-2-4, 44-2-2, 44-2-1, 44-A-15, 44-A-17, 44-A-18, 44-A-31, 44-1-2, 44-1-3B, 54-A-10A, 54-A-14A, 54-1-1A, 54-6-C, 54-1-1, 54-2-1, 54-A-41, 54-A-43, 54-11-Z, 54-11-Y, 54-11-X, 53-11-27, 53-11-26, and 53-11-19.

**SUP 15:07– Raymond Goffin** - A request for a special use permit to operate an outdoor recreation facility with respect to 46.02 acres of Tax Map 18, Section A, Parcel 12. The property is currently zoned A-1 (Agricultural, General) and is located on the northern side of State Route 619 (Ruritan Lake Road) approximately one-half mile northwest of its intersection with Sclaters Ford Road. The property is located within the Cunningham Election District and is within the Rural Residential Planning Area.

**SUP 15:08 – James River Water Authority** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water supply system which includes a raw water intake and pump station at the subject properties denoted by Tax parcel Numbers: 53-A-62, 53-A-62C, 53-A-61, 53-11-5, and 53-11-19. The properties are currently zoned A-1 (Agricultural General) and the properties are located in the Columbia Election District and encompass approximately 305.202 acres.

**SUP 15:09 – Rountop Limited Partnership** - A request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A. The property is zoned B-1 (Business, General) and is located on the north side of Slice Road, approximately 500 feet from its intersection with Route 600 (South Boston Road). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

**PUBLIC COMMENTS #1**

Chairman Bibb opened the floor for the first section of public comments.

With no one wishing to speak, Chairman Bibb closed the first public comment section.

**APPROVAL OF MINUTES**

**MOTION:** Mr. Zimmer moved to accept the minutes of August 26, 2015, Mr. Johnson **seconded**. **The motion carried a vote of 5-0-0. AYES: Bibb, Eager, Johnson and Gaines NAYS: None. ABSTAIN: None**

**SUBDIVISIONS: None**

**SITE DEVELOPMENT PLANS: None**

**Public Hearings:**

**SUP 15:06 – Louisa County Water Authority** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water pipeline from near Route 6 along the James River north to the Louisa County and Fluvanna County border. The properties are currently zoned A-1 (Agricultural General) and the properties are located in the Columbia Election District the Tax Parcel Numbers of the properties affected by the proposal are as follows: 67-12-A3, 14-9-4, 14-A-14, 14-A-20A, 14-A-14A, 14-A-13, 14-A-20, 23-A-51, 23-A-61, 23-A-50, 23-A-62, 23-12-D, 23-12-A, 23-A-66, 23-A-67, 23-A-72B, 23-A-70, 23-A-96, 23-A-97, 23-A-99, 23-A-101, 23-A-102, 23-A-103, 23-A-37, 23-A-36E, 23-A-36A, 34-A-2, 34-A-4, 34-3-A, 34-3-B1, 34-3-B3, 34-3-C, 34-3-C1, 34-3-B2, 34-2-A, 34-A-17, 34-A-16, 34-A-18, 34-1-1, 34-1-3, 34-1-5, 34-1-4, 33-A-30A, 44-A-46, 44-A-46A, 44-3-1, 44-3-2, 44-2-3, 44-2-5, 44-2-4, 44-2-2, 44-2-1, 44-A-15, 44-A-17, 44-A-18, 44-A-31, 44-1-2, 44-1-3B, 54-A-10A, 54-A-14A, 54-1-1A, 54-6-C, 54-1-1, 54-2-1, 54-A-41, 54-A-43, 54-11-Z, 54-11-Y, 54-11-X, 53-11-27, 53-11-26, and 53-11-19.

**SUP 15:08 – James River Water Authority** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water supply system which includes a raw water intake and pump station at the subject properties denoted by Tax parcel Numbers: 53-A-62, 53-A-62C, 53-A-61, 53-11-5, and 53-11-19. The properties are currently zoned A-1 (Agricultural General) and the properties are located in the Columbia Election District and encompass approximately 305.202 acres.

**Senior Planner Steve Tugwell** conducted a brief presentation and addressed the Board

**Bibb:** Inquired if condition #5 where it discussed construction Monday-Saturday and some Sundays, if there is inclement weather is that accurate?

**Senior Planner Tugwell:** Advised it may be the case.

**Gaines:** Asked has an estimated time of completion been given?

**Senior Planner Tugwell:** Deferred the question to Mr. Wade.

**Zimmer:** Asked were VDOT standards provided for performing open cut sections on affected roadways?

**Senior Planner Tugwell:** Advised the planning office doesn't have the information, but it can be requested from Mr. Wood at VDOT.

**Stewart:** Explained, per Mr. Wood VDOT would prefer the open cut sections be completed at night.

**Zimmer:** Asked what are the VDOT standards for working on Sundays?

**Stewart:** Advised he is unable to speak for VDOT, but can inquire about those requirements.

**Bibb:** Allowed the applicant's time to come forward to speak on the two different SUP's

**Stewart:** Explained that Andy Wade would be representing the Louisa Water Authority and Joe Hines is representing the JRWA.

**15:06 Applicant:** Andy Wade advised he is the Economic Development Director for Louisa County and the in house project manager for the Louisa portion of the project. Explained he was here to seek approval of a raw water line to extend from Rt. 6 to the Louisa/Fluvanna County Line. He then explained that the project has taken on additional costs to ensure the adjoining property owners concerns from the neighborhood meetings were addressed. Likewise, clarified that restoring erosion will be done when the temperature rises and not during the winter.

**Bibb:** Confirmed that it was approximately 2 years to complete the project with the applicant and the possibility of not being able to work on Sundays could make that process longer.

**15:06 Applicant:** Explained that the contractor doesn't have intentions of working on Sundays unless there are time constraints. However, having the opportunity to do so would be beneficial to the project.

**Bibb:** Confirmed with the applicant that the project is being paid for by Louisa County with the exception of fire hydrants.

**15:08 Applicant #2 Joel Hines:** Explained that the project was adequately represented by Senior Planner Steve Tugwell's presentation. Explained the intent is to minimize impact to the systems involved with this particular project and explained that the JRWA is 50% owned by Fluvanna and 50% owned by Louisa so each will pay for half of their portion.

**Bibb:** Confirmed that the JRWA portion is related to the connection point.

**15:08 Applicant #2:** Explained the logistics of how the facility will run.

**Bibb:** Confirmed with the applicant that the water pump station will be enclosed.

**Zimmer:** Inquired what is the maximum capacity of the pump station and the lines?

**15:08 Applicant #2:** Explained the maximum size of the pump station is for 12 MGD's, which is needed during a peak day

**O'Brien:** Inquired what the initial capacity will be?

**15:08 Applicant #2:** Explained the initial capacity will be 6 MGD's with the ability to expand to 12 MGD's.

**O'Brien:** Inquired what amount will the transmission lines running to Ferncliff support?

**15:08 Applicant #2:** Offered an explanation in relation to locations and connection points.

**Eager:** Confirmed with the applicant that once the pipeline gets to the Zions Cross Roads/Ferncliff area, Louisa is responsible for the fees.

**O'Brien:** Confirmed with the applicant a timeline of 24 to 30 months for the entire project and for Louisa to take water to Zions Cross Roads.

**15:08 Applicant #2:** Offered a brief rundown of how the County could supply water to the different areas, Zions Cross Roads, Pleasant Grove etc. Also spoke of the state mandated 50 year water plan.

**Zimmer:** Asked is there a current agreement for Louisa to provide water to Fluvanna County?

**15:08 Applicant #2:** Advised he is not in a position to comment on that.

**O'Brien:** Explained at present there are negotiations but nothing is finalized at this time so that is a concern.

**Bibb:** Asked Nichols if he had any idea about any other negotiations in regards to Fluvanna County having the availability of treated water any time soon?

**Nichols:** Explained the County has received correspondence from Louisa County that they have agreed to provide water treatment at the Ferncliff water treatment plant at a price that has already been set. What is still being negotiated is the reservation of certain types of capacity and the future of growth capacity of that plant. As the plant grows or needs to grow from each County, who would pay for the cost of plant expansion? The County has received from the Louisa Board of Supervisors written documentation which is also outlined in the October 13<sup>th</sup> interjurisdictional agreement related to treatment. Expectantly, before the October 21<sup>st</sup> Board of Supervisors meeting reservation numbers will be finalized, but there is already an agreement to treat water. Addressing the treated water going to Zions Cross Roads, the Louisa County project includes the pipeline for treated water going from Ferncliff to Zions Cross Roads which is part of the project plan.

**Eager:** When Fluvanna donated our withdrawal permit to the JRWA were we reimbursed for the cost of that permit?

**Nichols:** Explained no recollection of any dollar cost change when the JRWA was formed as a joint authority between Louisa and Fluvanna County. The existing Fluvanna Permit was just transferred to the JRWA. There was no cost, dollars that changed hands, or any fee sharing because the permit had been placed for Fluvanna County for a number of years but had never been exercised.

**Stewart:** Stewart and Bibb agreed SUP 15:08 would have the 1<sup>st</sup> public hearing and motion since it was the actual intake system and the 15:06 SUP public hearing would follow.

#### **Public Hearing Comments**

**Chairman Bibb opened the floor for the SUP 15:08 JRWA public hearing section of public comments.**

**Mark Moss/Columbia District: 14045 James Madison Hwy:** Advised he is present at the meeting as President of the Fluvanna Historical Society and hopes the Board has been taking into consideration the rights of all the property owners. There are two properties that the historical society had a meeting in reference to that he is present to speak on their behalf. The two places, Point of Fork and Gum Creek are on the National Registry of Historic Places. The National Registry of Historic Places handles honorary designation of property by the Department of Interior that has local and regional historic significance. Point of Fork is important because it is a major James River Plantation house which is the site of the Point of Fork arsenal and also the site of the Monacan Indian settlement. This site is very important in the history of Fluvanna County, in fact the Point of Fork arsenal is on the Fluvanna County Flag. Gum Creek is equally important as one of the oldest single residence in Fluvanna County. It was built by one of the wealthiest men in Fluvanna County for his son. He then advised he is asking that the Board give real consideration to ensuring that the project does not in any way destroy the fabric of these two historic sites in Fluvanna County. Next, he asked if another condition could be put on 15:08 and 15:06 to say that this project would take into consideration the historic importance of these two properties and it will minimize any damage to the historic fabric of these properties.

**Barbara Seay: Point of Fork,** Explained that she is speaking on behalf of Point of Fork. She then clarified that the work being proposed is not near Point of Fork but actually on Point of Fork. She reiterated as Mr. Moss outlined that Point of Fork is the site of all kinds of history as there is no way

the land can be reclaimed after the damage is done. Likewise, this is a precious habitat and green site for animals and once it is destroyed, it will never come back the same again. Also, this is the reason that many Fluvanna natives are at the meeting, the green space and the heritage. Lastly, she explained she is totally opposed to this project being on the Point because it will be a huge eyesore.

**RT Harry, 467 Martin Kings Rd:** Advised he had some questions and wanted to know the exact site that the water will be extracted from the James River? Also he does not see where this is benefiting Fluvanna County; it seems it is for Louisa counties pure benefit. Likewise wanted to know how this will affect taxes?

**Payne:** Advised Bibb that the Planning Commission is allowed to ask for answers to questions.

**Bibb:** Asked the applicant to come forward and show the exact place on the map where the work would be conducted.

**Applicant #1:** Came forward and proceeded to explain and show exactly where the work would occur and confirmed that both projects are on the edge of the Point of Fork property.

**Frank Hardy:** Lives across from the pumping station and explained to the Planning Commission to have a meeting for the public, open to the public, for the benefit of the public where the public can't hear what the Commission members are saying is not productive.

**Suzy Morris: 6840 Thomas Jefferson Pkwy, Palmyra, Va.** She explained that she is a lifelong Fluvanna resident and was shocked to find out that Point of Fork was chosen spot for this project. Also she was upset to find out that the rural preservation area of the comprehensive plan was changed to allow this project. She thinks it is a sacrilege to this sight with all of the history there and Fluvanna is supposed to be proud of its history. Likewise, she is concerned about uncertainties unknown right now in regards to acreage amounts and the large amounts of acreage in the special use permit. Why is all of this coming in? Is this for future plans and what are those future plans? Stated she believes the County should have public hearings because many people in Fluvanna are unaware that this is happening. Also, discussed that right now there are no mandated hookups but what if there are not enough customers? Where will a treatment plant go and what if the County decides they are not making enough money or needs another one? She then expressed concerns about the river being low and how at some points in the year people are able to walk across the James River. Next she asked how is the County going to pay for this project when they are already paying 5million a year on the schools and is under a 92 million dollar deficit. Lastly, what is the depth of the hole in the river bottom going to be and how much dynamite will be used?

**Jim Summers 1841 Colonial Rd:** He stated he lives on the river and hopes the Board considers implementing noise abatement requirements. He explained that to his understanding there are going to be big generators and pumps installed in the structure where the pumping station is and the generators will be turned down and tested occasionally to make sure electrical power is not interrupted in a power outage. His concern is that there is not a specific requirement that special noise abatement be required for the issuance of this Special Use permit. Also explained when the gas pipeline there occasionally compresses, it makes a lot of noise.

**Fred Hardy Lives on the Southside of the river in Cumberland County:** Explained that his main concerns are aesthetics and noise pollution. How can a structure so big be built without destroying or adversely affecting the Point of Fork property. He expressed that there is no place with more history in Fluvanna County then Point of Fork. He went on to discuss soldiers in history trained at Point of Fork.

**G. Bialkowski, 1215 Point of Fork Rd:** He explained that his property is adjoined to the Point of Fork Property and he is absolutely against wrecking a pristine environment. He already hears one gas

pumping station across Rt. 6 every time it turns on and didn't move to the country to live in the city. Likewise, in reference to working on Saturdays and Sundays he is against it because that is the only times people have to relax. He also stated, he can't believe that there isn't a better place this can be put. Where are the other places that have been recommended? He can't figure out why this is the chosen spot. He closed with, this is an abomination and he is against it. Likewise anyone who votes for it he's going to try to vote you out of office.

**Peter Gilliam 1214 Point of Fork Rd:** This is not historically, environmentally or fiscally responsible for the County to spend more money. He also spoke of seeing signs advising not to eat the fish and has no clue what this project will do to the river. Advised that the County is just finding out about it and this has been the plan all along and the government is getting out of control.

**Jane Snead ford 5388 James Madison Hwy:** Advises she has lived in Fluvanna since the age of 2 and considers herself a lifelong native. She is a history teacher that does not want to see this beautiful area defaced. She then explained that the County needs to look at the aesthetics and the history of our Country that we are losing. This project can be delayed to conduct other studies and another place can be found to put the pump station and sink hole in. She pleaded to please look for other options and don't refer this to the Board of Supervisors yet.

**Chairman Bibb opened the floor for the SUP 15:06 JRWA public hearing section of public comments.**

**Lindsey Nolte: 1317 Stage Junction Rd,** Expressed that she has environmental concerns and will consent if Louisa County adheres to her list of procedures and Fluvanna ensures that they are enforced. The list is as follows: 1. No use of pesticides, 2. Safeguard buffers of grass seeds, wildflowers, shrubs and trees amongst streams. 3. Prohibit driving heavy equipment across stream beds, 4. Do not plant fescue because it destroys quail nesting sites. 5. Protect plant essentials to butterflies and pollen, and maximum autonomy within the limits of safety. ( Gave the commission copies)

**Pete Gilliam: 1214 Point of Fork Rd** asked what sense does it make for Fluvanna to pump water to Louisa and then buy it back. If Louisa County wanted water from the James they should have built their County on the James River. Closed with it has to be a more sound and sensible way to get water if they want water there.

**Mark Creasey: 4499 Nahor Rd, Charlottesville, Va** Advised he owns property on the line and thinks that their should be more people within the County equipped to answer his questions. He also has concerns about the statement lowest reasonable price in the information he received from the County when it should say highest reasonable price to help the landowners.

**Chairman Bibb closed the public hearing section and opened Planning Commission discussion.**

**Nichols:** Asked if he could have an opportunity to go down the list of comments and questions that arose because he thinks he can address most of them. He also expressed how much he appreciated the thoughtful considerations, questions and concerns raised by citizens. He then communicated that he is positive the answers he provides to the commission and to the citizens are not going to be to everybody's satisfaction, but he will try to do the best that he can and answer the questions truthfully. He explained there was a question about adding a condition about considering historic citing and minimizing impact. While the commission would consider that and add it as a condition, it is absolutely already a requirement to be built in because the project has to be reviewed and approved by The Department of Historic Resources, Game and Inland Fisheries, the Corp of Engineers, The Department of Environmental Quality and there are two more agencies as well. We are very sensitive to the fact on both projects that there are historic resources near and adjacent to the area that need to be protected and preserved but there is state and federal oversight to ensure that as well.

The actual location of intake is the area shown on the map. The pumping station and intake would be in the river itself, close to the edge and under the surface of the river. The intake will be

below the surface of the water because that was felt to be a better design than the original design of having a structure that was above the river where water will be captured. This proposed design allows water to drop down into the intake.

Advised there was a question in reference to taxes and he is unsure of that answer. He then explained questions in reference to taxes are an issue for the Board of Supervisors consideration. Many things impact our taxes or revenues. This year is a particularly good revenue year because the state revenues, jobs and revenue collections are better and gas prices are down. He then explained any capital projects have the ability of impacting taxes but the Board of Supervisors will have to face that question.

Explained there was a question about 305 acres in the motion which is a bit misleading. 305 acres is listed for the project but the entire 305 acres will not be affected. The 305 acres represent the breadth of the tax map parcels that are touched. Only a very small portion will be actually affected. The land that is currently identified for the pumping station is 2.7 acres on the Point of Fork the easement access and up through the adjacent CVEC electric easement. The number of acres that is not allowed to be used by citizens that own those properties is very small. However that does not minimize that there is going to be impact on someone's property when a structure is placed there.

Addressed the question will hookups be mandated to the water system? Answered No, it is raw water and hookups will not be required. Also explained there are no intentions of doing anything with raw water until it is sent to the Louisa plant to be treated. If Fluvanna in the future needs to use raw water for other areas of the County we may need a water treatment plant decades down the line to treat the water. Likewise, expressed that there is no formal construction plans or designs other than what is being proposed tonight.

Addressed the question where will the water plant be? Responded with, the only water plant contemplated in the two SUP's will be in Louisa County in the Ferncliff area. In reference to low water, the Department of Environmental Quality has put specific drought restrictions into the permit that is expected to be issued within the next couple of weeks. The drought conditions and requirements will have to be met at minimal levels on the voluntary basis and higher levels on the mandatory basis under the Commonwealth of Virginia. Next, confirmed comments about hundreds of others already hooked up to the James River as being absolutely true. There are many other intakes along the James river from the Headlands to the Atlantic Ocean. There are also many significant withdrawals upstream and also downstream for instance at the Cobb Creek reservoir that services Henrico, Goochland and Powhatan. He clarified; our permit is reduced from the amount that the Department of Corrections withdraws from the Mechunk Creek. If the Department of Corrections stopped drawing from the Mechunk Creek the permit could be raised by about 250,000 gallons per day. This is because all the watersheds are tied together under the Department of Environmental Qualities conservation when they issue a permit.

Clarified he was unsure of the depth of the hole in the river because he is not an engineer. However, there are engineers present to answer that question but the final engineer processes have not been finalized because there is no guaranteed price negotiated on the project yet. However he is confident that after a couple years of the construction project being completed there will be nothing visible except the building structure. Next, explained this is not the first time a pipeline has been built. Usually once the project is complete there is no effect outside of the easements and the land will be restored to its original condition or better. The only exception is the area that the County hopes to purchase for the plan itself which will be an open area. Unsure if dynamite will be used but if it has to be used it will be within the state regulations of what, how and when it can be done.

Addressed noise abatement and explained that he couldn't agree more in reference to minimizing noise in pristine/open areas. However, this project will have to meet the noise ordinance in the County code of Fluvanna, for noise levels in rural agricultural areas which is 60 decibels during the day and 55 decibels at night. Likewise advised those are just the levels for our County code, but the way this project is being engineered even if someone is a very short distance from the pump they will not be able to hear it running. Gave a brief explanation of a similar plant that was visited and 50 feet away from the pump it could not be heard running. The proposed structure will be fully enclosed so it is unlikely that the pumps will be heard at all unless the door is opened.

Addressed electric generator testing and stated that their absolutely would be a generator on site that will be able to handle the plant in reference to power outages etc. The generator will be low sound because it is not like the open one through Colonial Pipeline. Next, explained the citizens' concerns are valid and important and if it was his property he would certainly have similar concerns. Then was stated, the size of the structure is 40X60 and will be substantially above ground because requirements have to be made to avoid the floodplain. One of the reasons that the structure is larger than what was originally discussed is because they are trying to enclose everything so there is nothing outside to disturb sound or sight other than the envelope of the building itself. The building is being engineered to be as aesthetically responsible for a pristine area like Point of Fork as possible.

Agreed that working on weekends is always a concern no matter the project. Likewise, no one likes construction being done at 2am in the morning. He explained he is well aware of this because of recent construction going on in his neighborhood. Yes, It is annoying but it is also a part of the developer expanding his neighborhood. Explained that he is absolutely positive that the contractors he uses for these projects will be as respectful as they can and ensure that disruptions are minimized although there will be some.

Addressed the comment about a project like this not being done before and the river being destroyed by explaining this type of project is done all the time. Now set aside the historic nature of Point of Fork, but this type of project is done frequently statewide and nationwide. While most people don't like it in their backyard, it ended up being a very good engineering location.

Addressed the comment that this project was done in secret by stating that he has been here since 2012 and many public meetings have been conducted. Likewise this project has been talked about for at least two decades prior to today. The project has been an open book for 20 years and he really wishes that each citizen could know about every issue and how it will affect them every single time. Expressed if anyone can show us a way to improve we are open to that but in this case the information was on websites, in open meetings and public records.

He agreed that the environmental concerns are important and reiterated that this project cannot be conducted without the oversight of the agencies listed earlier. Each of the state and federal agencies have very specific and strict rules that has to be followed in relation to the environment, streams, use of pesticides, access to the river, etc. Hopefully how strict the state and federal government are on projects like this will mitigate adverse impacts of this project on citizens.

Then addressed the statement made that water is pumped to Louisa and then bought back by Fluvanna by stating, we are participating in a joint intake and the exercising of a permit that is a part of the James River Water Authority, a dual constitutional body that is comprised of 3 Board members from Fluvanna and 3 from Louisa. Then he explained that Louisa is building the pipeline with their own dollars and when our water transits through that pipeline at Rt.6 Fluvanna will pay for operational costs based on the flow of our water. We have been in conversation for years with Louisa on treating raw water, not buying raw water. The permit that the James River Water association owns is 50/50 half Fluvanna and half Louisa. This allows the County to not have to build a treatment plant because we can share with Louisa and just pay for the treatment of our raw water and then pump it back to Zions Cross Roads.

Lastly addressed the question about how much will be paid for land and easements and confirmed amounts related to easements connected to the LCWA will be taken care of by Louisa and the amounts are unknown for the JRWA.

**Bibb:** Inquired about alternative routes and advised that in his analysis, alternative routes would cost more money and go thru more citizens properties and wanted to see what Mr. Nichols thought of that.

**S. Nichols:** Advised that Mr. Bibb's assumptions were correct and that with the route that is used currently 90% of the pipeline is being used on existing easements to minimize impact.

**O'Brien:** Asked what other sites were being considered and why they were not used?

**S. Nichols:** Proceeded to show some of the areas that were considered on the map and discussed issues with bedrock, the flow of the river and cost.

**O'Brien:** Inquired about an accurate interpretation of how the area around the building will look.

**S. Nichols:** Advised that everything around the 2.7 acres will still remain wooded as it is now, trees will have to be removed off the river front, but they will grow back.

**Zimmer:** Inquired has the project purchased the land in regards to the 305 acre portion?

**S. Nichols:** Advised no, the 305 is only the number of acreage that the parcels of land will touch, adjoining properties.

**O'Brien:** Inquired what is the actual width of the pipe coming in?

**Applicant:** 70 to 80 ft. and offered an explanation of the construction of the pipe.

**S. Nichols:** Reiterated regulations for the project and all of the departments involved in monitoring the work done and explained that the pipeline will be built in the same with of the electric easement for the most part.

**O'Brien:** What is the impact of subterraneous pipelines and plant life that will be able to grow back?

**Applicant:** The intent is to restore vegetation that will be equal to or better than what was there.

**O'Brien:** Inquired would there be large trees there?

**Applicant:** No, because it would not be good for large trees to grow in an existing easement because access may have to be made at some point.

**O'Brien:** Will the county have oversight in Louisa to monitor their portion of the project?

**S. Nichols:** Our Building inspectors will be on site periodically to ensure the County code is being followed, but the builder of the project has to follow various rules and will have construction site inspectors. Likewise he clarified with Mrs. Eager that the work is proposed to be done on the tip of Point of Fork and that is the issue that the historical society is concerned with.

**Eager:** Asked will the county be required to buy stream or wetlands credits?

**S. Nichols:** Answered no not according to this project and the DEQ permits.

**Applicant:** The applicant clarified with Mr. Zimmer that rather than having to buy credits the restoration will be done onsite.

**Chairman Bibb closed the public hearing section and opened Planning Commission discussion.**

**Zimmer:** Advised that he would like to talk about the conditions. No construction on Sunday and after a demonstrated need, the construction company can ask for a change to that. Two week notifications in relation to road closures by mail, fan mail etc. Also Condition number 7 should say as soon as weather permits.

**Payne:** Offered suggested language condition #5 to except in cases of emergencies including prevention of danger to public health, safety and welfare and a mediation of soil erosion and as requested by VDOT in the case of work done on public highways, all construction activity for the raw waterline major

utilities shall occur between 7am and 5pm Monday thru Saturday. Applicants shall comply with VDOT standards for performing open cuts sections on affected roadways.

**Payne:** Changed condition #7 eliminated "Weather Permitting" Also after the second "land" and before the last sentence added "or as soon thereafter as conditions permit."

**Payne:** Advised that his thought is deprivation of access to property should be prohibited or minimized because there is no access for emergency vehicles etc. Offered suggested language for #4 stating *vehicular access shall be maintained at all times with no disruption of access to extend more than 3 hours at a time.*

**Applicant:** Advised #4 as written originally is acceptable and he accepts the changes to 5 and 7 and advised door hangers will be placed on doors and the contractor information will be placed on them to ensure the homeowner can reach the contractor at all times.

**Payne:** Advised #8 noise Issue applies only to JRWA (JRWA 15:08) and gave suggested language, withdrawal and pumping facility shall be so designed and built as to minimize sound propagation beyond the limits of buildings and other structures, to the maximum extent feasible.

**\*5 minute recess, meeting re-started at 9:27 P.M.\***

**Bibb:** Gave a recap of the meeting prior to the recess and explained Fred Payne had given proper wording for the conditions. Also Mrs. Nolting submitted paperwork to the Board in reference to environmental concerns and he went over those items.

**Zimmer:** Asked the applicant about ongoing property maintenance and the cycle of the maintenance in relation to pesticides etc.

**Applicant:** Explained that CVEC will currently maintain easements as they have been doing, also as long as the work is co-located in their easement, it will be subject to what is done currently.

**O'Brien:** Explained that one challenge is looking at the comprehensive plan and how this works for the County and also economic benefit to the County of Fluvanna. It was also explained how grateful he was for the generosity and patience of the people in the County of Fluvanna because this has been going on for over 20 years. Clarified that it is not clear in this venue how this project is benefiting us, explained there has been a lot of discussion and negotiations that are still ongoing and it would be critical that those negotiations are resolved prior to this project being approved at the Board level. Advised that this is a joint deal and they are looking out for the County of Fluvanna.

**Payne:** Explained it is a proper question to ask, to what extent are these projects in the interest of Fluvanna County and it deserves an answer. Also agreed with Mr. O'Brien's point of the Board of Supervisors will ensure it will be in the public's interest of the citizens of Fluvanna and concerns will be address. Also expressed and acknowledged that there are time constraints.

**Eager:** Asked Payne if he is satisfied that in 30 days everyone will have the answer they need and this matter will go to the Board of Supervisors?

**Payne:** Advised that if the Planning Commission agrees with what he has stated, negotiations have to be worked out by the time the Board considers it as Mr. O'Brien explained. Also wanted to add a word to condition number #8 where it says to the maximum extent feasible, he wants to change to reasonably feasible.

**Eager:** Advised that she has a feeling that she is being asked to approve something without all of the information they should have in front of them.

**Payne:** Advised Mrs. Eager she has the right to defer the matter or recommend denial.

**Zimmer:** Asked Mrs. Eager if she feels the Planning Commission has all the information they need to make a decision based on their functions. He also explained that it is evident the Board does not, but reiterated does the Planning Commission have enough information at this time?

**Eager:** Explained she was concerned about the public and is there a possible better place to put this so that it is not on Point of Fork.

**O'Brien:** Mentioned that many years have gone into the planning of the project, location etc. and it is time sensitive and he is confident that the County staff will make the area look as much like it did as possible.

**Johnson:** Advised that he is a member of the Fork Union Sanitary district and they are getting their water from wells. His concern is that Fork Union would have an issue if they experience a lot of growth and he doesn't necessarily agree with the location of the intake but the water has to be taken out of the river.

**MOTION:**

**Mr. Zimmer moved to recommend approval of SUP 15:08—, Mr. Gaines seconded.** The motion carried with a vote of 4-1-0. **AYES: Bibb, Zimmer, Johnson & Gaines NAYS: Eager ABSTAIN: None**

**MOTION:**

**Mr. Johnson moved to recommend approval of SUP 15:06 —, Mr. Gaines seconded.** The motion carried with a vote of 4-1-0. **AYES: Bibb, Zimmer, Johnson & Gaines NAYS: Eager ABSTAIN: None**

**Bibb:** Thanked the public for coming tonight

**ZMP 15:02 – Steven L. Peters** - An ordinance to amend the Fluvanna County Zoning Map with respect to 21.5 acres of Tax Map 8, Section A, Parcel A14A to rezone the same from A-1, Agricultural, General to B-1, Business, General (conditional). The affected property is located on the northwest corner of the intersection of Thomas Jefferson Parkway (Route 53), and Lake Monticello Road. The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

**Senior Planner Steve Tugwell** conducted a brief presentation and addressed the Board

**Eager:** Asked had Mr. Tugwell spoke with Mr. Wood or just received the email?

**Senior Planner Steve Tugwell:** Advised he only sent the email

**Zimmer:** Advised that Mr. Wood's contingency seems to be that 6 years is not enough to get everything completed.

**Senior Planner Steve Tugwell:** Agreed and advised that is also his understanding from the emails.

**Gaines:** Asked the applicant were they aware of why VDOT didn't think the 6 years was adequate?, Have the two parties been in contact and if so what happened?

**Applicant Justin Shimp:** Offered his understanding of the meeting with VDOT in terms of # of years and funding. Likewise advised the HP2 has been filed and submitted for funding.

**Zimmer:** Clarified this is just a 6 year window to approve funding.

**O'Brien:** Advised that it has been voted on by the Board of supervisors and the majority agrees that it was an important area for safety concerns and putting it on the HP pathway generally expedites the process.

**Eager:** Confirmed with Mr. O' Brien that Rt. 618 was made a priority over Rt. 15 in terms of roundabouts by the Board of Supervisors.

**Public Hearing Comments**

**Chairman Bibb opened the floor for the public hearing section of public comments.**

**Crystal Shifflet: 8268 Thomas Jefferson PKWY**, Explained that her daughter almost wrecked and she has seen so many accidents and the intersection and road needs to be fixed before anything is built. She also explains the geographies around the area and all that has happened in regards to accidents in the area.

**Bibb:** Asked Mr. Shimp what traffic mitigation would be done prior to a roundabout? Turn lanes, sight distances etc.

**Applicant Justin Shimp:** Confirmed that they will have full left and right turn lanes by VDOT standards if the roundabout is not approved or until it is approved.

**Zimmer:** Expressed concerns about conflicting VDOT reports.

**Payne:** Advised a pretty clear issue and spoke about rezoning and explained the choices are to recommend with the proffers as they exist or recommend denial.

**Zimmer:** How are safety concerns going to be addressed until a roundabout can be built?

**Applicant Justin Shimp:** Advised VDOT standards will be followed before the establishment is built, but requiring a roundabout before the business is built is unreasonable.

**Chairman Bibb closed the public hearing section and opened Planning Commission discussion.**

**Bibb:** If this is approved and they get over 20,000 sq. feet after 6 years will they have to come back?

**Payne:** Explained the proffer will have to be amended.

**Eager:** Explained that it seems the applicant would come back if he needed an extension on the proffer.

**MOTION:**

**Mr. Gaines moved to recommend approval of ZMP 1502 –, Mr. Zimmer seconded.** The motion carried with a vote of 5-0-0. **AYES: Bibb, Zimmer, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None**

**ZMP 15:05– Robin M. Travis** - An ordinance to amend the Fluvanna County Zoning Map with respect to 4.688 acres of Tax Map 5, Section A, Parcel 45 to rezone the same from A-1, Agricultural, General to B-1, Business, General. The affected property is located on the north side of Richmond Road (Route 250), approximately .40 miles northwest of its intersection with James Madison Highway (Route 15). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

**Senior Planner Steve Tugwell** conducted a brief presentation and addressed the Board

**Applicant:** Declined to speak unless needed.

**Public Hearing Comments**

**Chairman Bibb opened the floor for the public hearing section of public comments.**

**Chairman Bibb closed the public hearing section and opened Planning Commission discussion.**

**Bibb:** Advised it is in a growth area and in the community planning area.

**Eager:** Explanation of a floating zone, however explained that the Board doesn't have the ability to do so at this time.

**Zimmer:** Advised it is exactly what they are looking for in the Zions Cross Roads area.

**MOTION:**

**Mrs. Eager moved to recommend approval of ZMP 1505, Mr. Zimmer seconded.** The motion carried with a vote of 5-0-0. **AYES: Bibb, Zimmer, Johnson, Eager & Gaines NAYS: None. ABSTAIN: None**

**PRESENTATIONS:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:** None

**PUBLIC COMMENTS #2**

Chairman Bibb opened the floor for the second section of public comments.

With no one wishing to speak, Chairman Bibb closed the second public comment section.

**ADJOURN**

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of September 23, 2015 at 10:19 p.m.

Minutes recorded by Deidre Creasy, Senior Program Assistant.

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Barry A. Bibb, Chairman  
Fluvanna County Planning Commission