



FLUVANNA COUNTY PLANNING COMMISSION

WORK SESSION AND REGULAR MEETING AGENDA

September 10, 2024

6:00 PM Work Session - Morris Room, County Administration Building

7:00 PM Regular Meeting - Fluvanna County Courthouse

TAB	AGENDA ITEMS
WORK SESSION	
A	CALL TO ORDER, PLEDGE OF ALLEGIANCE
B	WORK SESSION
	Zoning Text Amendments – Pet Crematoriums, Screening, Inoperable Vehicles, Animal Training Facilities, Subdivision Regulations
REGULAR MEETING	
1	CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE
2	DIRECTOR’S REPORT
3	PUBLIC COMMENTS #1 (5 minutes each)
4	MINUTES
	Minutes of August 13, 2024
5	PRESENTATIONS: None
6	SITE DEVELOPMENT PLANS: None
7	SUBDIVISIONS:
	SUB24:29 --Rivanna Bend by 30 Scale, LLC – 21 Lots on 76 acres in Fork Union District
	SUB24:32 – Reventon by Murcielago, LLC – 67 Lots on 205 acres in Cunningham District
8	UNFINISHED BUSINESS
	SDP24:06 – South Boston Convenience Store by KFP1 LLC and Shimp Engineering
9	NEW BUSINESS: NONE
10	PUBLIC HEARING:
	ZTA 24:04 – Ordinance to Amend and Reordain “The Code of The County of Fluvanna, Virginia” by amending § 22-2-1, Enacting §§22-3-1 through 22-3-5.4 and Enacting §22-28-1 through 22-28-25 to create a Solar Zoning District and to add supplemental regulations for utility scale solar generation facilities
11	PUBLIC COMMENTS #2 (5 minutes each)
12	ADJOURN

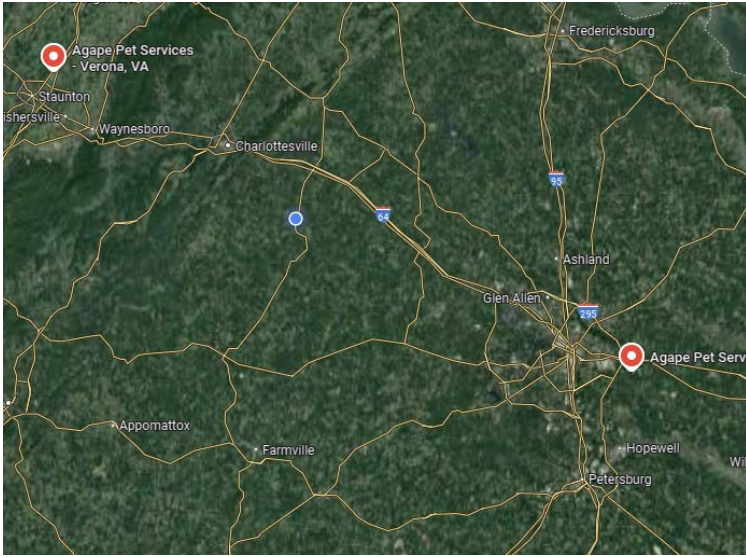
Todd Fortune

Planning Director Review

Fluvanna County...The heart of central Virginia and your gateway to the future!

**For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator’s Office at 591-1910.**

Planning Commission - September 10, 2024
 Work Session : Zoning Text Amendments



Pet Crematorium Services used by Fluvanna County Animal Clinics
 4-10 Animals per week. Price range between \$87- \$350



Example

Inoperable Vehicles



Example

Tarp Screening



Dog Training Facilities



Subdivision Regulations:
 Private Road Naming and when it converts to
 a Public Road in VDOT system

Examples:
 Downing Grey Estates
 Centre Hill Estates

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
Morris Room – County Administration Building
132 Main Street Palmyra, VA 22963
Tuesday, August 13, 2024
Work Session 6:00PM | Regular Meeting 7:00pm**

MEMBERS PRESENT:

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

ABSENT:

None

STAFF PRESENT:

Todd Fortune, Director of Planning
Dan Whitten, Fluvanna County Attorney
Kayla Polychrones, Administrative Assistant
Kelly Harris, Assistant County Administrator
Eric Dahl, County Administrator

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

At 6:00 pm, Chair Bibb, called the August 13, 2024 Work Session to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

WORK SESSION:

Solar Ordinance Review Committee Presentation, Todd Fortune, Director of Planning

On July 3rd, The Board of Supervisors approved the amendment to Section 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. The Solar Ordinance Review Committee has met three times since then (July 16, 22, and 29th) and has proposed the following regulations and uses for the creation of S-1 District:

- S-1 keeps the following by-right A-1 uses: agriculture, conservation areas, farm sales, accessory uses, non-commercial cemeteries, non-commercial greenhouses, small-scale solar generating facilities, and minor utilities.
- S-1 keeps the following SUP-only A-1 uses: agricultural enterprise, wholesale agricultural sales, commercial livestock feed lots and sales yards, communications services, minor-scale solar generating facilities, telecommunication facilities, and major utilities
- S-1 adds utility-scale solar generating facilities as use permitted by SUP only
- The Committee is also developing a new Article 28, supplemental regulations to regulate the siting, construction, management and decommissioning of utility-scale solar generation facilities (USSGFs).
- The maximum size for any USSGF is 500 acres, and no more than three percent of total County acreage (approx. 5400 acres) may be used for USSGFs.
- The new regulations include 500-foot setbacks from dwellings, property lines, public rights-of-way, ponds, and perennial streams, and 1,000-foot setbacks from the James, Rivanna, and Hardware Rivers, and all lakes
- USSGFs must be screened from ground-level view by a vegetative buffer of at least 175 feet, located within the required setback and around the entire perimeter.
- The owner/developer may use an existing forest buffer, new vegetative screening, or berms.
- Performance bonds will be posted to ensure maintenance of vegetative buffers, to be released only after decommissioning.
- Maximum structure height will be 20 feet above ground
- USSGF project area must be enclosed by six-foot high security fencing with opaque screening on the interior of the vegetative buffer, while allowing access corridors for wildlife.
- Outdoor lighting will be permitted only for security and on-sight maintenance, and shall be shielded and dark sky compliant.
- Solar panels will be placed to prevent concentrated radiation or glare being directed onto other properties or roads.
- Except for signs with emergency information at each access point, no signage will be allowed on the fencing, structures or buildings in the USSGF project area.

- Emergency access will be provided in at least two separate access points, with aisle widths at least 20 feet wide.
- Construction activity is limited to 7:00 am-6:00 pm. On Monday through Saturday, other than emergency repairs.
- Wiring on all new distribution and transmission lines will be underground
- New transmission lines will be subject to plan of development review
- Wires going up the poles of solar panels will be in conduit
- If the project area is larger than 50 acres, the application must identify wildlife corridors that are shown on the site plan
- A landscaping plan will be required with the SUP application which will: maximize preservation of existing trees and vegetation, include tree inventory, existing plant material must consist of a mix of evergreen (if added a minimum planting height of 8 feet) and deciduous trees (if added must have a minimum 2 inch caliper), for any new vegetative buffer, native and pollinator-friendly plant species are preferred, and all landscaping shown on the approved plan shall be installed prior to beginning power production.
- Vegetation Management Plan including description of ground cover and only biodegradable soap and water may be used to clean surface of solar panels.
- Erosion and Sediment control plan must be approved by Soil and Water Conservation District and DEQ prior to land disturbance. No topsoil may be removed from the site, but must be used onsite. Applicant may be required to fund a third party E&S control inspector during construction, to be chosen by County Planning Director.
- Panels shall not be installed on steep slopes of 20% or greater; such slopes must remain undisturbed to the maximum extent practicable.
- Impact analysis is required for historical and cultural resources, including graves sites. If any such resources are identified, analysis shall include a proposed plan to preserve and protect them through avoidance, minimization or mitigation.
- Groundwater monitoring must take place before construction, upon completion of construction, every five years during the operation of the USSGF, and upon completion of decommissioning. Results must be provided to County Planning Director.
- Before completion of construction, the facility owner or operator must provide the County Planning Director with an emergency management plan for all phases of the life of the facility.
- Emergency personnel must be provided a Knox box or code to access the property
- Owner/operator must coordinate plans and training with Fluvanna Fire and Rescue
- Draft decommissioning and reclamation plan must be submitted and approved before the permit issuance.
- Decommissioning plans to be updated every three years.
- USSGFS that have not been in active and continuous service for a period of six months must be removed at the expense of the owner or operator
- Surety agreement in the full amount of estimated decommissioning costs must be submitted before a building or land disturbing permit is issued
- Panels must be recycled at a certified recycling facility
- As part of the Emergency Response Plan, training shall be provided and updated (i) whenever significant modifications and/or repairs are made to the facility and (ii) at the request of the County Fire Chief

Planning Commission members discussed the option of limiting percentage under panel in each district to avoid concentration of all 3% in one magisterial district and agreed no more than 1% of 5400 acres should be in one district. Members also discussed if exceptions or waivers could be made during the SUP process and County Attorney Whitten confirmed conditions could be recommended with approval. County attorney confirmed changes could be made to the proposed regulations up until September 10th Public Hearing.

At 6:33 P.M. Planning Commission moved into a **Closed Session**.

MOTION:	I move that the Planning Commission go into closed session under the provisions of Section 2.2-3711 of the Virginia Freedom of Information Act for the following purposes: Section 2.2-3711(A)(8) for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; I further move that such legal advice shall be limited to the Meadowbrook Rural Cluster Subdivision.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

	I certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:					
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

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

At 7:02 pm, Chair Bibb, called the August 13, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

2. 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. A waiver from the sign requirements per the County Code will be needed for one of the signs submitted due to its size. A public hearing is scheduled for August 21 for the Board of Supervisors to consider a waiver.
- Staff Update: William “Trey” Walton III, has accepted the position of Planner/GIS Technician. His first day was August 12, 2024.
- James River Water Authority: A minor subdivision plat for a utility lot has been approved and construction is underway on a section of the raw water main in Southern Fluvanna County.

Upcoming Zoning Cases

- **Rural Cluster Subdivision-** Staff have received an application for two rural cluster subdivisions consisting of 21 lots on 76 acres off of Justin Drive and one on Rolling Road and Briery Creek Road. The TRC reviewed these subdivisions on August 8th and they will be presented to the PC on September 10th.

Upcoming Meetings

- September 10, 2024 – Fluvanna County Courthouse
- October 8, 2024 – Morris Room
- November 12, 2024 – Morris Room

3. PUBLIC COMMENTS #1

At 7:07 pm, Chair Bibb opened the first round of public comments.

Tony Deyerle, SunTribe Senior Project Developer (2572 Sheppard Town Road Goochland, VA), Gary Wood, President & CEO of CVEC, Skyler Zunk, Chair of Virginia Solar Energy Development and Energy Storage Authority with Energy Right, all spoke in opposition of proposed solar regulations.

With no one else wishing to speak, Chair Bibb closed the first round of Public Comments at 7:23 P.M.

4. MINUTES

MOTION:	To Approve the Regular Meeting minutes of the Planning Commission of July 9, 2024.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Abstain	Aye	Aye
RESULT:	4-0 Approved – 1 Abstained				

5. PUBLIC HEARINGS

SUP24:03 Camp Yellow Cardinal LLC– A Special Use Permit request in the A-1, Agricultural, General District to operate a Campground under §§ 22-4-2.2 on 13.173 ± acres and known as Tax Map 60 Section 8 Parcel 25. The subject property is located at the intersection of Bremo Road and Cloverdale Road in the Fork Union Election District.

- The Applicant is proposing to construct 12 campsites (Revised to 10 campsites on 8/12/24) designed to blend in with the natural environment. Each campsite will consist of a platform deck with a geodesic dome accommodation structure, a fire-pit, a picnic table, and a wood-burning hot tub.
- The first phase of development would consist of six (6) campsites and a centrally located bathhouse with six individual showers, sink, and toilet facilities. The second phase of development would consist of six additional campsites and an additional bathhouse with enough facilities to accommodate the expansion. The proposed facility would include 15- space parking lot to accommodate vehicles for campground guests and would not accommodate recreational vehicles on the property. Other amenities would include a centrally located communal pavilion for dining and recreational activities, walking paths throughout the property, and a camp store for guests that would be operated out of a non-operational RV on the property carrying non-perishable food and merchandise for purchase.
- Planning Director Todd Fortune provided his staff report with recommended conditions including TRC Comments.
- Applicant, Kevin Wilson, addressed the Planning Commission and presented responses to TRC Comments regarding fire safety and campground rules and regulations that is presented to guests.
- Planning Commission Johnson-Morgan asked if a community meeting was held to which the applicant responded there was not but letters were left in adjacent mailboxes with applicant contact information. Chair Bibb asked applicant if he would like to request a deferral to allow time to hold a community meeting prior to public hearing. County Attorney confirmed if the applicant were to request a deferral than there would be no public hearing at the next meeting as the public hearing has been advertised for tonight and there are residents wishing to speak. The next time the item came before the Planning Commission it would not be an advertised Public Hearing but as Unfinished Business item on the Agenda.

At 7:49 P.M. Chair Bibb opened the public hearing.

The following residents spoke in opposition of the campground: Jennifer Montague (3235 Cloverdale Rd), Jonathan Wills (3235 Cloverdale Rd), Ron Unnerstall (578 Middle Farms Trace), Tammy Castle Stough (2993 Cloverdale Rd), Wayne Griffin (3474 Cloverdale Rd), Kenny Willchinski (3156 Cloverdale Rd), Sean Sopht (265 South Creek Lane), Tom Gable (3350 Cloverdale Rd), Richard Eaton (3391 Cloverdale Rd), Nadine Armstrong (2979 Brema Rd), Paula Eaton (3391 Cloverdale Rd), Rhonda Griffin (3474 Cloverdale Rd) and Roger Davis (3159 Cloverdale Rd)

Various concerns such as fire safety, security, on-site staffing, flooding, traffic, water/sewer, trash, EMS response were presented to the Planning Commission as was two supporting documents: (1) A Deed of Protective Covenant Restrictions (DB. 190 PG. 270) for South Creek Farms from 1989, stating all lots shall be used for residential purposes only and (2) A Petition of Protest signed by the following residents:

Wayne and Rhonda Griffin, and Judith C. (3474 Cloverdale Rd), Frank and Jennifer Montague (3235 Cloverdale Rd), Roger Davis (3159 Cloverdale Rd), Felicia Coles (204 South Creek Lane), Two Residents (266 South Creek Lane), Sean Sopht and Carol Sopht Zamora (265 South Creek Lane), Ronnie Paterson (263 South Creek Lane) Victoria Zavadsky (2956 Cloverdale Rd), Resident (2914 Cloverdale Rd), Katharina Balow (2856 Cloverdale Rd) Tom Gable (3350 Cloverdale Rd), Cobey Clark and Katelin Perkins (714 Gale Hill Rd), Stephen and Tina Hester (140 Gale Hill Rd), William Hammond (536 Gale Hill Rd), Barry Morris (7791 Brema Rd), Kenneth and Mary Willchinski (3156 Cloverdale Rd), Susanna Seay (7664 Brema Rd), Mark and Tammy Stough and Betty Castle (2993 Cloverdale Rd), Richard, Ella, and Sharon Eaton (3391 Cloverdale Rd), Ron Unnerstall (578 Middle Farms Trace), Sheila James (3026 Cloverdale Rd), Joseph and Melissa Southwick (2888 Cloverdale Rd), R. and C. Bickel (2614 Cloverdale Rd), Gina Talley (2613 Cloverdale Rd), Resident of 2465 Cloverdale Rd, Mary James (15 Dora Ln) Phyllis and Travis Johnson (1979 Cloverdale Rd), Sharon Patterson (528 Deer Lane), Frances Anderson (1951 Cloverdale Rd), 2 Residents of 1771 Cloverdale Rd, Romona Hill (1628 Cloverdale Rd), Robert James (1746 Cloverdale Rd), Arthur Lee Opie (1938 Cloverdale Rd), Lewis Lacy (55 Elmore Drive), and Walter Seyl (2925 Cloverdale Rd).

With no one else wishing to speak, Chair Bibb closed the public hearing at 8:35 P.M. and opened Planning Commission Discussion.

Chair Bibb, Commissioners Johnson-Morgan, Kilpatrick, Lagomarsino, and Shifflett, and BOS rep Goad, all expressed having major concerns about public safety, flash flooding, waste

management, traffic, safety, EMS response, and restrictive covenants that were presented during the public hearing.

MOTION:	I move that the Planning Commission recommends denial of SUP24:03, a request to permit a campground and accessory uses with respect to 13.173 ± acres of Tax Map 60 Section 8 Parcel 25 with the conditions as described in the staff report				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Recommend Denial				

Chair Bibb then declared a five-minute recess. The meeting reconvened at 8:53 P.M.

6. ACTION MATTERS

Resolution 2024-04 of intention to amend the Code of the County of Fluvanna, Virginia by amending §22-2-1, enacting §§22-3-1 through 22-3-5.4 and enacting §§ 22-28-1 through 22-28-25 to create a solar zoning district and to add supplemental regulations for utility scale solar generation facilities

Chair Bibb confirmed with County Attorney Dan Whitten that there is a deadline to have a recommendation to the Board of Supervisors by September 20th. Commissioner Kilpatrick asked for more time to review solar ordinance review regulations and Chair Bibb confirmed that the Resolution is just to approve advertisement for a Public Hearing. Commissioner Lagomarsino confirmed with staff that the Solar Ordinance Review Committee is permitted to meet again prior to September 10th if necessary as well as language in the proposed ordinance changed prior to presenting to BOS.

MOTION:	I move that the Planning Commission approve Resolution 2024-04, a resolution of intention to amend the Code of the County of Fluvanna, Virginia by amending §22-2-1, enacting §§22-3-1 through 22-3-5.4 and enacting §§ 22-28-1 through 22-28-25 to create a solar zoning district and to add supplemental regulations for utility scale solar generation facilities				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Recommend Approval of Resolution 24-04				

7. PRESENTATIONS

None.

8. SITE DEVELOPMENT PLANS

SDP24:06 – South Boston Convenience Market

- KFPT, LLC, and Shimp Engineering have submitted a Site Development Plan for a gas station/convenience store, car was, and commercial space on South Boston Road, Parcel 18-A-53. The property was rezoned from A-1, Agricultural to B-1 Business, General in 2007. The SDP being considered is for just under 50% of the parcel in question. The remainder of property would be retained for future development. Specifics of plan and TRC Comments can be found in Staff Report.

Commissioner Kilpatrick and Johnson-Morgan asked about a cemetery notated on sketch plan and wanted to know if the applicant has walked the property and noticed headstones or if they have completed deed research to see who is buried there. Commissioner Johnson-Morgan asked if possible for additional room than the proposed 10 feet between pavement and cemetery.

MOTION:	I move that the Planning Commission defer to September 10, 2024 SDP24:06 South Boston Convenience Market, a Site Development Plan request for gas station/convenience store, car wash, and commercial space with respect to Tax Map 18 Section A Parcel 53 subject to receiving further information regarding the cemetery's limits based on an archeologist walking the property and looking at such documentation that may exist.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Recommend Deferral				

9. SUBDIVISIONS

None.

10. UNFINISHED BUSINESS

2015 Comprehensive Plan 2024 Update

- Acknowledgements, Introduction, and data has been updated as well as inclusion of advisory committee reports.

MOTION:	I move that the Planning Commission recommend adoption of the 2024 Update of the Fluvanna County Comprehensive Plan.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:			Second		Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Recommend Adoption				

ZTA24:03 – Amendment of §§22-17-7 and 19-9-6 Zoning and Subdivision Fees

- The Revised fees were presented to the Planning Commission at its last regular meeting on July 9th and was deferred with the recommendation to lower costs for Conservation Easement Program and what would the replacement costs be for Public Hearing Signs. Conservation Easement Program fee has been proposed to \$100 from \$750. Staff confirmed this would not cover staff time for review and the applications received for this program are so far and few between that there really is not a revenue stream being affected. Commissioner Johnson-Morgan asked if there is a process for waiving fees for non-profit organizations and County Attorney confirmed a written request for a waiver would need to be presented to Board of Supervisors by applicant.

MOTION:	I move that the Planning Commission recommends approval of an ordinance to amend §§22-17-7 and 19-9-6 of the Fluvanna County Code to amend zoning and subdivision fees.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Recommend Approval				

SUB05:83 – Meadow Brook Phase IV – HOA and Developer Request to Amend Conditions

- Lois Haverstrom, General Counsel for Southern Development Homes and Keith Lancaster, Land Planner for Southern Development Homes, addressed the Planning Commission with a proposed fire suppression plan including public water hydrants within 1.5 miles within rural cluster. Mr. Lancaster presented photos of current pavilion and picnic area that exists in open space. Meadow Brook HOA President and Secretary were present as well.

MOTION:	I move that the Planning Commission approve removal of condition 6 and amendments to condition 7 and 8 for SUB 05:83, a request for an amendment of the rural cluster subdivision approved for 46 lots pursuant to Section 19-7-2 of the Subdivision Ordinance with respect to 65.357 acres of Tax Map 12, Section A, Parcel 4 and 60.577 acres of Tax Map 12, Section A, Parcel 5 for a total of 125.934 acres				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second	Motion		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Recommend Approval				

11. NEW BUSINESS

None.

12. PUBLIC COMMENTS #2

At 9:57 P.M. Chair Bibb opened the second round of public comments.

Jason Sweeney, 3456 James Madison Highway, spoke with concerns about solar regulations.
 Karen Bowles, 5520 James Madison Highway, spoke with concerns about solar regulations.

With no one else wishing to speak, Chair Bibb closed the second round of public comments at 9:57 PM

13. ADJOURNMENT

MOTION:	Motion to Adjourn the August 13, 2024 Regular Meeting at 9:58 PM				
MEMBER:	Bibb	Kilpatrick	Shifflett	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



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: SUB 24:29
Tax Map: Tax Map 18, Section 1, Parcel 1

From: Jason Overstreet
District: Fork Union
Date: September 10, 2024

General Information: This item is scheduled to be heard by the Planning Commission on Tuesday, September 10, 2024 at 7:00 p.m. in the Fluvanna County Circuit Court Room.

Proposed Sub. Name: Rivanna Bend

Applicant: Larry Willis

Owner: Rivanna Bend, LLC

Representative: Mike Myers

Requested Action: Review of a sketch plan request for a proposed rural cluster major subdivision with respect to 76.71 +/- acres of Tax Map 18, Section 1, Parcel 1. The applicant is proposing 21 rural cluster lots on 11.5 acres and 1 open space lot on 63.71 acres. (Attachment A)

Location: The property is located along Justin Drive (Route 1038), approximately 0.8 miles southwest of its intersection with South Boston Road (Route 600). (Attachment B)

Existing Zoning: A-1, Agricultural, General

Total Area of Development: 76.71 acres (11.5 acres in lots, 1.5 acres in right-of-way, and 63.71 acres in open space, 83%)

Total Number of Lots Proposed: 21 residential, plus one open space lot

Average Lot Size: 0.62

Existing Land Use: Vacant/undeveloped land

Adjacent Land Uses: Adjacent properties are zoned A-1 and R-3, Residential, Planned Community. There are single-family dwellings located to the north, east, and west of the property.

Comprehensive Plan: Rural Residential Planning Area

Zoning History: None

Analysis:

Section 24-4-10 of the Zoning Ordinance outlines requirements for all rural cluster subdivisions in an A-1 zoning district. Pursuant to the Subdivision Ordinance, a yield plan and sketch plan are required to be submitted contemporaneously for review by the Planning Commission. The yield plan is used to determine the number of lots that could practically be developed on the subject property as a conventional subdivision, in accordance with all applicable regulations. The sketch plan is a conceptual, informal map of the proposed subdivision used for the purpose of discussion and providing the subdivider with comments before investing in preparation of a preliminary or final plat.

The applicant has submitted the required copies of a yield plan and rural cluster sketch plan. The yield plan and sketch plan are similar in detail and have been designed to conform to the required density, setback, frontage, and yard requirements.

Yield Plan Analysis (Attachment C):

The yield plan was prepared based on what could be practicably developed on the property as a conventional major subdivision. In an A-1 zoning district, the maximum residential density allowed is one (1) dwelling unit per two (2) acres. Based on the property's total acreage, 36 lots would be permitted; however, consideration must also be given to the area of land which would be occupied by roads and other areas not usable for building or individual sale such as steep slopes or flood plain [Sec. 19-4-5]. As a result, the applicant shows twenty-two (22) lots on the yield plan which complies with this requirement. Staff has reviewed the yield plan in detail to ensure all lots would be buildable if developed as shown on the plan.

Rural Cluster Sketch Plan Analysis (Attachment C):

Staff review of the sketch plan confirms that the gross density of the development does not exceed one dwelling unit per 2 acres as required by the A-1 zoning district [Sec. 22-4-10.3.1]. The applicant proposes twenty-one (21) residential lots plus one dwelling on the open space lot, which equates to a total of twenty-two (22) dwelling units and a density of 0.29 dwelling units per acre. The development is proposed to have approximately 1.5 acres in road right-of-way and 11.5 acres in rural cluster lots. A total of 63.71 acres is proposed to be retained in open space, which equates to 83% and exceeds the minimum $\frac{3}{4}$ of the area of the development required [Sec. 22-4-10.3.3].

The proposed lots in the development will be accessed from two new public roads within the development and the lots are required to meet the R-4 residential district's setback requirements [Sec. 22-4-10.3.5]. The applicant has proposed one entrance into the subdivision from Justin Drive (Route 1038), which will be approximately 0.8 miles from the intersection with South Boston Road (Route 600). VDOT has approved a waiver of the SSAR regulation requirement of a second entrance to the subdivision. (Attachment D)

The proposed sketch plan has been designed with consideration to existing topography and soil suitability as to maximize the efficient use and utility of the land [Sec. 22-4-10.3.7]. The applicant has delineated areas with steep slopes (greater than 20%) and wetlands, as well as the required building setback on all proposed lots.

The open space has been designed to "promote the uses designated for such open space and to protect and promote the rural character of the area, and provide for contiguous greenways and wildlife corridors" [Sec. 22-4-10.3.7(e)]. The proposed residential lots are clustered together on a portion of the subject parcel, with the open space primarily to the east of the development adjacent to the Rivanna River. The applicant has not indicated that a home will be built on the open space, however the open space parcel has been accounted for in the gross density of 22 lots as required by Section 22-4-10.3.4(a).

In accordance with Section 19-7-7.1 of the Subdivision Ordinance, all major subdivisions are required to reserve a riparian protection area of at least fifty (50) feet wide along both sides of intermittent streams; at least seventy-five (75) feet wide along both sides of perennial streams; and at least 100 feet wide along both sides of the Hardware River, Rivanna River, and James River. The property contains both intermittent and perennial streams and also borders the Rivanna River. The applicant has provided the required protection areas.

The applicant has indicated that the proposed lots within the development will be served by water and sanitary sewer utilities as provided by Aqua Virginia connections. Aqua has provided a water pressure analysis flow test that indicates all areas meet the 750 gpm requirements. Aqua suggested adding an additional water feed for resiliency and to increase fire flow availability. The developer has proposed a 45,000 gallon water storage tank be installed. The tank would be located in an easement in the open space parcel.

Following approval of the sketch plan, road plans and profiles for the development must be submitted to VDOT for review in addition to review of a preliminary and final plat. Prior to developing the site, the development would require an approved erosion and sediment control plan reviewed by the county erosion control inspector in order to obtain a land disturbing permit. This is required before site work can begin on the property.

Technical Review Committee:

The following comments were generated from the August 8, 2024 Technical Review Committee meeting:

1. Planning staff inquired if there is a ROW along the western edge of the property. The applicant responded that there was no evidence found.
2. Building Inspections did not have any comments.
3. Erosion and Sediment Control Administrator inquired about floodplain delineation and requested that elevation labels be added to the contour lines. He also inquired if there is a management plan for the open space.
4. Fire officials stated that additional defensible space should be added to the east of the lots and that the hydrants need to use national standards. Fire officials also inquired about the availability of water and stated that the system should be looped with the water main on Justin Drive. They also recommended an 8 inch line be required and that fire hydrants are installed every five hundred feet with locations to be determined by the Lake Monticello Fire Department. They also stated that the cul-de-sacs need to be 100' in diameter.
5. Aqua Virginia stated that an updated water pressure analysis model would be required from the applicant for the final subdivision approval.
6. Sheriff's Office did not have any comments.
7. The applicant's engineer stated that a water tank and pump would be utilized for increased fire suppression capacity.

Conclusion:

It appears that the proposed subdivision has met the requirements of the Fluvanna County Subdivision and Zoning Ordinances. The density and open space requirements of Rural Cluster Subdivisions in the A-1 zoning district have been met. According to the submitted sketch plan, the proposed development does not exceed the maximum allowable density of one dwelling unit per two acres, and the required 75% of open space has been provided.

The proposed subdivision also appears to meet the intent of the Comprehensive Plan, which states that "Rural residential areas conserve open space by clustering development or developing on larger lots. Projects should achieve the goal of preserving as much open space, and thus rural character, as possible."

Recommended Conditions:

If approved, staff recommends the following general conditions:

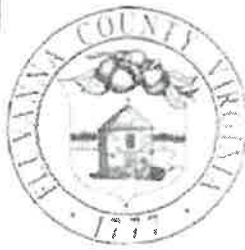
1. The rural cluster subdivision will contain no more than twenty-one (21) separate residential lots, as shown on the submitted sketch plan;
2. Prior to final plat approval, meet VDOT requirements;
3. Prior to final plat approval, confirmation of water and sewer service availability provided by Aqua;
4. A management plan for the open space will be developed before final plat approval;
5. Preliminary and final subdivision plat review and approval.

Suggested Motion:

I move that the Planning Commission (accept / defer) the sketch plan for SUB 24:29, a request for twenty-one (21) residential lots plus open space lot, with respect to 76.71 acres of Tax Map 18, Section 1, Parcel 1, subject to the five (5) conditions listed in the staff report.

Attachments:

- A – Application, and written authorization letter from the property owner
- B – Aerial Vicinity Map
- C – Revised Cluster Sketch Plan and Yield Plan
- D – VDOT SSAR Waiver



**COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Subdivision Application**

Print Form
RECEIVED

JUL 03 2024

Fluvanna County
Planning Dept

Owner of Record: RIVANNA BEND, LLC
E911 Address: 10307 W BROAD STREET, UNIT 331
Phone: 804-869-4086 Fax: _____
Email: LARRYWILLIS@ATLANTICREALESTATEFUND.COM

Applicant of Record: 30 SCALE, LLC
E911 Address: 871 JUSTIN DRIVE
Phone: (434)242-2866 Fax: _____
Email: MIKE@30SCALE.COM

Tax Map and Parcel(s): 18 1 1
Acreage: 76.68 **Zoning:** A-1 **Number of Lots:** 21
Surveyor: GLOECKNER ENGINEERING & SURVEYING

Subdivision Name: RIVANNA BEND
E911 Address of Parcel: NOT YET ASSIGNED
Description of Property: 76 AC. PROPERTY E OF #800+ JUSTIN DRIVE

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District? No Yes
If Yes, what district: _____

Deed Book Reference: INST 220002267
Deed Restrictions? No Yes (Attach copy)

Please check appropriate box:

Type	Forms Required
<input type="checkbox"/> Minor - 2-5 Lots	Sketch Plan Checklist Preliminary Subdivision Checklist Final Subdivision Checklist
<input checked="" type="checkbox"/> Major - 6+ Lots	Sketch Plan Checklist Preliminary Subdivision Checklist Final Subdivision Checklist

I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

Larry Willis

Applicant Name (Please Print)

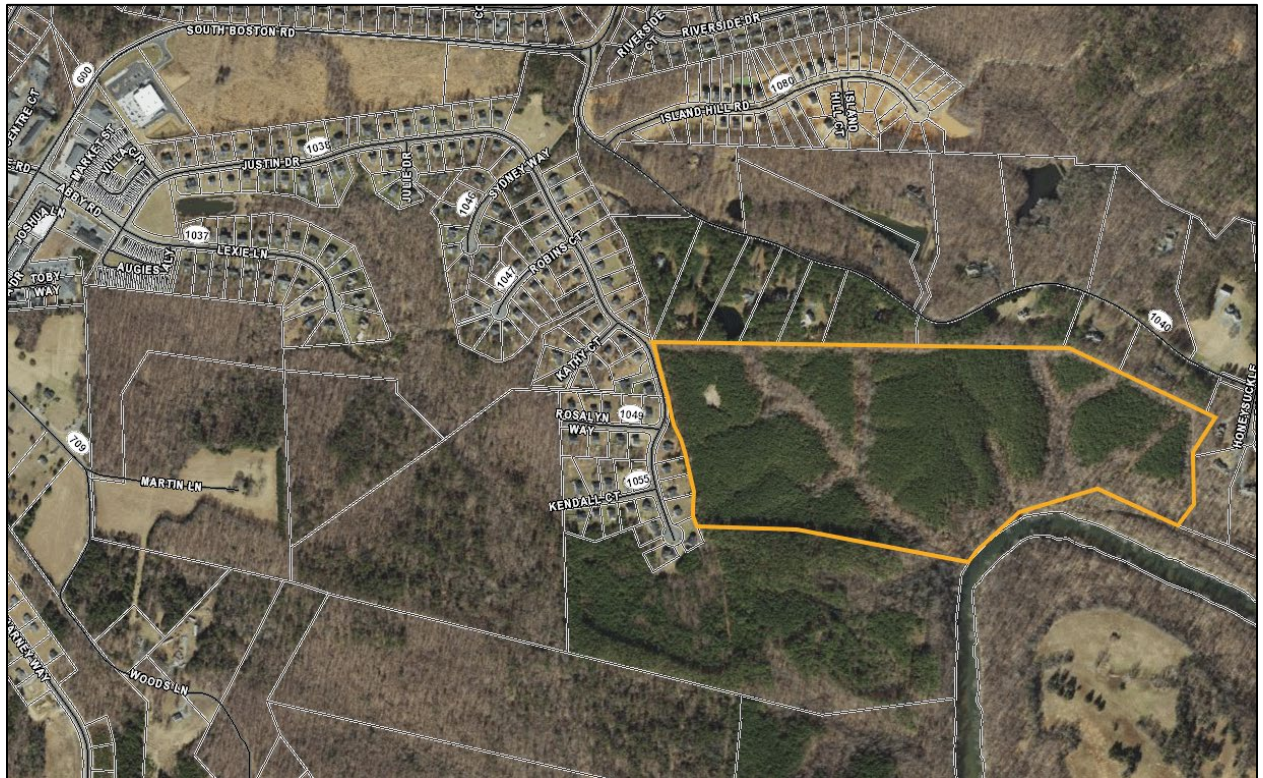
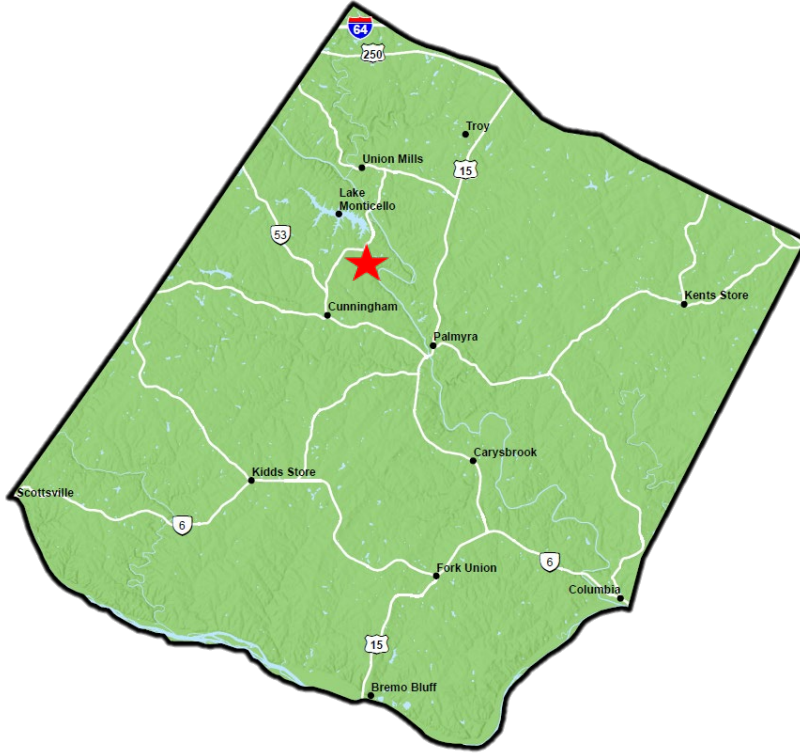
Larry Willis

Applicant Signature

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY		
Date Received: 7/9/24	Fee Paid: Check # 1263	Application #: SUB 24 : 29
Election District: Fork Union	Planning Area: Rural Residential	Number of Lots: 21 (1 Residual)
Minor (2-5 Lots)	Major (6 or more Lots)	
\$ 500.00 + GIS Fee	\$1,000.00 + GIS Fee	Approval/Denial Date:
Resubmission of Preliminary or Final Plat: \$100.00		Approval/Denial Date:
GIS Fee: \$1100	\$ 50.00 per lot (residue is considered a lot)	
Additional Fees Due at Time of Review		
Road Maintenance Agreement Review:	\$200.00	Revisions: \$50.00
Dedication Common Lands Document Review:	\$200.00	Revisions: \$50.00
Homeowner Association Document Review:	\$200.00	Revisions: \$50.00
Health Department Subdivision Review:	\$250.00 + \$25.00 per lot	Existing System Review \$50.00
Street Sign Installation:	\$200.00 Per Intersection	

Attachment B



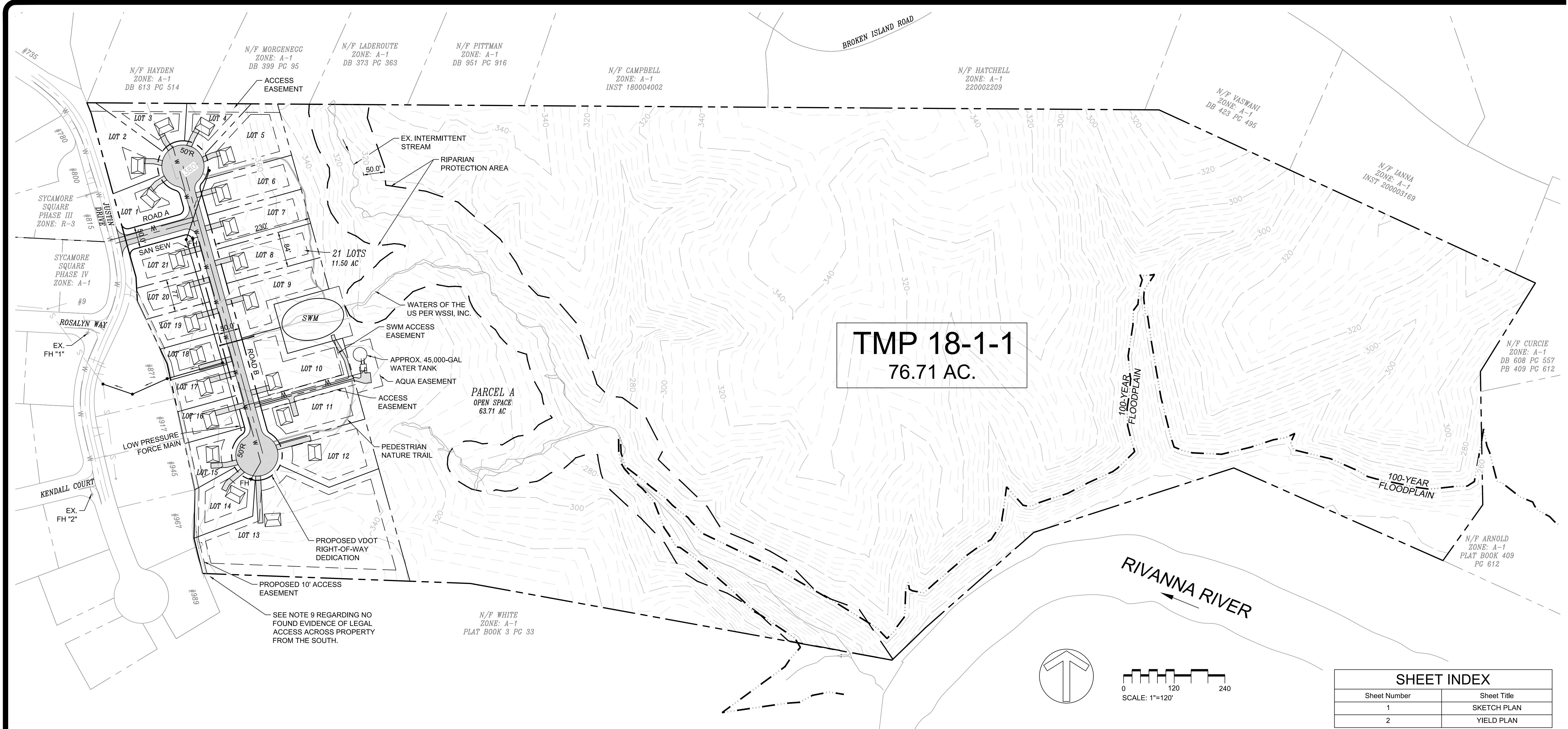


owner:
RIVANNA BEND, LLC
10307 WEST BROAD ST. STE. 331
GLEN ALLEN, VA 23060

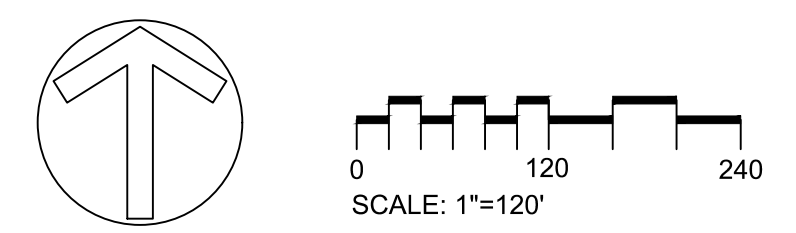
engineer:
30 SCALE, LLC
871 JUSTIN DRIVE
PALMYRA, VA 22963
p: 434.242.2866
e: mike@30scale.com
web: www.30scale.com

**RIVANNA BEND
SKETCH PLAN**

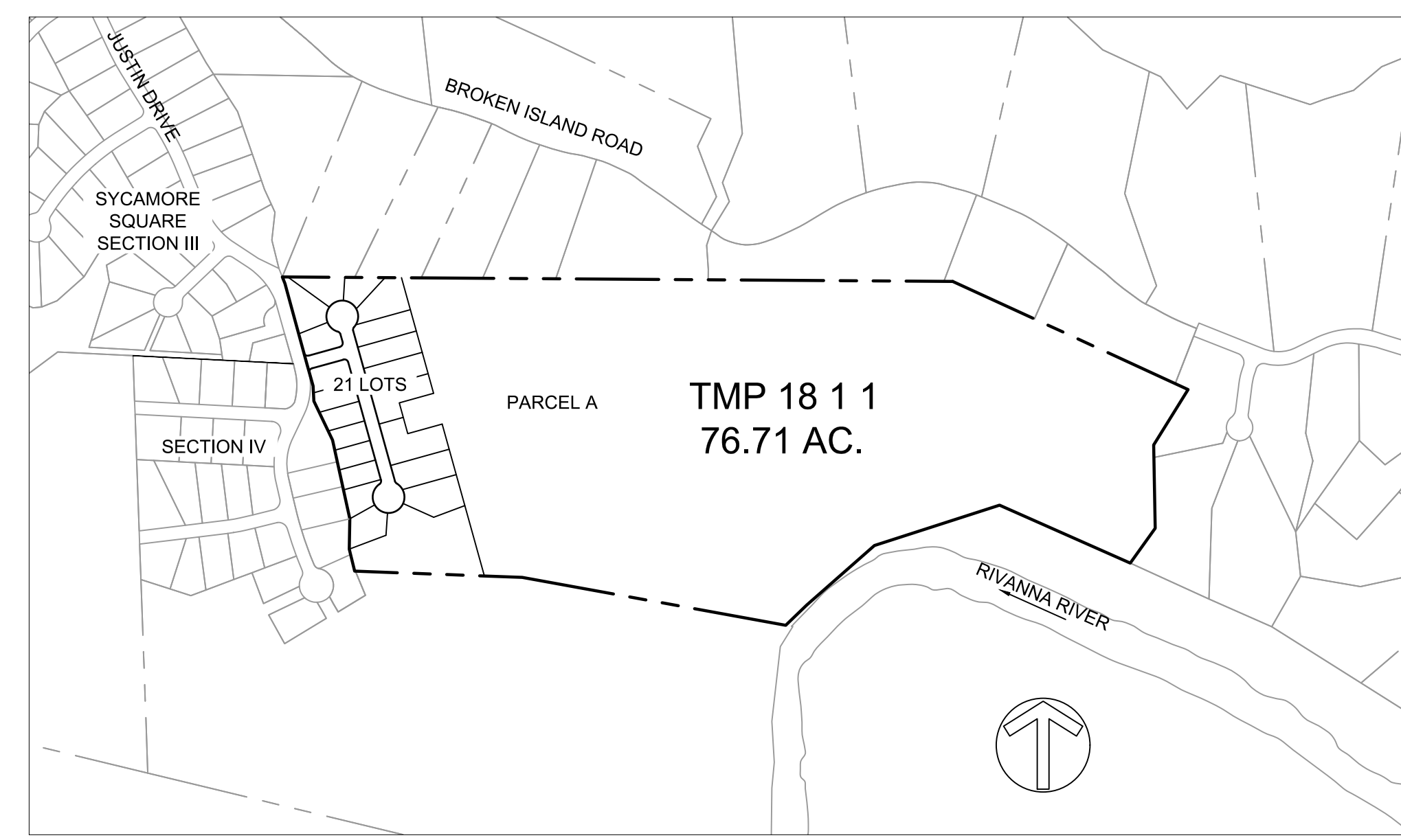
TMP 18 1 1
CUNNINGHAM MAGISTERIAL DISTRICT
FLUVANNA COUNTY, VIRGINIA



SHEET INDEX	
Sheet Number	Sheet Title
1	SKETCH PLAN
2	YIELD PLAN



SKETCH PLAN
SCALE: 1"=120'



CONTEXT MAP
SCALE: 1"=500'

NOTES

- PROPERTY INFORMATION AND BACKGROUND TOPOGRAPHY IS TAKEN FROM A FIELD SURVEY BY GLOECKNER ENGINEERING AND SURVEYING, INC DATED 3/28/2023. CONTOUR INTERVAL IS 4'.
- EXISTING WETLANDS AND RIPARIAN BUFFER ARE BASED ON A COMBINATION OF WETLANDS MAPPING BY THE US FISH AND WILDLIFE SERVICE AND A WATERS OF THE US MAPPING BY WSSI, INC. DATED 4/25/23, REVISED 6/21/23.
- 100-YR FLOODPLAIN IS BASED ON A FEMA BASE FLOOD ELEVATION (BFE) OF 264.
- LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER.
- ALL ROAD DESIGN AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH VDOT SUBDIVISION STREET REQUIREMENTS.
- A VDOT SSAR WAIVER OF MULTIPLE CONNECTIONS IN MULTIPLE DIRECTIONS WAS APPROVED ON 5/6/2024.
- AQUA VIRGINIA APPROVED THE WATER STUDY SUPPORTING 750 GPM @ 20 PSI RESIDUAL PRESSURE ON 2/22/2024.
- NOTE: NO EVIDENCE WAS FOUND THAT CREATED A RIGHT-OF-WAY ACROSS THE WESTERN EDGE OF THE SUBJECT PROPERTY FOR ACCESS BY OFFSITE PROPERTIES TO THE SOUTH.
- SWM FACILITY LOCATIONS ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING.
- PROPOSED LOT LAYOUT AND SITE UTILITY DESIGN ARE APPROXIMATE AND ARE SUBJECT TO CHANGE WITH FINAL ENGINEERING.

ORDINANCE TABULATIONS

TOTAL SITE AREA = 76.71 AC.
EXISTING ZONING: A-1
PROPOSED USE: A-1 (RURAL CLUSTER)
PROPOSED RURAL CLUSTER LOTS = 21 LOTS
PROPOSED OPEN SPACE LOT = 1 LOTS
PROPOSED BUILDABLE LOTS = 22 LOTS *

PROPOSED DENSITY = 0.29 DU/AC
AVERAGE LOT AREA = 26,966 SF (CLUSTER)

SUBDIVISION AREA CALCULATIONS

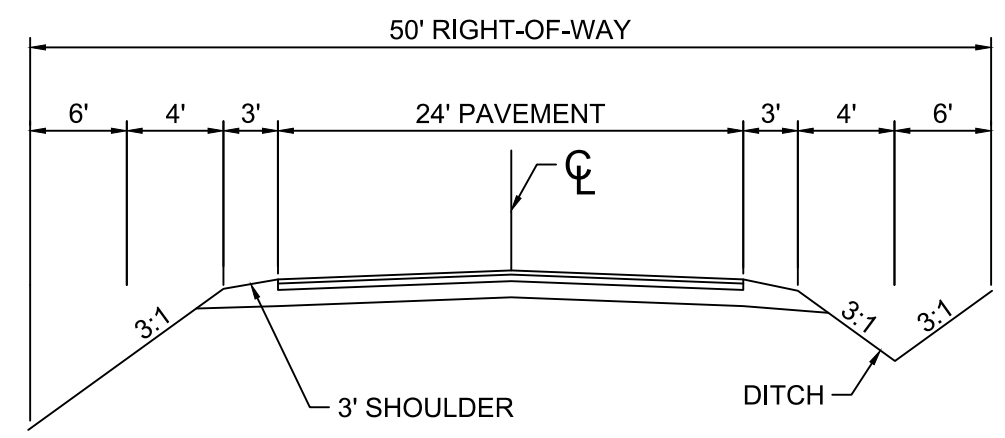
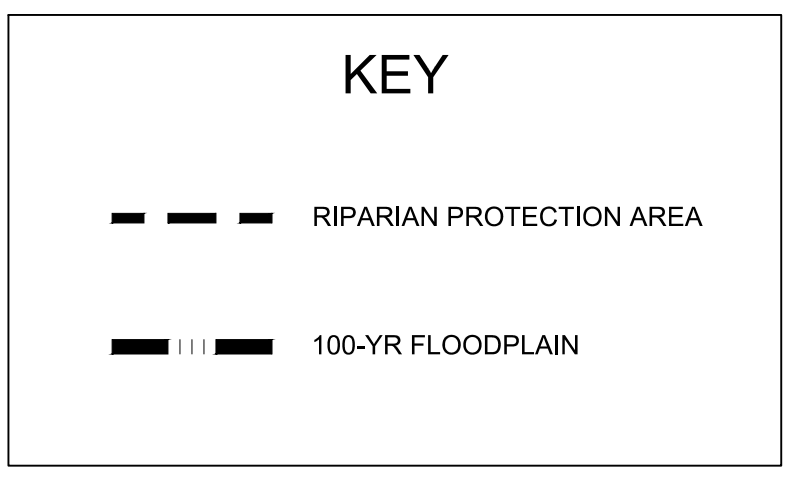
RURAL CLUSTER LOTS	11.50 AC.
ROADS	1.50 AC.
OPEN SPACE - PARCEL A	63.71 AC.
TOTAL	76.71 AC.

MINIMUM OPEN SPACE SPACE REQUIRED = 57.53 AC. (75%)
OPEN SPACE PROVIDED > 57.53 AC.

LOT REQUIREMENTS

MINIMUM FRONTAGE	60 FEET
FRONT SETBACK	25 FEET
SIDE SETBACK	16 FEET **
REAR SETBACK	25 FEET

- * 22 LOTS BASED ON CALCULATIONS ON YIELD PLAN (SHEET 2)
- ** SETBACKS ARE BASED ON R-4 MINIMUM SETBACKS EXCEPT FOR THE SIDE SETBACK WHICH IS SET AT 16 FEET TO CONFORM WITH MINIMUM 31 FEET OF STRUCTURE SEPARATION PER FIRE MARSHAL REQUIREMENTS. REFER TO APPROVED HYDRAULIC ANALYSIS REPORT PREPARED BY THIS FIRM FOR ADDITIONAL INFORMATION.



TYPICAL ROADWAY SECTION
BASED ON VDOT GS-SSAR (ROAD DESIGN MANUAL TABLE B(1)-2)

REVISIONS		
#	DESCRIPTION	DATE

sheet title:
SKETCH PLAN

scale: 1" = 120'
date: 09/06/2024

sheet #
1 OF 2

30 SCALE CHITR 20/23

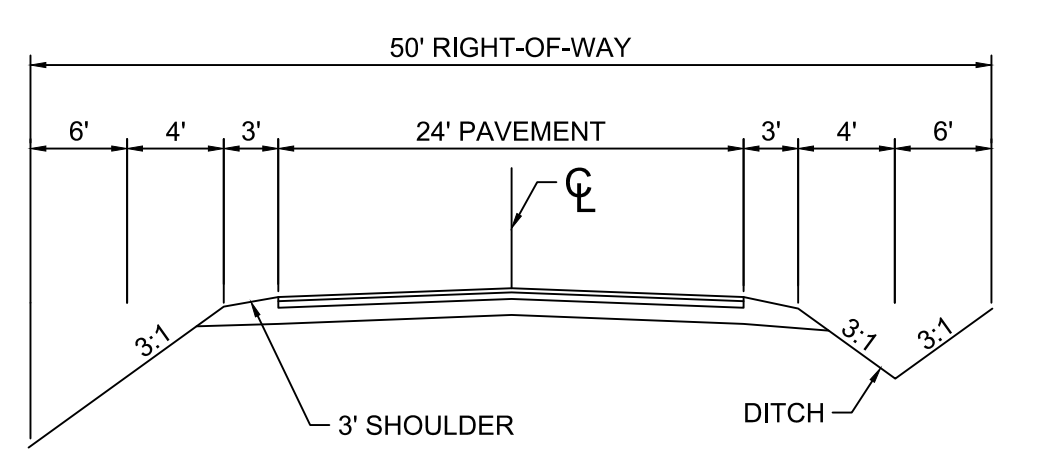
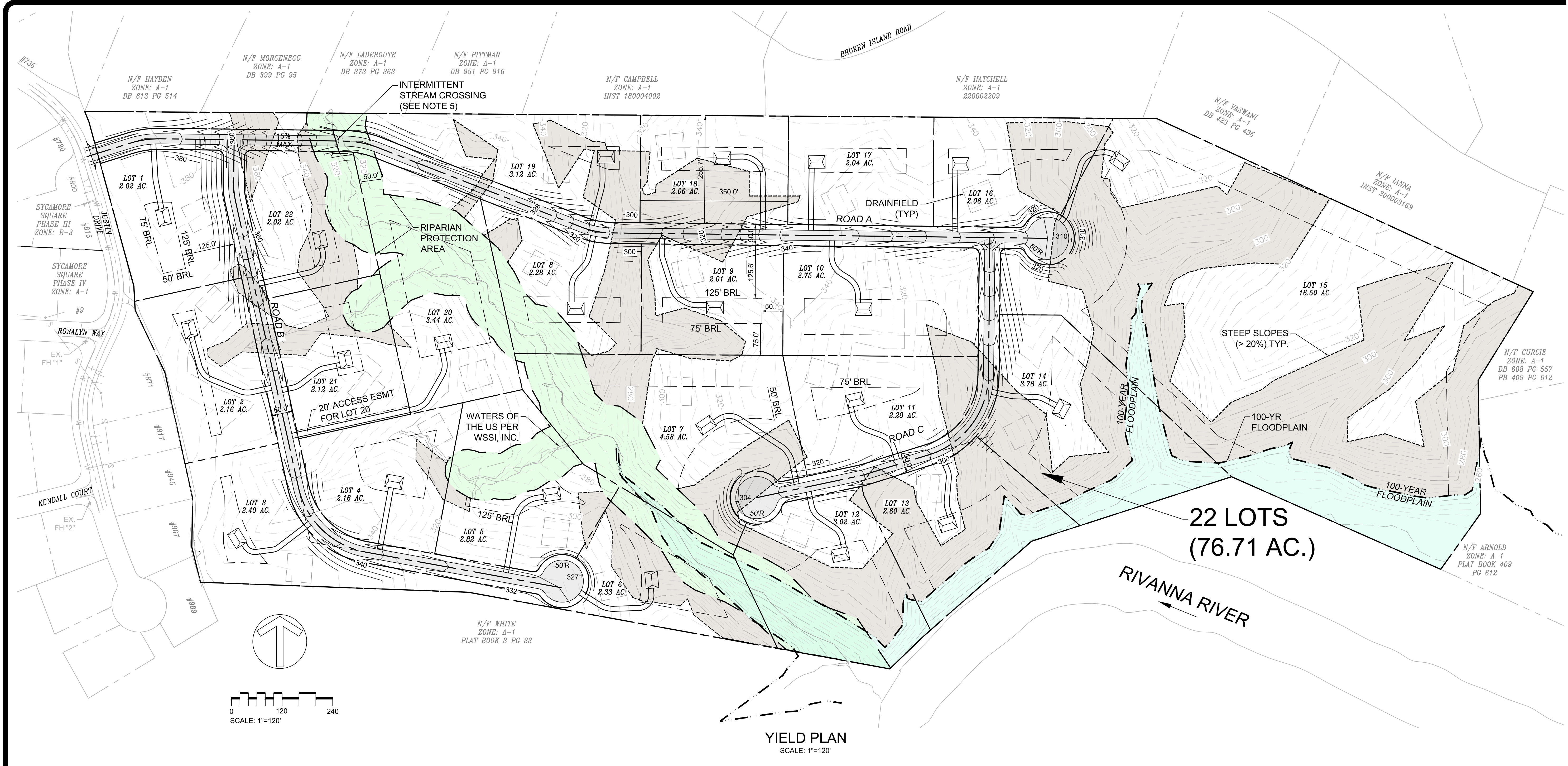


owner:
RIVANNA BEND, LLC
10307 WEST BROAD ST. STE. 331
GLEN ALLEN, VA 23060

engineer:
30 SCALE, LLC
871 JUSTIN DRIVE
PALMYRA, VA 22963
p: 434.242.2866
e: mike@30scale.com
web: www.30scale.com

RIVANNA BEND YIELD PLAN

TMP 18 1 1
CUNNINGHAM MAGISTERIAL DISTRICT
FLUVANNA COUNTY, VIRGINIA



NOTES

- PROPERTY INFORMATION IS TAKEN FROM A FIELD SURVEY BY GLOECKNER ENGINEERING AND SURVEYING, INC DATED 3/28/2023.
- EXISTING TOPOGRAPHICAL INFORMATION IS FROM FLUVANNA COUNTY GIS. CONTOUR INTERVAL IS 4'.
- EXISTING WETLANDS AND RIPARIAN BUFFER ARE BASED ON A COMBINATION OF WETLANDS MAPPING BY THE US FISH AND WILDLIFE SERVICE AND A WATERS OF THE US MAPPING BY WSSI, INC. DATED 4/25/23, REVISED 6/21/23.
- 100-YR FLOODPLAIN IS BASED ON A FEMA BASE FLOOD ELEVATION (BFE) OF 264.
- PROPOSED STREAM CROSSINGS MAY DISTURB A MAXIMUM OF 60-LF OF STREAMBED PER FLUVANNA COUNTY Z.O. 19-7-7.1(D)(3)(A).
- LOTS WILL BE SERVED BY INDIVIDUAL WELL AND SEPTIC SYSTEMS LOCATED ON EACH LOT FOR WATER AND SEWER IN ACCORDANCE WITH VIRGINIA HEALTH DEPARTMENT REGULATIONS.
- ALL ROAD DESIGN AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH VDOT SUBDIVISION STREET REQUIREMENTS, INCLUDING MAXIMUM CENTERLINE GRADE OF 15%.
- AN APPROVED EROSION AND SEDIMENT CONTROL PLAN WILL BE REQUIRED PRIOR TO LAND DISTURBANCE TO ENSURE PROTECTION OF EXISTING FEATURES TO REMAIN.
- LENGTH OF ROADWAYS = ±4,800 FT.

ORDINANCE TABULATIONS

YIELD PLAN

TOTAL SITE AREA = 76.71 AC.
EXISTING ZONING: A-1
PROPOSED # OF LOTS = 22
PROPOSED DENSITY = 0.29 DU/AC
AVERAGE LOT AREA = 3.49 AC.

TOTAL SITE AREA TABULATIONS

EXISTING CONDITIONS:

BUFFER/FLOODPLAIN	11.04 AC.
STEEP SLOPES	21.19 AC. (20% OR GREATER)
OTHER AREA	44.48 AC. (MAX SKETCH PLAN YIELD = 22 LOTS) *
TOTAL SITE AREA	76.71 AC.

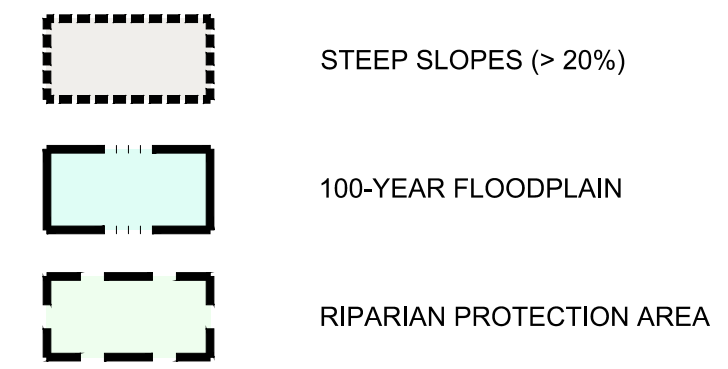
YIELD PLAN

21 LOTS	70.55 AC.
ROADS	6.16 AC.
TOTAL SITE AREA	76.71 AC.

MINIMUM A-1 FRONTAGE AND YARDS

MINIMUM FRONTAGE	300 FEET
MIN LOT WIDTH AT FRONT SETBACK	300 FEET
FRONT SETBACK	125 FEET
STREET SIDE SETBACK	125 FEET
SIDE SETBACK	50 FEET
REAR SETBACK	75 FEET

KEY



* SKETCH PLAN PROPOSED DENSITY OF 22 LOTS (0.29 DU/AC) IS BASED ON 44.48-AC AREA OUTSIDE OF BUFFER/FLOODPLAIN AND STEEP SLOPES.

REVISIONS

#	DESCRIPTION	DATE
-	-	-
-	-	-
-	-	-

sheet title:
YIELD PLAN

scale: 1"=120'

date: 09/06/2024

sheet #
2 OF 2

SECONDARY STREET ACCEPTANCE REQUIREMENTS EXCEPTION, WAIVER, MODIFICATION REQUEST FORM

Submitted by: 30 SCALE, LLC C/O MICHAEL MYERS, PE, CFM	Date: 02-07-2024
Email Address: MIKE@30SCALE.COM	Phone: 434-242-2866
Address: 871 JUSTIN DRIVE, PALMYRA, VA 22963	
Development or Subdivision Name: RIVANNA BEND	
County: FLUVANNA	Connecting Route # : 1038 Name: JUSTIN DRIVE
Description of Proposed Project: RURAL CLUSTER SUBDIVISION - 29 SFD LOTS	

FOR VDOT USE ONLY	
Date received by VDOT:	Initial review conducted by:
District Administrator's designee:	Is request required to be determined by D.A.? :
Deadline to finalize request decision:	Date developer & locality notified of decision:

NOTES:

(i) Attach additional information as necessary describing the reasons for the exception, waiver, or modification request.

(ii) Use the LD-440 Design Exception or the LD-448 Design Waiver forms for design related standards (e.g. design speed). See [IIM-LD-227.5](#) for additional instructions.

TYPE OF EXCEPTION, WAIVER OR MODIFICATION

1. **Stub out connection to an adjacent, existing VDOT maintained stub out** (Section 60, C, 1 in SSAR of regulation)

Name, route number, and location of existing stub out:

Reason for request:

Specify reason: _____

Attached documentation supporting reason for request.

SSAR Exception, Waiver, Modification Request Form (continued)

2. **Multiple Connections in Multiple Directions** (Section 60, C, 2 of regulation)

Number of connections and related directions being proposed:

Reason for request:

Why multiple connections in multiple directions can NOT be met.

Specify reason: _____

Attached documentation supporting reason for request.

3. **Additional Connections Standard** (Section 60, C, 3 of regulation)

Number of connections and related directions being proposed:

Reason for request:

Why the additional connections standard can NOT be met.

Specify reason: _____

Attached documentation supporting reason for request.

4. **Pedestrian Accommodation Requirements** (Section 120, I of regulation)

SSAR pedestrian accommodations required for this development:

Describe pedestrian accommodations being proposed for development:

Reason for request:

A. **Why can the required pedestrian accommodations NOT be constructed.**

Specify reason: _____

Attached documentation supporting reason for request.

B. **Is developer proposing to build equivalent pedestrian accommodations:**

If “yes,” explain how the proposal is equivalent or better than the SSAR required facilities:

Attached documentation supporting reason for request, including plans.

SSAR Exception, Waiver, Modification Request Form (continued)

5. **Public Service Requirement** (Section 60, B of regulation)

For which Public Service criteria does the developer seek the exception:

Reason for request:

Why is the Public Service exception being requested?

Specify reason: _____

How does facility provide Public Service equivalent to the SSAR requirement?

Provide specifics: _____

6. **Other SSAR Exception, Waiver or Modification Request** (insert information for each individual request being made which is not addressed in items #1 through #5 above)

Exception, waiver, or modification the developer is requesting:

Related section of the SSAR regulation:

Reason for request:

Why is this request being made?:

Specify reason: _____

Attached documentation supporting reason for request.

December 2018

SSAR Exception, Waiver, Modification Request Form (continued)

Request Recommendation: Approve <input checked="" type="checkbox"/> Deny <input type="checkbox"/>	Date: 03/15/2024
Person completing recommendation: Aaron R. LeBeau	
Reasons for recommendation (required): The applicant states that adjoining properties are completely built out, its state is such that redevelopment within 20 years is unlikely, and there is no stub out (either constructed or platted) to the property served by the network addition. The applicant also states that there is no reasonable connection possible to adjoining property or adjacent highways due to a factor outside the control of the developer of the network addition, such as the presence of conservation easements not put in place by the developer of the network addition, water features such as rivers or lakes, jurisdictional wetlands, grades in excess of 15% whose total elevation change is greater than five feet, etc. I was present at the Fluvanna County TRC meeting when this development was discussed and I concur with the applicant's statements.	

Request Action: Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/>	Date: 5/6/2024
Action taken by District Administrator or Designee (name): Carrie Shephard, P.E.	
Reasons for action (required): Agree with ARE-LU's determination	Transportation Land Use Director <i>Carrie Shephard</i>



March 11, 2024

Aaron R. LeBeau, P.E.
Assistant Resident Engineer - Land Use
Virginia Department of Transportation
Louisa Residency
3709 Davis Highway
Louisa, VA 23093

**RE: Rivanna Bend Rural Cluster Subdivision - Tax Map 18 Section 1 Parcel 1
VDOT Secondary Street Acceptance Requirements Waiver Request per 24VAC30-92-60-C(2)**

Dear Aaron,

As requested, please consider this our letter of justification for a waiver of the "*Multiple connections in multiple directions standard*" from the 2011 CTB Approved Version of the of the VDOT SSAR requirements for the referenced rural cluster subdivision comprised of 29 single-family detached lots on 76.7-acres currently zoned A-1.

We are proposing a single access point on to Justin Drive (State Route 1038) for 29 lots. Refer to the attached sketch plan for the general subdivision layout and access location.

WAIVER JUSTIFICATION NARRATIVE

In accordance with the provisions of the SSAR, our waiver request is being made in accordance with 24VAC30-92-60-C(2) a. and c., based on the following:

"...The district administrator's designee shall waive or modify the second required connection of this standard if one or more of the following situations renders the provision of such connection impracticable:

a. The adjoining property is completely built out, its state is such that redevelopment within 20 years is unlikely, and there is no stub out (either constructed or platted) to the property served by the network addition;

The adjacent properties consist of the completely built-out Sycamore Square subdivision and the Broken Island subdivision. Redevelopment of the adjacent subdivisions within 20 years is unlikely since both have been built out within the previous 5-15 years. Also, all adjacent properties are designated as Rural Residential in the 2011 Comprehensive Plan which would preclude redevelopment or increased density. There is an existing +- 8'-wide dirt path that is adjacent to the property at the southwest corner. However, we are not aware of a platted right-of-way or easement established for this dirt path nor at any other location adjacent to the property.

Adjacent Property Summary:



Adjacent to the west: Sycamore Square – Phase IV (A-1 zone – Rural Cluster) is comprised of developed single-family lots that access Justin Drive (Route 1038).

Adjacent to the southwest: Tax Map 18-13-27 (A-1 zone) is adjacent along the southwestern portion of the property and has access to Justin Drive. This 48.9-acre property was platted with the Sycamore Square – Phase IV Rural Cluster subdivision to meet the open space requirement and can not be further developed.

Adjacent to the southeast: The Rivanna River is located along the southeastern portion of the property.

Adjacent to the east and north: The Broken Island subdivision (A-1 zone) is comprised of developed single-family lots that are served by Broken Island Road (Route 1040) and Honeysuckle Court (Route 1041).

b. The adjoining property is zoned for a use whose traffic is incompatible with the development being served by the network addition, providing, however, that SSAR – 2011 CTB Approved Version 16 in no case shall retail, residential, or office uses be considered incompatible with other retail, residential, or office uses; or;

N/A

c. There is no reasonable connection possible to adjoining property or adjacent highways due to a factor outside the control of the developer of the network addition, such as the presence of conservation easements not put in place by the developer of the network addition, water features such as rivers or lakes, jurisdictional wetlands, grades in excess of 15% whose total elevation change is greater than five feet, limited access highways, railroads, or government property to which access is restricted.

A stream with adjacent jurisdictional wetlands flows across the property from northwest to southeast. Although it would be possible to construct a stream crossing, it is not reasonable to expect the developer to cross the stream, wetlands and resource protection area to make a 2nd point of access. Furthermore, all adjacent properties are developed and there are no adjacent platted right-of-ways to make a reasonable connection.

We thank you for taking the time to review this waiver request. Please let me know if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Myers", is written over a blue horizontal line.

Michael Myers, PE, CFM

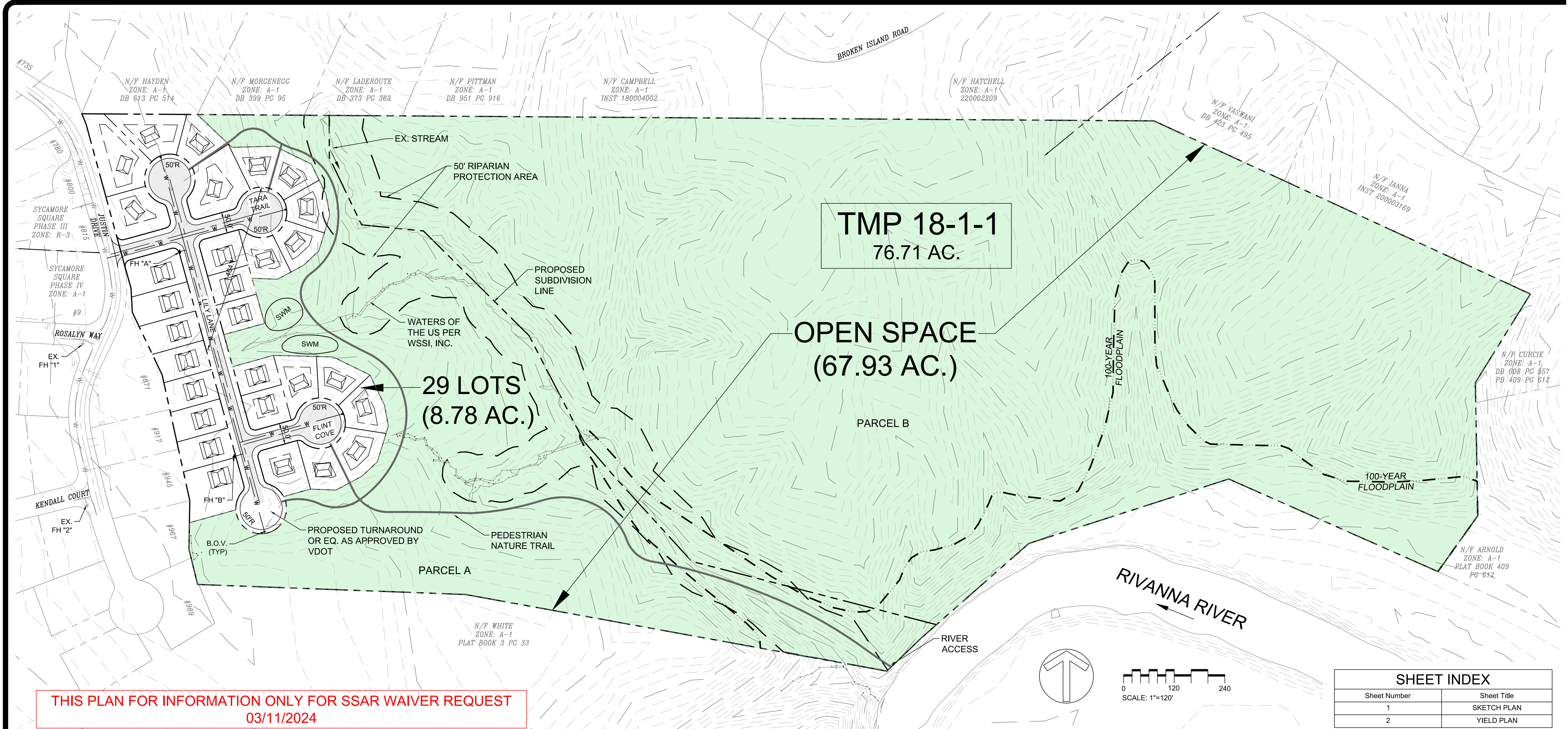
Cc: Mr. Larry Willis
Attachments



owner:
RIVANNA BEND, LLC
10307 WEST BROAD ST. STE. 331
GLEN ALLEN, VA 23060

engineer:
30 SCALE, LLC
871 JUSTIN DRIVE
PALMYRA, VA 22963
p: 434.242.2866
e: mike@30scale.com
web: www.30scale.com

RIVANNA BEND
SKETCH PLAN
 TMP 18 1 1
 CUNNINGHAM MAGISTERIAL DISTRICT
 FLUVANNA COUNTY, VIRGINIA



THIS PLAN FOR INFORMATION ONLY FOR SSAR WAIVER REQUEST
03/11/2024

NOTES

1. PROPERTY INFORMATION AND BACKGROUND TOPOGRAPHY IS TAKEN FROM A FIELD SURVEY BY GLOECKNER ENGINEERING AND SURVEYING, INC DATED 3/28/2023. CONTOUR INTERVAL IS 2'.
2. EXISTING WETLANDS AND RIPARIAN BUFFER ARE BASED ON A COMBINATION OF WETLANDS MAPPING BY THE US FISH AND WILDLIFE SERVICE AND A WATERS OF THE US MAPPING BY WSSI, INC. DATED 4/25/23, REVISED 6/21/23.
3. FLOODPLAIN LOCATION IS BASED ON A GIS OVERLAY.
4. LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER.
5. SWM FACILITY LOCATIONS ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING.
6. ALL ROAD DESIGN AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH VDOT SUBDIVISION STREET REQUIREMENTS.

ORDINANCE TABULATIONS

TOTAL SITE AREA = 76.71 AC.
 # OF LOTS SHOWN ON THIS PLAN = 29 LOTS*
 PROPOSED DENSITY = 0.38 DU/AC
 AVERAGE LOT AREA = 0.23 AC.
 ZONING: A-1
 FOR PROPOSED RURAL CLUSTER DEVELOPMENT, MINIMUM OPEN SPACE TO BE PROVIDED = 57.53 AC. (75%)

TOTAL SITE AREA BREAKDOWN

PARCEL A (RURAL CLUSTER)	25.08 AC.
PARCEL B (OPEN SPACE)	51.63 AC.
TOTAL SITE AREA	76.71 AC.

AREA SUMMARY - PARCEL A

LOTS	6.75 AC.
ROADS	2.03 AC.
OPEN SPACE	16.30 AC.
TOTAL	25.08 AC.

AREA SUMMARY - PARCEL B

OPEN SPACE	51.63 AC.
TOTAL	51.63 AC.

OPEN SPACE CALCULATIONS

PARCEL A OPEN SPACE	16.30 AC.
PARCEL B OPEN SPACE	51.63 AC.
TOTAL OPEN SPACE	67.93 AC. (88%) >
	57.53 AC. (75%)

LOT REQUIREMENTS

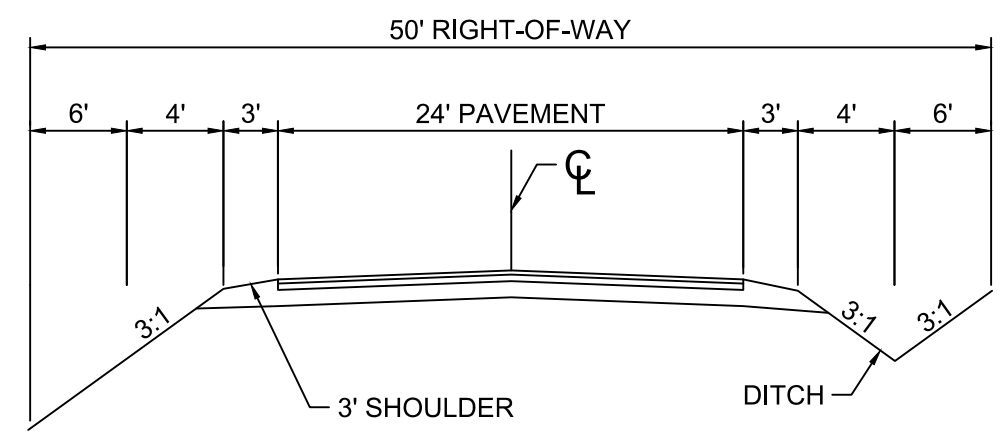
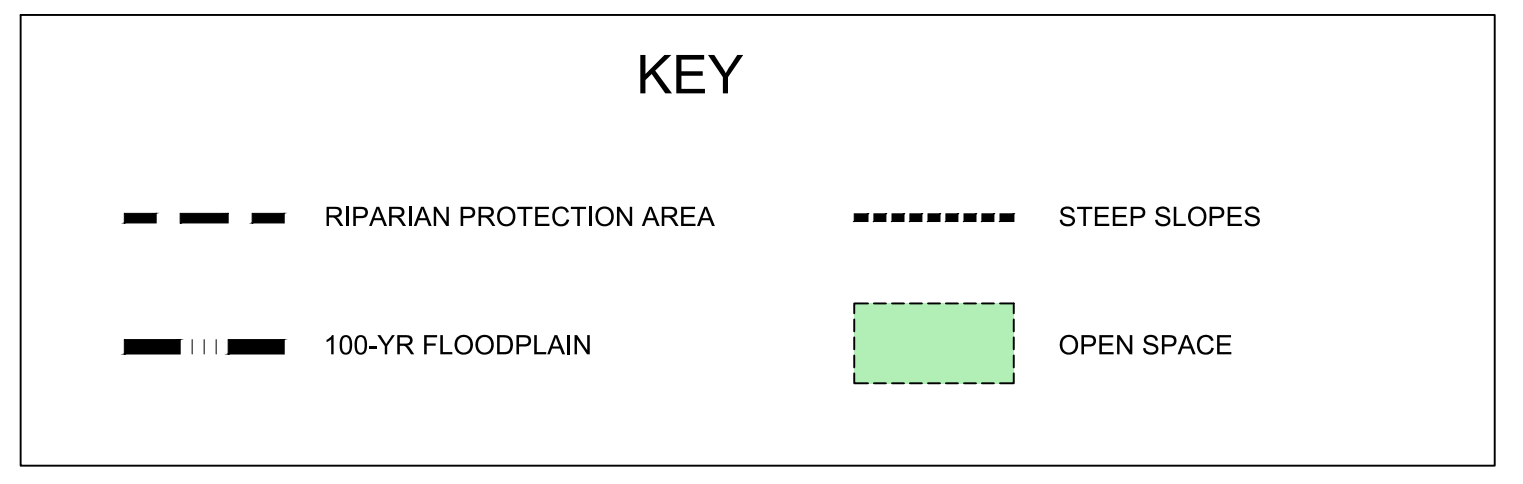
MINIMUM FRONTAGE	60 FEET
FRONT SETBACK	25 FEET
SIDE SETBACK	16 FEET**
REAR SETBACK	25 FEET

29 LOTS BASED ON YIELD PLAN (SEE SHEET 2)

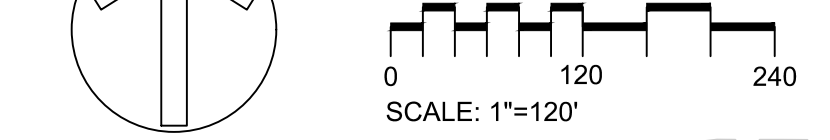
- * SETBACKS ARE BASED ON R-4 MINIMUM SETBACKS EXCEPT FOR THE SIDE SETBACK WHICH IS SET AT 16 FEET TO CONFORM WITH MINIMUM 31 FEET OF STRUCTURE SEPARATION PER FIRE MARSHAL REQUIREMENTS. REFER TO HYDRAULIC ANALYSIS REPORT PREPARED BY THIS FIRM FOR ADDITIONAL INFORMATION.
- **

REVISIONS

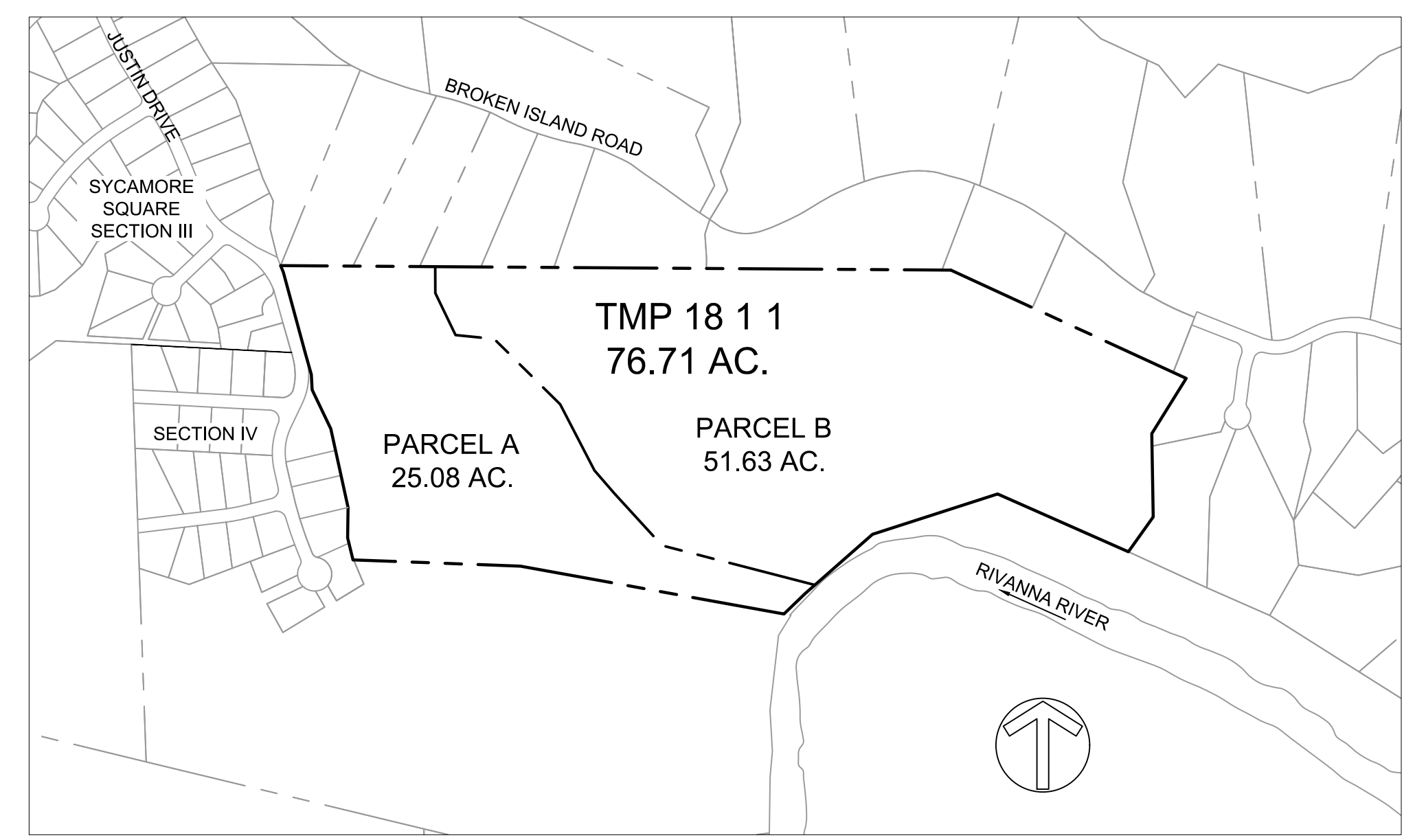
#	DESCRIPTION	DATE



TYPICAL ROADWAY SECTION
 BASED ON VDOT GS-SSAR (ROAD DESIGN MANUAL TABLE B(1)-2)



SHEET INDEX	
Sheet Number	Sheet Title
1	SKETCH PLAN
2	YIELD PLAN



sheet title:
SKETCH PLAN

scale: AS SHOWN

date: 03/11/2024

sheet #
1 OF 2



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

STAFF REPORT

To: Fluvanna County Planning Commission

Case Number: SUB 24:32

Tax Map: Tax Map 26, Section A, Parcels A2, A5A, and A38

From: Todd Fortune

District: Cunningham

Date: September 10, 2024

General Information:

This item is scheduled to be heard by the Planning Commission on Tuesday, September 10, 2024 at 7:00 p.m. in the Fluvanna County Circuit Court Room.

Proposed Sub. Name:

Reventon

Applicant:

Murcielago, LLC

Owner:

Murcielago, LLC

Representative:

Thomas Sullivan, Brian Ray

Requested Action:

Acceptance of a sketch plan request for a rural cluster major subdivision with respect to approximately 205 acres of Tax Map 26-A-A2, Tax Map 26-A-A5A, and Tax Map 26-A-A38. The applicant is proposing 67 building lots with approximately 164.3 acres designated as open space. (Attachments A, B, and C)

Location:

The affected property is located along Rolling Road (Route 620) and Briery Creek Road (Route 761). of its intersection with South Boston Road (Route 600). (Attachments B and C)

Existing Zoning:

A-1, Agricultural, General

**Total Area of
Development:**

Approximately 205 acres – 34.8 acres in lots, 5.9 acres in right-of-way, 0.56 acre in riparian buffers (not suitable for development), and approximately 164.3 acres in open space (80.1%)

**Total Number of
Lots Proposed:**

67 residential

Average Lot Size:

0.52 acre

Existing Land Use:

Vacant/undeveloped land

Adjacent Land Uses:

Adjacent properties to the north, east, and south (located in Fluvanna County) are zoned A-1. Adjacent properties to the west are located in Albemarle County.

Comprehensive Plan:

These parcels are located in a Rural Preservation Area. The Comprehensive Plan states that development in the Rural Preservation Area should maximize open space. Open space should be clustered to maximize large areas of open space whenever possible.

Zoning History:

The previous owner submitted applications for four (4) Special Use Permits (SUP) in 2023 – SUP 23:03 for a campground, SUP 23:04 for a central water system, SUP 23:05 for a central sewer system, and SUP 23:06 for an event facility. The Planning Commission recommended denial of all four SUP requests in December 2023. The applicant in February 2024 requested an indefinite deferral on these applications. In May 2024, a legal representative from Sun Reventon Farm, LLC advised that Murcielago, LLC intended to pursue these SUPs in some form.

Analysis:

Section 24-4-10 of the Zoning Ordinance outlines requirements for all rural cluster subdivisions in an A-1 zoning district. Pursuant to the Subdivision Ordinance, a yield plan and sketch plan are required to be submitted contemporaneously for review by the Planning Commission. The yield plan is used to determine the number of lots that could practically be developed on the subject property as a conventional subdivision, in accordance with all applicable regulations. The sketch plan is a conceptual, informal map of the proposed subdivision used for the purpose of discussion and providing the subdivider with comments before investing in preparation of a preliminary or final plat.

The applicant has submitted the required copies of a yield plan and rural cluster sketch plan. The yield plan and sketch plan have been reviewed by both the Technical Review Committee and VDOT staff. Due to staff changes at VDOT, the review by VDOT staff occurred after the Technical Review Committee meeting.

Technical Review Committee:

The following comments were generated from the August 8, 2024 Technical Review Committee meeting:

- A 100-foot diameter is needed in the cul-de-sacs.
- There needs to be a fill station or water source available to firefighting apparatus.
 - Brian Ray, speaking on behalf of the applicant, advised that one pond already has road access.
- The roads need to be wide enough to accommodate fire and rescue vehicles.
- Have soils been tested?

- Brian Ray responded that the plan is to start soil testing once the sketch plan has been accepted.
- Jason Fulton, Virginia Department of Health (VDH), advised that he will need to see delineations. He further advised that if there is an issue with the soils, then the lot sizes may need to be changed.
- Well testing will be needed.
- In regards to the Yield Plan, would lots fronting the public roads be allowed?
 - Brian Ray responded that the Yield Plan just needs to show that lots can be divided and built.
- For the Yield Plan, calculations need to be provided for areas that cannot be developed.
- Coordination will be needed with VDOT on the entrances.

VDOT staff review:

Willie Gordon, VDOT Louisa Residency, reviewed the Sketch Plan and Yield Plan and provided the following comments on September 4, 2024:

Sketch Plan

- Proposed subdivision shall meet Secondary Street Acceptance Requirements (SSAR) to be state maintained.
- Provide roadway classification and Average Daily Traffic (ADT) for the state-maintained roads.
- Provide the Geometric Design Standard.
- The proposed design does not meet VDOT standards.
- Provide turn lane warrant analysis.
- Provide trip generation for the proposed entrance.

Yield Plan

- Proposed subdivision shall meet SSAR requirements to be state maintained.
- Provide roadway classification and ADT for the state-maintained roads.
- Provide the Geometric Design Standard.
- The proposed design does not meet VDOT standards.
- Provide turn lane warrant analysis.
- Provide trip generation for the proposed entrance.
- The proposed roadway is shown in wetlands. Has this been cleared through the Department of Environmental Quality (DEQ)?
- The proposed radiuses appear to not meet VDOT standards.

The developer has advised that they plan to design and get approval of the public road plans before submitting the preliminary plat.

Conclusion:

The proposed subdivision appears to meet the intent of the Comprehensive Plan, which states that “Rural residential areas conserve open space by clustering development or developing on larger

lots. Projects should achieve the goal of preserving as much open space, and thus rural character, as possible.” While it appears that the proposed subdivision has met the requirements of the Fluvanna County Subdivision and Zoning Ordinances in regards to density and open space, VDOT and VDH staff have expressed concerns with the sketch plan as presented.

It should be noted that per Section 19-3-2 of the Fluvanna County Code, the Planning Commission’s role is to review and provide comments. The Commission has 45 days from the date the sketch was presented to them. to provide comments. Additionally, final plans need concurrence from VDH, VDOT, and County E&S staff before the Planning and Zoning Department can approve the plans.

Recommended Conditions:

If accepted, staff recommends the following general conditions:

1. The rural cluster subdivision will contain no more than 67 separate residential lots, as shown on the submitted sketch plan. If VDH determines that the lot sizes need to be changed based on the soil analysis, then the total number of allowed lots could be reduced;
2. Cul-de-sacs need to have a 100-foot diameter.
3. One or more of the ponds on the subject property need to be available for firefighting apparatus to access;
4. Prior to final plat approval, meeting all VDH requirements (including soil testing and well testing);
5. Proposed subdivision needs to meet SSAR requirements to be state maintained;
6. Roadway classification and ADT for the state-maintained roads need to be provided to VDOT;
7. Geometric Design Standard needs to be provided to VDOT;
8. The proposed design needs to meet VDOT standards;
9. Turn lane warrant analysis needs to be provided to VDOT;
10. Trip generation for the proposed entrance needs to be provided to VDOT;
11. The proposed roadway is shown in wetlands needs to be cleared through DEQ;
12. The proposed radiuses need to meet VDOT standards.
13. Preliminary and final subdivision plat review and approval.

Suggested Motion:

I move that the Planning Commission (accept / defer) SUB 24:32, a request for 67 residential lots plus open space, with respect to approximately 205 acres of Tax Map 26-A-A2, Tax Map 26-A-A5A, and Tax Map 26-A-A38, subject to the conditions listed in the staff report.

Attachments:

- A – Application from the property owner
- B – Rural Cluster Sketch Plan
- C – Rural Cluster Yield Plan

Reset Form

RECEIVED Print Form



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Subdivision Application

JUL 23 2024

Fluvanna County
Planning Department

Owner of Record: Murcielago, LLC
Applicant of Record: Murcielago, LLC
E911 Address: 27 Congress Street, Suite 502, Salem, MA 01970
Phone: 978-741-0049 Fax:
Email: tombsullivan@yahoo.com
Tax Map and Parcel(s): 26-A-A2, A5A & A38
Acreage: 205 Zoning: A-1 Number of Lots: 67
Surveyor: Brian S. Ray, L.S.
Subdivision Name: Reventon
E911 Address of Parcel: na
Description of Property:
Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.
Is property in Agricultural Forestal District? No
If Yes, what district:
Deed Book Reference:
Deed Restrictions? No Yes (Attach copy)

Please check appropriate box:

Table with 2 columns: Type, Forms Required. Row 1: Minor - 2-5 Lots, Sketch Plan Checklist, Preliminary Subdivision Checklist, Final Subdivision Checklist. Row 2: Major - 6+ Lots, Sketch Plan Checklist, Preliminary Subdivision Checklist, Final Subdivision Checklist.

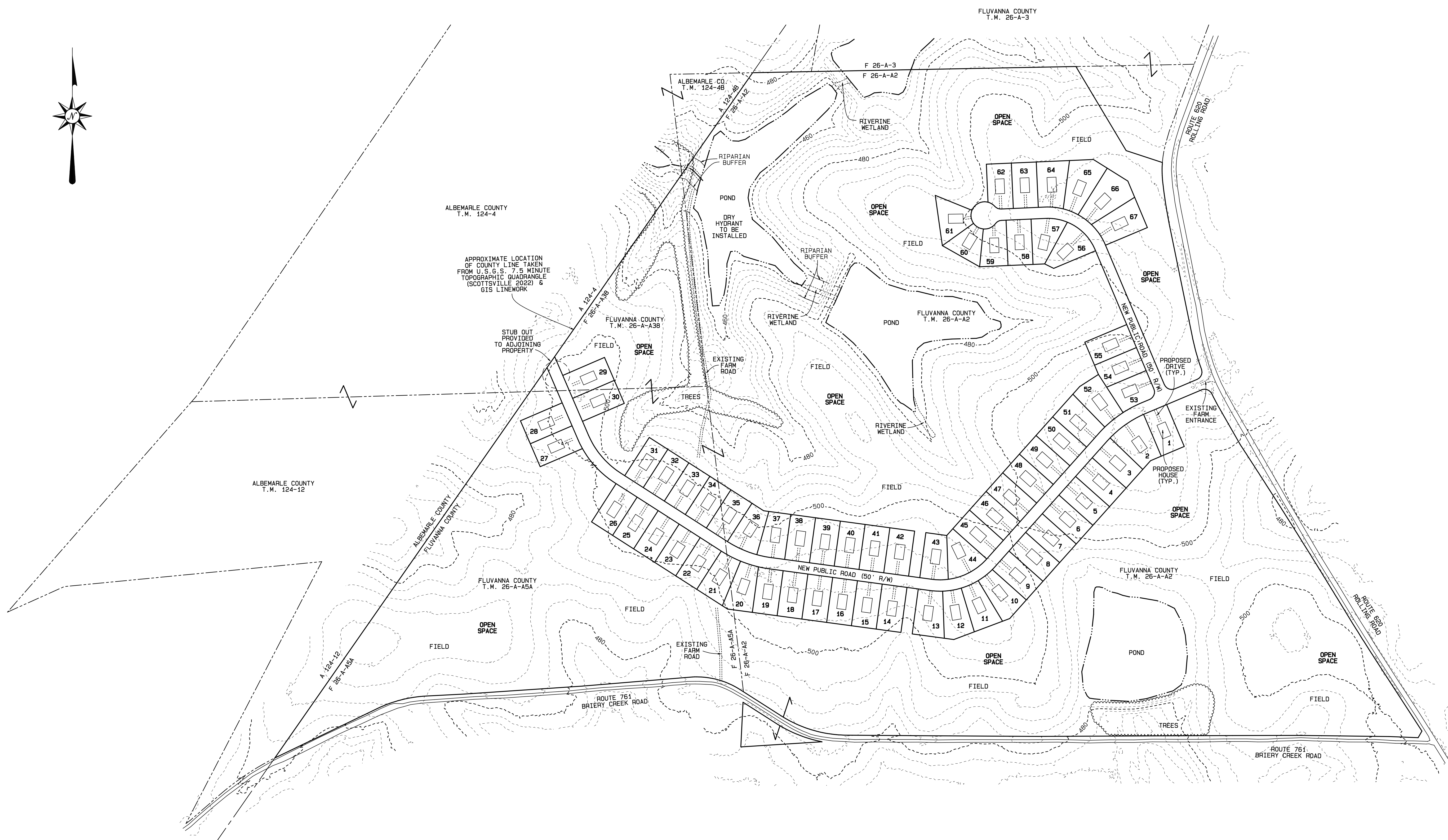
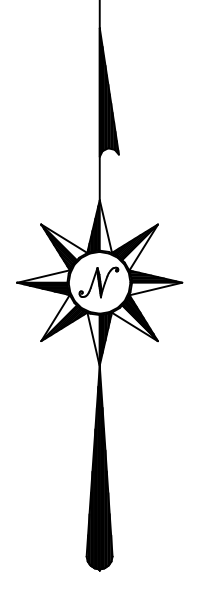
I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.

Thomas Sullivan, Manager
Applicant Name (Please Print)

[Signature]
Applicant Signature

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

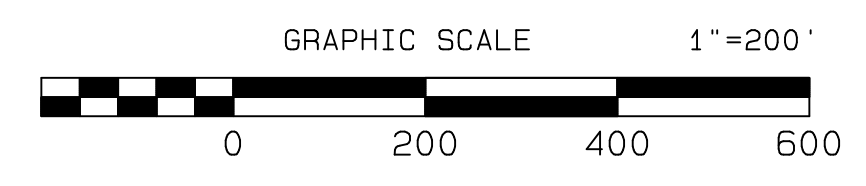
OFFICE USE ONLY
Date Received: 7/29/24 - 2:30pm Fee Paid: \$4,350 Check # 79019 Application #: SUB 24 : 32
Election District: Cunningham Planning Area: Rural Preservation Number of Lots: 67
Minor (2-5 Lots) Major (6 or more Lots)
\$ 500.00 + GIS Fee \$1,000.00 + GIS Fee Approval/Denial Date:
Resubmission of Preliminary or Final Plat: \$100.00 Approval/Denial Date:
GIS Fee: \$ 50.00 per lot (residue is considered a lot)
Additional Fees Due at Time of Review
Road Maintenance Agreement Review: \$200.00 Revisions: \$50.00
Dedication Common Lands Document Review: \$200.00 Revisions: \$50.00
Homeowner Association Document Review: \$200.00 Revisions: \$50.00
Health Department Subdivision Review: \$250.00 + \$25.00 per lot Existing System Review \$50.00
Street Sign Installation: \$200.00 Per Intersection



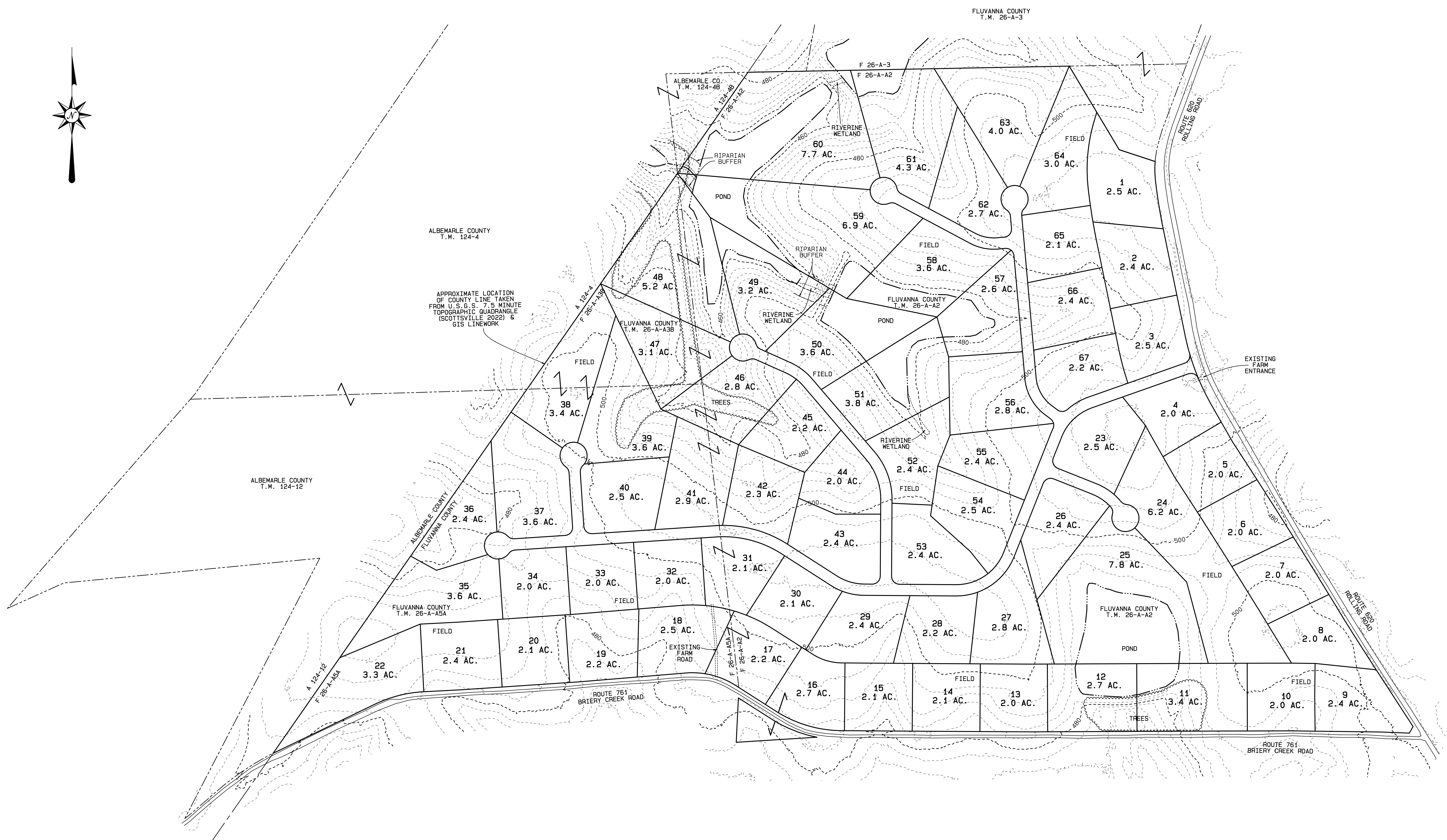
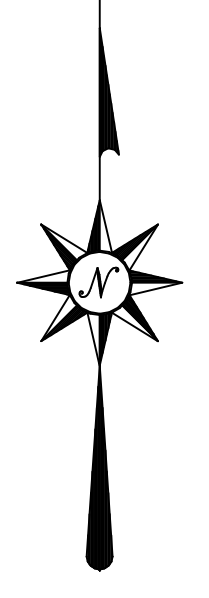
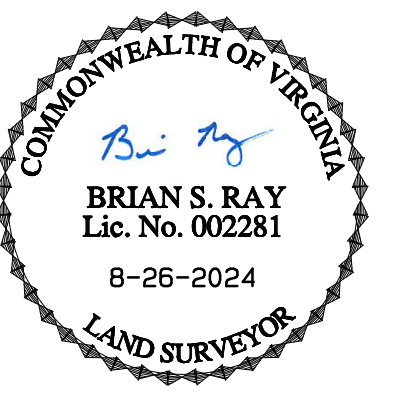
NOTES:

1. OWNER/SUBDIVIDER:
MURCIELAGO, LLC
27 CONGRESS STREET, SUITE 502
SALEM, MA 01970
978-741-0049
2. PROPERTY ZONED A-1.
3. WETLANDS WERE TAKEN FROM NATIONAL WETLANDS INVENTORY DIGITAL MAPPING.
4. 4' CONTOURS WERE DERIVED FROM VGIN LIDAR DATA.
5. WATER SUPPLY WILL BE PROVIDED BY INDIVIDUAL PRIVATE WELLS.
6. SEWAGE DISPOSAL WILL BE PROVIDED BY INDIVIDUAL PRIVATE DRAIN FIELDS.
7. STORMWATER MANAGEMENT: THE DEVELOPMENT IS EXPECTED TO OCCUR IN A SINGLE PHASE OF CONSTRUCTION. THE COMPLETED PROJECT WILL LIKELY UTILIZE BOTH SHEET FLOW METHODS AND PONDED ATTENUATION TO FACILITATE CHANNEL AND FLOOD PROTECTION. A COMBINATION OF NUTRIENT CREDIT OFFSET, AND ONSITE BMP FACILITIES WILL BE USED TO SATISFY WATER QUALITY REQUIREMENTS.
8. DEVELOPMENT AREA = 205 ACRES +/-
OPEN SPACE = 75% +
AVERAGE LOT SIZE = 0.5 ACRE +/-

SKETCH PLAN
LOTS 1 THRU 67
REVENTON
LOCATED ON STATE ROUTE 620
(ROLLING ROAD) AND
STATE ROUTE 761 (BRIERY CREEK ROAD)
CUNNINGHAM MAGISTERIAL DISTRICT
FLUVANNA COUNTY, VIRGINIA
SCALE : 1" = 200'
DATE : JULY 8, 2024
REVISED : AUGUST 26, 2024

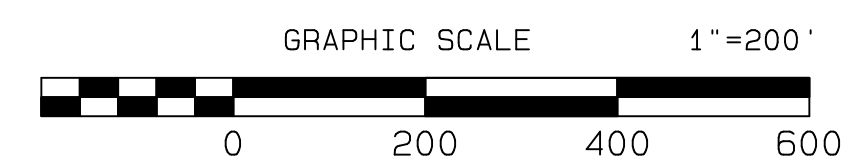


FOR
MURCIELAGO, LLC
ROGER W. RAY & ASSOC., INC.
663 BERKMAR COURT
CHARLOTTESVILLE, VIRGINIA 22901
LAND SURVEYORS LAND PLANNERS
434-293-3195



APPROXIMATE LOCATION OF COUNTY LINE TAKEN FROM U.S.G.S. 7.5 MINUTE TOPOGRAPHIC QUADRANGLE (SCOTTSVILLE 2022) & GIS LINEWORK

- NOTES:
1. OWNER/SUBDIVIDER: MURCIELAGO, LLC 27 CONGRESS STREET, SUITE 502 SALEM, MA 01970 978-741-0049
 2. PROPERTY ZONED A-1.
 3. WETLANDS WERE TAKEN FROM NATIONAL WETLANDS INVENTORY DIGITAL MAPPING.
 4. 4' CONTOURS WERE DERIVED FROM VGIN LIDAR DATA.
 5. AREA IN RIPARIAN BUFFERS THAT CANNOT BE DEVELOPED = 0.56 ACRE.



YIELD PLAN
 LOTS 1 THRU 67
 REVENTON
 LOCATED ON STATE ROUTE 620
 (ROLLING ROAD) AND
 STATE ROUTE 761 (BRIERY CREEK ROAD)
 CUNNINGHAM MAGISTERIAL DISTRICT
 FLUVANNA COUNTY, VIRGINIA
 SCALE : 1" = 200'
 DATE : JULY 8, 2024
 REVISED : AUGUST 26, 2024

FOR
 MURCIELAGO, LLC
 ROGER W. RAY & ASSOC., INC.
 663 BERKMAR COURT
 CHARLOTTESVILLE, VIRGINIA 22901
 LAND SURVEYORS & LAND PLANNERS
 434-293-3195

- Access: On the west side, the proposed development would share an entrance with the Tractor Supply Company store. There will also be access on the east side to South Boston Road.
 - VDOT has not yet commented on the plans. They will need to comment on whether there are any concerns with site distance for the east entrance.
- The gas pumps will have an emergency shutoff, and plans for the convenience store include a full restaurant.
- There are no firm plans for the commercial space. Some potential uses being considered include a chiropractor's office, dry cleaner, photography studio and a Hallmark-type store.
- Water/sewer: Their preference is to have the development served by a private well and septic system; however, they are open to working with Aqua Virginia to connect to the nearby water and sewer systems.
 - The car wash will use recycled water.
- There is a cemetery on the property. The owner and engineer have advised that they plan to take mitigation measures to protect this area. Shimp Engineering advised that they are planning to stay 10 feet off of the platted cemetery to avoid grading immediately surrounding the limits of the cemetery. During construction, protective fencing will be placed around the cemetery and this area will not be included within the limits of disturbance.

Comprehensive Plan:

This property is located within the Rivanna Community Planning Area (CPA). The Rivanna CPA is centered around Lake Monticello, which was the County's primary development area from the early 1970s until recently, when the Lake began to approach its build-out capacity. This area will continue to grow, but should do so in an integrated, sustainable way that compliments existing development and the history of the area. Much of this growth will fill the role of traditional infill development.

Rezoning Approval:

The Board of Supervisors approved a rezoning of the subject property from A-1, Agricultural, General to B-1 Business, General in May 2007.

History:

The Preliminary Site Plan prepared by Shimp Engineering was reviewed by the Technical Review Committee (TRC) on July 12, 2024. The main concerns voiced by the TRC were access to South Boston Road (VDOT comments are still needed on site lines), water/sewer connections, and plans for erosion and sediment/stormwater control.

This SDP was reviewed by the Planning Commission at its monthly meeting on August 13, 2024. The Commission voted 5-0 to defer action on the sketch plan. Members had questions about the cemetery that is identified on the plan:

- Is a 10-foot buffer around the cemetery sufficient to protect it from any effects of construction or the development once completed?
- Has anyone inspected or surveyed the property to determine if the cemetery is confined to the area noted on the plan?
- Has any research been done on the cemetery to determine whether it has any cultural or historical significance?
- Are the graves marked?

Staff reached out to the project engineer, Shimp Engineering, after the August Commission meeting for more information on the cemetery. Representatives from Shimp Engineering have subsequently advised that they had some additional survey work done on the cemetery. They advised that the cemetery is 62 feet x 58 feet, and submitted a survey showing the exact location of the cemetery (Attachment B).

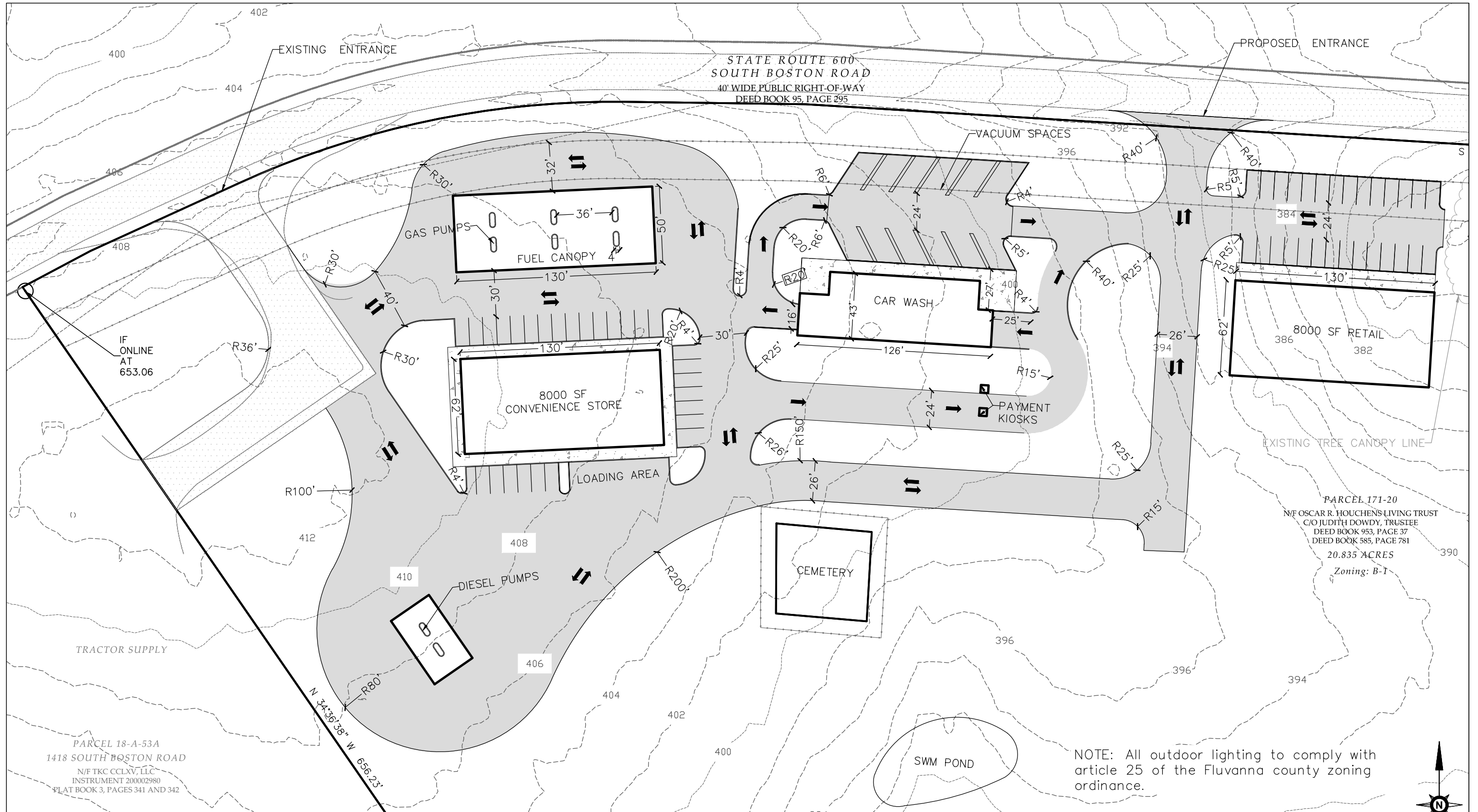
Staff research has determined that the cemetery is the Brown-Houchens cemetery. Records research by staff show 12 known deceased. A visual inspection by staff on August 15, 2024 found nine grave sites – some marked, some unmarked – and the cemetery had a clearly delineated area with fencing (some of it down) but also overgrown areas which may have obscured some of the grave sites.

Suggested Motion:

I move that the Planning Commission accept SDP 24:06 South Boston Convenience Market, a Site Development Plan request for gas station/convenience store, car wash, and commercial space with respect to Tax Map 18 Section A Parcel 53.

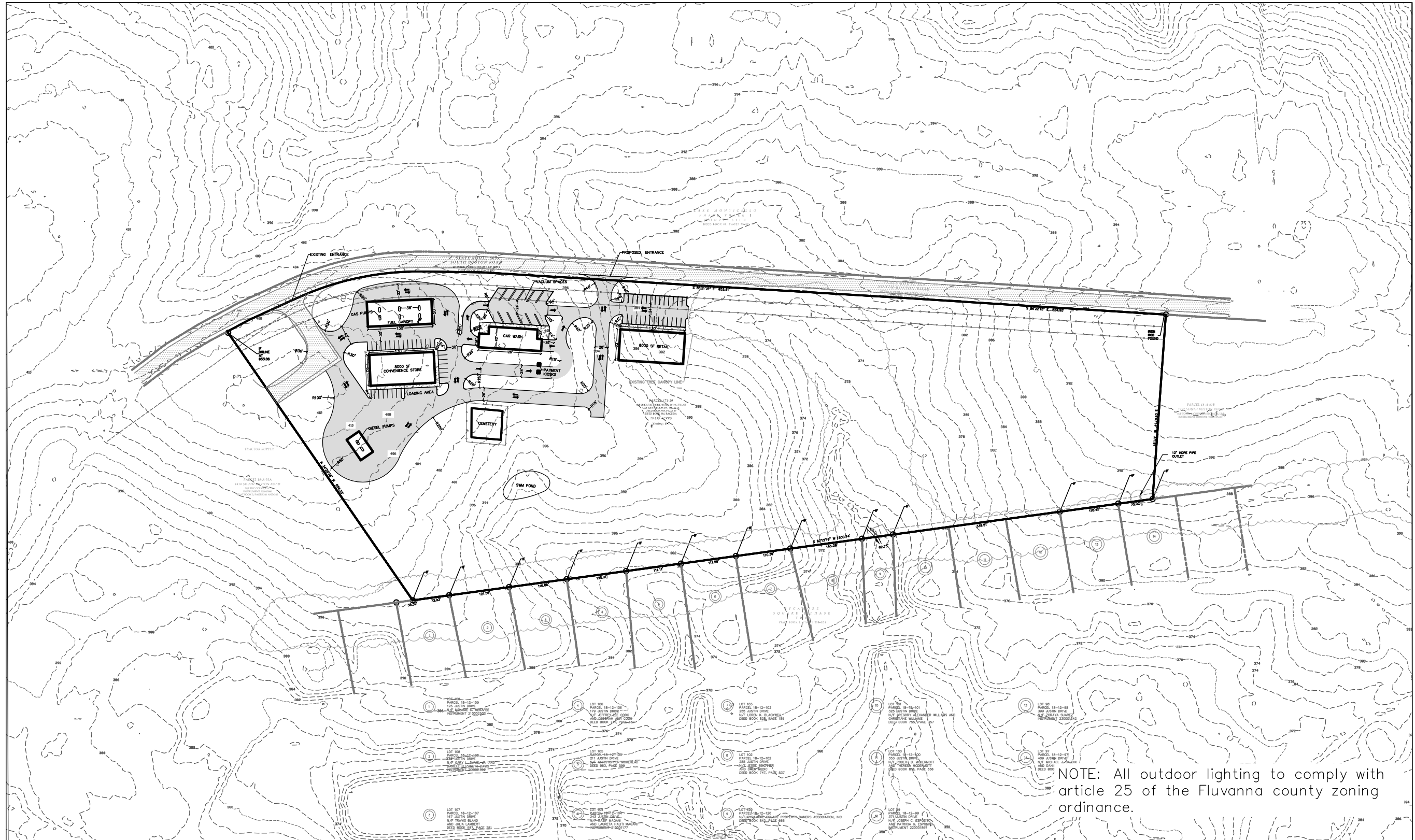
Attachments:

- A – Site Plan
- B – Survey with cemetery marked
- C – Cemetery photos

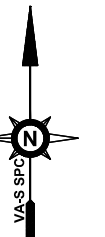
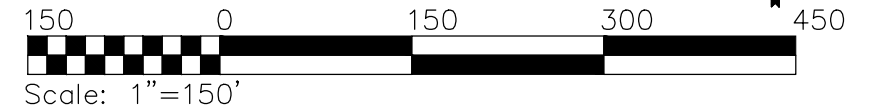


NOTE: All outdoor lighting to comply with article 25 of the Fluvanna county zoning ordinance.

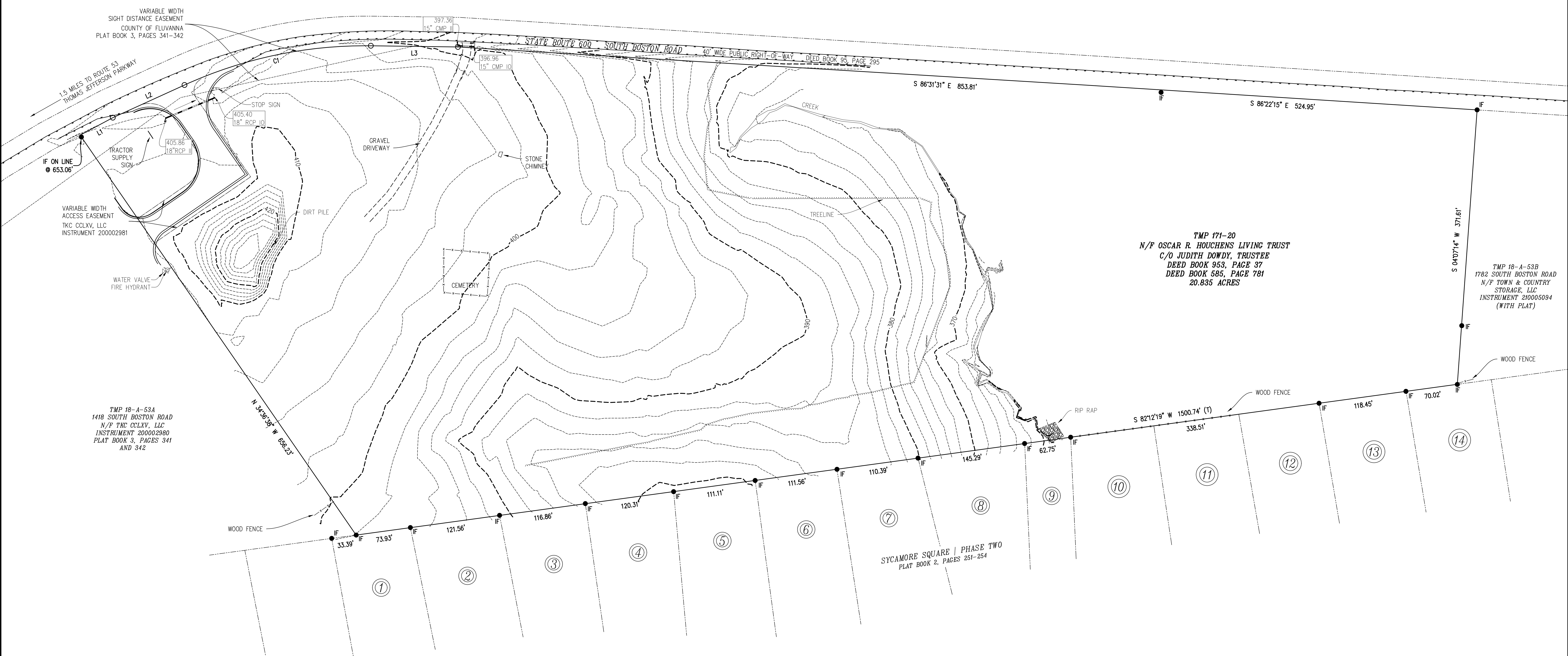
**South Boston Convenience Store
 Sketch Plan**



**South Boston Convenience Store
 Sketch Plan**



LAKE MONTICELLO
PHASE THREE | MONTPELIER
DEED BOOK 80, PAGES 35-37



TMP 18-A-53A
1418 SOUTH BOSTON ROAD
N/F TKC CCLXV, LLC
INSTRUMENT 200002980
PLAT BOOK 3, PAGES 341
AND 342

TMP 171-20
N/F OSCAR R. HOUCHEMS LIVING TRUST
C/O JUDITH DOWDY, TRUSTEE
DEED BOOK 953, PAGE 37
DEED BOOK 585, PAGE 781
20.835 ACRES

TMP 18-A-53B
1782 SOUTH BOSTON ROAD
N/F TOWN & COUNTRY
STORAGE, LLC
INSTRUMENT 210005094
(WITH PLAT)

SYCAMORE SQUARE | PHASE TWO
PLAT BOOK 2, PAGES 251-254

NOTES

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT OR COMMITMENT AND THEREFORE MAY NOT SHOW ALL LEGAL ENCUMBRANCES UPON THE PROPERTY.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A ZONING REPORT OR LETTER AND THEREFORE MAY NOT SHOW ALL LAND USE RESTRICTIONS UPON THE PROPERTY.
3. THIS PLAT IS BASED UPON A CURRENT FIELD RUN SURVEY. ADJOINING PROPERTY LINES AS SHOWN ARE COMPILED FROM RECORD PLATS.
4. THIS SURVEY WAS PREPARED AT THE REQUEST OF SHIMP ENGINEERING.
5. THE PROPERTY SHOWN APPEARS TO BE LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BASED UPON A SCALED LOCATION ON FIRM PANEL #51065C0068C, EFFECTIVE MAY 16, 2008. A FLOOD STUDY WAS NOT CONDUCTED AS PART OF THIS SURVEY.
6. UTILITIES SHOWN ARE BASED UPON FIELD OBSERVATION ONLY.
7. THE PROPERTY SHOWN HEREON IS CURRENTLY ZONED:
• BUSINESS, GENERAL, DISTRICT B-1.

- ⑦ LOT 109
PARCEL 18-12-109
125 JUSTIN DRIVE
N/F MELANIE K. MENAFEE
INSTRUMENT 210002502
- ④ LOT 106
PARCEL 18-12-106
179 JUSTIN DRIVE
N/F JEFFREY LEE COOK
AND DEBORAH ANN COOK
DEED BOOK 741, PAGE 187
- ⑦ LOT 103
PARCEL 18-12-103
255 JUSTIN DRIVE
N/F LOREN K. BLACKWELL
DEED BOOK 828, PAGE 189
- ⑩ LOT 101
PARCEL 18-12-101
325 JUSTIN DRIVE
N/F GREGORY ALEXANDER
WILLIAMS AND
CHRISTIANE WILLIAMS
DEED BOOK 755, PAGE 357
- ⑬ LOT 98
PARCEL 18-12-98
399 JUSTIN DRIVE
N/F ZORAYA SUAREZ
INSTRUMENT 230001242
- ② LOT 108
PARCEL 18-12-108
147 JUSTIN DRIVE
N/F GARY L. DAVIS, JR. AND
DANIELE ELIZABETH DAVIS
INSTRUMENT 200001392
- ⑤ LOT 105
PARCEL 18-12-105
211 JUSTIN DRIVE
N/F CHRISTOPHER MOREHEAD
DEED 963, PAGE 599
- ⑧ LOT 102
PARCEL 18-12-102
285 JUSTIN DRIVE
N/F JESSE BEICNER
AND GWEN MEDIC
DEED BOOK 747, PAGE 537
- ⑪ LOT 100
PARCEL 18-12-100
353 JUSTIN DRIVE
N/F ROBERT B. MCDERMOTT
AND THERESA MCDERMOTT
DEED BOOK 818, PAGE 336
- ⑭ LOT 97
PARCEL 18-12-97
409 JUSTIN DRIVE
N/F MICHAEL J. GAZDIK
AND DANIELLE W. GAZDIK
DEED BOOK 955, PAGE 121
- ③ LOT 107
PARCEL 18-12-107
167 JUSTIN DRIVE
N/F TRAVIS BLAND
AND JULIA LAMBERT
DEED BOOK 987, PAGE 281
- ⑥ LOT 104
PARCEL 18-12-104
243 JUSTIN DRIVE
N/F NAZIF MAQANI
AND LAURETA HALITI MAQANI
INSTRUMENT 210001177
- ⑨ LOT 120
PARCEL 18-12-120
N/F SYCAMORE SQUARE
PROPERTY OWNERS
ASSOCIATION, INC.
DEED BOOK 842, PAGE 666
- ⑫ LOT 99
PARCEL 18-12-99
371 JUSTIN DRIVE
N/F JOSEPH C. ESPOSITO
AND PATRICIA G. ESPOSITO
INSTRUMENT 220001867

LEGEND
CMP CORRUGATED METAL PIPE
RCP REINFORCED CONCRETE PIPE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 61°58'20" E	50.10'
L2	N 65°27'50" E	106.39'
L3	S 89°13'26" E	117.55'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	586.80'	259.23'	257.13'	N 78°07'12" E	25°18'43"

AUGUST 28, 2024
SCALE: 1" = 60'
FILE: 24.076

SHEET
1 OF 1

www.foresightpc.com
434-589-8395

FORESIGHT
SURVEY, PC
LAND SURVEYING | LAND PLANNING
912 E High Street, Suite C
Charlottesville, VA 22902

BASE MAP OF TAX MAP
18-A-53 PARCEL 53
FORK UNION MAG DISTRICT
FLUVANNA COUNTY, VIRGINIA

Brown- Houchens Family Cemetery
South Boston Road, Cunningham VA
TMP 18-A-53, 0.1 acre, 3,050 sq ft +/-





Ivonie "Ivy" Houchens Harlowe (7/5/1861-2/23/1907)
 George Walter Brown (3/31/1864- 2/13-1920)
 Orville Owen Houchens (6/5/1901-10/12/1930)
 George Ed Bragg (?- 10/1/1938)
 Sarah Edmonia Brown Norcross (2/22/1853-12/31/1941)
 Adelia Brown Houchens (12/13/1971 - 7/27/1948)

George Washington Houchens (12/2/1866-7/27/1948)
 Annetta "Nettie" Flannagan Brown (4/10/1863-12/8/1951)
 Alfred Conrad Proffitt (10/4/1915-3/15/1956)
 Archer Bernard "Archie" Houchens (10/1/1907-2/9/1983)
 Stewart Allen Houchens (8/15/1915 - 12/11/1999)
 Theodore Houchens (1911- ?)



COUNTY OF FLUVANNA
"Responsive & Responsible Government"

G. Cabell Lawton, IV
County Administrator
clawton@co.fluvanna.va.us

P.O. Box 540 Palmyra, VA 22963 • (434) 591-1910 • FAX (434) 591-1911 • www.co.fluvanna.va.us

TO: Kate Cooper, Senior Planner
COPY:
DATE: May 17th 2007

*****EXTRACT*****
(from the Draft Minutes)

At a regular meeting of the Fluvanna County Board of Supervisors held May 16th 2007 in the Circuit Courtroom of the Fluvanna Courts Building, Palmyra, Virginia.

Present: Cecil L. Cobb, Chairman; Thomas E. Payne, Vice Chairman; Charles W. Allbaugh; Marvin F. Moss; Gene F. Ott and Donald W. Weaver.

Absent: None

* * * * *

ZMP 07:04/Oscar Houchens

This is a request for an ordinance to amend the Fluvanna County Zoning Map, with respect to 23.17 acres of Tax Map 10, Section 19, Parcel 9. The affected property is located in the Palmyra District on Rt. 600 in between Abby Road and Broken Island Road and is located within the Lake Monticello Community Planning Area.

Mrs. Kate Cooper, Senior Planner, introduced this issue.

Mr. Kelly Strickland, Dominion Development Resources, LLC and Mr. Roland Bernard, agent of Mr. Houchens both addressed the Board on behalf of Mr. Houchens, the applicant.

Chairman Cobb opened the public hearing.

With no one wishing to speak, Chairman Cobb closed the public hearing.

After extensive Board discussion, the following motion was offered:

MOTION:

Mr. Payne moved the Board of Supervisors conditionally approve ZMP 04:04, with respect to rezone 28.67 acres of Tax Map 18, Section A, Parcel 53, to rezone the same from A-1, Agricultural, General to B-1, Business, General, with the proffers as shown on attachment D [attached hereto]. Mr. Moss seconded. The motion carried with a vote of 6-0.

AYES: Allbaugh, Moss, Ott, Payne, Weaver and Cobb. NAYS: None.

* * * * *

A COPY, teste

G. Cabell Lawton, IV
County Administrator



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

May 21, 2007

Oscar Houchens
P.O. Box 218
Lanexa, VA 23089

REF: ZMP 07:04

Dear Mr. Houchens:

Please accept this letter as notification of the action taken on May 16, 2007 by the Board of Supervisors in regards to the request referenced above. Your request was **approved**.

If I can be of any further assistance, please feel free to contact me.

Sincerely,


Kate Cooper
Senior Planner

Copy: Mr. Kelly Strickland, 172 South Pantops Drive, Charlottesville, VA 22911

Proffer Form

Date: May 8, 2007

Revisions: _____

ZMP: 07:04

Tax Map and Parcel Numbers: 18-A-53

28.673 Acres to be rezoned from A-1 Agricultural to B-1 Business (General)

in accordance with the Application Plan titled Rivanna Shops and Office Center, dated February 28, 2007

And prepared by Dominion Development Resources, LLC

Pursuant to Article 20 of the Fluvanna County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

1) The following features shall be in general accord with the Application Plan:

Entrance locations onto S.R. 600 (South Boston Road); road alignment and potential connection to adjoining Sycamore Square development; visual screening of parking lots and buildings from S.R. 600 (South Boston Road); conceptual arrangement of parking lots, buildings, green spaces, plazas; and overall character of the streetscape as shown on the Application Plan.

2) The following uses shall not be allowed in this district:

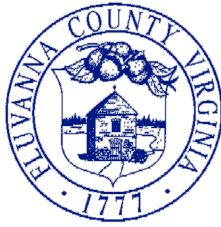
- a. Auto and truck sales, with service enclosed,
- b. Lumber and building supply (majority retail with storage under cover),
- c. Plumbing and electrical supply (> 5,000 SF gross floor area),
- d. Machinery sales with service enclosed,
- e. Agricultural supply stores, greenhouses and nurseries operated on a commercial basis (> 5,000 SF gross),
- f. Feed and seed stores (> 5,000 SF gross floor area),
- g. Outdoor storage yards,
- h. Buildings (other than theatres, assembly halls, hotels and motels) in excess of 50,000 SF gross floor area.

Signature of Owner,

Oscar Houchens
Oscar R. Houchens

OSCARHOUCHEHS
Printed Name of Owner

5-9-07
Date



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners

From: Dan Whitten, County Attorney

Case Number: ZTA 24:04 Solar District and Supplemental Regulations

District: Countywide Amendment

General Information: This Public Hearing request is to be heard by the Fluvanna County Planning Commission on Tuesday, September 10, 2024 at 7:00 pm in the Fluvanna County Circuit Court.

Requested Action: Recommend approval of amendments to the Fluvanna County Zoning Ordinance by amending § 22-2-1, enacting §§ 22-3-1 through 22-3-5.4 and enacting §§ 22-28-1 through 22-28-25 to create a solar zoning district and to add supplemental regulations for utility scale solar generation facilities ("USSGFs").

Background Information:

- At the Board of Supervisors' meeting on July 3, the Board approved the amendment to § 22-4-2.2 of the Fluvanna County Code to remove USSGFs as a use allowed by special use permit in the Agricultural, A-1 Zoning District.
- The Solar Ordinance Review Committee has been working on a new proposed zoning district, S-1 and adding supplemental regulation for USSGFs.
- The S-1 District adds USSGFs as use permitted by SUP only.

The Ordinance:

- The maximum size for any USSGF is 500 acres, and no more than three percent of total County acreage (approx. 5400 acres) may be used for USSGFs and no more than one (1) percent of the total County acreage within each election district (approximately 1800 acres) may be used for USSGFs.
- Setbacks for USSGFs
 - o 500 feet from dwellings on the adjacent parcels.
 - o 375 feet from the adjacent property lines.
 - o 300 feet from all public right-of-way.
 - o 500 feet from entrance corridors which include Route 6, US 15, Route 53, and US 250.
 - o 1,000 feet from the James, Rivanna, and Hardware Rivers, and all lakes.

500 feet from ponds and perennial streams.

- Vegetative buffer
 - At least 175 feet, located within the required setback and around the entire perimeter.
 - May use an existing forest buffer, new vegetative screening, or berms.
 - Performance bond required for maintenance of buffer
- Maximum structure height of 20 feet
- Six-foot high security fencing with opaque screening on the interior of the vegetative buffer.
- Outdoor lighting will be permitted only for security and on-sight maintenance, and shall be shielded and dark sky compliant.
- Solar panels will be placed to prevent concentrated radiation or glare being directed onto other properties or roads.
- Signage only allowed at access points for emergency information
- Emergency Plan
 - Two emergency access points required
 - 20 foot emergency access road looping around inside of fence but outside of panel area.
 - Must provide emergency management plan for all phases of the life of the facility.
 - Emergency personnel must be provided a knock box or code to access the property.
 - Must coordinate plans and training with Fluvanna Fire and Rescue.
- Construction activity is limited to 7:00 a.m. – 6:00 p.m. on Monday through Saturday, other than emergency repairs.
- Wiring
 - Wires located on the poles of solar panels will be in conduit.
 - Wiring and all new distribution and transmission lines will be underground.
- If the project area is larger than 50 acres, the application must identify wildlife corridors that are shown on the site plan.
- Landscaping Plan
 - Maximize preservation of existing trees and vegetation.
 - For new vegetative buffer, native and pollinator-friendly plant species are preferred.
 - The evergreens must have a minimum planting height of eight feet.
 - Deciduous trees must have a minimum 2-inch caliper.
- Vegetation management plan
- Erosion and sediment control plan
 - Must be approved by Soil and Water Conservation District and DEQ prior to land disturbance.
 - No topsoil may be removed from the site, but must be used onsite.
 - Applicant may be required to fund a third-party E&S control inspector during construction.
- Panels shall not be installed on steep slopes of 20% or greater;
- Impact analysis is required for historical and cultural resources, including grave sites.

- Groundwater monitoring before construction, upon completion of construction, every five years during the operation of the USSGF, and upon completion of decommissioning.
- Decommissioning
 - Decommissioning and reclamation plan must be submitted and approved before permit issuance.
 - Decommissioning plans to be updated every five years.
 - USSGFs that have not been in active and continuous service for a period of six months must be removed at the expense of the owner or operator.
 - Surety agreement in the full amount of estimated decommissioning costs must be submitted before a building or land disturbing permit is issued.
 - Panels must be recycled at a certified recycling facility.
- County Review of Special Use Permit Applications
 - The County may engage independent third-party consultants to review applications and associated documents for completeness and compliance with applicable County, state and federal laws. Any costs associated with the review shall be paid by the applicant.
 - The Board of Supervisors may waive or modify any of the requirements within the supplemental regulations for USSGFs.
 - The property will be subject to inspection by County officers and employees upon reasonable notice to the owner/operator of the USSGF.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION RECOMMENDS (APPROVAL / DENIAL / DEFERRAL) OF ZTA 24:04 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-2-1, ENACTING §§ 22-3-1 THROUGH 22-3-5.4 AND ENACTING §§ 22-28-1 THROUGH 22-28-25 TO CREATE A SOLAR ZONING DISTRICT AND TO ADD SUPPLEMENTAL REGULATIONS FOR UTILITY SCALE SOLAR GENERATION FACILITIES



PLANNING COMMISSION
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 2024-04

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING § 22-2-1, ENACTING §§ 22-3-1 THROUGH 22-3-5.4 AND ENACTING §§ 22-28-1 THROUGH 22-28-25 TO CREATE A SOLAR ZONING DISTRICT AND TO ADD SUPPLEMENTAL REGULATIONS FOR UTILITY SCALE SOLAR GENERATION FACILITIES

WHEREAS, the regulations established in the Chapter 22 of the Fluvanna County Code (“Zoning Code”) may from time to time be amended, supplemented, changed, modified or repealed by the governing body pursuant to § 15.2-2285 of the Code of Virginia; and

WHEREAS, in accordance with § 22-20-1 of the Zoning Code, the Fluvanna County Planning Commission (“Planning Commission”) can adopt a resolution of intention to propose an amendment to the Zoning Code; and

WHEREAS, the Planning Commission desires to propose amendments to the Zoning Code by amending § 22-2-1, enacting §§ 22-3-1 through 22-3-5.4 and enacting §§ 22-28-1 through 22-28-25 to create a solar zoning district and to add supplemental regulations for utility scale solar generation facilities; and

WHEREAS, the Planning Commission finds that the purpose of the proposed Zoning Code amendments is appropriate for the public necessity, convenience, general welfare and good zoning practice; and

WHEREAS, the Planning Commission shall hold a public hearing on such proposed amendments after notice as required by § 15.2-2204 of the Code of Virginia, and may make appropriate changes in the proposed amendment as a result of such hearing.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission proposes amendments to the Zoning Code by amending § 22-2-1, enacting §§ 22-3-1 through 22-3-5.4 and enacting §§ 22-28-1 through 22-28-25 to create a solar zoning district and to add supplemental regulations for utility scale solar generation facilities; and

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Planning Commission at a meeting of the Commission held on the 13th day of August, 2024:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Loretta Johnson-Morgan, Columbia District						
Kathleen Kilpatrick, Fork Union District						
Howard Lagomarsino, Palmyra District						
Eddie Shifflett, Rivanna District						

Attest:

Barry Bibb, Chair
Fluvanna County Planning Commission

(Seal)
PUBLIC HEARING
Fluvanna County Planning Commission
Tuesday, September 10, 2024 at 7:00 pm

Pursuant to VA Code Sections 15.2-1427 and 15.2-2204, a public hearing will be held in the Fluvanna County Circuit Court, at 72 Main Street, Palmyra, VA for citizens of the County to have the opportunity to appear before and to be heard by the Planning Commission on the following item:

ZTA 24:04 – ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-2-1, ENACTING §§ 22-3-1 THROUGH 22-3-5.4 AND ENACTING §§ 22-28-1 THROUGH 22-28-25 TO CREATE A SOLAR ZONING DISTRICT AND TO ADD SUPPLEMENTAL REGULATIONS FOR UTILITY SCALE SOLAR GENERATION FACILITIES

All interested persons wishing to be heard are invited to attend the public hearing. Interested persons may also submit written comments prior to the scheduled meeting to planning@fluvannacounty.org and questions may be directed to Todd Fortune, Community Development Director at 434-591-1910. Details of this request are available on the County website at <http://www.fluvannacounty.org/> and in the Planning and Zoning Department during regular office hours.

To: Fluvanna Review
From: Kayla Polychrones, Administrative Programs Specialist,
kpolychrones@fluvannacounty.org

Advertise on the following dates: August 22, 2024 and August 29, 2024

Bill to: Fluvanna County Planning & Community Development
Post Office Box 540, Palmyra, Virginia 22963
Attn: Kayla Polychrones, Administrative Programs Specialist
Email: kpolychrones@fluvannacounty.org (434) 591-1910

ZTA 24:04

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-2-1, ENACTING §§ 22-3-1 THROUGH 22-3-5.4 AND ENACTING §§ 22-28-1 THROUGH 22-28-25 TO CREATE A SOLAR ZONING DISTRICT AND TO ADD SUPPLEMENTAL REGULATIONS FOR UTILITY SCALE SOLAR GENERATION FACILITIES

BE IT ORDAINED by the Board of Supervisors of Fluvanna County:

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending § 22-2-1, enacting §§ 22-3-1 through 22-3-10.3, and enacting §§ 22-28-1 through 22-28-? as follows:*

CHAPTER 22 ZONING

ARTICLE 2. – DISTRICTS.

Sec. 22-2-1. - Districts.

For the purpose of this chapter, the unincorporated area of the County is hereby divided into the following districts:*

Agricultural, General, A-1

Residential, Limited, R-1

Residential, General, R-2

Residential, Planned Community, R-3

Residential, Limited, R-4

Business, General, B-1

Business, Convenience, B-C

Industrial, Limited, I-1

Industrial, General, I-2

Manufactured Home Park, MHP

Planned United Development, PUD

Solar District, S-1.

(Ord. 12-16-15)

*Editor's note—Prior to August 19, 1992, the Zoning Ordinance of Fluvanna County, Virginia, contained a district identified as "Conservation, C-1." The Conservation, C-1 district was repealed by ordinance adopted on that date.

ARTICLE 3. – SOLAR, GENERAL, DISTRICT S-1

Sec. 22-3-1. – Statement of intent.

The purpose of this ordinance is to outline the process and requirements for the construction, installation, operation and decommissioning of utility scale solar generation facilities and other uses in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding and minimizing adverse impacts to agricultural lands, endangered species habitats, conservation lands to include rivers and streams, lakes, ponds and other sensitive lands. This division is not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this division shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 22-3-2. - Use regulations.

In Solar, General District S-1, the following uses, together with ordinary and necessary accessory uses, shall be permitted, and no others.

Sec. 22-3-2.1. - Uses permitted by right.

The following uses shall be permitted by right:

Agricultural Uses

Agriculture

Conservation areas

Farm sales

Miscellaneous Uses

Accessory uses

Cemeteries, non-commercial

Greenhouses, non-commercial

Small scale solar generation facility

Utilities, minor

Sec. 22-3-2.2. - Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Agricultural Uses

Agricultural enterprise

Agricultural sales, wholesale

Livestock feed lots, commercial

Livestock sales yards, commercial

Commercial Uses

Communications service

Industrial Uses

Minor scale solar generation facility

Telecommunication facilities

Utilities, major

Utility scale solar generation facility

Sec. 22-3-3. - Sign regulations.

Sign regulations shall conform to Article 15 of this chapter.

Sec. 22-3-4. - Height regulations.

Buildings and structures may be erected up to thirty-five (35) feet in height, except that:

- (A) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials may be erected to a height of sixty (60) feet from grade. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Buildings and structures used for agricultural purposes, including barns, silos, windmills and the like, may be erected to a height of ninety (90) feet from grade.**
- (B) No accessory building which is within fifteen (15) feet of any property lot line shall be more than one (1) story high. All accessory buildings and structures, other than those permitted under subsection (C) above, shall be less than the main building or structure in height.**

Sec. 22-3-5. - Intensive livestock, dairy and poultry facilities; statement of intent.

This section (sections 22-3-5 through 22-3-5.4) encourages economic development, preserves farm land, and promotes the orderly and responsible growth of the livestock, dairy and poultry industries. In the Solar (S-1) district, all agricultural production uses, including the uses defined herein as intensive livestock, dairy and poultry facilities, shall be permitted by right.

Sec. 22-3-5.1. - Definitions.

For the purpose of sections 22-3-5 through 22-3-5.4, the following terms shall have the meaning indicated:

- (1) Livestock includes all domestic or domesticated animals, including, but not limited to: cattle, sheep, lambs, hogs, goats, horses, poultry and furbearing animals.**
- (2) Intensive livestock, dairy or poultry facility means a livestock, dairy or poultry operation where, for a period of forty-five (45) consecutive days or more, 300 animal units are closely confined and not free-ranging, and are fed in the area of confinement. For the purpose of this article, 300 animal units shall be equivalent**

to any of the following, or any combination thereof where the animals are confined in one location:

Livestock: 300 slaughter or feeder cattle

Livestock: 750 swine each weighing over 55 pounds

Livestock: 150 horses

Livestock: 3,000 sheep, lambs, or goats

Livestock: 16,500 furbearing animals such as rabbits or chinchilla

Dairy: 200 mature dairy cows (whether milked or dry cows)

Poultry: 16,500 turkeys

Poultry: 30,000 laying hens or broilers

- (3) **Intensive livestock, dairy or poultry structure means a building, structure or other improved area used in the operation of an intensive livestock, dairy or poultry facility; including, but not limited to, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, or dead poultry cold storage chests. The term shall not include structures that are used only indirectly in the operation of the facility.**
- (4) **Operator means any person who operates an intensive livestock, dairy or poultry facility, or the land on which it is located.**
- (5) **Poultry means any domestic or domesticated fowl raised for meat or eggs; including, but not limited to, chickens and turkeys.**
- (6) **Existing intensive livestock, dairy or poultry structure means an intensive livestock, dairy or poultry structure that has been in operation for one (1) year within the five (5) years immediately preceding the date on which a building or zoning permit is sought for a dwelling.**

Sec. 22-3-5.2. - Setbacks.

- (1) **Except as otherwise expressly provided in this section, each intensive livestock, dairy or poultry structure shall be set back 300 feet from any property line.**
- (2) **Any dwelling not owned by the operator shall be set back 300 feet from any existing intensive livestock, dairy or poultry structure.**

- (3) Each intensive livestock, dairy or poultry structure shall be setback at least 200 feet from the right-of-way of any secondary road, and at least 300 feet from the right-of-way of any primary highway.
- (4) Each intensive livestock, dairy or poultry structure shall be setback at least 1,000 feet from any incorporated town, public school, place of worship, public water intake from a stream or river and from the boundary of any adjacent residential district.

Sec. 22-3-5.3. - Development plans to include plat or similar document.

- (1) Any person who intends to establish or expand an intensive livestock, dairy or poultry facility shall file with the Zoning Administrator a development plan, including a plat, or similar document, that indicates the number, size and location of all intensive livestock, dairy or poultry structures planned for the subject parcel; and a written statement, sworn to and subscribed before a notary public, by which the owner certifies to the Zoning Administrator that the facility meets all applicable requirements. Where a proposed expansion would not substantially change the character of the facility or the intensity of the use, the Zoning Administrator may approve the expansion without requiring a development plan.
- (2) If the plan meets the requirements of sections 22-3-5 through 22-3-5.4, the Zoning Administrator shall approve it within thirty (30) days of receipt. If the plan does not meet the requirements of sections 22-3-5 through 22-3-5.4 of this chapter, the Zoning Administrator shall return it to the applicant within thirty (30) days of receipt, together with a written description of the portion or portions of the plan that do not meet such requirements. Any plan not returned to the applicant within thirty (30) days of receipt shall be deemed approved. As long as an approved plan is in effect, the applicant shall have the right to build structures and operate the facilities shown thereon, notwithstanding any dwelling or other feature located after the time of approval.
- (3) The development plan shall remain in force only so long as the proposed structures are constructed in accordance with the development plan. At least one-third of the number of livestock or dairy animals indicated in the development plan, or one poultry structure, shall be placed in service within five (5) years of the date on which the development plan is approved by the Zoning Administrator, unless at least one-third the livestock, or one poultry structure, was already in service at the time the plan was filed. In the event the operator fails to obtain building and zoning permits for any of the proposed structures, or fails to have in place the minimum number of livestock required above, within five (5) years of the date on which the development plan is approved by the Zoning Administrator, the development plan shall expire.

- (4) The operator shall notify the Zoning Administrator in writing within thirty (30) days of placement into service of any structure indicated on his plan.
- (5) Each parcel for which a development plan has been approved shall display at its entrance a sign no smaller than two (2) square feet, and no larger than four (4) square feet, clearly visible from the nearest public road, indicating that a development plan is in effect for the parcel and containing the word "Certified Agricultural Development Site".
- (6) Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or her original development plan, or from submitting revised plans. The Zoning Administrator shall review such amendments or revised plans as required in subsection (1) above according to the zoning ordinance in effect at the time the amendments or revised plans are received.

Sec. 22-3-5.4. - Nutrient management plan.

After the effective date of this section, no intensive livestock, dairy or poultry facility for which the Commonwealth of Virginia requires a nutrient management plan shall commence operation until such plan has been approved by the Virginia Department of Conservation and Recreation, or by a person certified or employed by the Virginia Soil and Water Conservation Board or the Commonwealth as a nutrient management planner, in accordance with 4VAC50-85-10 et seq., "Nutrient Management Training and Certification Regulations."

If the nutrient management plan provides for off-site disposal of waste, the operator shall provide, as a part of the plan, written documentation of an agreement with the receiver of the waste produced at his facility, or affidavit, sworn and subscribed before a notary public, that states his intention to dispose of waste through sale in a retail establishment or otherwise marketing to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the waste. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such agreement expires or is terminated. If such an agreement is terminated before its expiration date, the operator shall notify the Zoning Administrator within fifteen (15) days of termination.

ARTICLE 28. – REGULATION OF UTILITY SCALE SOLAR GENERATION FACILITIES

Sec. 22-28-1. – Statement of intent.

- (A) **The purpose of this article is to establish general guidelines for the siting of utility scale solar generation facilities (USSGF).**
- (B) **The purpose and intent of this article is to promote the health, safety, and general welfare of the public, including, but not limited to, such instances as:**
- (1) **Potential injury to people around USSGFs;**
 - (2) **Potential damage to property;**
 - (3) **Potential negative economic impacts on the heritage and scenic tourist industry.**
- (C) **The goals of this article are to:**
- (1) **Minimize the impacts of USSGFs on surrounding land uses by establishing standards for location, structural integrity, and compatibility;**
 - (2) **Avoid potential injury to persons and properties from USSGF failure through structural standards and setback requirements;**
 - (3) **Preserve the scenic and visual character of the geographic area by encouraging the location, design and architectural treatment of USSGFs to avoid the disruption of the natural and built environment, and to ensure harmony and compatibility with surrounding land use patterns;**
 - (4) **Provide a uniform and comprehensive framework for evaluating proposals for USSGFs;**
 - (5) **Encourage developers of USSGFs to locate USSGFs, to the extent possible, in areas where the visual impact on the community is minimal;**
 - (6) **Encourage the location of new USSGFs near existing USSGFs thereby minimizing new visual, aesthetic, public safety impacts, and effects upon the natural environment and wildlife;**
 - (7) **Avoid the location of battery energy storage systems in the County;**
 - (8) **Establish predictable and balanced codes governing the construction and location of USSGFs, within the confines of permissible local regulations;**
 - (9) **Establish review procedures to ensure that applications for USSGFs are reviewed and acted upon within a reasonable period of time;**
 - (10) **Consideration of and compatibility with the goals and objectives of the County's Comprehensive Plan.**

Sec. 22-28-2. – Existing Utility Scale Solar Generation Facilities

Utility Scale Solar Generation Facilities existing or permitted prior to the adoption of this article shall be subject to the provisions of Article 16, Nonconforming Uses of this ordinance.

Sec. 22-28-3 – Size of Utility Scale Solar Generation Facilities

The maximum project area for any Utility Scale Solar Generation Facility shall be no more than 500 acres.

Sec. 22-28-4. – Limitation on acreage of all Utility Scale Solar Generation Facilities

In order to preserve and protect the County’s rural ambiance and its agricultural and forestal lands, the total project area for all Utility Scale Solar Generation Facilities (USSGFs) in the County shall be no more than three (3) percent of the total County acreage (approximately 5400 acres). The total project area for all USSGFs shall be no more than one (1) percent of the total County acreage within each election district (approximately 1800 acres).

Sec. 22-28-5. – Minimum setbacks for Utility Scale Solar Generation Facilities

The Utility Scale Solar Generation Facility operational area which includes any buildings, structures, equipment, parking, and disturbed areas shall have the following minimum setbacks:

- A) **500 feet from dwellings on adjacent parcels.**
- B) **375 feet from the adjacent property lines.**
- C) **300 feet from all public rights-of-way.**
- D) **500 feet from all entrance corridors which include Route 6, US 15, Route 53, and US 250.**
- E) **1000-foot setback from the James River, Rivanna River, Hardware River and all lakes.**
- F) **500-foot setback from ponds and perennial streams.**

Sec. 22-28-6. – Minimum buffers for Utility Scale Solar Generation Facilities

- A) **Utility Scale Solar Generation Facilities (USSGF) must be screened from the ground-level view from adjacent properties and public roads by a vegetative buffer of at least 175 feet. The vegetative buffer must be located within the setbacks required under Sec. 22-28-5 and must be located around the entire perimeter of the property. Screening methods can include:**
 - 1) **Existing screening: The USSGF may use existing forested buffer to satisfy the screening requirement. The existing forested buffer must be undisturbed and**

permanently protected as the designated buffer. If existing trees and vegetation are removed when dead or diseased, the vegetative buffer must be replaced in accordance with Sec. 22-28-6.

- 2) Vegetative screening: In the event existing screening is inadequate, screening must be provided which consists of a combination of evergreen and deciduous trees that are 8 feet in height at time of planting. A triple staggered row of trees must be placed ten feet apart and on average at 15 feet on center. For the remainder of the vegetative screening, a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs and wildflowers shall be utilized.
 - 3) Berms: Berms must be constructed with a 3:1 side slope to rise ratio, 4-6 feet above the adjacent grade, with a 3-foot-wide top with pollinator friendly native shrubs, trees, forbs and wildflowers. The outside edges of the berm should be sculpted with vertical and horizontal variations so there is not a uniform appearance.
- B) A performance bond reflecting the estimated costs of anticipated landscaping maintenance shall be posted prior to construction to ensure the vegetative buffer is adequately maintained for the life of the project. Once the landscaping has been successfully established, the surety amount may be reduced to the amount needed for maintenance. The surety will be fully released only after decommissioning is complete.

Sec. 22-28-7. – Height regulation for Utility Scale Solar Generation Facilities

The maximum height for structures associated with the Utility Scale Generation Facility (USSGF) is 20 feet above the finished ground elevation. Ground mounted systems shall not exceed 20 feet in height when oriented at maximum vertical tilt. The height limit does not apply to associated aerial electric lines, utility poles and/or substation equipment that may be constructed in association with the USSGF.

Sec. 22-28-8. – Security fencing

The Utility Scale Solar Generation Facility project area must be enclosed by security fencing on the interior of the buffer area at a height of at least six feet. Fencing must be placed around sections of the project area to provide access corridors for wildlife. All fencing must be constructed to allow for the movement of small wildlife species. All fencing shall include opaque screening.

Sec. 22-28-9. – Lighting

Outdoor lighting for the facility shall only be permitted for security and on-site maintenance. All outdoor lighting shall be fully shielded provided that these restrictions shall not apply to any outdoor lightning required by federal law. Lightning shall be dark sky compliant. The full site plan shall include a photometric plan that depicts the location, type, power and lightning levels of each permanent and semi-permanent fixture.

Sec. 22-28-10. – Signage

No signage shall be allowed on the fencing, structures or buildings in the project area for the Utility Scale Solar Generation Facility (USSGF). One sign shall be allowed at each of the emergency access points which shall list the required warnings, the name of the USSGF, address, and relevant emergency contact information. Any signage required by state or federal law or regulation shall be exempt from this section.

Sec. 22-28-11. – Emergency access

The applicant shall provide emergency access in at least two separate access points. Such access points shall include unobstructed access utilizing fire lane signage. The access points shall also be designed with a 20' wide looping system inside of the security fence but outside of the panel area in order for emergency apparatus to proceed without the need to back up the emergency apparatus.

Sec. 22-28-12. – Construction noise associated with Utility Scale Solar Generation Facilities

All construction activities may only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday-Saturday and will be prohibited on Sundays. This restriction shall apply during construction of the facility, ongoing maintenance, replacement of equipment and decommissioning. This restriction shall not apply to emergency repairs.

Sec. 22-28-13. – Wiring and transmission lines

- A) **Wiring shall be located underground except for wiring on a solar array or where necessary to directly connect to the public service corporation.**
- B) **All new distribution and transmission lines shall be located below ground except for lines solely subject to the State Corporation Commission jurisdiction or where necessary to connect to existing utility lines. New transmission lines are subject to plan of development review.**
- C) **Wires located on the poles of solar panels shall be placed in conduit.**

Sec. 22-28-14. – Wildlife corridors

An application for a Utility Scale Solar Generation Facility (USSGF) with a project area of greater than 50 acres must identify access corridors for wildlife to navigate through and across the USSGF. The wildlife corridor must be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for movement of migratory animals and other wildlife.

Sec. 22-28-15. – Glare from solar panels

Solar panels shall be placed so as to prevent concentrated solar radiation, heat or glare being directed onto other properties or roads.

Sec. 22-28-16. – Landscaping plan for Utility Scale Solar Generation Facilities

A preliminary landscaping plan shall be developed by a certified arborist or landscape architect, submitted with the application for the special use permit, and shall meet the following requirements:

A) Utilizing existing forested buffer

- 1) **Preservation of existing trees and shrubs within require buffers shall be maximized.**
- 2) **The plan shall include a tree inventory indicating all trees that will be saved and that will be used for buffering.**
- 3) **The existing forested buffer may be used if it is covered with at least 75% of naturally established vegetation.**
- 4) **The existing plant material must be mature and in healthy condition.**
- 5) **The existing plant material must consist of a mix of evergreen and deciduous trees which meet the following criteria:**
 - a) **Existing deciduous trees have a minimum four-inch caliper measured two feet above the ground.**
 - b) **Evergreen trees must be a minimum of ten feet in height.**
 - c) **Hardy shrubs must be a minimum of two feet in height.**
 - d) **There is an established understory of small trees and shrubs to provide significant buffering at the lower forested area.**

B) Improvements within buffer

- 1) **Improvements within the vegetative buffer shall be limited to those required to provide access, utilities and drainage and shall be installed perpendicular to the buffer to reduce impacts to the buffer.**

C) Proposed vegetative buffer

- 1) The preliminary landscaping plan shall show all proposed plant species to be used for ground cover, screening and buffering.
 - 2) There is a preference for native and pollinator-friendly plant species.
 - 3) The evergreens shown on the plan must have a mature height of at least 30 feet.
 - 4) The evergreens must have a minimum planting height of eight (8) feet.
 - 5) Deciduous trees must have a minimum caliper of two (2) inches measured six (6) inches above final grade.
- D) Installation of landscaping
- 1) All landscaping shown on the approved plan shall be installed and in good condition prior to beginning production of power.
 - 2) All landscaping shall be planted between September 15 and June 30.

Sec. 22-28-17. - Vegetation management plan for Utility Scale Solar Generation Facilities

- A) The applicant for a Utility Scale Solar Generation Facility (USSGF) shall submit a preliminary proposed vegetation management plan at time of submittal of the application. The applicant for a USSGF shall submit a final proposed plan for ground cover within the fence lines of the project area for review and approval as part of the full site plan. The site plan shall include the following information:
- 1) Describe the design and type of ground cover which will consist of native grasses and low growing species.
 - 2) The plan should include a description of how existing tree and vegetation cover will be removed or reused.
 - 3) Include a plan and schedule for managing the growth of the vegetation cover over the life of the facility.
 - 4) Provide a plan to prevent and control noxious weeds and invasive species.
 - 5) Identify the type and quantity of herbicides that will be used.
 - 6) Provide that only biodegradable soap and water can be used to clean the surface of the solar panels.

Sec. 22-28-18. – Erosion and sediment control plan

- A) An erosion and sediment control plan must be submitted to the County and approved by the Soil and Water Conservation District and the Virginia Department of Environmental Quality prior to any land disturbance.
- B) The erosion and sediment control plan shall be prepared in accordance with the Chapter 6 of the County Code and the Virginia Erosion and Sediment Control Handbook.
- C) Permitholders shall provide evidence of any and all required state and/or federal permits prior to the issuance of a land disturbance permit.

- D) Prior to Applicant's submission of the Erosion and Sediment Control Plan, the Applicant will contact the County's erosion and sediment control reviewer to arrange a meeting on the Property with the Applicant's engineer.
- E) The County may obtain an independent third-party review of the Erosion and Sediment Control Plan at the expense of the Applicant.
- F) The erosion and sediment control plan shall provide that no topsoil will be removed from the facility/site but instead will be used onsite to establish ground cover.
- G) The Applicant shall include sufficient surety to guarantee that funding is available to implement and maintain all required erosion and sediment control measures.
- H) The County may require the Applicant to provide for the funding of a third-party erosion and sediment control inspector during the period of construction. Any as-needed third-party erosion and sediment control inspector, while paid for by the Applicant, Permitholders and/or any successor-in-interest, shall be selected and managed by the Planning Director, or his designee.
- I) In projects involving more than 100 acres of land disturbance, the following requirements will apply:
 - 1) Incorporate a protocol developed in coordination with the Planning Director, or his designee, the Soil and Water Conservation District, and the Virginia Department of Environmental Quality that specifies the phased construction of designated units of land so that the total area of disturbed land at any one time is appropriately limited given the nature of the construction activities, the size of the Project, the topography and water resources of and in the project area, and the erosion and sediment controls to be employed.
 - 2) The protocol will be designed to ensure that ground cover is expeditiously established, and appropriate site stabilization is achieved throughout construction.

Sec. 22-28-19. – Construction on steep slopes

- A) Solar panels shall not be installed on steep slopes of 20 percent or greater.
- B) Steep slopes of 20 percent or greater shall remain in their natural, undisturbed state to the maximum extent practicable, unless otherwise approved by the Planning Director.

Sec. 22-28-20. – Historic resources, cultural and grave site impact analysis

In accordance with the County's goals, an impact analysis for historic and cultural resources, including grave sites, shall be conducted and provided by the applicant to identify, preserve, and protect significant historic resources and to ensure respectful treatment of graves in accordance with applicable laws of the Commonwealth. The impact analysis shall identify graves and significant historic or cultural resources to be impacted, including but not limited

to areas, districts, sites, structures and objects, locally designated as historic or culturally significant, or listed or determined eligible by the Department of Historic Resources' evaluation team for listing on the state and federal historic registers. If such resources are identified, the analysis shall include a proposed treatment plan to preserve, protect, and/or enhance these resources through avoidance, minimization or mitigation.

Sec. 22-28-21. – Groundwater monitoring

Groundwater monitoring must take place prior to the start of construction and upon completion of construction throughout the project area. After the Utility Scale Solar Generation Facility begins operations, groundwater monitoring shall take place every five (5) years and upon completion of decommissioning. Results from all groundwater monitoring shall be provided to the Planning Director.

Sec. 22-28-22. – Emergency response plan

- A) Prior to completion of construction, the owner or operator of the facility shall provide the Planning Director with an emergency management plan for the facility.
- B) The goal of this emergency response plan is to provide safety guidelines and procedures for potential emergency-related incidents during all phases of the life of the facility (construction, operation, and decommissioning).
- C) The owner or operator of a facility must coordinate with the Fluvanna County Coordinated Fire and Rescue System to provide materials, education, and/or training on how to safely respond to on-site emergencies, and to develop, implement, periodically update, and perform exercises on an emergency response plan.
- D) Emergency personnel must be provided a knox box or code to access the property in case of an on-site emergency.
- E) Training shall be provided and updated (i) whenever significant modifications and/or repairs are made to the facility and (ii) at the request of the County Fire Chief.

Sec. 22-28-23. – Special use permit application requirements

- A) All special use permit applications for Utility Scale Solar Generation Facilities must contain the following information:
 - 1) Project narrative. A detailed narrative shall identify the following:
 - a. The applicant, facility owner, site owner and operator;
 - b. The description of the facility;
 - c. Overview of the project and its location;
 - d. Size of the site and project area;
 - e. Current use and previous uses (10 years preceding application) of the site;

- f. Estimated time for construction, any phasing schedule, and proposed date for commencement of operations;
 - g. Location of staging area;
 - h. Planned maximum rated capacity of the facility;
 - i. The approximate number, type, and footprint of solar equipment;
 - j. Specifications for proposed equipment including materials, color, finish, country of origin and racking type;
 - k. Information on ancillary facilities;
 - l. How and where the electricity at the facility will be transmitted;
 - m. General location of the proposed electrical grid interconnection; and
 - n. All adverse partition sales shall be disclosed.
- 2) Concept plan. The concept plan must be prepared by a professional Virginia licensed engineer and shall identify the following:
- a. Identification of subject parcels and property lines;
 - b. Identification of required setbacks;
 - c. Existing and proposed buildings and structures;
 - d. Preliminary locations and heights of solar panels, ground equipment, ancillary equipment and other proposed structures;
 - e. Location of proposed fencing, driveways, internal roads, parking and locations of points of ingress/egress;
 - f. Location of proposed buffers and screening elements;
 - g. Location of substations and electrical cabling from facility to substation;
 - h. Location of fencing or other methods of ensuring public safety;
 - i. Proposed lighting for the facility;
 - j. Aerial imagery showing the proposed location and boundaries of the facility, fenced areas, ingress/egress and the closest distance to all adjacent property lines and buildings; and
 - k. Additional information required by the Planning Director such as a scaled elevation view, photographs of the site, modeling of the project from sensitive locations, and additional information for a technical review of the facility.

Sec. 22-28-24. – Review of Utility Scale Solar Generation Facility

- A) The County may engage independent third-party consultants to review special use permit applications and associated documents for completeness and compliance with applicable County, state and federal laws. Any costs associated with the review shall be paid by the applicant.
- B) Applications for special use permits for Utility Scale Solar Generation Facilities (“USSGFs”) are subject to comprehensive plan review under Virginia Code Sec. 15.2-2232.

- C) For all USSGFs, the applicant must enter into a siting agreement with the County pursuant to Virginia Code Title 15.2, Article 7.3.
- D) In issuing any special use permit for a USSGF, the Board of Supervisors may waive or modify any of the requirements of this article.
- E) The property will be subject to inspection by County officers and employees upon reasonable notice to the owner/operator of the USSGF.

Sec. 22-28-25 Decommissioning

- A) Decommissioning plan- A draft decommissioning and reclamation plan shall be submitted and approved before issuance of the zoning permit, and the plan must be certified by an independent engineer with a Virginia professional engineering license selected by the County but paid for by the Applicant, and such plan shall contain the following information:
 - 1) Contact information for the party identified as primarily responsible for decommissioning;
 - a. Anticipated life of project;
 - b. Estimated decommissioning cost in current dollars;
 - c. How the cost is determined;
 - d. Method of ensuring funds will be available for decommissioning and restoration;
 - e. Estimation method to keep decommissioning cost current;
 - f. Manner in which facility will be decommissioned and the site restored; and
 - g. Plan should include statement of disposal or recycling destination for solar panels.
 - 2) Decommissioning plans shall be updated every five years.
- B) Decommissioning and reclamation
 - 1) Solar facilities that have reached the end of their useful life or have not been in active and continuous service for a period of six months must be removed at the owner's or operator's expense in accordance with this section and all other applicable local, state and federal laws and regulations. However, the County may extend this period upon a showing that a longer repair period is needed or where evidence is provided that the failure to utilize the facility is beyond the reasonable control of the owner or operator.
 - 2) The owner or operator must notify the Planning Director by certified mail of the proposed date of discontinued operations and plans for removal.
 - 3) The decommissioning must be performed in compliance with the approved decommissioning plan. The Planning Director must approve any amendments to the decommissioning plan.

- 4) The decommissioning shall be completed within 12 months of the date the owner or operator sends notice to the Planning Director.
 - 5) Decommissioning must include removal of all electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any associated facilities.
 - 6) Components of the facility removed from the site shall be handled and disposed of in compliance with applicable local, state, and federal law and regulations.
 - 7) In no event shall any hardware, parts, structures, components or other portions of the facility be disposed of in a convenience center or transfer station in the County.
 - 8) All solar panels shall be disposed of in a certified recycling center for solar panels.
 - 9) After removal of all facilities, the ground upon which the facilities were located must be tillable and suitable for agricultural uses. Trenches, boring and excavations shall be filled and compacted. The soil shall be stabilized to a depth of three (3) feet, and the site must be graded and reseeded.
 - 10) Any exception to site restoration must be approved by the Planning Director.
 - 11) Hazardous material must be disposed of in accordance with federal and state law.
- C) Decommissioning surety
- 1) A surety agreement and attendant financial or bond instrument and guarantee for decommissioning, in a form acceptable to the County Attorney, and in amount as determined sufficient by the Board of Supervisors shall be submitted before a building permit or land disturbing permit is issued for the Utility Scale Solar Generation Facility. Any such surety shall include an automatic adjustment for inflation or as necessary based upon a decommissioning plan update.
 - 2) Options for surety include cash escrow, performance surety bond, certified check, irrevocable letter of credit or other security acceptable to the County.
 - 3) The surety agreement must prohibit the release of the surety without the written consent of the County. The County will consent to the release of the surety upon the owner's or operator's compliance with the approved decommission plan.
 - 4) The amount of funds required to be guaranteed by the surety must be the full amount of the estimated decommissioning costs without regard to possible salvage value.
 - 5) An independent professional engineer, selected by the County and paid for by the permitholder, must recalculate the estimated cost of decommissioning every three years, and the amount of the surety shall be updated accordingly.
 - 6) If the owner or operator fails to remove the installation in accordance with the requirements or within the permitted time, the County may collect the surety and the County or its agent may enter the property to perform any work necessary to complete the decommissioning.

7) **If the decommissioning surety and salvage recompense is insufficient, the County shall have the right to recover such costs from the owner or operator to include legal fees and expenses.**

D) Damaged or unusable panels

1) Damaged or unusable panels or arrays shall be removed from the site within 60 days of removal from service.

2) In no event shall any damaged or unusable panels or arrays be disposed of in a convenience center or transfer station in the County.

3) All damaged or unusable solar panels shall be disposed of in a certified recycling center for solar panels.

(2) *That the Ordinance shall be effective upon adoption.*

BUILDING INSPECTIONS MONTHLY REPORT

County of Fluvanna

Building Official:	Period:
Andrew Wills	Aug-2024

Category	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
BUILDING PERMITS ISSUED														
NEW - Single Family Detached (incl. Trades permits & SWMH)	2020	12	13	23	14	8	19	19	17	16	20	22	11	194
	2021	15	9	19	20	16	22	15	11	8	22	13	8	178
	2022	17	11	20	11	18	32	10	9	11	12	9	4	164
	2023	5	6	6	12	12	6	10	5	7	8	9	7	93
	2024	9	7	13	7	8	12	16	8	0	0	0	0	80
NEW - Single Family Attached (Town Homes)	2020	0	0	0	0	1	6	0	0	6	0	0	0	13
	2021	0	0	0	0	0	0	0	0	6	0	0	0	6
	2022	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	8	0	0	0	0	0	0	0	0	0	7	15
	2024	0	0	0	0	0	0	0	6	0	0	0	0	6
Multi Family (Apartment, Duplex)	2020	0	0	0	0	0	0	0	0	1	0	0	0	1
	2021	0	0	0	0	0	0	0	0	1	0	0	0	0
	2022	0	0	0	0	0	0	0	5	0	0	0	0	5
	2023	1	0	0	0	0	0	0	0	0	0	0	0	1
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0
Additions and Alterations	2020	37	38	23	30	30	22	27	20	30	34	35	23	349
	2021	28	14	43	39	31	40	30	29	26	30	35	33	378
	2022	33	48	60	45	47	50	51	63	45	63	51	44	600
	2023	52	34	51	34	36	28	36	35	45	39	43	37	470
	2024	39	33	45	31	43	29	39	27	0	0	0	0	286
* Trade permits count not in .														
Accessory Buildings	2020	2	4	4	4	5	5	1	7	8	3	5	1	49
	2021	1	3	3	6	3	6	1	3	2	4	4	2	38
	2022	3	4	13	6	5	2	5	4	5	3	0	2	52
	2023	7	2	7	5	6	2	5	8	4	7	5	6	64
	2024	1	6	5	3	9	3	5	2	0	0	0	0	34
Swimming Pools	2020	0	1	3	3	1	2	3	1	1	0	0	0	15
	2021	0	0	7	1	5	2	3	4	1	0	1	2	26
	2022	0	2	4	4	1	0	3	3	0	0	0	0	17
	2023	1	0	6	1	2	4	0	0	0	2	0	0	16
	2024	0	0	1	3	3	0	0	0	0	0	0	0	7
Commercial/ Industrial Build/Cell Towers	2020	0	0	1	0	1	0	0	3	0	0	2	0	7
	2021	1	0	1	0	0	0	1	0	0	0	2	0	5
	2022	0	0	0	0	0	2	3	2	0	2	1	0	10
	2023	1	1	0	1	0	0	0	0	0	0	0	0	3
	2024	0	0	0	0	0	1	0	1	0	0	0	0	2
TOTAL BUILDING PERMITS	2020	51	56	54	51	46	54	50	48	63	57	54	40	624
	2021	51	26	73	66	55	70	50	47	37	56	55	45	631
	2022	54	65	97	66	71	86	72	77	61	80	61	50	840
	2023	67	51	64	52	51	40	52	48	56	56	57	57	651
	2024	49	46	64	44	63	45	60	44	0	0	0	0	415
* Trade permits count not included as in previous years														
BUILDING VALUES FOR PERMITS ISSUED														
TOTAL BUILDING VALUES	2020	\$2,292,161	\$3,206,055	\$7,238,708	\$2,997,448	\$2,245,411	\$4,389,903	\$3,644,002	\$5,555,492	\$5,271,906	\$4,201,357	\$3,513,834	\$2,954,193	\$ 47,506,500
	2021	\$5,397,000	\$1,687,484	\$2,506,869	\$4,952,702	\$3,473,256	\$5,766,891	\$2,885,146	\$2,506,053	\$2,046,134	\$3,637,390	\$4,633,868	\$2,712,396	\$ 41,734,789
	2022	\$5,073,054	\$3,017,155	\$5,012,175	\$2,937,240	\$5,694,955	\$9,371,750	\$11,374,772	\$17,974,068	\$2,743,309	\$4,363,026	\$6,842,941	\$1,046,000	\$ 75,410,524
	2023	\$3,929,572	\$4,916,308	\$3,029,674	\$3,087,131	\$6,370,476	\$3,088,398	\$4,234,315	\$3,224,163	\$2,474,897	\$2,332,220	\$3,542,065	\$4,921,239	\$ 45,140,458
	2024	\$4,126,791	\$1,874,058	\$5,852,079	\$2,471,063	\$3,280,586	\$3,890,154	\$4,188,990	\$3,864,595	\$0	\$0	\$0	\$0	\$ 29,548,316

Category	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
LAND DISTURBING PERMITS ISSUED														
LAND DISTURBING PERMITS	2020	11	10	26	13	8	24	13	19	20	19	13	16	192
	2021	22	10	18	20	18	22	16	11	4	23	13	8	185
	2022	16	13	19	11	18	34	11	10	8	13	8	3	164
	2023	5	14	9	15	10	7	10	5	10	8	8	14	115
	2024	8	6	15	8	9	11	16	12	0	0	0	0	85
INSPECTIONS COMPLETED														
TOTAL INSPECTIONS	2020	213	197	302	369	371	304	434	368	439	464	407	412	4,280
	2021	430	349	465	431	402	426	333	355	419	453	422	356	4,841
	2022	304	414	551	449	439	486	594	589	523	400	300	351	5,400
	2023	350	298	321	308	288	285	261	294	287	375	297	300	3,664
	2024	272	200	226	226	256	266	308	435	0	0	0	0	2,189
FEEES COLLECTED														
Building Permits	2020	\$12,863	\$15,468	\$18,152	\$16,803	\$13,147	\$28,068	\$23,193	\$28,887	\$24,237	\$19,359	\$15,359	\$15,871	\$ 231,407
	2021	\$18,733	\$15,400	\$15,654	\$21,333	\$16,184	\$23,031	\$27,000	\$11,923	\$9,144	\$20,620	\$15,563	\$9,211	\$ 203,796
	2022	\$21,100	\$19,347	\$23,488	\$15,404	\$19,739	\$23,621	\$18,713	\$54,782	\$11,348	\$34,994	\$17,567	\$6,021	\$ 266,124
	2023	\$11,925	\$20,870	\$11,256	\$15,385	\$21,848	\$9,751	\$9,429	\$8,207	\$10,590	\$11,603	\$11,462	\$14,778	\$ 157,104
	2024	\$21,425	\$8,680	\$19,958	\$9,063	\$8,812	\$17,936	\$21,896	\$18,824	\$0	\$0	\$0	\$0	\$ 126,594
Land Disturbing Permits	2020	\$1,375	\$1,250	\$6,365	\$1,625	\$1,000	\$3,000	\$2,125	\$8,369	\$2,500	\$2,375	\$4,294	\$1,875	\$ 36,153
	2021	\$5,678	\$1,250	\$14,463	\$2,500	\$2,250	\$2,750	\$13,581	\$2,824	\$500	\$4,848	\$1,625	\$1,000	\$ 53,268
	2022	\$2,000	\$2,050	\$9,963	\$1,375	\$2,250	\$10,014	\$1,375	\$2,175	\$27,725	\$3,649	\$2,175	\$375	\$ 65,126
	2023	\$625	\$1,875	\$1,125	\$2,300	\$1,625	\$5,000	\$2,408	\$625	\$4,975	\$1,000	\$1,000	\$1,750	\$ 24,308
	2024	\$1,000	\$750	\$9,584	\$1,000	\$3,713	\$1,375	\$2,000	\$1,500	\$0	\$0	\$0	\$0	\$ 20,922
Zoning Fees collected by Building Dept starting February 2024	2020	\$1,650	\$1,600	\$3,000	\$1,700	\$15,550	\$3,050	\$2,350	\$2,300	\$2,900	\$2,850	\$1,600	\$1,700	\$ 26,250
	2021	\$2,150	\$1,150	\$3,650	\$2,950	\$2,650	\$3,400	\$2,450	\$1,850	\$1,300	\$2,900	\$1,900	\$1,150	\$ 27,500
	2022	\$1,900	\$1,400	\$3,900	\$1,650	\$2,300	\$3,900	\$1,800	\$1,500	\$1,500	\$2,000	\$1,450	\$750	\$ 24,050
	2022	\$1,350	\$1,950	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 3,300
	2024	\$0	\$800	\$2,250	\$1,150	\$1,800	\$2,250	\$2,250	\$1,650	\$0	\$0	\$0	\$0	\$ 12,150
TOTAL FEES	2020	\$15,888	\$18,318	\$27,517	\$20,128	\$15,697	\$34,118	\$27,668	\$39,556	\$29,637	\$24,584	\$24,584	\$19,446	\$ 293,810
	2021	\$25,000	\$22,797	\$37,351	\$18,429	\$24,289	\$37,535	\$21,888	\$58,457	\$40,573	\$40,643	\$24,584	\$7,146	\$ 290,061
	2022	\$25,001	\$22,797	\$37,351	\$18,429	\$24,289	\$37,535	\$21,888	\$58,457	\$40,573	\$40,643	\$24,584	\$7,146	\$ 335,300
	2023	\$13,900	\$24,395	\$12,381	\$17,685	\$23,473	\$14,751	\$11,837	\$8,834	\$15,565	\$12,603	\$12,462	\$16,528	\$ 184,714
	2024	\$22,425	\$10,230	\$31,792	\$11,213	\$14,325	\$21,561	\$26,146	\$21,974	\$0	\$0	\$0	\$0	\$ 159,666