

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Carysbrook Performance Arts Center
8880 James Madison Hwy
Fork Union, VA 23055**

Tuesday, January 9, 2024

Regular Meeting 7:00 pm

MEMBERS PRESENT:

Barry Bibb, Chair
Kathleen Kilpatrick, Commissioner
Bree Key, Commissioner - Online
Howard Lagomarsino, Commissioner
Loretta Johnson-Morgan, Commissioner
Mike Goad, Representative of Board of Supervisors

ABSENT:

Valencia Porter-Henderson, Administrative Assistant

STAFF PRESENT:

Eric Dahl, County Administrator
Kelly Harris, Acting Director of Planning
Dan Whitten, Fluvanna County Attorney
Jason Overstreet, Senior Planner
Joanna Lehtinen, Planner /GIS Technician

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

At 7:00 pm, Chair Bibb, called the January 9, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

Commissioner Bree Key sent an email request that was forwarded to Chair Bibb to participate remotely in accordance with Section XI of the Bylaws and Rules of Practice and Procedure. Commissioner Key was sick and was calling in from home.

MOTION:	NOW, THEREFORE, BE IT RESOLVED, the Planning Commission approves the remote participation of Commission Bree Key who was sick and calling in from home in accordance with Section XI of the Bylaws and Rules of Practice and Procedure				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:	Motion				Seconded
VOTE:	Aye	Aye	Abstain	Aye	Aye
RESULT:	4-0-1 Approved, as presented				

2. DIRECTOR'S REPORT – Kelly Harris, Acting Director of Planning

Announcements and Updates:

- At the January 3, 2024 meeting, the Board of Supervisors appointed Jason Overstreet as Acting Zoning Administrator
- At the same meeting, the Board also appointed Kelly Harris, Assistant County Administrator as Acting Director of Planning
- Director of Planning position is posted on the County website
- BOS approved a change of position from Director of Community Development to Director of Planning

Day	Date	Time	Public Hearings and Public meetings	Location
WED	JAN 17	6:00 PM	Board of Supervisors – Marina Point at Lake Monticello, Inc	Performing Arts Center
TUES	FEB 13	6:00 PM	TBD – Planning Commission – Work Session	Performing Arts Center
TUES	FEB 13	7:00 PM	Planning Commission, Regular Meeting	Performing Arts Center

3. PUBLIC COMMENTS #1

Chair Bibb opened the Public Comments at 7:05 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record. With no one else wishing to speak in person, Chair Bibb closed the first round of Public Comments at 7:06 pm.

4. DRAFT MINUTES:

MOTION:	To Approve the Regular meeting minutes of the Planning Commission of December 12, 2023.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Abstain	Aye	Aye	Aye
RESULT:	4-0-1 Approved, as presented				

MOTION:	To Approve the Regular meeting minutes of the Planning Commission of January 3, 2024.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

5. ACTION MATTERS:

Resolution of intention to propose an amendment to the Fluvanna County Zoning Code to authorize the short-term rental of detached single-family dwellings by-right

MOTION:	NOW, THEREFORE, BE IT RESOLVED, the Planning Commission adopts the resolution of intention to propose amendments to the Zoning Code by amending §§ 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1 and 22-22-1 and enacting 22-17-20 to authorize the short-term rental of detached single-family dwellings by-right in the A-1, R-1, R-2, R-3 and R-4 zoning districts subject to supplemental regulations.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

6. PUBLIC HEARINGS:

ZTA 23:02 – Short Term Rentals:

Presentation overview:

- Regulating Short-term rentals through Zoning:**
- Short term rental proposed supplemental regulations:**
- Proposed Supplemental Regulations**
- Enforcement:**
- Grandfathered and Nonconforming Uses:**
- Nonconforming and illegal uses:**
- Nonconforming but legal (§15.2-2307):**
- Agritourism and Short-term Rentals:**
- Attorney General Opinion No. 22-036 on Short Term Rentals:**

Mrs. Johnson-Morgan: asked about whether any parcel may only have one short-term rental use? What if they have 30+ acres?

Mr. Whitten: replied this only refers to Short term rentals not long term rentals.

After further discussion, Mr. Whitten stated that they may make any adjustments to the motion if needed.

Chair Bibb opened the Public Hearing at 7:40 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record. With no one else wishing to speak in person, Chair Bibb closed the first round of Public Comments at 7:40 pm.

Chair Bibb asked is there any more questions or concerns if not do we have a motion.

MOTION:	I MOVE THAT THE PLANNING COMMISSION, IN CONFORMANCE WITH SECTION 22-20-2 (B) OF THE ZONING ORDINANCE RECOMMENDS APPROVAL OF ZTA 23:02 AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, AND 22-22-1 AND ENACTING 22-17-20 TO AUTHORIZE THE SHORT-TERM RENTAL OF DETACHED SINGLE-FAMILY DWELLINGS BY-RIGHT IN THE A-1, R-1, R-2, R-3 AND R-4 ZONING DISTRICTS SUBJECT TO SUPPLEMENTAL REGULATIONS with the amendment of allowing one (1) short term rental per 10 acres.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Approved				

7. PRESENTATIONS:

None

7. SITE DEVELOPMENT PLANS:

None

8. SUBDIVISIONS:

None

9. UNFINISHED BUSINESS:

1. Review of 2024 Planning Commission By-Laws and Rules of Practice and Procedures:

Dan Whitten, County Attorney went to acknowledge the difference in the By-Laws and Rules of Practice and Procedures. The By-laws will come back before the Planning Commission at the February 12, 2024 meeting.

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

Chair Bibb opened Public Comments #2 at 7:45 pm by giving each speaker a limit of five (5) minutes to speak in person and asked that they state their full name and property address for the record. With no one coming forward wishing to speak in person, he closed the Public Comments period at 7:45 pm.

12. ADJOURNMENT

MOTION:	Motion to Adjourn the January 9, 2024 Planning Commission Regular meeting at 7:45 pm				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 approved adjournment				

Minutes were recorded by Valencia Porter-Henderson, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission