

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
Carysbrook Performance Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
Tuesday, April 9, 2024
Work Session 6:00pm | Regular Meeting 7:00pm**

MEMBERS PRESENT:

Barry Bibb, Chair
Kathleen Kilpatrick, Commissioner
Bree Key, Commissioner
Howard Lagomarsino, Commissioner
Lorretta 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
Joanna Lehtinen, Junior Planner/GIS
Kayla Polychrones, Administrative Assistant

WORK SESSION CALL TO ORDER:

At 6:00 pm, Chair Bibb, called the April 9, 2024 Work Session to Order, led the Pledge of Allegiance, and then he conducted a Moment of Silence.

Short Term Rental Discussion: - Dan Whitten, County Attorney

- Presentation: Senate Bill 544 is currently under review by Governor. The proposed bill states that localities can't require a special use permit for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence. Accordingly, short-term rentals of townhouses and duplexes are also a by-right use if occupied by the owner.
- **March 20, 2024 – The Board of Supervisors approved Ordinance**
- Made the short-term rental of a residential dwelling a by-right use in Agricultural and Residential Zoning Districts: A-1, R-1, R-2, R-3 and R-4
- Added definition of Short-term rental of residential dwelling: A residential dwelling that is rented for compensation for periods of less than 30 days. See § 22-17-20 for supplementary regulations pertaining to the short-term rental of a residential dwelling.
Approved Supplemental Regulations:
- **Certain supplemental regulations were amended since consideration by the Planning Commission:**
 - If multiple single-family detached dwellings are located on a single parcel, there can be one short-term rental for every 5 acres of land.
 - Townhouse dwellings, single-family attached dwellings and two-family dwellings must be legally occupied by the Owner as his primary residence in order to be used as a Short-term rental.
 - Removed restriction on short term rentals within accessory apartments and accessory dwellings.
 - Occupancy is restricted to no more than 2 adults per lawful bedroom.
 - **The County Attorney presented the option of a special use permit for the following:**
 - Multiple single-family detached dwellings on less than 5 acres.
 - Multiple short-term rentals of residential dwellings allowed on one parcel which would also allow an accessory apartment or accessory structure as additional short term rental of a residential dwelling on a parcel.

Concerns from Planning Committee members included the number of short-term rentals permitted on a single parcel and building code inspections for these structures. As it stands, there is currently no language on inspections for short-term rentals as they are a by-right use, however it can be added as a condition for annual/initial inspections on short-term rentals for new special use permits (less than 5 acres) if ordinance is passed. Considerations include number of short-term rentals on 5 acres or less within setback compliance (i.e. apartments above garages, tiny homes, barns, tree houses) traffic, septic, water quality, and safety. Planning Committee asks Board of Supervisors to clarify ordinance for number of short-term rentals (accessory apartments and structures) on a by right use.

2015 Comprehensive Plan Progress Discussion – Kelly Harris, Acting Planning Director

Virginia Code § 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

- A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

§ 15.2-2230. Plan to be reviewed at least once every five years.

- At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.

March Planning Commission

Recommendations:

- Re-adopt 2015 Comprehensive Plan
- Update Chapter 2: Land Use and Community Design
- Update Chapter 5: Economic Development (data only)
- Update Chapter 6: Historic Preservation
- Incorporate Zoning Text Amendments related to solar once those amendments are adopted.

Draft 2015 Comprehensive Plan – 2024 Review

- No substantive changes made in any Chapter except data from most recent reports.
- Reports of Resident Advisory Groups were included as Appendices
 - Information was not incorporated into the Chapters
- Only those reports submitted by Advisory Groups appointed by the Planning Commission were included
 - Rural Preservation Advisory Group
 - Historic Preservation Advisory Group
- Very drafty draft
 - Highlighted areas indicate further updates are necessary
 - Ex. Rural Broadband in Chapter 3: Infrastructure
 - Chapter 9: Human Services

Next Step: Public Hearings – Planning Commission on 5/14/24 and Board of Supervisors on 6/11/24.

MOTION:	To close the Work Session at 7:00 pm.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:			Second		Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

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

At 7:02 pm, Chair Bibb, called the April 9, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

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

Announcements and Updates

- Kayla Polychrones joined the County on March 27, 2024 as the Administrative Program Specialist and Planning Clerk.
- Bree Kay is stepping down from Planning Commission and this will be her final meeting.
- Planning Director Position Filled – Todd Fortune has accepted the offer for Planning Director and will begin on April 29, 2024.

Upcoming Zoning Cases

- ZMP 24:01 Pratak Rai – Proffer amendment to include uses that were previously removed from by-right use.

Upcoming Meetings

- May 14, 2024 – Carysbrook Performing Arts Center
- June 11, 2024 – Fluvanna County Library

PUBLIC COMMENTS #1

At 7:05 pm, Chair Bibb opened the first round of public comments. With no one wishing to speak, Chair Bibb closed the first round of public comments at 7:05 pm.

MINUTES OF MARCH 12, 2014

MOTION:	To Approve the Regular meeting minutes of the Planning Commission of March 12, 2024.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:				Seconded	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

PUBLIC HEARINGS

None.

PRESENTATIONS

Solar Ordinance Review Committee, Dan Whitten, County Attorney

- At the Board of Supervisor’s meeting on March 6, the Board approved a resolution of intention to amend § 22-4-2.2 to remove utility scale solar generation facilities as a use allowed by special use permit in the Agricultural, A-1 Zoning District.
- On March 20, 2024, the Board approved a timeline of 90 days for the Planning Commission to hold a public hearing and send a recommendation to the Board.
- At the Board of Supervisor’s meeting on March 6, the Board approved a resolution of intention to enact § 22-17-21 to add supplemental regulations for small scale solar generation facilities, minor scale solar generation facilities and utility scale solar generation facilities.
- On March 20, 2024, the Board approved a timeline of 180 days for the Planning Commission to hold a public hearing and send a recommendation to the Board.
- The Planning Commission discussed the two Board resolutions to amend the County Code at its meeting on March 12, 2024.
- The Planning Commission suggested that the Board create a solar committee that could consist of two Board members and two Planning Commission members.
- The Solar Committee would consider the amendments to the County Code and provide suggested language for the consideration by the Planning Commission and Board of Supervisors.

MOTION:	I move the Planning Commission appoint the following two (2) members of the Planning Commission: (i) Lorretta Johnson-Morgan and (ii) Kathleen Kilpatrick, to a Solar Ordinance Review Committee.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:			Motion	Seconded	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

SITE DEVELOPMENT PLANS

None

SUBDIVISIONS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENTS #2:

Chair Bibb opened the second round of Public Comments at 7:12 pm.

- Suzy Morris of 6840 Thomas Jefferson Parkway spoke on the Comprehensive Plan and expressed her personal opinion on the importance of the plan’s composition.

With no one else wishing to speak, Chair Bibb closed the second Public Comments period at 7:20 pm.

ADJOURNMENT

MOTION:	Motion to Adjourn the April 9, 2024 Planning Commission Regular meeting at 7:32pm				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:		Second	Motion		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 approved adjournment				

Minutes were recorded by Kayla Polychrones, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission