

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Fluvanna County Library, 214 Commons Blvd.
Palmyra, VA 22963
January 12, 2021
7:00 pm (Virtual Meeting)**

MEMBERS PRESENT:

Barry Bibb, Chairman
Ed Zimmer, Vice Chairman
Lewis Johnson
Gequetta "G" Murray-Key
Howard Lagomarsino
Patricia Eager, Board of Supervisors*

STAFF PRESENT:

Eric Dahl, County Administrator
Fred Payne, County Attorney
Douglas Miles, Community Development Director
Mary Anna Twisdale, Finance Director
Liz McIver, Financial Management Analyst
Major David Wells, Fluvanna County Sheriff's Office
Bryan Rothamel, Economic Development Coordinator
Jason Overstreet, Senior Planner
Jon-Mikel, Planner/GIS**
Valencia Porter, Administrative Program Specialist**

**Due to health concerns, Mrs. Eager is attending the meeting via phone conference call
-Patricia Eager, (Calling in from 1107 Mechunk Creek Drive)*

**Due to COVID-19 quarantine purposes these County staff members attended online:
Jason Overstreet, Senior Planner and Valencia Porter, Administrative Program Specialist*

1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:00 pm, Douglas Miles, Community Development Director, called the January 12, 2021 Organizational Meeting to order, led the Pledge of Allegiance and then conducted a Moment of Silence.

2. 2021 ORGANIZATIONAL MEETING OF THE FLUVANNA COUNTY PLANNING COMMISSION

At 7:02 pm Mr. Miles asked for nominations for Chair of the Planning Commission in 2021.

MOTION:	I move to elect Bibb as Chair of the Fluvanna County Planning Commission for the calendar year of 2021.				
MEMBER:	Bibb	Murray-Key	Johnson	Zimmer	Lagomarsino
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Approved				

At 7:03 pm Chair Bibb asked for nomination for Vice Chair of the Planning Commission in 2021.

MOTION:	I move to elect Murray-Key as Vice Chairman of the Fluvanna County Planning Commission for the calendar year of 2021.				
MEMBER:	Bibb (Chair)	Murray-Key	Johnson	Zimmer	Lagomarsino
ACTION:		Motion		Second	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Approved				

MOTION:	Resolution entitled "Organizational Meeting of the Fluvanna County Planning Commission 2021"				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Adopted Resolution				

MOTION:	Adoption of the 2021 Regular Meeting Calendar				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Adopted 2021 Dates				

MOTION:	Adoption of the Planning Commission By-Laws and Rules of Procedures				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:			Second	Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	6-0 Approved as Amended				

Vice Chair Murray-Key: stated # 5, says he shall needs to be he/she, him/her or their as gender neutral pronouns and asked that Planning Staff review the By-Laws for these items.

Mr. Johnson: suggested that the length of time for the public to speak during Public Comments

and Public Hearings be changed from three (3) minutes to five (5) minutes.

Mr. Payne: stated that if the Planning Commission does that it would be equal to what is allowed for during the Board of Supervisors meetings during Public Comments and Public Hearings at the Board level.

Mr. Miles: stated that these proposed revisions can be added to the current By-Laws and they will be brought back before the Planning Commission for review and approval on February 9th.

3. DIRECTOR'S REPORT – Douglas Miles:

December 9, 2020 – Nahor Village HOA Formation meeting

The Community Development Director and ESC Plans Reviewer attended the Nahor Village HOA virtual meeting to provide an infrastructure update on the storm water basins completion progress and infrastructure items that remain such as a sidewalk construction from the entrance down Route 53.

December 10, 2020 – TRC meeting

ZMP 20:03 Joseph F. & Vonda Sue Crane – Request to Rezone, from I-1, Industrial, Limited to A-1, Agricultural, General of 8.9 +/- acres and known as Tax Map 12 Section 18 Parcel 4 and is located along the west line of Deerfield Road, and 0.2 miles south of Bybee Road. The subject property is located in the Rural Residential Planning Area and the Columbia Election District.

December 10, 2020 – Ballinger Bluffs Neighborhood Meeting

SUP 20:02 Quigley Properties LLC – A request for a Special Use Permit to construct a central sewer system / utilities, major for a rural cluster subdivision in an A-1 district, with respect to 124.5 +/- acres of Tax Map 31, Section A, Parcel 41 and Tax Map 31, Section 1, Parcel A - formerly Tax Map 31 Section A Parcel 9. The properties are located along Courthouse Road, and 0.6 miles east of its intersection with Georges Mills Road and Stoneleigh Road. The parcels are zoned A-1, Agricultural, General and are located within the Rural Residential and Rural Preservation Planning Areas and the Columbia Election District.

December 17, 2020 – LMOA Board of Directors Presentation

The Community Development Director, provided the same Transportation Planning Update as the December 8th Commission Update: on the 2020 VDOT transportation projects recently completed like the Colonial Circle Roundabout and the proposed Route 53 and Turkeysag Trail Roundabout that are both located just outside of Lake Monticello. Chief Abbott, LMPD, invited both Alan Saunders, PE, VDOT and me to present this information.

December 21, 2020 – CARE Task Force Meeting

Eric Dahl, County Administrator and Andy Wills, Building Official reviewed the Spot Blight Abatement Program with the intent of working with the Task Force members to select a blighted property in Columbia for spot blight abatement purposes by focusing in on one

property in the Columbia area.

Community Development Department Staffing Update:

Jon-Mikel Whalen, Planner / GIS Technician, he started in the Planning & Community Development Department on Monday January 4, 2021. He is a native of Albemarle County who resides in Palmyra with his wife and son.

He is a 2015 graduate of Mary Washington University with a Bachelor of Science in Geology. He has private sector experience in the agricultural science field using GIS skills and has managed his father's medical office.

4. PUBLIC COMMENTS #1

At 7:26 pm, Chair Bibb opened the first round of Public Comments. With no one coming online or on the phone line wishing to speak, Chair Bibb closed the first round of Public Comments at 7:26 pm.

5. MINUTES:

MOTION:	Planning Commission Minutes of December 8, 2020				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Murray-Key	Lagomarsino
ACTION:					
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Approved as amended				

Vice Chair Murray-Key: stated let the minutes reflect that on the Transportation Subcommittee, that I had recommended someone from the public be added even though we are looking at that further down the road. She stated that the recommendation by Vice Chair Zimmer, at the time, that Linda Staiger would be a good candidate to fill that role.

Mr. Miles: indicated that County residents to serve on the committee they would be considered during the second half of 2021.

6. PUBLIC HEARINGS:

ZMP 20:03 Joseph F. Vonda Sue Crane – Douglas Miles, Community Development Director

ZMP 20:03 Joseph F. & Vonda Sue Crane – Request to Rezone, from I-1, Industrial, Limited to A-1, Agricultural, General of 8.9 +/- acres and known as Tax Map 12 Section 18 Parcel 4 and is located along the west line of Deerfield Road, and 0.2 miles south of Bybee Road. The subject property is located in the Rural Residential Planning Area and the Columbia Election District.

Mr. Miles: presented the proposed rezoning case request along with Powerpoint slides showing the subject property location in the County and the need to return the property to A-1 zoning.

Chair Bibb: stated he did not see where in the staff report that the property had been rezoned to I-1, Limited Industrial and that had been part of the problem with the I-1 zoning in the area.

Mr. Miles: stated that there is a letter from Mr. Tugwell, stating that it was approved as I-1, Limited Industrial previously and it was unclear how that had been done and the other parcels nearby had been downzoned back to A-1 zoning in order to construct single-family dwellings.

MOTION:	I move that the Planning Commission recommend Approval of this request to Rezone, from I-1, Industrial, Limited to A-1, Agricultural, General of 8.9 +/- acres and known as Tax Map 12 Section 18 Parcel 4.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion	Second		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Recommend Approval				

SUP 20:02 Quigley Properties LLC – Douglas Miles, Community Development Director

SUP 20:02 Quigley Properties LLC – A request for a Special Use Permit to construct a central sewer system / utilities, major for a rural cluster subdivision in an A-1 district, with respect to 124.5 +/- acres of Tax Map 31, Section A, Parcel 41 and Tax Map 31, Section 1, Parcel A - formerly Tax Map 31 Section A Parcel 9. The properties are located along Courthouse Road, and 0.6 miles east of its intersection with Georges Mills Road and Stoneleigh Road. The parcels are zoned A-1, Agricultural, General and are located within the Rural Residential and Rural Preservation Planning Areas and the Columbia Election District.

Mr. Miles presented the Special Use Permit request information along with a longer Powerpoint presentation and indicated to Chair Bibb that there were several adjacent property owners and other interested County residents signed up to speak about the proposed rural cluster land use.

He stated the Special Use Permit and Sketch Plan request for Ballinger Bluffs subdivision would be presented together as companion case requests under one Public Hearing and Mr. Payne he concurred that this approach was appropriate for these two requests before the Commission.

1. The design, construction, operation and maintenance of the central water and sewer systems shall comply with all County, State and Federal requirements as not to have a detrimental impact on Ballinger Creek, surrounding properties, or the water supply of existing properties.
2. Pursuant to Section 19-6-6 of the Subdivision Ordinance, a bond shall be required with surety in an amount and form acceptable to the County Attorney, to insure that the proposed infrastructure improvements are all completed at the expense of the developer.
3. For construction of the central water and sewer systems occurring adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent properties. All construction activity for the central utility systems shall occur between dawn and dusk, Monday through Friday.

4. The homeowners association or other owner of the utilities as approved by the State Corporation Commission shall be responsible for all maintenance of the on-site central water and sewer systems in perpetuity, and the responsibility for maintenance shall not be borne by Fluvanna County or any other public agency.
5. Prior to final site development plan approval, the developer is to provide evidence satisfactory to the Community Development Director of financial security sufficient to guarantee operations, maintenance, repair and replacements of the systems in their entirety. Such evidence shall be submitted annually until five (5) years from the date that ninety (90) percent of the recorded lots are sold and using the systems.
6. The utility systems permitted by the Special Use Permit shall be limited to the development areas shown on the Ballinger Bluffs rural cluster development plans and any expansion of the system will require an amendment to the Special Use Permit.
7. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.

Planning Commissioner Questions and Comments:

Mr. Zimmer: Asked what would be involved in the Phase II study for this request?

Mr. Miles: Stated that County staff had just received the study and we have read it, but the applicant's consultants are online and that is a part of their presentation. In the summary document, it indicates that they can study the water capacity, with test wells and can study what water is available there now for potential development purposes for this subdivision.

Chair Bibb: How can we recommend approval of a central sewer system if we do not know what the available water is for a rural cluster subdivision development of these subject properties?

Mr. Miles: Yes, that is correct. We are not clear as to what water is available for this request. You will be able to hear tonight from some of the adjacent property owners about their water concerns currently and what has happened to them with previous wells that have dried up and new, deeper wells have been drilled in order to provide adequate water for their own homes.

Mr. Payne: Mr. Bibb you have a good point, but one of the recommended conditions is that if the County approves the central sewer system it would be a part of this subdivision that is the language of that condition. As sewer systems do not work properly unless they have the proper water amount to help them run correctly as the wastewater units have been designed to run.

Vice Chair Murray-Key: You stated in your presentation that the Board of Supervisors can visit the subject property with the applicant. My question is could the Planning Commissioners also visit, and if so how could we go about arranging to conduct a site visit with the property owner.

Mr. Payne: Well you can contact Mr. Miles and he can arrange to take the Commissioners there along with Planning & Community Development staff members to review the subject property.

Mr. Miles: When we visited the site back in September we asked for permission from Mr. Miller

to enter the property. Planning Staff would like to visit the Oak Creek section on this property and we can arrange for no more than two (2) Commissioners at a time to join us in the field.

Timothy Miller: provided his Special Use Permit request presentation with his site consultants.

Timothy Miller, Applicant: I'm the engineering, developer, and survey for this development. I started working with Bob Long in Palmyra back in 1998. Over the last 22 years I have designed more than 100 subdivisions throughout central Virginia, and including several cluster subdivisions in Fluvanna County. I have found that there are two drawback in the use of cluster subdivisions. One is the use of a standard drain fills, and the other is hard ship of the open space lot. The use of several drain fills could cause a lot of problems. Level of treatment provided by standard drain fills, that's the lowest allowed by the health department. Each home owners are responsible for the maintenance of the drain fills, most home owners does not even know the location of their drain fills. Drain fill are installed the minimum of 100 feet to maximum of 2000 feet of the lot that they serve, which significantly increases the erosion and reduces the open space available of recreation of agricultural uses. I always thought there is a better way. Together with professionals and environmental health department we have design a unique way to allow sewer systems to allow four homes and a single drain fill. The sewer system will utilize engineer treatment units that the health department approval. Airo Clean is a local firm that have design installed and maintained hundreds of these systems for single family homes here throughout Virginia. This sewer system is designed to reduce the number of drain fills from 47 to 14. Environmental professionals Mike Clark and Dennis Hardman will describe the sewer system that they have designed for the Ballinger Bluff subdivision, after I finish this presentation. Virginia Health Department regulations will require the HOA not each home owner to own and maintain their sewer system. The HOA will require annual to have their own contract by the state approved company that will provide maintenance on each of the sewer systems. The sewer systems will provided a level of treatment bar seed and the level exceeds of drain fills. It will significantly increase the area of open space available for recreation agricultural uses, reduces erosion caused by installation drainage and standard drain fills, remove the responsible drain fill home owner and place it on its HOA. The ownership of open space in my opinion is 75 % total area is too large for the HOA owners to maintain the fully uses of recreation purposes. The open space is limited to 25% of the total area that's located area the cluster lots that will be easier to maintain, and still be large enough for the owners to use it for recreational purposes. In the other hand the entire 75 % open hand will become a private residential lot that can be used for agricultural purposes by the owner and the HOA owners will not have the ability to use it as for recreational purposes. At the time of Ballinger Bluff cluster subdivision provides a valid solution for both draw backs. The sketch plan shows 47 lots of 124.5 acres and Ballinger Creek winds its way through center of the development most of which winds through steep bluffs, but it's a beautiful natural environment, and the yield plan demonstrates 47 lots which requirements of A-1 zoning ordinance. Each one of the lots are buildable area that are outside stream buffers and flood plains that doesn't require an impact of the natural environment around Ballinger Creek. The natural environment in the phase 1 cluster lots will have access to Oak Creek Rd. Phase 2 will have access to Courthouse Rd. The open space will become a private residential lot, however the cluster lots will be surrounded by dedicated access easement. The area within this easement will be maintain by the HOA members and available for anyone to use for recreational purposes, the design will included the pedestrian move in phase 1, and the pedestrian path in phase 2 cluster lots to Ballinger Creek. The design also includes the dog park that will be next to the phase 2 cluster lots. I hope to use the

remainder of the open space that's outside the access easement for a venue or an open facility.

Additional Planning Commissioner Questions and Comments:

Chair Bibb: Does the study require for the people in that area to find out if it is a problem, a geological problem or any other type of problem?

Earnest Beasley: Figure # 7 shows the water shape boundary that we had used to calculate how much ground water may be available. The amount of ground water people use is a drop in the bucket verse how much water is available. The calculations are found in Exhibit E and continued to present his report, which was provided to the Planning Commission in their packet material.

Vice Chair Murray-Key: When the neighbors surrounding this request talked about the issues with their well water you know that there must be a problem with water. You are talking about over pumping, when people keep talking about turning their water on to take showers, water lawns, etc. they are trying to meet the needs of their individual homes. So, if all of these people are on wells it is almost sounding like you are down playing it make these people wait like three to four hours just to use their own water again. She stated that I am trying to find out how much water is available and why professional consultants such as yourself do not see the water issues.

Mr. Beasley: stated I do not expect 47 new homeowners within this neighborhood to make any other neighbors well water worse. I would like to know if there is a high percentage of neighbors in this area that have problems with their wells. As I would like that information because that would be very helpful to me as a water consultant in this region to work better on this request.

Chair Bibb: Have you analyzed what the situation is with the shortage of well water in the area?

Mr. Beasley: We did not collect any data on well water. The only time I have personally seen subdivision developments fail was when it was a failure from the start. So, I am not going to recommend a subdivision development if I think it is going to fail - not in this case for me now.

Mr. Zimmer: They are all drawing from the same rock, what information do you have, if we can drill and while the well is running what information is available to monitor the neighbor's wells?

Mr. Beasley: Modeling ground water and fractured ground rock it cannot be done correctly, as it is so specific to those individual wells and it is just too complex and you cannot do it accurately.

Mr. Zimmer: stated you gathered all the data that you could find, which I assume it was public data that are on the wells that are in the area, and those years on the wells I assume when the wells were drilled and what did you find about wells in this area is that shown in your report?

Mr. Beasley: Correct we used publically available data on wells from the Health Department.

Mr. Zimmer: stated did you find any information on the wells that were drilled and they are no longer working due to a lack of water or the lack of the proper amount of water being available?

Mr. Beasley: stated all I had available to me is the state Health Department well records.

Mr. Zimmer: asked so what would be classified as an adequate residential well yield?

Mr. Beasley: stated I think the health department says two to three gallons a minute.

Chair Bibb: All the way back in the 1990s there have been problems with the water in this area. The test wells that were performed had proved that the hydrogeological studies were incorrect.

Mr. Beasley: stated I am unaware of this, is there somewhere that I can get this information?

Chair Bibb: Yes, back when Popular Ridge Subdivision was brought to our attention the hydrologic study they did a test well and confirmed that the information was incorrect.

Mr. Payne: stated the Board actually proved the availability that the land was unable to provide the well water necessary for the residential development it was not developed by the applicant.

Kenny Sipes: stated being a well driller, we have drilled hundreds of wells here in Fluvanna and surrounding counties, for the past 20 years. What I have seen is every county has its dry areas and the closest subdivision we have drilled in probably would be Panorama. All those wells up there are generally pretty good producers that range anywhere between five gallons to twenty gallons a minute or more. This parcel of land we have not drilled any real close to it not knowing what we are going to encounter as far as fractures and water bearing fractures mainly but that is yet to be seen. However, most homes rarely uses more than 250 gallons of water per day. All new homes have water saving fixtures where showers and washing clothes can use about 1 gallon per minute. The amount of water coming out of the ground like Mr. Beasley said it is like a drop in the bucket, even if you took 47 new lots, and you have to keep this in mind that they are not all going to be built at the same time. The home building process could take years to complete all of the homes. In the end, I cannot tell how much the wells are going to produce until we have drilled the wells and tested them at this point from a well-drilling perspective.

Chair Bibb: stated in other words you are saying without test wells you really do not know what the situation is in this area of the county and the fact that you have not drilled wells in this area.

Mr. Sipes: Correct, nothing within several thousand feet. Fluvanna County has a lot of iron problems just dealing with a lot of the rock formations, which is a naturally occurring thing.

Vice Chair Murray-Key: stated that the concern is will there be an additional impact and if there is what would that impact be? As we need to know more information to make a proper decision.

Mr Sipes: Please refer to Attachment E regarding the gallons of water that could be available.

Chair Bibb: Does the Virginia Department of Health require 3 gallons per minute?

Mr. Beasley: No they require 1 gallon per minute.

Mr. Miller: We have provided the best information that we can up to this point and it sounds like test wells will need to be performed and I will need to discuss that with these consultants.

PUBLIC HEARING:

Chair Bibb opened up the Public Hearing at 8:38 pm by giving each Public Hearing speaker a limit of five (5) minutes to speak and asked that they state their name and site address for the record.

Renae Chiovaro - 1173 Courthouse Road: stated that she is concerned that her home will be affected the most as my home is surrounded by Ballinger Bluffs subdivision. I will have to hear the construction noise, light pollution, and traffic concerns. Yet, the Water is still my primary concern and yes I heard about the over pumping of the wells. I do have a pool and we had to pay someone to come and fill up our pool. We know that there are several water issues in the area. One minute you are saying yes you are sure and the next minute you are not sure that it is not going to affect the neighbors. I do oppose the number of the homes being built. If my well goes dry due to these new homes, who is going to cover that? Who is responsible, I hope that the Planning Commission recommends that they go forward with the test wells and that they continue to seek for a reduction in the number of new homes.

Tristana Treadway - 93 Courthouse Road: stated I would like to talk about one statement and a correction that I made in the previous minutes from November 10, 2020. I discussed my own personal water crisis at my home with my experiences. I have lived here for the last 24 years at this address. I was quoted saying that I cannot wash my car and water my grass though I certainly did say that, but that is the least of my problems. Probably, if I did not have water problems I still would not do those things. That was just something I pointed out that maybe someone who has water issues should not do. My one and only concern is the basics use of water: hydration, bathing, washing clothes has been something that I have been concerned about since I moved into this area. We buy water for drinking and we use water saving appliances. We also have a pool in which we purchase the water for the pool, so we do not over pump our well. We have had one well go dry in 1999 and we had to dig another well. When I had researched the county health records I found out that the county health records are incorrect. They say my well is 255 feet deep, we have had a professional well driller come in to replace our well twice since then. We were told that our well is 325 feet deep and it only has a yield of 3 gallons per minute. The Fluvanna Health Department information stated from 21 years ago that it was at 4 gallons per minute which is incorrect. Our main concern is just to have water to live and for all of our basic needs to be met. The Fluvanna County Code, under Chapter 19, in the Subdivision Ordinance, the County does have authority to consider the water supply and it went further under Section 19-8-2. Water Supply, Section 19-8-2.1 Hydrogeologic testing requirements are prescribed. I would like to request that the Planning Commission defer this until further information is prepared by the applicant and can amend his application to properly address all of the water related issues.

Lois Fulk - 331 Oak Creek Road: stated that her concern is that her property is immediately adjacent to 17 wells and drain fields. I am concern with contamination, losing my spring and my well going dry. I am not talking hard mathematics here. If you have 4 people in each new home, and they are using water every day, and little kids do not use as much water as most teenagers. I am concerned with the new homeowners that are planning to move in this area expecting to have water in their homes. My well which runs about 3 gallons per minute will turn off when my kids were home, each day we had to turn the water off and wait hours for the water to build back up. This is matter of living here for over 33 years, this is daily living in all of these homes. Another concern that I have is sharing close proximity of the wells in the subdivision to the drain fields. That means 17 families will be using their systems, so what

we proposed today is what we will be using in the future? Has this ever been done before, does it have cross contamination? What are the alternative plan for the drainage systems, and what are the contingency plans? If the proposed collection of the drainage systems are insufficient and fail, so is all of this even if we have enough water to provide them to work well? I would like to know the life expectancy, sewer collection, and also the drainage areas being proposed. What are the plans for cleaning out or replacing them at the end of the life expectancy time? They are not going to last forever, does this involve large trucks to come in and dig out this stuff, so where does it go and how does it get cleaned out? Will the home owners know about this or is there a potential time to pay, or is this going to affect my land? How will it be managed and what if there is not enough funding within the Home Owners Association coffers to manage such costs long term?

Susan Scofield - 111 Fairview Lane: stated that she also has had well issues. She found out she had two wells, and then come to find out I have one working well and the other one is no longer working. That concerns me a great deal, knowing that I have a double parcel all the way from the road to the next home and 8 acres of land. I do respect the opinions that were stated tonight but I just do not trust them sorry. We have too many people in this area that have wells that have water issues and not healthy wells. We have 50 residents in this area and this subdivision is going to double our immediate neighborhood impact with 47 more dwellings and 47 more wells. This is a great concern to me that as Tristana has asked I would at least expect. I would hope and pray that the Planning Commission would request more information not found in the report, and from those people doing that. Please more test wells if at all possible and why does the well density have to be so great. Why does it have to be so many wells, why can't we reduce the lot density by half or by two-thirds? I am really concerned about this large subdivision request located directly across from my house.

Kathy Swenson Miller - 94 Fairview Lane: stated that my husband and I live on 12 acres of land and our home was built in 1996 in Fairview Estates Lot 1. We have two well casings on our property, one well casing is 60 feet from our home and we also understand that the well drilling company ran into a granite deposit, which is why that well is dry. Our working well is 300 feet from our home and it is 290 feet deep. The distance from our home to our working well will require 3 Ballinger Bluffs lots to possibly have one working well. So, if you were to approve this sketch plan for Ballinger Bluffs and our well goes dry, what is the responsibility of Fluvanna County? Given that you knew the ground water issues affecting the neighbor's wells prior to making that decision. I want to make certain that there are public records of the current well problems some neighbors are having or have had in the past. My husband, Dave Miller and I encourage the Planning Commission to deny Approval of this sketch plan or have them to significantly reduce the lot density amount for this subdivision request.

Betty McGehee - 630 Courthouse Road: It seems to me in the future that we need a better ordinance to prevent these situations, but it seems that our existing ordinance does allow the Planning Commission to deny a density of wells this high. This will be the highest density of wells in the history in Fluvanna County. We believe that there are about six neighbors who already have well problems now. I encourage that the Planning Commission follow the recommendation of the Planning Department for deferral of this request. As there is no guarantee that the water will go straight down and recharge these wells. If the drain field water went sideways and hit the rock layer then the sewer system would fail. Then all the homeowners would go to the County for a public water system that they cannot afford. I

would like to request that the Home Owners Association for all these new homes put in a simple provision that when the well runs dry, they will support our economy and buy their drinking water down at our local grocery store E. W. Thomas.

Jackie and Dale Layton - 265 Oak Creek Road: stated that while we are not experts in water management, but we have discovered that catching rain water from our roofs and by letting it go into a water barrel and then use it water our plants and shrubs. As a result we have noticed that hundreds of gallons have been coming from our roof and we also have noticed a good amount of water runs in the ditch along Oak Creek Road. This storm water runoff it drains down into the Ballinger Creek area and our property is located downstream from the proposed development. Ballinger Creek has crested several times a year when we get really hard rain, and then sometimes it backs up into the stream out on Courthouse Road. We are concerned that the increased stormwater runoff from both locations will cause Ballinger Creek and other streams to overflow more often. The unchecked drainage would move further onto our property and other properties and possibly contribute to more erosion and tree loss along these banks. One question is whether consideration has been given to the open field areas which will be replaced with roads, driveways and other structures. If so, will retention ponds be installed to contain stormwater runoff? We do understand that in the proposed central sewage system design that oxygen will be added into the composting process of solid waste so that potential odor will be kept to a minimum in this development.

Marty Foster - 783 Courthouse Road: stated she thinks that the density of the development is way too high, the only other development that has this type of density is Island Hill subdivision and I know that several people along Broken Island Road are upset about that rural cluster development. This developer is only using 19 acres for 48 new homes and I moved to this area of Fluvanna County because it is rural. I had always assumed that the Zoning Ordinance called for at least 2 acres per dwelling and I understand that Mr. Miller cannot do that here because of the steep slopes. I also understand that he is throwing in the other 100 acres that he isn't developing as a conservation area. It still is affecting our lifestyle, so much that we are losing our wildlife when he cut all the trees down, and the peace and quiet and the darkness of night. The 100 acres that the developer is putting into the conservation easement, is that in perpetuity? He just mentioned tonight that he might turn it into a winery or a horse boarding facility. So what guarantees do we have from him?

Liz Palmer - 1384 Courthouse Road: stated that all of her neighbors have echoed what she was going to say, but she stated she moved here in 2010 and we were already refilling our 325 foot well three years later in 2013. Our neighbor across the street, their well it sank and collapsed because the ground integrity over there is so unstable, and he is proposing to be building new homes up on a bluff. I would seriously urge the county to require that they perform test wells, and take some time to consider the proposed request. Mr. Miller was talking about over pumping, what are the chances of the people who are importing water and are using bottled water, and all having well issues by over pumping? As that seems very unlikely to me. We are all having the same issues because we are all in the same area and that is a major issue to me and that needs to be addressed through this proposed request.

Doris McGehee - 628 Courthouse Road: stated you have heard and you will continue to hear opposition to the proposed density of this development. This is a plan for a relatively urban neighborhood with very rural infrastructure. This county is simple not prepared in

practical ways or have an attitude for this kind to continued development. I do understand that Mr. Miller has his development rights under these dysfunctional regulations. I submit that it is incumbent upon you to do everything that you can within these regulations to reduce their consequences upon the surrounding homeowners.

Marvin Moss - 14054 James Madison Highway: stated I am very much opposed to this SUP and I would like to explain why. My home place is about 1 ½ miles away from this proposed development. Fluvanna County is in the Chesapeake Bay Watershed and along with several other jurisdictions and are all under a mandate from the EPA to reduce phosphorus nitrogen and sulfates from the James River and other tributaries that flow into the Chesapeake Bay. Ballinger Creek is unique as the Rivanna Conservation Association has listed it as one of the cleanest tributaries that goes into the Rivanna River and we would like to keep it that way. Fluvanna County has signed an EPA agreement, which means they have agreed to reduce these sulfates by the year 2025. This project with all of the recent clear cutting means that we are not going to be able to meet those needs by the 2025 deadline. I do not know what the consequences of that will be. Therefore this development will not help us to conserve the Chesapeake Bay watershed and that is bad planning on our part within Fluvanna County.

Carolyn Talley - 14307 James Madison Highway: stated that there are too many wells, septic systems, houses, proposed on lots that are too small and on one of the steepest grades in the county. Mr. Miller, the out of the county developer or someone on his team, stated that if Mrs. Fulk or if anyone had a problem with their wells after they were done developing said that they would have to use legal means to address there problem, meaning they would have to pay for it themselves. No, the Planning Commission needs to stop this request before it happens in the first place. So, please do not allow this large of a number of new wells to be drilled in such close proximity to their drainfields. Can we also not declare a moratorium on all subdivisions in the county, so we can come together and work out all of our concerns? The current rural cluster system is set up to work with the developer and not the citizens. Right now we cannot get a large group together to express all of our concerns. Please look out for our citizens and we do understand that there are limits placed on you by Virginia state laws. Please do whatever you can to protect all our citizens from predatory rural cluster developers as A-1 should mean A-1.

Catherine Maguire - 656 Stoneleigh Road: stated that she thinks that her neighbors have adequately express all of our concerns and issues, so I will try not to repeat any items. As a citizen of Fluvanna County since 1994, I am dismayed by the density of this proposal as well as the impact upon available water, the septic systems, and the transformation that this proposal would make on our entire community. This is not where we moved to in order to raise our children, and we feel that this would change the face of the landscape in a very profound way, if approved.

Overton McGehee - 924 Courthouse Road: Stated that it does appear to all of us in the community that this cluster subdivision would develop as a shoehorn of 47 small lots in an Agricultural zone about 25 miles to the nearest employment center that happens to be in Charlottesville. This stretches the ground for common sense, in the density, wells and drain fields. We would encourage that the Planning Commission members look at the yield plan closely. That the developer is saying that the 47 lots would be possible under the 2 acre by-right ordinance to us that appears many of those are theoretically 2 acre lots and would be

on prohibited steep slopes. I do stand by my own conclusion that this would be the highest density of wells in Fluvanna. Most of the proposed wells would be within 400 feet of 8 other wells and some would be within 400 feet of 14 other wells. As you know 6 neighbors have already had well problems, and we believe that the Planning Commission does have the authority to consider ground water availability in questioning a cluster subdivision yield. Of course the Comprehensive Plan is very strong on ground water. It also appears to us that the zoning ordinance and in the cluster section under the subdivision ordinance they allow for and even direct the Planning Commission to consider the ground water availability in deciding whether the developer's yield is appropriate in a cluster subdivision. I spoke to a hydrologist whom worked in the region for a long time, and he said this is a problematic problem in Fluvanna for wells and that the closer you put them together the less chance that you will have that they would all work. Mr. Sipes the well driller that is on the call now, he said that when they drill a well they do not see much of an effect on wells that are 300 - 400 feet away, and of course with the proposed density of wells in Ballinger Bluffs there would actually be several wells within 300 - 400 feet. There are two farms that are across the road from the proposed subdivision, and if John Sizemore had the ability to stay on the call he would have made the point that they do believe that they have the right to continue watering livestock, as it is an A-1, Agricultural zoning district. We certainly understand that if a developer buys land that he or she has rights to some of the water, but we believe that the existing homeowners and farmers have some rights to that water. Again, we very much appreciate how seriously the Planning Commission and staff have taken our concerns it has been a good experience in democracy so far. We support the deferral of this case request.

At 8:25 Chair Bibb closed the Public Hearing at 9:25 pm.

Mr. Miles: stated Mr. Miller and his consultants have provided all of us with very limited information tonight. I do not think that we have heard all of the complete, factual evidence that you as Commissioners in this SUP request and this rural cluster sketch plan need to know prior to rendering a decision. We feel that there is an option as Mr. Payne and I prescribed and wrote in the legal ad for the SUP request to be added for a central water system. Everyone has agreed upon the need for a Phase 2 study with test wells and with that being said Planning Staff recommends that the Planning Commission defers this SUP request for sixty (60) days to your March 9th Regular Meeting to allow for that to happen.

Mr. Bibb: stated that if you have no problem with any of the recommend conditions why would you have a problem with that one speaking on number 5?

Mr. Miller: stated that he have a concern about the recommend condition. My concern is that it is worded very ambiguously and I don't understand what its parameters are. So I'm not wanted in the final vote without understanding exactly what it means.

Mr. Miles: stated that these are trunk points which you have fully a copy of my staff report. 5. Prior to final site development plan approval, the developer is to provide evidence satisfactory to the Community Development Director of financial security sufficient to guarantee operations, maintenance, repair and replacements of the systems in their entirety. Such evidence shall be submitted annually until five (5) years from the date that

ninety (90) percent of the recorded lots are sold and using the systems. This is pretty standard in the subdivision development. Why would there be a concern about this? As you heard that we are still working with Nahor Village until they get to their 90% done, which had started 15 years ago. These conditions are taken from a similar subdivision named Popular Ridge that was approved 3-2 in 2014. I didn't pull this out of some other Planning Commission like Albemarle County I just pulled this from the Planning Commission here which was brought to their attention about 6 years ago.

Mr. Miller: I'm used to bonds for roads, storm water, and erosion, but they are usually down when the construction is completed. Not after 5 years when after 90 % of the lots are sold.

Mr. Miles: Yes, Sir your bonding condition is up there in condition number 2.

Mr. Miller: To release it, it's not hold for 5 years after 90% of the lots. It's reduce once it have been constructed and approved. A bond last for 10 years after without the full extent 5 years passed the 90% after the record lots was sold.

Mr. Miles: stated no future comments just wanted you to know that's what we discuss in proposed in thief, so it's up to the Commission and you as the applicant to determine what conditions are appropriate.

Mr. Miller: stated that he is making his comments known that he is objecting to this conditions.

Mr. Zimmer: What is your objections to the condition?

Mr. Payne: Sir we are going to ask you one more time, what is your objection?

Mr. Miller: stated that maybe he isn't saying it correctly that he is objecting to having the full cost of maintenance repair on the entire system to maintain it for five years after the 90% of the lots are sold.

Mr. Bibb: Why would you object that's the question?

Mr. Payne: stated that he objects to it, he seems that he is not willing to explain why he objects to it.

Mrs. Eager: stated that the owners are responsible for the bonds until it is turned over to the HOA. I did Two Rivers and until the HOA takes over I had to take it care of it. No, it's not forever.

Mr. Bibb: Stated you still don't want to answer the question so we are just going to move on. Mr. Miles if you would like to make your final comments.

Mr. Douglas: States his final comment:

Mr. Miller and his consultants provided us with limited information. I don't think that we have heard complete factual evidence that you the Chair of the Board in this SUP request

and that this rural cluster sketch plan. We feel that there is an option as Mr. Payne and I prescribed and wrote in the legal ad for SUP requests to be added for a central water system. To do a phase 2 study with test wells, we feel that this will be a definitely need 60 days to analyze and bring it back to the Planning Commission meeting on March 9th for the hearing. I feel that additional information should be coming forward from those consultants with specific information relative to that, so again some of the rural cluster concerns that we had with Mr. Miller could summer up some of his calculations from what we provided as staff to indicate that he has removed all steep slopes in areas that he could properly do his analyzes on. Than that way the test walls for water would also provide additional support for the central sewer system to work properly through the peculations has been described to the consultants in this request.

MOTION:	I move that the Planning Commission recommend to Defer SUP 20:02, a request for a special use permit to allow for a central sewer system / major utilities with respect to 124.5 +/- acres of Tax Map 31 Section A Parcel 41 and Tax Map 31 Section 1 Parcel A [subject to the seven (7) conditions listed in the staff report.]				
MEMBER:	Bibb (Chair)	Murray-Key (Madam Vice Chair)	Johnson	Zimmer	Lagamarsino
ACTION:		Motion			Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Deferred for 60 Days to March 9th				

6. PRESENTATIONS:

None

7. SITE DEVELOPMENT PLANS:

None

8. SUBDIVISIONS:

Ballinger Bluff Rural Cluster Sketch Plan

Planning Commission review of a Sketch Plan for a proposed rural cluster subdivision with respect to 124.5 +/- acres of Tax Maps 31, Section A, Parcel 41 and 31, Section 1 Parcel A. The applicant is proposing 48 lots with designated open space and a separate request for a Special Use Permit to allow for a central sewer system known as wastewater treatment units.

MOTION:	I move that the Planning Commission Defer SUB 20:33 Ballinger Bluffs Sketch Plan, a request for forty-eight (48) residential lots plus open space, with respect to 124.5 +/- acres of Tax Maps 31 Section A Parcel 41 and 31 Section 1 Parcel A for sixty (60) days.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Second		Motion	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0 Deferred for 60 days to March 9th				

9. UNFINISHED BUSINESS:

None

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

At 9:25 pm, Chairman Bibb opened the second round of Public Comments. With no one coming forward online, or on the conference call line wishing to speak, Chairman Bibb closed the Public Comments at 9:47 pm.

Vice Chair Murray-Key: stated that she would like for us to be aware that we are moving forward on our Equal Housing Partnership online with Thomas Jefferson Area. I'm just making sure that housing isn't impacting our local areas, so I am encouraging locals to visit our website far as renting and buying homes, and trying to move forward with our Central Virginia accessibility. I am one of the representatives for the county.

12. ADJOURNMENT:

Chairman Bibb adjourned the Planning Commission meeting on January 12, 2021 at 9:49 pm.

Minutes recorded by Valencia Porter, Administrative Program Specialist.

Barry A. Bibb, Chairman
Fluvanna County Planning Commission