

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

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

**Tuesday, February 13, 2024
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

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

ABSENT:

None

STAFF PRESENT:

Kelly Harris, Acting Director of Planning
Dan Whitten, Fluvanna County Attorney
Jason Overstreet, Senior Planner
Valencia Porter-Henderson, Administrative Assistant

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

At 7:00 pm, Chair Bibb, called the February 13, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

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

Announcements and Updates:

- Comprehensive Plan Completion – Dates to discuss the current Comp plan
- Future Work Sessions
- Congratulations to newly Certified Planning Commissioners through the Land Use Education Program at VCU
 - Bree Key, Rivanna Commissioner, completed the 110th Certified Planning Commissioner Course
 - Loretta Johnson-Morgan, Columbia Commissioner, completed the 111th Certified Planning Commissioners
 - Mike Goad, Fork Union Representative of the Board of Supervisors completed the 111th, Certified Planning Commissioner Course
 - Kelly Harris, Acting Planning Director – completed the 111th Certified Planning Commissioner Course

Day	Date	Time	Public Hearings and Public meetings	Location
TUE	MAR 12	6:00 PM 7:00 PM	Work Session (TBD) Regular Meeting	Performing Arts Center
TUE	APR 9	6:00 PM 7:00 PM	Work Session (TBD) 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 January 9, 2024.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:			Second	Motion	
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 make a clerical correction that minor scale solar generation facilities are allowed by special use permit in the B-1, B-C, I-1 and I-2 Zoning Districts

MOTION:	I move that the Planning Commission adopt a resolution of intention to propose an amendment to the Fluvanna County Zoning Code to make a clerical correction that minor scale solar generation facilities are allowed by special use permit in the B-1, B-C, I-1, and I-2 Zoning Districts.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:		Motion			Seconded
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

6. PUBLIC HEARINGS:

ZTA 24:01 – Minor Scale Solar, Dan Whitten- County Attorney:

Mr. Whitten explained the difference between the minor and the small scale solar. The minor scale solar energy conversion system produces less than 2 MW of electricity which generally reduce on-site consumption of utility power for civic, commercial, and industrial applications.

The small scale solar generation facility as an On-site solar energy conversion system produces not more than 15 kW of electricity. Small scale solar energy systems generally reduce on-site consumption of utility power for civic, commercial, and industrial applications.

The ordinance just makes the clarification that minor scale would be allowed as special use permit, and it will go on to the Board of Supervisors if it's recommended for approval today.

Chair Bibb opened the Public Hearing at 7:12 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 Public Hearing at 7:12 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 24:01 an ordinance to amend and reordain "The Code of the County of Fluvanna, Virginia" by amending §§ 22-9-2.2, 22-10-4, 22-11-2.2, and 22-12-2.2 to make a clerical correction that minor scale solar generation facilities are allowed by special use permit in the B-1, B-C, I-1 and I-2 zoning districts.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:		Seconded			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 differences in the By-Laws and Rules of Practice and Procedures.

- Organizational meeting would be the first regular meeting of the year.
- Community Development changed to Director of Planning
- Carysbrook Performing Arts Center, located in Fork Union, VA

MOTION:	I move that the Planning Commission adopt the revised 2024 By-Laws and Rules of Practice and Procedures				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:			Seconded		Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Approved				

10. NEW BUSINESS:

SUP 23:01 White Oak Tree Solar – Deferral request

CEP Solar sent a letter to Mr. Dan Whitten, County Attorney requesting for a deferral of the SUP 23:01 White Oak Tree Solar, LLC and the associated Substantial Accord determination from the March 12th, 2024 Planning Commission Agenda until the June 11th, 2024 Planning Commission Agenda

MOTION:	I move to extend the requested deferral until the June 11, 2024 Planning Commission meeting.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:		Motion		Seconded	
VOTE:	Aye	Aye	Aye	Aye	Nay
RESULT:	4-1, Recommended Approved				

11. PUBLIC COMMENTS #2:

Chair Bibb opened Public Comments #2 at 7:28 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 7:28 pm.

12. NEW BUSINESS:

Johnson-Morgan, asked if we could go back to New Business for a discussion. The Chair agreed to reopen New Business.

Johnson-Morgan- stated that her concerns were about the safety of commercial properties. The issues are that not only for the people that are in those businesses but the community who come to these businesses.

Dan Whitten, County Attorney: replied, it would have to be residential and commercial properties. When opening up the maintenance code then that opens up a whole new area of cases. The building official told staff that it would be a lot of work, and he wasn't in favor of it.

After further discussion the panel went on discussing different ways of how to go about looking deeper into this situation. Incentive programs were discussed, tax abatements, and investments throughout the county. The recommendation was that staff come back to the Planning Commission to discuss the options for fixing up commercial properties. The Planning Commission could then make a recommendation to the Board of Supervisors to consider some of these things going forward.

13. ADJOURNMENT

Chair Bibb asked is there any more question or concerns that need to be discuss. If not do we have a motion to adjourn.

MOTION:	Motion to Adjourn the February 13, 2024 Planning Commission Regular meeting at 7:52 pm				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:		Motion			Seconded
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

APPROVED