

FLUVANNA COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES
Circuit Court Room--Fluvanna County Courts
September 28, 2016
7:00 p.m.

MEMBERS PRESENT:

Barry Bibb, Chairman
Ed Zimmer, Vice Chairman
Lewis Johnson
Donald Gaines

ALSO PRESENT:

Jason Stewart, Planning and Zoning Administrator
Brad Robinson, Senior Planner
James Newman, Planner
Frederick Payne, Fluvanna County Attorney
Stephanie Keuther, Senior Program Support Assistant

Absent:

Howard Lagomarsino
Tony O' Brien, Board of Supervisors Representative

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairman Bibb called the meeting to order at 7:00 p.m., followed by reciting the pledge of Allegiance and a moment of silence.

PLANNING DIRECTOR'S REPORT (Mr. Stewart)

Applicant Foster Fuels has withdrawn their request.

Public Comment#1 (3 Minutes Each)

None

Approval of Minutes

Motion

Mr. Gains made a motion to approve the minutes of July 27, 2016 and August 24, 2016 seconded by Mr. Johnson. The motion carried a vote of 4-0-1 Absent

Mr. Bibb: Would like the record to show that Mr. Howard Lagomarsino has not arrived.

Public Hearing

SUP 16:10 VFW Telecom Tower

Mr. James Newman made a brief presentation with a request for a Special Use Permit to amend previous Special Use permit 11-03, with respect to 3.5 acres of Tax Map 47, Section A, Parcel 10. The proposed use regards constructing a self-support telecommunications lattice tower with a height of 250'. The property is located on West River Road (State Route 6), approximately .4 miles east of the intersection with Beals Lane (State Route 645). The parcel is zoned A-1 Agricultural, General. The parcel is within the Rural Residential Community Planning Area and the Cunningham Election District.

Previous SUP 11:03 Conditions

From the Board of Supervisors staff report, dated December 21, 2011:

"This request for a special use permit for a 195 ft. monopole telecommunication facility appears to be in substantial conformance with the intent of the Comprehensive Plan's recognition that telecommunications are a critical part of the role of infrastructure throughout the county, and the criteria set forth in the Zoning Ordinance. The Board of Supervisors may wish to consider the potential for visual impacts to the Route 6 Virginia Byway, and to nearby properties. Given the proximity of the proposed facility to the Byway, the Board may also wish to consider requiring a concealed facility instead of the proposed non-concealed facility. If approved, staff recommends the following conditions:

- 1) The tower, including antennae, will not be higher than 199 ft. and will not be lit;
- 2) The applicant secures all necessary permits required, and submits structural design and certification by a Virginia Registered Professional Engineer that the proposed facility, as built, will comply with EIA/TIA 222-G for the wind zone for Fluvanna County; Virginia;
- 3) Prior to issuance of building permits the applicant shall submit satisfactory SHPO and NEPA documentation;
- 4) The applicant shall secure the necessary permits required by Fluvanna County and VDOT;
- 5) The applicant provides written approval of County Public Safety antennas and feed lines use of the tower at the highest designed elevation. Space for ground level electronic equipment shall be provided; The revised condition is as follows: *The applicant shall provide space on the TASF for the County's Public Safety antennas and feed lines at the highest designed elevation. Space for ground level electronic equipment shall also be provided;*
- 6) The facility when completed shall be accessible only to authorized personnel;
- 7) The tower shall be a monopole, and shall be engineered with breakpoint technology;
- 8) The facility shall install the necessary landscaping buffer;
- 9) The applicant shall install an emergency generator to ensure continuity of telecommunications operations in the event of a disaster or major power outage; and provisions for such generators shall include additional special treatments; for diesel, a fuel retaining area for propane, ignition separation requirements; and that generator testing shall occur only between 9 AM and 4 PM Monday through Friday; and the same shall be noted on the site development plan;
- 10) If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;
- 11) The support structure is to be sufficient to support antennas of a like design for at least six (6) wireless service providers;
- 12) The tower shall be in the same location as shown in the application;
- 13) Violation of any condition of this permit shall be grounds for revocation of this permit, And;
- 14) The Board of Supervisors, or their representative, has the right to inspect the property for compliance with these conditions at any time."

Recommended Conditions:

1. Meeting all final site plan requirements which include, but are not limited to, providing parking and screening.
2. Meet all required Erosion and Sedimentation Control regulations.
3. Tower compound placement must avoid existing drain field

Mr. Bibb: The sheet shows 254 feet for total height. Does this allow for the lightning rod at the top?

Mr. Newman: The tower structure is 250 feet and with the rod it equals to 254 feet overall.

Cheryl Elliott, Emergency services coordinator: I wanted to explain why we're going to be changing this. This is one of the six sites that we need for the public safety system. We were originally going to build with an extension; however this didn't make sense so to add an extension onto a tower when we could just build it to what we need. This will also gives the applicant an advantage to the size of other towers.

Applicant Steven Gallagher with Telecom: Would like to note we had the tower engineered so if there was a catastrophic event it will not fall over like a tree, it would fall 130 feet. This would allow the tower stay well in the property lines.

Mr. Bibb: What kind of time frame are we looking at?

Applicant: We're working very closely with county; within 24-48 hours of approval we will have everything in and move rapidly.

Cheryl Elliott: In March or April.

Applicant: We would move immediately unless there's bad weather but that's unlikely.

PUBLIC HEARING COMMENTS (Limit 3 MINUTES)

NONE

Motion to Approve:

Mr. Gaines moved to recommend approval of SUP 16:10 Mr. Zimmer Seconded. The motion carried with a vote of 4-0-1. AYES: Mr. Bibb, Mr. Gaines and Mr. Zimmer. NAYS: None. Abstain: None

SUP 16:09 Coronal Development

Senior Planner Brad Robinson gave a brief description on special use permit application to construct a photovoltaic solar project also known as a "solar farm".

Photovoltaic (PV) is the method of converting light to electricity. Solar farms Utilize a mass of solar panels to capture solar energy and send it to the local electrical grid where It is bought by an electric utility company for distribution. Solar energy is considered to be a clean, renewable and reliable source of power.

The subject use is classified as a “major utility” and defined in the Zoning Ordinance as *“facilities for the distribution, collection, treatment, production, transmission and generation of public, private and central utilities including, but not limited to, transmission lines, production plants, electrical substations, pumping stations, treatment facilities, information and communication facilities”*. Major utilities are permitted by special use permit in both the A-1 and I-1 zoning districts and are subject to an approved site development plan. The detail of the site development plan that is required is at the discretion of the Director of Planning, and many times the sketch plan provided with the SUP application is sufficient.

In accordance with the application, the proposed project will consist of solar modules (solar panels) on aluminum or steel racking structures and inverters on separate concrete pads. An exact number of structures has not been finalized but the applicant has indicated the project could have approximately 22,000 solar modules. No new buildings will be constructed. Each racking structure will be approximately 12 feet off the ground at the tallest point and tilted approximately 30°. The racking structures could be designed to rotate east to west in order to track the sun or they may remain fixed. All structures will be wired together and interconnected to Central Virginia Electric Co-operative’s electric system which serves portions of 14 counties in Central Virginia including Fluvanna County. Security fencing with a height of 7 feet will surround the project.

Public Comments

None

Mr. Zimmer: How many trees are you taking down?

Applicant: No more than ten acres, probably seven acre.

Mr. Zimmer: So you will only be clearing from the shaded areas?

Applicant: Yes

Mr. Bibb: Would the panels affect water flow, or streams? I did see that temperatures underneath could be affected by up to 4 to 5 degrees cooler.

Applicant: No this will not change flow or streams. There’s no concrete structures or impact of water flow.

Mr. Bibb: Would there be any toxic material?

Applicant: No

Mr. Bibb: Any effect on wild life?

Applicant: No we had testing’s done and it doesn’t pose as a threat

Mr. Gains: What is the expected life cycle?

Applicant: 25 to 35 yrs.

Mr. Zimmer: What’s the cleaning and maintenance consist of?

Applicant: Standard operations, cleaning dust and so forth, dealing with any wear and tear, standard electrical work.

Mr. Zimmer: How many of these does your companies have?

Applicant: We’re located all across the country

Mr. Gains: Any in VA

Applicant: Yes currently in Goochland

Mr. Bibb: If not successful or out of business what would happen to the panels?

Applicant: Regardless we are responsible for removal

Mr. Stewart: We hold the property owner as noted in condition 8 allowing up to 120 days

PUBLIC COMMENTS

NONE

Motion to Approve:

Mr. Zimmer moved to recommend approval of SUP 16:09 with the condition of 120 day window be added to condition #8 Mr. Gains Seconded. The motion carried with a vote of 4-0-1. AYES: Mr. Bibb, Mr. Gains and Mr. Zimmer. NAYS: None. Abstain: None Absent: Mr. Lagomarsino

ZMP 16:05 Fluvanna Self Storage Rezoning

Senior Planner Brad Robinson gave a brief description for a request to rezone, from A-1

Agricultural, General to B-1 Business, General, 3.67 acres of Tax Map 8, Section a Parcels 31 and 32. The property is located on the north side of Lake Monticello Road (State Route 618), approximately one half mile east of the intersection of Thomas Jefferson Parkway (State Route 53). The parcels are within the Rivanna Community Planning Area and the Palmyra Election District

Applicant Carlos Burns representative for CP Burns Property: We're an organization that is set up for the rental of the house and the property. The object is to wait until we need to expand.

This property has an old into a garage were going to move. This will be very low wattage, more conducive spot for our storage buildings.

Mr. Stewart: We did have a conversation with Mr. Burns that the residence would be non-performing.

Applicant: No change to the house, just the erection of a fence that separates the house from the storage units. The storage units would be set up to a natural dark skies look with a light color to go around.

Mr. Bibb: Any way you and employees can have internal access from your existing property nearby?

Applicant: There's not. There is a private driveway in the way which we can't cross unless resident gives us the ok then we would use a golf cart.

Mr. Bibb: I'm just checking, it would be towards your benefit.

Applicant: No, it would not be appropriate to go across private property.

Mr. Bibb: What kind of lighting will be present?

Applicant: Lights will be all on the property and on the buildings.

Mr. Bibb: I know VDOT has questions, especially if traffic is to exceed to more than 50 cars.

Applicant: We will never have that many vehicles at once.

Mr. Bibb: Are you prepared to comply if that were to change? The fire dept. would want a minimum of 24 ft.

Applicant: That not a problem we have 27ft width for road access.

Public Hearing Comments

Jean Martin, I own the property behind this one. I have been in my home for 40 yrs. This proposal would take up the house trailer and it will take up whole front yard, there will be privacy issues. The way the driveway comes down there's no turn around. Would people be on my property to turn around?

Mr. Bibb: Unfortunately it's not your yard; I do understand that it's your view.

Mr. Bibb: It would also have to come back as a site plan.

Mr. Zimmer: We do have specific screening guidelines?

Mr. Stewart: Yes

Mr. Zimmer: Vegetative screening right?

Mr. Stewart: Yes

Mr. Bibb: I want to note we also received letters in the area of other residents with no issues.

Motion to Approve:

Mr. Gaines moved to recommend approval of ZMP 16:05 Seconded by Mr. Zimmer The motion carried with a vote of 4-0-1. AYES: Mr. Bibb, Mr. Gaines and Mr. Zimmer. NAYS: None. Abstain: Mr. Johnson Absent: Mr. Lagomarsino

Site Development Plans

SDP 16:10 Farm Heritage Museum

Mr. James Newman gave a brief presentation for a request for a Special Use Permit, and to amend the Special Use Permit 11:03, with regards to a 250' tall self-support lattice tower for Telecommunication and emergency services purposes, with respect to 3.5 acres of Tax Map 47, Section a, Parcel 10. **Location:** The affected property is located on the north side of West River Road (U.S. Route 6), approximately 0.4 miles east of its intersection with Beals Lane (Route 645). The property is located in the Cunningham Election District and is within the Rural Residential Planning Area.

Recommended Conditions

If approved, Staff recommends the following conditions:

- 1) The tower structure shall not exceed 250 feet. This does not include antennae, lighting, lightning rods, and other ancillary equipment, subject to FAA regulations.
- 2) The applicant secures all necessary permits required, and submits structural design and certification by a Virginia Registered Professional Engineer that the proposed facility, as built, will comply with EIA/TIA 222-G for the wind zone for Fluvanna County; Virginia;
- 3) Prior to issuance of building permits the applicant shall submit satisfactory SHPO and

NEPA documentation;

4) The applicant shall secure the necessary permits required by Fluvanna County and VDOT;

5) The applicant shall provide space on the TASF for the County's Public Safety antennas and feed lines at the designed elevations. Space for ground level electronic equipment shall also be provided;

6) The facility when completed shall be accessible only to authorized personnel;

7) The tower shall be a self-support lattice Class III tower;

8) The facility shall install the necessary landscaping buffer;

9) If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;

10) The support structure is to be sufficient to support antennas of a like design for at least six (6) wireless service providers;

11) The tower shall be in the same location as shown in the application;

12) Violation of any condition of this permit shall be grounds for revocation of this permit, and;

13) The Board of Supervisors, or their representative, has the right to inspect the property for compliance with these conditions at any time.

PUBLIC COMMENTS

None

Motion to Approve:

Mr. Johnson moved to recommend approval of SDP 16:10 Seconded by Mr. Zimmer The motion carried with a vote of 4-0-1. AYES: Mr. Bibb, Mr. Gaines, Mr. Zimmer, and Mr. Johnson. NAYS: None. Abstain: None. Absent: Mr. Lagomarsino

NEW BUSINESS

Mr. Stewart: Review of telecommunications fees to amend a text amendment and to add more clarity.

Mr. Payne: We don't have the staff expertise here. So what we do is contract with an engineering firm to consult. We then charge the applicant \$4000.00 to consultant; part of the issue is that we're reasonable with other localities and the ordinance.

Mr. Gains: Where do our fees fall with comparison to other surrounding areas?

Mr. Zimmer: Will we need a new consultant?

Mr. Bibb: same question, Mr. Stewart has more knowledge in this field.

Mr. Stewart: I used to consult; I worked in localities that used other consultants on the private sector side. It's mainly who the county is comfortable with,

Mr. Bibb: recommends staff go forward

Motion to Approve:

Mr. Gains moved to recommend approval of Telecommunication Fees Seconded by Mr. Johnson The motion carried with a vote of 4-0-1. AYES: Mr. Bibb, Mr. Gaines, Mr. Zimmer, and Mr. Johnson. NAYS: None. Abstain: None. Absent: Mr. Lagomarsino

Adjourned

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of September 28, 2016 at 8:05 p.m.

Minutes recorded by Stephanie Keuther, Senior Program Support Assistant

Barry A. Bibb, Chairman
Fluvanna County Planning Commission