

**FLUVANNA COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Morris Room – County Administration Building  
132 Main Street Palmyra, VA 22963  
Tuesday, June 25, 2024  
Special Called Meeting 7:00pm**

**MEMBERS PRESENT:**

Kathleen Kilpatrick, Commissioner  
Eddie Shifflett, Commissioner  
Howard Lagomarsino, Commissioner  
Lorretta Johnson-Morgan, Commissioner  
Mike Goad, Representative of Board of Supervisors

**ABSENT:**

Barry Bibb, Chair

**STAFF PRESENT:**

Todd Fortune, Director of Planning  
Dan Whitten, Fluvanna County Attorney  
Kayla Polychrones, Administrative Assistant

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

At 7:00 pm, Vice Chair Lagomarsino, called the June 25, 2024 Special Called Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**DIRECTOR'S REPORT – Todd Fortune, Director of Planning**

**Announcements and Updates**

- Wawa (SDP 23:07) has submitted an application for a sign permit with accompanying sign plans that are currently being reviewed by staff.
- The Solar Ordinance Committee is tentatively set to meet in mid to late July.
- Staff Update: The Planner/GIS Technician position has been posted on the county website and is currently being advertised.

**Upcoming Zoning Cases**

- **SDP24:04 – S.B. Cox Inc. Road and Recycling Center** – A site development plan has been submitted for a proposed recycling center at Amber Hills (Tax Map 4 –A-27A). The Board of Supervisors approved a Special Use Permit for the property in 2023 with the condition of an approved site development plan by the Planning Commission. The Technical Review Committee has reviewed the preliminary layout in October 2022 and has agreed additional review is not necessary.

**Upcoming Meetings**

- July 9, 2024 – Morris Room
- August 13, 2024 – Morris Room
- September 10, 2024 – Morris Room

**PUBLIC COMMENTS #1**

At 7:04 pm, Vice Chair Lagomarsino opened the first round of public comments. With no one wishing to speak, Vice Chair Lagomarsino closed the first round of public comments at 7:04 pm.

**MINUTES**

None.

**PUBLIC HEARINGS**

**ZTA24:02** - A request to amend § 22-4-2.2 of the Fluvanna County Code to remove utility scale solar generation facilities as a use allowed by special use permit in the agricultural, A-1 zoning district.

- On March 6, 2024, the Board of Supervisors passed a resolution stating a desire to remove utility scale solar generation facilities as a use allowed by Special Use in the A-1 district. This resolution was presented to the Planning Commission on 3/12/24 in a work session. On 3/20/24, the Board of Supervisors approved a timeline of 180 days for the Commission to hold a public hearing on this case. On 4/9/24, a Solar Ordinance Review Committee was formed with the purpose for enacting § 22-17-21 to add supplemental regulations for small scale solar generation facilities, minor scale solar generation facilities and utility scale solar generation facilities. This committee is formed of two respectively appointed members from the Board of Supervisors (Timothy Hodge and Anthony O'Brien ) and two

Planning Commissioners (Loretta Johnson-Morgan and Kathleen Kilpatrick). The Solar Ordinance Review Committee met on 4/24/24 and 5/2/2024. The Committee discussed two options (1) Creating a new zoning district that authorizes utility scale and minor scale solar facilities by special use permit with supplemental regulations (2) Creating a zoning overlay district that authorizes utility scale and minor scale solar facilities by special use permit with supplemental regulations. More details of this discussion can be found in Board of Supervisors Minutes from 5/15/24. The Planning Commission was tasked with holding a public hearing on the removal of utility scale solar from the A-1 Zoning District.

At 7:06 P.M., Vice Chair Lagomarsino opened the Public Hearing.

Joe Creasy, 38 Jennings Drive, spoke in opposition of removing utility scale solar from A-1.

Jason Sweeney, 3456 James Madison Highway, spoke in favor of re removing utility scale solar from A-1.

Gary Wood, CEO of CVEC, spoke in opposition of removing utility scale solar from A-1.

Karen Bowles, 5520 James Madison Highway, spoke in favor of re removing utility scale solar from A-1.

Kyle West, Vega Renewables, spoke in opposition of removing utility scale solar from A-1.

Chloe Hodges, Energy Right, spoke in opposition of removing utility scale solar from A-1.

George Goin, 952 Rolling Road South, spoke in opposition of removing utility scale solar from A-1.

Nadine Armstrong, 2979 Brema Road, spoke in favor of re removing utility scale solar from A-1.

Harry Kingery, Commonwealth Energy Partners, spoke in opposition of removing utility scale solar from A-1.

With no one else wishing to speak, Vice Chair Lagomarsino closed the Public Hearing at 7:35 PM and began Planning Commissioners Discussion.

- Commissioner Johnson-Morgan spoke in favor of removing utility scale solar use from A-1 and creating a new zoning district, S-1, with defined solar ordinances, site plan requirements, and supplemental regulations.

<b>MOTION:</b>	Motion to recommend an amendment to 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.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>					<b>Motion</b>
<b>VOTE:</b>					
<b>RESULT:</b>	<b>Motion Failed for Lack of a Second</b>				

- Commissioner Kilpatrick stated more research and context is needed to explore supplemental regulations, special use process, site agreements, and comprehensive plan on solar before consideration of ZTA24:02. Commissioner Johnson-Morgan spoke in favor of an S-1 District with a defined solar ordinance. Commissioner Kilpatrick spoke in favor of supplemental regulations for special use permits for solar in the A-1 district. Board of Supervisors Representative Goad, confirmed with County Attorney that a new zone is not required in order to create supplemental regulations for solar. Vice Chair Lagomarsino asked County Attorney what the ramifications for deferral would be. County Attorney Whitten stated this case has been advertised for public hearing for July 3<sup>rd</sup> BOS Meeting and that it would be up to the Board of Supervisors to decide if they wanted to wait for Planning Commission Recommendation before making a decision at their public hearing at 9/20/2024.

<b>MOTION:</b>	Motion to recommend deferral of ZTA24:02 to July 9, 2024 to give time for Solar Committee Meeting to create specific solar regulations in SUP process for utility scale solar use in A-1				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>	<b>Second</b>		
<b>VOTE:</b>	ABSENT	Aye	Aye	Aye	Nay
<b>RESULT:</b>	<b>3-1 Recommended Deferral</b>				

**PRESENTATIONS**

None.

**SITE DEVELOPMENT PLANS**

None.

**SUBDIVISIONS**

None

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**PUBLIC COMMENTS #2:**

Vice Chair Lagomarsino opened the second round of Public Comments at 8:11 pm.

Nadine Armstrong, 2979 Bremono Road, asked if the Solar Ordinance Committee Meetings is open to the public and if input is considered from citizens. County Attorney Whitten answered there is no Public Comment section at those meetings.

Kyle West, Vega Renewables, suggested Zoning Text Amendments for solar ordinances in lieu of Re-Zoning.

Jason Sweeney, 3456 James Madison Highway, spoke with concerns that solar developers meet with county officials, Planning Commissioners, and Board of Supervisors, outside of public hearings.

Karen Bowles, 5520 James Madison Highway, spoke with disappointment that not all planning commissioners voiced their opinion on ZTA24:02 in the public hearing.

Harry Kingery, Commonwealth Energy Partners, stated they are waiting for a clear stance on solar ordinances and/or regulations before holding their Public Hearing for SUP23:01.

Roger Bowles, 5520 James Madison Highway, spoke in disappointment that not all planning commissioners voiced their opinion on ZTA24:02 in the public hearing.

Chloe Hodges, Energy Right, spoke against removing solar from A-1 and encouraged focus on ordinances.

With no one else wishing to speak, Vice Chair closed the second round of public comments at 8:32 P.M.

**ADJOURNMENT**

<b>MOTION:</b>	Motion to Adjourn the June 25,2024 Special Called Planning Commission meeting at 8:32 pm				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Second</b>		<b>Motion</b>
<b>VOTE:</b>	Absent	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>4-0 Approved Adjournment</b>				

Minutes were recorded by Kayla Polychrones, Administrative Programs Specialist.

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**Barry Bibb, Chair**  
**Fluvanna County Planning Commission**