



**FLUVANNA COUNTY PLANNING COMMISSION**  
**WORK SESSION AND REGULAR MEETING AGENDA**

Morris Room  
 January 7, 2025

**6:00 PM Organizational Meeting**

**6:15PM Work Session**

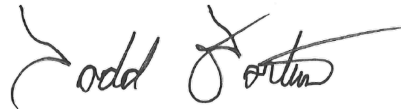
**7:00 PM Regular Meeting**

<b>Organizational Meeting</b>	
<b>A – CALL TO ORDER, PLEDGE OF ALLEGIANCE</b>	
<b>B – ELECTION OF CHAIRMAN</b>	
<b>C – ELECTION OF VICE-CHAIR</b>	
<b>D – ORGANIZATIONAL MEETING RESOLUTION</b>	
<b>E – SELECTION OF DATES FOR THE COMMISSION MEETING</b>	
<b>F – ADJOURN</b>	
<b>WORK SESSION</b>	
<b>A – CALL TO ORDER, PLEDGE OF ALLEGIANCE</b>	
<b>B – WORK SESSION</b>	Special Events
	Subdivisions
<b>C – ADJOURN</b>	
<b>REGULAR MEETING</b>	
<b>1 – CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE</b>	
<b>2 – ADOPTION OF THE AGENDA</b>	
<b>3 – DIRECTOR’S REPORT</b>	
<b>4 – PUBLIC COMMENTS #1</b> (5 minutes each)	
<b>5 – MINUTES</b>	Minutes December 10, 2024
<b>6 – PUBLIC HEARING</b>	ZTA 24-11 Subdivision (Zoning Ordinance)
	AFD 24-01-Park Withdrawal

*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.*

<b>7 – RESOLUTIONS</b>	ZTA 25-01 Agritourism
	ZTA 25-02 Amending Definitions for Solid Waste Material Recovery Facility, Solid Waste Collection Facility
<b>8 – PRESENTATIONS</b>	None
<b>9 – SITE DEVELOPMENT PLANS</b>	SDP 24-09 Carysbrook Solar/Suntribe Solar
<b>10 – SUBDIVISIONS</b>	None
<b>11 – UNFINISHED BUSINESS</b>	Comp Plan
<b>12 – NEW BUSINESS</b>	None
<b>13 – PUBLIC COMMENTS #2 (5 minutes each)</b>	
<b>14 – ADJOURN</b>	




---

Planning/Zoning Administrator 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.*

\*\*\*\*\*

## PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag  
of the United States of America  
and to the Republic for which it stands,  
one nation, under God, indivisible,  
with liberty and justice for all.

\*\*\*\*\*

## ORDER

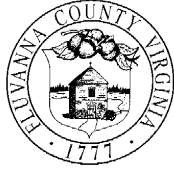
1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

## PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
  - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
  - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
  - Speakers should approach the lectern so they may be visible and audible to the Commission.
  - Each speaker should clearly state his/her name and address.
  - All comments should be directed to the Commission.
  - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
  - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
  - Speakers with questions are encouraged to call County staff prior to the public hearing.
  - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
  - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
  - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
  - Further public comment after the public hearing has been closed generally will not be permitted.

*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  
County of Fluvanna  
Palmyra, Virginia**

**RESOLUTION**

At an Organizational meeting of the Fluvanna County Planning Commission held on Tuesday, January 7, 2025 in Palmyra, Virginia, the following action was taken:

---

<u>Member</u>	<u>Present</u>	<u>Absent</u>	<u>Vote</u>
Barry Bibb	—	—	—
Howard Lagomarsino	—	—	—
Lorretta Johnson-Morgan	—	—	—
Kathleen Kilpatrick	—	—	—
Eddie Shifflett	—	—	—

---

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and that carried by a vote of \_\_\_\_\_, the following resolution was adopted:

**2025 Organizational Meeting of the Fluvanna County Planning Commission**

**WHEREAS**, the Code of Virginia requires an annual organizational meeting for the Planning Commission for the election of officers and the conduct of such other business as to meeting dates and times and;

**WHEREAS**, the Planning Commission does now conduct such an organizational meeting.

**NOW, THEREFORE BE IT RESOLVED** by the Planning Commission that it does hereby generally designate The Morris Room in the County Administration Building as its meeting place for regular meetings to be held on the Tuesday after the first Wednesday of each month at 7:00 pm. Additional meeting space locations, dates and times, may be needed, following the Planning Commission By-laws, as adopted.

Adopted this 7th day of January, 2025 by the Fluvanna County Planning Commission.

ATTEST:

\_\_\_\_\_  
Todd Fortune  
Director of Planning



# 2025 Planning Commission



## JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## FEBRUARY

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

## MARCH

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

## APRIL

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

### Planning Commission Meeting Dates

Tuesday, January 7th

Tuesday, February 11th

Tuesday, March 11th

Tuesday, April 8th

Tuesday, May 13th

Tuesday, June 10th

Tuesday, July 8th

Tuesday, August 12th

Tuesday, September 9th

Tuesday, October 7th

Tuesday, November 11th

Tuesday, December 9th

## MAY

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

## JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

## JULY

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
		31				

## SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

## OCTOBER

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

## DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Morris Room  
132 Main St  
Palmyra Va 22963

## Neighboring County's Policies on Non-Musical Events

### Louisa

Does not currently have anything specifying any regulation of general events due to lack of demand of those attempting to host events at Louisa

#### **Definition [ 86-13 of Louisa County Zoning Ordinance Municode ]**

- Special Occasion Facilities
  - o A place of assembly where dances, parties, receptions, and other gatherings are held for profit, except when sponsored or co-sponsored by government, civic, charitable, or nonprofit groups. (Weddings and cooperate events)
- Outdoor Gatherings
  - o Any temporary organized gathering expected to attract 200 or more people at one time in open spaces outside an enclosed structure. Included in this use type are entertainment and music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities

**[86-106]** states where special occasion facilities can be held based off of zoning.

Louisa county Does not have anything in their ordinance about special events (musical or non-musical) in their ordinance. This is mainly because there was never a need to add one. The process of adding a policy on this topic to their ordinance started around 2018, but was never completed. They mainly run off of "By-rights" or by allowing events such as weddings, cooperate events and outdoor gatherings to be allowed with Conditional use permit.

### Goochland

#### **Definition of a special event: [8-327]**

- More than 500 people
- 250 people at any given time listening/participating in entertainment
- 250 or more persons, when alcoholic beverages will be permitted, possessed, or consumed; or
- More attendees than permitted pursuant to a conditional use permit or plan of development.

#### **A permit is required to host a special event. The permit may be exempt in the case that: [8-329]**

- Special events permitted by right under the zoning ordinance
- Special events held in compliance with a conditional use permit or plan of development

- Special events being conducted by Goochland County, the Goochland County School Board, or another governmental agency acting within the scope of its functions; or
- Spontaneous events [ Unplanned gathering caused by unforeseen circumstances]

#### **Process of applying for a permit [8-330]**

- Written application at least 30 days prior to event. Must have two copies of plans, statements and any other required documents
- Must contain a surplus of information alongside the application. The required contents include but are not limited to
  - o The name and address of the applicant, and a statement of the nature and interest of the applicant in the special event.
  - o all financial sponsors of the event, and every person or group who will perform during the special event.
  - o The date(s) of the special event, the time period
  - o a reasonable estimate of the number of anticipated attendees
  - o A plan for adequate sanitation facilities
  - o A plan for providing sufficient food and potable water for attendees
  - o A plan for adequate medical personnel, equipment, and facilities
  - o A plan for adequate parking facilities, crowd control, and traffic control
  - o Evidence of liability and casualty insurance

#### **Permit Approval process [8-331]**

- County administrator shall approve the permit as long as the criteria are met and there is no legitimate concern for safety or major disruptions to neighbors.
- County administrator has 21 days to respond

The Code of ordinance goes into details about certain events such as “Public Dance Halls”, “Massage Therapists” and “Adult Businesses”

It seems as though that Goochland county does not treat non-musical events any differently than musical events. As long as the requirements are met, the application is submitted with all the correct context, and the county administrator deems that it is safe and okay then the event will be approved. They utilize the Special Event system of applying for a permit and gaining approval

#### **Albemarle [11-116]**

##### **Definition of Special Event**

- Any planned gathering of 100+ people in or on county park. Including but not limited to demonstration, athletic event or contest, festival, concert, parade, march, procession, protest, or public assembly

- Or any commercial activity, regardless of size or number of people attending.

**Permit is required. Permit can be exempt in the case that:**

- Spontaneous event [ assembly of any number of people that is caused by or in response to unforeseen circumstances or events resulting from news or affairs first coming into public knowledge within seven days before the assembly.]
- Athletic, competitive, or instructional events, leagues, and tournaments organized, sponsored, or procured by the Department of Parks and Recreation individually or in conjunction with the City of Charlottesville Department of Parks and Recreation
- Events and activities sponsored or approved by the County School Board
- Students participating in educational activities under the immediate direction and supervision of the Superintendent of the County School Division
- Less than 100 people
- Events and activities sponsored by the Town of Scottsville in Dorrier Park within the town limits.

**Process of Applying for permit**

- At least 15 days before event, but no more than 12 months.
- The name, address, and telephone number of the person
- The name and address of any organization or group the Applicant represents
- The type of special event intended to be held, including a description of all activities planned for the event
- The date and starting and ending times of the special event
- The requested location or locations and facilities to be used for the special event
- The approximate number and description of people, animals, vehicles, and equipment that will participate in the special event
- Verification of special event liability insurance coverage as provided in subsection

**Permit Approval process**

- Director has 7 days to approve application after receiving it. If he does not do so after 7 days the permit is considered approved.
- The director will determine if the permit shall be approved based on the applicant's ability to present all necessary information, the dates and lengths are not unreasonable, the event is legal both federally and through the state laws, and if the special event refrains from being too much stress on infrastructure and surrounding neighbors.

Albemarle has a loose definition of what exactly a special event is. However, there is no distinction between non-musical events and musical events. They are treated the same. They also use the special event system that is permit and approval bases.



## **Buckingham**

### **Definition of Special Event**

- Event that is open to the public
- More than 300 people
- Admission / music may or may not be required / present

It appears as though their Special Event is underneath their “special use permit” section

Little to no information on the ordinance contains information on policy on events, musical or non-musical.

## **Cumberland**

### **Definition of Festival [6-32]**

- Major → More than 150 people and have one of the following applicable
  - o The event is held more than two times a year and sponsored by a non-profit organization
  - o The event is held once a year and held over two or less consecutive days with the intent to discontinue such event upon the expiration of the time period
- Minor → More than 150 people
  - o the event is established for a limited duration in a single day
  - o Limited to two times per year or less if sponsored by non-profit organizations and to one time per year otherwise
  - o Minor festivals can include, but are not limited to, parades, concerts, musical festivals, stage or theatrical shows, fairs, carnivals, exhibits, displays, sports events, automobile or animal races or competitions and off-road vehicle events

### **Process of Applying for permit [6-62]**

- A statement of the name and address of the promoters or sponsors of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at the festival.
- A statement of the location of the proposed festival, the name and address of the owner of the property
- A plan for adequate sanitation facilities and garbage, trash and disposal
- A plan for providing food, water and lodging for the persons at the festival
- A plan for adequate medical facilities
- A plan for adequate parking facilities and traffic control
- A plan for adequate fire protection
- A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound shall be unreasonably audible beyond the property on which the festival is located.

- attached to it a copy of any ticket or badge of admission to the festival, containing the date or dates and time or times of such festival, together with a statement by the applicant of the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance

#### **Permit Approval process [6-62]**

- The board or the county administrator, as applicable, shall act on such applications within 30 days from their filing. If granted, the permit shall be issued in writing on a form
- Applications for such festival permits shall be in writing on forms provided for the purpose and filed in duplicate with the clerk of the board at least 45 days before the date of such festival

Cumberland defines special events as festivals. The subcategorize this into “major” and “minor”. Despite the name, the size does not have a factor on what kind of festival it is. There is no distinction between music and non-music festivals. Besides that, mostly standard permit and approval process as well as safety regulations.

#### **Hanover**

- “Outdoor festivals and events shall be permitted by right; Non-accessory tents for special purposes shall be permitted by right; provided the tents shall not be used for a period exceeding seven (7) months per calendar year; provided, no tent shall be erected for more than seven (7) consecutive months.” Section 26-234

#### **Chesterfield**

##### **Chapter 3 – Article II. – Music or Entertainment festivals.**

Definitions in this section include:

- music festival means any gathering of persons for the purpose of listening to or participating in entertainment consisting primarily of, but not limited to, musical renditions conducted in open spaces.

- entertainment festival means any gathering of persons for the purpose of listening to or participating in entertainment which consists of airshows, fairs, carnival shows, circus shows, exhibitions, rides, magic or animal acts conducted in open spaces.

- open spaces means not within a permanent enclosed structure. A circus tent is not a permanent enclosed structure.

#### **Permits required [Sec. 3-13]**

- Any promotor or sponsor of a music or entertainment festival who will receive or potentially will receive financial benefit from the festival must obtain a permit for such festival from the board of supervisors or the county administrator.

- The board or county administrator shall act on a filed application within 30 days of filing and shall not issue a permit unless the requirements of this article are met.
- This section does not apply to an entertainment or music festival in a facility managed by the county parks and recreation department, provided that a **special events** permit is obtained for such festival

### **Contents of Application [ Sec. 3-15]**

- The name and address of the applicant, the nature of the festival and the applicant's interest in the festival.
  - The dates and location of the festival and the time period during which the festival will be held.
  - A copy of the ticket or badge of admission to the festival, together with the total number of tickets to be offered for sale and the applicant's best estimate of the number of persons expected to attend the festival.
  - A detailed plan for adequate sanitation facilities and a plan for disposal of garbage, trash and sewage generated by the persons who will attend the festival. Such plan shall include provisions for removal from the festival area of garbage and trash at the end of the festival and shall include the names of the persons responsible for the work.
  - Detailed plan for water, food, housing, fire, and medical
  - Lighting and any shielding of lighting
  - Security plan and insurance
  - **\$100 fee for permit application**
- ➔ “As a condition to issuance of a permit, the board may require the applicant to make a deposit with the county treasurer to pay for the cost of additional county services necessary to meet the requirements of the plans submitted with the application and necessary to protect the health, safety and welfare of the citizens of this county. Such additional county services mean any additional county personnel in excess of those regularly available to the music or entertainment festival and may include, but shall not be limited to, additional police officers for crowd control, traffic control and parking; additional firefighters for fire protection during the festival; and any additional medical or sanitation officers necessary to protect the health, safety and welfare of the persons attending the festival. The actual cost of such additional services shall be paid to the county out of the deposit, and the difference, if any, shall be refunded to the applicant within 14 days after the festival.”

### **Summary:**

Chesterfield has a very extensive system for events. They define music festivals vs entertainment festivals as two separate entities however, they are treated the same. They require a pretty extensive application process that requires significant amount of planning. The county administrator or the BOS has to approve the application within 30 days of receiving application. They also have a system set in place to release a bond to help with safety. **[Sec. 3-19]**

## Orange

“Special Events” permitted on Agricultural Zoning District, (C-1) Limited Commercial Zoning, and (C-2) General Commercial Zoning.

### **Chapter 70-IV-2 Sec. 70-309**

- A temporary zoning permit shall be required for special events that are planned for or which reasonably may be expected to attract more than 100 persons a day. Examples of special events which require a temporary zoning permit are: Carnival, circus, equipment show and display, festival, fair, fireworks show, tent event or similar meetings or event. Each subsequent event shall require a new permit.
- Special Events are permitted only between the hours of 7:00 a.m. to 10:00 p.m., Sunday through Thursday; and 7:00 a.m. to 12:00 a.m., Friday and Saturday. The zoning administrator may require that no activity, including set-up or knockdown of any such use, be permitted between 11:00 p.m. to 7:00 a.m.
- Niche things such as “If a temporary use permit is obtained for an outside music/festival, an entertainment permit will not be required.” And “Prior to issuance of a zoning permit, fireworks shows must also obtain a fireworks display permit, which sets forth the days and hours of the show, from the county administrator’s office.”
- A Permit can be exempt if the following
  - o less than 100 people
  - o private parties upon the ground of private residence and owner receives no compensation for hosting.
  - o event held by county or state
  - o Where events are held in spaces that were built for these events. Example sports stadium
  - o Any established event that has been in existence for 5 or more years as long as the use does not change
  - o Yard sales that do not last more than 3 days

## **Summary**

Orange County does not separate musical and non-musical events. They only allow special events on parcels zoned Agricultural, Limited Commercial (C-1) and general commercial (C-2). They use the size of the event as the threshold for if they require a permit. If the size is less than 100 people that it is permitted by use. If it exceeds the 100-person number than it is required to have a permit. Fairly straightforward and not overly complex system for getting a permit.

## Greene

### **12-III. 62-51**

- The county administrator is authorized to require permits for the use of county streets, avenues, parks, bridges, and other public places or public property, for special events and community events, and for other activities that may affect the safety or convenience of

the general public. The county administrator is authorized to promulgate regulations to govern the time, place and manner of such activities, and to establish reasonable fees, charges and rentals therefore.

**C-16-21 & C-16-23 & C-16-24**

	By right	By right with Zoning Clearance	special Use permit
Farm Wineries / Farm Brewery	<ul style="list-style-type: none"> <li>- Production, harvesting, storage, sales, tasting, agritourism activities;</li> <li>- Agritourism or farm winery events or retail sales generating less than or equal to 200 vehicle trips/day &amp; occurring on sites greater than or equal to 10 acres in size.</li> <li>- Less than or equal to 24 agritourism or farm wine/brewery events/year with less than or equal to 400 attendees at any time;</li> <li>- Structures for agritourism or farm winery sales less than or equal to 4,000 square feet</li> </ul>	<ul style="list-style-type: none"> <li>- Outdoor amplified music (new establishments)</li> <li>- Agritourism or farm winery/brewery events or retail sales generating either greater than 200 vehicle trips/day or occurring on sites less than 10 acres in size <sup>1</sup>; greater than 24 agritourism or farm winery/brewery events per year with less than 400 attendees at any time</li> </ul>	<ul style="list-style-type: none"> <li>- Structures for agritourism or farm winery/brewery sales greater than 4,000 square feet;</li> <li>- Events greater than 400 attendees at any time</li> </ul>
Events and Activities at Agricultural Operations	<ul style="list-style-type: none"> <li>- Harvest-your-own activities;</li> <li>- Agritourism, events or retail sales generating less than or equal to 200 vehicle trips/ day &amp; occurring on sites greater than or equal to 10 acres in size <sup>4</sup>;</li> </ul>	<ul style="list-style-type: none"> <li>- Outdoor amplified music</li> <li>- Agritourism, events or retail sales generating either greater than 200 vehicle trips/day or occurring on sites less than 10 acres in size <sup>4</sup>;</li> <li>- Greater than 24 farm tours per year or farm</li> </ul>	<ul style="list-style-type: none"> <li>- Structures for farm sales greater than 4,000 square feet;</li> <li>- Events or activities with greater than 400 attendees at any time</li> </ul>

	<ul style="list-style-type: none"> <li>- Less than or equal to 24 farm tours/year with less than or equal to 400 attendees at any time;</li> <li>- Less than or equal to 24 educational programs, workshops or demonstrations related to agriculture or silviculture with less than or equal to 400 attendees at any time;</li> <li>- Structures for farm sales less than or equal to 4,000 square feet</li> </ul>	<ul style="list-style-type: none"> <li>tours with less than 400 attendees at any time</li> <li>- Greater than 24 educational programs, workshops or demonstrations related to agriculture or silviculture with less than or equal to 400 attendees at any time</li> </ul>	
--	--	---	--

- When special use permit is required information pertaining maximum number of people, propose uses, on-site parking, frequency and duration of use, location, lights, location of any stage or where music will be performed is needed. As well as a sketch plan depicting all structures and their uses, access-parking, lighting, signage, minimum yards, and potential impacts to abutting lots.

- If outdoor music is being amplified, they need to get a Zoning certification. The sound cannot be amplified outside of the hours of 10:00 am to 10:00 pm

- Uses prohibited → Restaurants and Helicopter Rides

**FLUVANNA COUNTY PLANNING COMMISSION  
MEETING MINUTES  
132 Main Street Palmyra, VA 22963,  
Tuesday, December 10, 2024  
Work Session 6:00 pm | Regular Meeting 7:00 pm**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Kathleen Kilpatrick, Commissioner  
Howard Lagomarsino, Commissioner  
Lorretta Johnson-Morgan, Commissioner  
Mike Goad, Representative of Board of Supervisors (arrived 6:10 pm)

**ABSENT:**

Eddie Shifflett, Commissioner

**STAFF PRESENT:**

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

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

At 6:03 pm Chairman Bibb called the December 10, 2024 Work Session to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

**B. Subdivisions**

County Attorney Dan Whitten presented a PowerPoint to the Commission listing zoning options for new ways for developers and county residents to create subdivisions. He discussed allowing rural cluster subdivisions by SUP that would have to have a public hearing by the Planning Commission and Board of Supervisors; increasing allowed lots for minor subdivisions, limiting the building lot no matter the acreage, and requiring water and sewer on the lots (not well and septic).

Mr. Bibb wanted to explore the SUP option. Mr. Whitten then discussed how minor subdivision are allowed by right in A-1 and do not go before the Planning Commission and that an option would be to increase the allowable lots in a minor subdivision. Mr. Whitten discussed the lot requirements for major subdivisions and how they differ from a family subdivision and discussed the current subdivision ordinance and how you can subdivide through that and he noted that later, we are discussing that ordinance and a court case that was necessitating the code change. Mr. Whitten then discussed how family subdivisions are permitted by right. Mr. Whitten advised that in the current zoning ordinance, anything creating a lot that is 60 acres or more is not considered a subdivision. Mr. Whitten then discussed rezoning to R-1, R-2, R-3 and R-4 and proffers to go with the rezoning, and noted that SUP's would not allow proffers.

Mr. Bibb questioned Mr. Whitten if the Commission re-writing the subdivision ordinance would make it so all minor and major subdivisions would be coming before the board. Mr. Whitten advised that minor subdivisions do not need Planning Commission approval, just major, Mr. Whitten gave options through a boundary line adjustment on how to resize lots and subdivide them that way. Mr. Whitten also provided several more examples of how citizens could divide their lots. Mr. Bibb had questions about the current ordinance and how many times the lots could be divided, Mr. Whitten answered and provided information on the new ordinance. Mr. Bibb had questions pertaining to road frontage, Mr. Whitten provided him the answers.

Ms. Johnson-Morgan questioned Mr. Goad on the Board's thoughts on this and Mr. Goad provided her with the information and motion information. Mr. Bibb questioned Mr. Goad on if the person that made the motion to the Board was concerned about affordable housing. Mr. Goad advised that he didn't think he was but he couldn't speak for the Board member. Mr. Johnson-Morgan had questions about acreage for lot size. Mr. Whitten provided her with the answer, it depended on lot numbers not size. Members discussed possibly changing the lot size, not the numbers. Mr. Whitten and Mr. Goad discussed the new ordinance for subdivisions again. Mr. Bibb brought up clusters with SUP and changing the lot size not the lot numbers, he wanted to know if other counties were doing it that way. Mr. Bibb was concerned about the county requiring water and sewer when most of the County didn't have access to municipal water and sewer. Mr. Whitten went over the zoning again to confirm the needs for water and sewer and confirmed it to the Planning Commission.

Ms. Kilpatrick had questions about open space requirements for clusters. Mr. Whitten and Mr. Fortune answered her from the zoning ordinance. Mr. Bibb wanted to know how hard it would be to use a SUP and use large lot sizes and get a larger open space requirement. Mr.

Goad was concerned about creating a ZTA at this point. Mr. Whitten advised that it would be allowed with a SUP and would not require a ZTA. Mr. Goad was concerned that re-zoning to R-4 would be the same as getting a SUP. Ms. Kilpatrick expressed concerns about open space again. Mr. Lagomarsino expressed the need to get voluntary proffers in a SUP. Mr. Goad expressed again that it maybe easier to “tweak” the zoning vs making people get a SUP. Mr. Bibb wanted more control by the Planning Commission and the Board. Mr. Goad thinks that there will be more control with the rezoning. Mr. Lagomarsino expressed concerns in the voluntary proffers becoming non-voluntary and citizens getting concerned over that. Mr. Whitten explained that the State has released restrictions on proffers over the last few years. Mr. Bibb questioned if we can list conditions with SUP. Mr. Whitten advised as long as it is within reason.

Mr. Goad expressed concerns that the Board and Planning Commission had more power with proffers than thought previously. Mr. Bibb wanted to know if we could deny a subdivision if the proffers were not met. Mr. Whitten explained that we could not. Mr. Goad then wanted to know on what basis a denial could be made, Mr. Whitten gave several examples. Mr. Lagomarsino wanted to know if we had any undeveloped land in the “R” zoning. Mr. Whitten and Mr. Fortune could not provide an answer without further research.

Mr. Bibb wants the Planning Department to come up with concrete ideas to present to the planning commission for a change. Mr. Goad wants to try and get R-4 closer to what rural clusters used to be. Ms. Kilpatrick wants to make sure that we keep open spaces in the new ideas. The Planning Commission members and Mr. Whitten discussed several different changes to try and make to R-4 to get it closer to the rural clusters and how to use the SUP to increase density. Mr. Bibb reiterated that he wants to Planning Commission to come up with concrete ideas and to try to have those options come through the Planning Commission and public hearings so that the community has a say in the subdivisions. Ms. Kilpatrick reiterated her concerns on open spaces again when discussing the new subdivision options. Mr. Lagomarsino wants to make sure focus is made on mixed use, that people can work where they live, Mr. Goad agreed. Mr. Bibb suggested that the newly formed committees for the Comprehensive Plan that Economic Development and Housing should be combined.

**C. Work Session Adjourned.**

- Chairman Bibb adjourned the Work Session at 6:48 pm.

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

At 7:00 pm, Chair Bibb, called the December 10, 2024 Regular Meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

**2. Adoption of the Agenda:**

<b>MOTION:</b>	To Approve the Adoption of the Agenda of the Planning Commission meeting for December 10, 2024.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>		<b>Second</b>	
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

**3. DIRECTOR’S REPORT – Todd Fortune, Director of Planning**

- Announcements and Updates
  - Subdivisions Update-The Board of Supervisors held a public hearing on November 20, 2024 to consider and hear public comment on proposed ordinance language to remove rural cluster subdivisions as a by right use in A-1 Agricultural parcels. After the public hearing, the Board voted 4-1 to approve the proposed language removing this as a by right use in A-1.
  - Per the discussion at this evening’s work session, the Planning Commission will need to consider whether any additional changes to the subdivision and zoning ordinances should be undertaken.
- Upcoming Cases:
  - There are four public hearings on the agenda for tonight’s meeting:
    - ZTA-Definition of Day Homes
    - ZTA-Definition of Minor Subdivisions
    - ZTA-Definition of Front Yard
    - FY 2026-2030 Capital Improvement Plan



- There is a resolution for an additional Zoning Text Amendments on the agenda tonight. The Commission will be asked to approve a resolution to advertise for a public hearing
  - Definition of minor Subdivisions.
    - This is related to the public hearing on tonight’s agenda.

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	Jan 7, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Feb 11, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Mar 11, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm

**4. Public Comments #1:**

- At 7:05 PM Chair Bibb opened up the first round of Public Comments.
  - No one came forward to speak, Mr. Bibb closed the first round of public comments at 7:05pm.

**5. MINUTES:**

<b>MOTION:</b>	To Approve the Regular meeting minutes of the Planning Commission of November 12, 2024, as amended.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

**6. Public Hearings:**

- **Capital Improvement Plan-**
  - Mr. Bibb opened public hearing at 7:08pm. No one came forward, Mr. Bibb closed the public hearing at 7:08pm.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FY 2026-2030 CAPITAL IMPROVEMENT PLAN AS PRSENTED, WITH A LIST OF PRIORITIES PREPARED BY THE PLANNING COMMISSION.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

- **ZTA 24:08-Definitions of Day Homes-**
  - Mr. Bibb opened public hearing at 7:11pm. No one came forward, Mr. Bibb closed the public hearing at 7:11pm.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 24:08 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§22-4-2.1, 22-4-2.2, 22-5-2.2, 22-6-2.2, 22-7-9.2, 22-8-2.2, 22-9-2.1, 22-10-3, AND 22-22-1 TO LOWER THE THRESHHOLD NUMBER OF CHILDREN SERVED IN LICENSED FAMILY DAY HOMES FROM SIX TO FIVE IN ACCORDANCE WITH VIRGINIA CODE REQUIREMENTS, AND TO CLARIFY RELATED DEFINITIONS.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>			<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

- **ZTA 24:09-Definitions of Minor Subdivisions-**
  - Mr. Bibb opened public hearing at 7:16pm. Cabell Hackett, a Fluvanna County property owner who has a 20-acre parcel on Rising Sun Rd and a 100-acre parcel in the Scottsville area but lives in Henrico, had questions on how this change would benefit or hurt him as a property owner and said he felt it was unfair

since he had 2 different sized properties that he was limited in how he could divide them. Nicole Scro, a land use attorney from Charlottesville, spoke on how she feels that there are more restrictions on by right development and she had concerns that landowners are not aware of the changes and wanted to know the planning commissions thoughts on the proposals that had been brought forward so far to replace the rural clusters. John Alexander, a Fluvanna landowner who lives in Louisa, wanted to express concerns that the County was taking away property value and concerns about conservation easements as well. He also expressed concerns on the number of citizens of the county having to leave the county for jobs and to get services and spending money elsewhere. No one else came forward, so Mr. Bibb closed the public hearing 7:24pm. Mr. Goad then had questions on why the County was changing the code, Mr. Whitten provided an answer on why. Ms. Kilpatrick questioned Mr. Whitten on rezoning and then compared the rezoning to the conservation easement process and pointed out that it can be rezoned and subdivided more. Mr. Lagomarsino had questions on road needs and lot numbers for family subdivisions. Mr. Goad had questions about the Orange County Circuit Court decision that limited phasing of subdivisions and wanted to know if it could go to a higher court, Mr. Whitten stated the decision was from 2012 and the Virginia Supreme Court did not hear the appeal

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 24:09 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 19-2-1 TO CLARIFY THAT NO MORE THAN FIVE LOTS MAY BE CREATED FROM THE PARENT TRACT USING THE MINOR SUBDIVISION APPROVAL PROCESS, REGARDLESS OF WHETHER THE LOTS ARE CREATED AT ONE TIME OR OVER AN EXTENDED PERIOD OF TIME AND ALSO ADDING THE LANGUAGE ADDED BY THE COUNTY ATTORNEY DEALING WITH LOTS OF 60 ACRES OR MORE.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Absent	Nay	Aye
<b>RESULT:</b>	<b>3-1, Approved 1 Absent</b>				

- **ZTA 24:10-Definitions of Front Yard-**

- Mr. Bibb opened public hearing at 7:36pm. No one came forward, Mr. Bibb closed the public hearing at 7:36pm.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 24:10 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §22-22-1 TO CORRECT THE DEFINITION OF “FRONT YARD”				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>		<b>Motion</b>	
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved 1 Absent</b>				

7. **Subdivisions**

- None

8. **Site Development Plans**

- **SDP 24:02 Antioch Church-Todd Fortune, Director of Planning**

- Antioch Baptist Church has submitted a SDP for a multi-purpose building to be constructed adjacent to the existing social hall on TMP 26-A-15. The property is zoned A-1 and is in the Rural Preservation planning area. The proposed building will be 21,117 Sq. Ft and 1.5 stories. The existing eastern access point will be upgraded to a moderate volume commercial entrance, and VDOT may have additional requirements. They will be adding 87 new parking paces including 6 ADA van accessible spaces.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION ACCEPT SDP 24:07, A SKETCH PLAN REQUEST TO CONSTRUCT A 21,117-SQUARE-FOOT MULTI-PURPOSE BUILDING IN THE A-1, AGRICULTURAL, GENERAL DISTRICT ON 9.3 ± ACRES IDENTIFIED AS TAX MAP 26 SECTION A PARCEL 15.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>			<b>Motion</b>
<b>VOTE:</b>	Recuse	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>3-0, Accepted, 1 Absent, 1 Recuse</b>				

9. **Resolutions:**

- **Request for Public Hearing for ZTA 24:11 Definitions of Minor Subdivisions:**
  - Mr. Fortune gave the power point presentation and there were no questions from the Planning Commission.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION APPROVE THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON JANUARY 7, 2025 TO CONSIDER ZTA 24:11 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-22-1 TO ADD A DEFINITION FOR PARENT TRACT AND TO AMEND THE DEFINITION OF MINOR SUBDIVISION TO CLARIFY THAT NO MORE THAN FIVE LOTS MAY BE CREATED FROM THE PARENT TRACT USING THE MINOR SUBDIVISION APPROVAL PROCESS, REGARDLESS OF WHETHER THE LOTS ARE CREATED AT ONE TIME OR OVER AN EXTENDED PERIOD OF TIME, AND TO MAKE OTHER CONFORMING CHANGES, TIME, AND ALSO ADDING THE LANGUAGE ADDED BY THE COUNTY ATTORNEY DEALING WITH LOTS OF 60 ACRES OR MORE.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved, 1 Absent</b>				

10. **Presentations:** None

11. **Unfinished Business:**

- **Comprehensive Plan-Todd Fortune, Director of Planning:**
  - Mr. Fortune discussed locations for community meetings. During the November 12, 2024 meeting, he had been provided the locations for 2 of the community meetings and needed locations for the other 3. Locations of Fork Union Community Center and the Maple Room at Lake Monticello Fire Department were also suggested. Discussions were also made by the Planning Commission on a joint meeting for the Palmyra and Rivanna Districts at the Maple Room. Ms. Johnson-Morgan wants flyers that are available to hand out at church services to be created. Ms. Kilpatrick wants the old findings from previous committees located for the new committees to have available.
- **Special Events-Todd Fortune, Director of Planning:**
  - Ms. Johnson-Morgan wants to know how the event planners will know how many people are coming to their events. Mr. Bibb wanted to know if the Planning Department had a definition of an “event.” Ms. Johnson-Morgan wanted to know if we had a difference between paid and free events and difference between public and private events. Mr. Whitten suggested no fee and a time of notification of 2 weeks. Ms. Johnson-Morgan expressed several concerns over how the events would be regulated and how the planning department would make determinations on how permits would be issued. Mr. Goad suggested at this time the Planning Commission make this a work session. Mr. Whitten suggested that the Planning Department present more documentation on other counties and their zoning requirements. Ms. Johnson-

Morgan is going to try and get some colleagues together and gather information on this as well.

**12. New Business:**

- **Agritourism, Todd Fortune, Director of Planning:**
  - Mr. Lagomarsino wants the Planning Department to make sure and compare our information to the state code. Mr. Goad is concerned that the zoning ordinance may cause someone who doesn't need a SUP to have to get one after the ordinance goes into effect. Mr. Dahl thinks having this ordinance will make sure that doesn't happen. Mr. Whitten states that the Planning Commission needs to be consistent on how agritourism is defined. Mr. Dahl and Ms. Harris stated that this ordinance will be more for staff to have a definition.

**13. Public Comments #2:**

- Mr. Bibb opened the second round of public comments at 8:55pm and no one came forward to speak, Mr. Bibb closed the second round of public comments at 8:55pm.

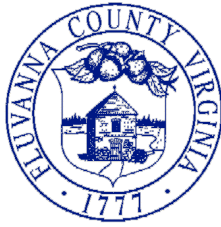
**14. ADJOURNMENT**

- Chair Bibb called for a motion to adjourn the December 10, 2024 Planning Commission regular meeting.

<b>MOTION:</b>	Motion to Adjourn the December 10, 2024 Planning Commission regular meeting at 8:55 pm.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Second</b>	<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0, Approved, 1 Absent</b>				

Minutes were recorded by Margie Bamford, 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

## PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners  
**From:** Dan Whitten, County Attorney  
**Case Number:** ZTA 24:11  
**District:** Countywide Amendment

**General Information:** This public hearing is to be held on Tuesday, January 7, 2025 at 7:00 pm by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend approval of amendments to the Fluvanna County Zoning Ordinance by amending § 22-22-1 to clarify that no more than five lots may be created from the parent tract using the minor subdivision approval process, regardless of whether the lots are created at one time or over an extended period of time.

**Background Information:** The Planning Commission held a public hearing on December 10, 2024 to amend Section 19-2-1 of the Fluvanna Code to eliminate the five-year resubdivision work-around, so that any subdivision activity yielding six or more lots must go through the major subdivision review process. The Planning Commission recommended approval of that change. This amendment makes the same changes in the definitions for "parent tract" and "minor subdivision" for Chapter 22, Zoning, of the Fluvanna Code.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL / DEFERRAL) OF ZTA 24:11 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING § 22-2-1 TO CLARIFY THAT NO MORE THAN FIVE LOTS MAY BE CREATED FROM THE PARENT TRACT USING THE MINOR SUBDIVISION APPROVAL PROCESS, REGARDLESS OF WHETHER THE LOTS ARE CREATED AT ONE TIME OR OVER AN EXTENDED PERIOD OF TIME.

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-22-1 TO ADD A DEFINITION FOR PARENT TRACT AND TO AMEND THE DEFINITION OF MINOR SUBDIVISION TO CLARIFY THAT NO MORE THAN FIVE LOTS MAY BE CREATED FROM THE PARENT TRACT USING THE MINOR SUBDIVISION APPROVAL PROCESS, REGARDLESS OF WHETHER THE LOTS ARE CREATED AT ONE TIME OR OVER AN EXTENDED PERIOD OF TIME, AND TO MAKE OTHER CONFORMING CHANGES

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 § 19-2-1, as follows:*

CHAPTER 22 SUBDIVISIONS

ARTICLE 22. – DEFINITIONS

Sec. 22-22-1. – Rules of construction; definitions.

**Parent tract: A separate lot, tract, or parcel of land conveyed by deed, devised by will, or passing pursuant to the laws of descent and distribution, the boundaries of which are shown by a plat or described by metes and bounds, and recorded in the Clerk's office of Fluvanna County, Virginia on or before January 22, 2025; for purposes of this definition, the Fluvanna County tax map may be used to identify parent parcels.**

*Subdivider:* Any individual, partnership, corporation or other entity or association thereof owning or having an interest in land, or representing the owners of any land and proposing to subdivide such land.

*Subdivision:* The division or redivision of a lot, tract, or parcel of land by any means into two or more (**≥ 2**) lots, ~~tracts, parcels~~ **or tracts, including residue,** ~~or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer, or ownership, or building or lot development. The term shall include the resubdivision of land.~~ **of recordation, transfer of ownership, lease, or building development any one of which lots, parcels or tracts is less than sixty (60) acres in area or has less than 1,500 feet of frontage on a highway maintained by the Virginia Department of Transportation. As the context requires, the term “subdivision” may mean both the land divided, the process of division, or both.**

*Subdivision Agent:* The individual appointed and authorized by the Fluvanna County Board of Supervisors to administer and enforce this chapter.

*Subdivision, family:* A single division of a lot or parcel for the purpose of a gift or sale to any natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the property owner.

*Subdivision, major:* The division of a **parent tract parcel** of land into six or more ( $\geq 6$ ) lots, and not a family subdivision. A subdivision shall be deemed to be a major subdivision if the **parent tract parcel** from which such subdivision is divided was, ~~within the five (5) years next preceding the application,~~ divided into an aggregate of ~~five~~ **six** or more ( $\geq 6$ ) lots or divided in such a way as to create a new public or central water or sewer system or one or more ( $\geq 1$ ) public streets.

*Subdivision, minor:* Any division of a **parent tract parcel** of land creating fewer than six ( $< 6$ ) lots, and not a family subdivision. **No more than five (5) lots may be created out of one parent tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time.**

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



---

# 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](http://www.fluvannacounty.org)

## Planning Commission Staff Report

**To:** Fluvanna County Planning Commission  
**Request:** Agricultural & Forestal District Withdrawal

**From:** Jason Overstreet  
**District:** Fork Union

**General Information:** This Agricultural and Forestal District (AFD) request is to be heard by the Planning Commission on Tuesday, January 7, 2025 at 7:00 pm in the Morris Room at the County Administration Building.

**Applicant:** Patty Montanino

**Requested Action:** **AFD 24:01 Withdrawal from the North 640 Agricultural and-Forestal District-A** request to withdraw a parcel from the North 640 Agricultural and Forestal District in accordance with County Code Section 3.1-13. This parcel located on 6.78 acres and known as Tax Map 30 Section 12 Parcel 3A. The Parcel is located on James Madison Hwy (SR15) in the area of Haden Martin Rd (SR 640) and is located in the Rural Residential Planning Areas and the Fork Union Election District.

**Existing Zoning:** A-1, Agricultural, General (Attachment C)

**Existing Land Use:** Agricultural, forestry

**Planning Area:** Rural Residential Planning Area

**Adjacent Land Use:** Residential and vacant land

**Subject:**

The Planning Department received an application for the withdrawal of 6.78 acres from the North 640 Agricultural and Forestal District. The North 640 District is located in the Fork Union Election District and consists of approximately 2370 acres making it the largest AFD in Fluvanna. The District was renewed by the Board of Supervisors on January 22, 2020 for an additional ten (10) year period. The parcel proposed to be withdrawn is owned by Ann Park and identified as Tax Map Parcel 30-12-3A. The North 640 Agricultural and



Forestral District is located within both Rural Preservation and Rural Residential Planning Areas.

**Policy Implications:**

On November 19<sup>th</sup>, this application was submitted for review to the Agricultural and Forestral District Advisory Committee in accordance with Section 3.1-13 of the County Code. The advisory committee recommended approval to withdraw 7-0. The Planning Commission is required to review the request, hold a public hearing, and then report its recommendations to the governing body.

According to Sec. 3-1-13 of the County Code (B)(C), Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to roll-back taxes as are provided in section 58.1-3237 of the Code of Virginia. Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of subsection B of Section 3.1-11 of this chapter. The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to Section 3.1-10 of this chapter.

**Staff Analysis:**

The purpose of Agricultural and Forestral Districts, as outlined in the Virginia Agricultural and Forestral District Act (Virginia Code), is “...to conserve and protect and to encourage the development and improvement of the Commonwealth’s agricultural and forestal lands for the production of food and other agricultural and forestal products...and to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open space for clear air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.”

When evaluating proposed withdrawals from Agricultural and Forestral Districts, the County Code states that any owner of land lying within such a district may file with the County a written request to withdraw all or part of his land from the district for good and reasonable cause. The Fluvanna County Agricultural and Forestral District chapter of the County Code specifically addresses petitions for withdrawals and stipulates criteria for such requests. These criteria should be evaluated by the Agricultural and Forestral District Advisory Committee and the Planning Commission prior to making any recommendations to the governing body. The criteria are as follows:

1. *The proposed new land use will not have an adverse effect upon farming or forestry operations in the remaining portion of the district.*

The applicant has indicated an intent to divide the property in order to sell several acres to an adjoining landowner. This landowner does not intend to develop the property.

Other than a slight reduction to the total district there are no anticipated adverse effects to the remaining district. No new land use is proposed.

2. *The proposed new land use is in compliance with the most recently approved Comprehensive Plan.*

The North 640 AFD lies within both Rural Preservation and Rural Residential Planning Areas, however the subject parcels are only within Rural Preservation areas. In accordance with the 2015 Comprehensive Plan, *“the rural preservation areas are intended to be the least developed areas of the county. Large parks, agricultural and forestal districts, working farms, and passive open spaces should comprise most of the land use, with very low-density residential development.”* In that respect, removing land from an AFD could result in a small increase in development in this area. However, only a maximum of two lots could be created and the A-1 District does not permit major subdivisions aside from the rural cluster development option.

3. *The proposed land use is consistent with the public interest of the County and not solely to benefit the proprietary interests of the landowner requesting withdrawal.*

There is no change to the existing land use associated with the request. The proposed withdrawal would primarily benefit the proprietary interests of the landowner. However, the landowner’s children need to sell a portion of the property in order to care for the property owner who is 99 years old.

4. *The proposed land use was not anticipated by the landowner at the time the property was placed in the district, and there has been a change in conditions or circumstances since that time.*

There is no new land use proposed with this withdrawal request nor is any anticipated.

### **Agricultural and Forestal District Committee Recommendation:**

On November 19 the advisory committee voted 7-0 to recommend approval of the withdrawal request.

### **Summary Conclusion:**

The removal of 6.78 acres from the North 640 Agricultural and Forestal District appears to be consistent with AFD regulations and is therefore appropriate based on the above criteria. Removal of this parcel would reduce the total acreage of the North 640 AFD from 2370 acres to 2363 acres. The remaining district will still comply with the minimum size requirement for an AFD. Remaining parcels will continue to be located within one mile of the boundary of the core as required. Additionally, not approving withdrawal could deter future participation in the AFD program.

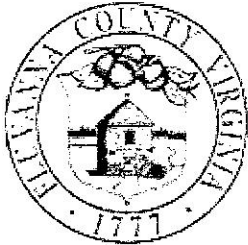
A landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located.

**MOTION:** I recommend (approval/denial/deferral) of the withdrawal of Tax Map 30-12-A from the North 640 Agricultural and Forestal District.

*Staff:* Jason Overstreet

*Attachments:*

- A. Application
- B. Map of Proposed Ag/For District
- C. AFD Advisory Committee Action Report
- D. County Code, Chapter 3.1, Agricultural and Forestal Districts



## Application for the Creation of or Addition to an AGRICULTURAL/FORESTAL DISTRICT

**FEES payable with application:**

**Establishment of a new district = \$500.00**  
**Additions and reviews to existing districts = \$500.00**  
**Withdrawal from district = \$500.00**

A copy of this completed form and required maps shall be submitted by the applicant landowner(s) to the Planning and Zoning Department. This form shall be accompanied by:

- 1 - United States Geological Survey 7.5 minute topographic maps that clearly show the boundaries of the district or addition and boundaries of the property each applicant owns within the district or addition and
- 2 - A Department of Transportation general highway map for the locality that shows the general location of the district or addition
- 3 - Fluvanna County Land Map(s) showing the parcels or boundaries within the parcels included in the district.

**Name of Existing or Proposed Agricultural/Forestral District:** Ann Park

**General Location of the District:** DB 284-183 AC 6.78 North 640 AFD

**Total Acreage in the District or Addition:** 6.78

Name	Address <i>current legal address</i>	Total Acreage owned in the District or Addition	Land Book Reference <i>Tax Map/Parcel Number</i>
------	---	---	---

Ann Park	12506 James Madison Hwy, Palmyra VA	6.78	DB 284-183 AC 6.78 North 640 AFD

**OFFICE USE ONLY**

\$500.00 Fee: Date Received: \_\_\_\_\_ Check# \_\_\_\_\_ **AFD:** \_\_\_\_\_ **AFD Name:** \_\_\_\_\_

Submitted to Board of Supervisors: \_\_\_\_\_ Referred to Planning Commission: \_\_\_\_\_

Referred to Advisory Committee: \_\_\_\_\_ Planning Commission Public Hearing Date: \_\_\_\_\_

Board of Supervisors Public Hearing Date: \_\_\_\_\_ Election District: \_\_\_\_\_

**Approved:**

**Modified:**

**Rejected:**

**Please read below the Proposed Conditions to Creation of the District  
Pursuant to Section 15.2-4309 of the Code of Virginia**

**Conditions to Creation of the District**

*As a condition to creation of the district, no parcel within the district shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production, without the prior approval of the Board of Supervisors.*

*Except as provided below, a parcel shall be deemed to be developed to a more intensive use if: The proposed development would remove any portion of a parcel from agricultural or forestal production; or the proposed development would increase the population density of the level of activity on the parcel including, but no limited to, the rental of more than one dwelling unit on the parcel.*

*A parcel shall not be deemed to be developed to a more intensive use if: The proposed development is permitted by right in the Agricultural General (A-1) zoning district; the proposed development is permitted by special use permit in the A-1 zoning district and the Board of Supervisors, in considering the application for a Special Use Permit, determines that the development allowed by the permit is consistent with the purposes of this chapter; the proposed development is the proposed division of the parcel by subdivision and the minimum lot size of such division is twenty-two (22) acres or greater; the proposed development is the proposed division of the parcel by family division; or the proposed development is the occupation of dwelling units on the parcel by members of the immediate family of any of the owners of such parcel or by bona fide farm employees, together with their respective families, if any.*

Current agricultural or forestal use of the property: vacant

Total number of existing dwellings including rental units: 4 - 1 house and 3 unheated Barn/workshops

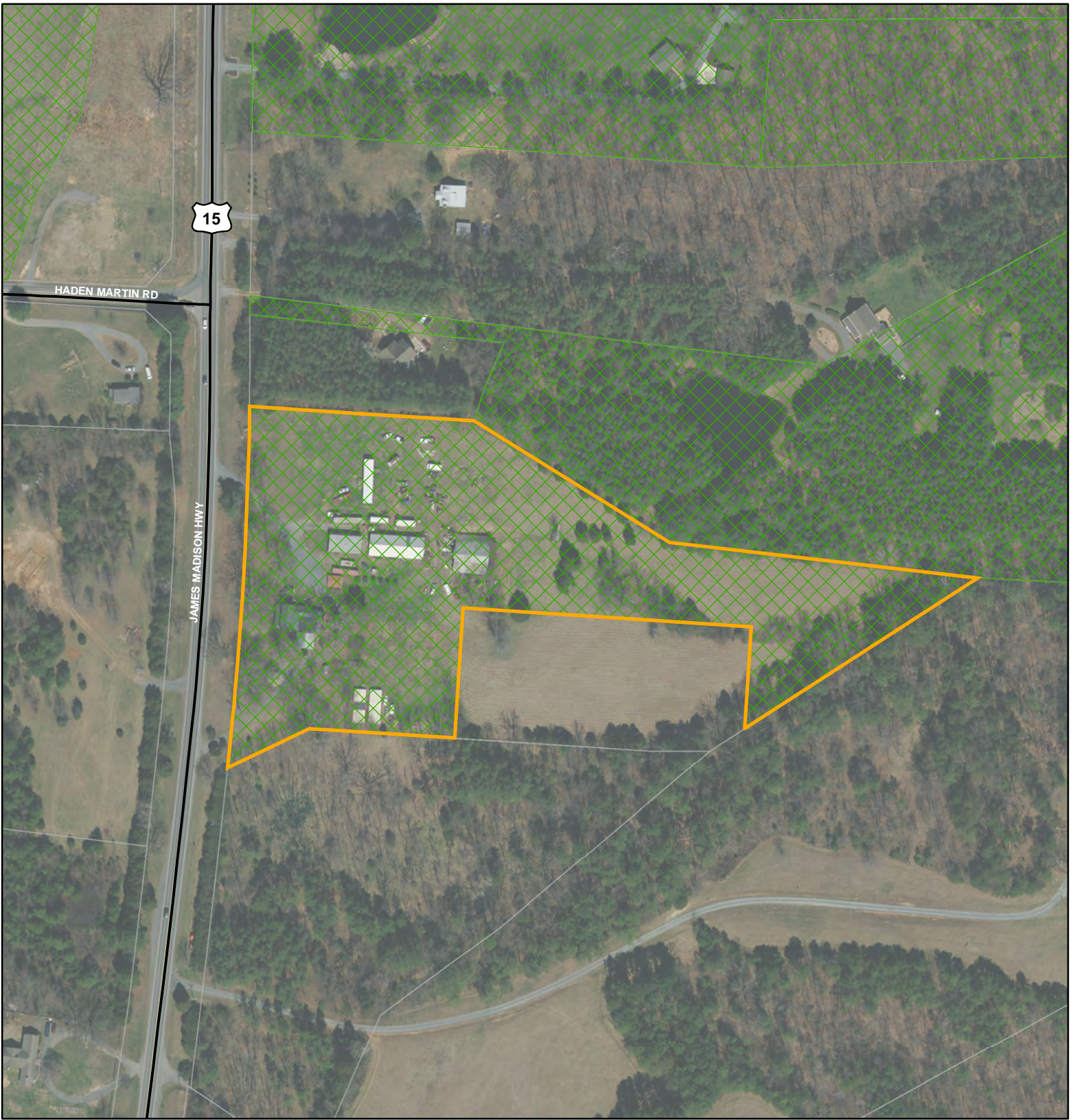
The Proposed period before the First Review (select 4 to 10 years) : \_\_\_\_\_

Contact Person for District: \_\_\_\_\_

**Owner/Applicant Must Read and Sign**

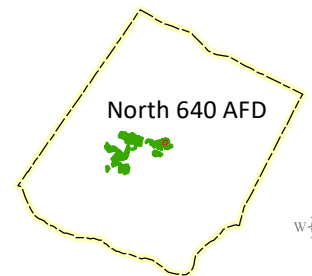
**We the undersigned landowners have read the information and conditions on this page and request the property described above be designated an Agricultural/Forestal District.**

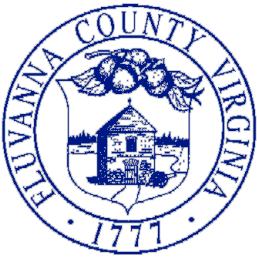
<i>Patricia Gade Monteiro</i> Signature <i>Power of Attorney for Ann Park</i>	<i>Peter Monteiro</i> Witness <i>Removed</i>	<u>10/25/24</u> Date
_____ Signature	_____ Witness	_____ Date
_____ Signature	_____ Witness	_____ Date
_____ Signature	_____ Witness	_____ Date
_____ Signature	_____ Witness	_____ Date



# AFD 24:01 Withdrawal

- Road
- TMP 30-12-3A
- North 640 AFD
- Tax Parcel





---

## 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](http://www.co.fluvanna.va.us)

November 21, 2024

Patty Montanino  
12506 James Madison Hwy  
Palmyra Va 22963

**Re:** AFD 24:01 – Ann Park – Withdrawal from the North 640 Agricultural and Forestal District

Please accept this letter as notification of the action taken on November 19, 2024 by the Agricultural and Forestal District Advisory Committee with regard to AFD 24:01. The request to withdraw the AFD was **recommended for approval 7-0**.

Your **next meeting** will be with the Planning Commission on **Tuesday, January 14, 2024**. This meeting will be held at 7 pm at the Morris Room at the Fluvanna County Administration Building.

Should you have any questions or concerns, please do not hesitate to call me at (434) 591-1910, or email me at [joverstreet@fluvannacounty.org](mailto:joverstreet@fluvannacounty.org).

Sincerely,

Jason Overstreet  
Senior Planner

## Chapter 3.1 - AGRICULTURAL AND FORESTAL DISTRICTS

### Sec. 3.1-1. - Definitions.

As used in this chapter, unless the context requires a different meaning:

*Advisory committee* means the agricultural and forestal districts advisory committee.

*Agricultural products* means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

*Agricultural production* means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

*Agriculturally and forestally significant land* means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.

*Application* means the set of items a landowner or landowners must submit to the governing body when applying for the creation of a district or an addition to an existing district.

*District* means an agricultural, forestal, or agricultural and forestal district.

*Forestal production* means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district.

*Forestal products* includes, but is not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

*Landowner* or *owner of land* means any person holding a fee simple interest in property but does not mean the holder of an easement.

*Program Administrator* means the governing body or official appointed by the governing body to administer the agricultural and forestal districts program.

(Ord. 11-4-98; Ord. 11-18-15)

### Sec. 3.1-2. - Enactment of ordinances; application form and fees; maps.

- (A) The governing body may, by ordinance, create one or more agricultural and forestal districts within the County in accordance with title 15.2, chapter 43 of the Code of Virginia. The zoning administrator shall, subject to the approval of the governing body, promulgate forms in substantially the form prescribed in section 15.2-4303 of the Code of Virginia. Each application submitted pursuant to this chapter shall be accompanied by a fee of \$500.00 or the costs of processing and reviewing an application, whichever is less.
- (B) Each application shall include but need not be limited to the following information:
- (1) The general location of the district;
  - (2) The total acreage in the district or acreage to be added to an existing district;
  - (3) The name, address, and signature of each landowner applying for creation of a district or an addition to an existing district and the acreage each owner owns within the district or addition;
  - (4) The conditions proposed by the applicant pursuant to section 15.2-4309 of the Code of Virginia;



- (5) The period before first review proposed by the applicant pursuant to section 15.2-4309 of the Code of Virginia; and
  - (6) The date of application, date of final action by the governing body and whether approved, modified or rejected.
- (C) The application form shall be accompanied by maps or aerial photographs, or both, that clearly show the boundaries of the proposed district and each addition and boundaries of properties owned by each applicant.
- (D) For each notice required by this chapter to be sent to a landowner; notice shall be sent by first-class mail to the last known address of such owner as shown on the application hereunder or on the current real estate tax assessment books or maps. A representative of the planning commission or governing body shall make an affidavit that such mailing has been made and file such affidavit with the papers in the case.

(Ord. 11-4-98; Ord. 5-19-10; Ord. 11-18-15)

Sec. 3.1-3. - Agricultural and forestal districts advisory committee.

Upon receipt of the first agricultural and forestal districts application, the governing body shall establish an advisory committee, which shall consist of four landowners who are engaged in agricultural or forestal production, four other landowners of the County, the commissioner of revenue, and a member of the governing body. The members of the committee shall be appointed by and serve at the pleasure of the governing body. The advisory committee shall elect a chairman and a vice-chairman and elect or appoint a secretary who need not be a member of the committee. The advisory committee shall serve without pay. The committee shall advise the planning commission and the governing body and assist in creating, reviewing, modifying, continuing or terminating districts within the County. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within the district and their relation to the entire County.

(Ord. 11-4-98)

Sec. 3.1-4. - Application for creation of district in one or more localities; size and location of parcels.

On or before November 1 of each year, any owner or owners of land may submit an application to the County for the creation of a district or addition of land to an existing district within the County. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district if the nearest boundary of the parcel is within one mile of the boundary of the core, or if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core. No land shall be included in any district without the signature on the application, or the written approval of all owners thereof. A district may be located in more than one county, provided that (i) separate application is made to each county involved, (ii) each governing body approves the district, and (iii) the district meets the size requirements of this section. In the event that the governing bodies of one or more such counties disapproves the creation of a district within its boundaries, the creation of the district within Fluvanna County shall not be affected, provided that the district otherwise meets the requirements set out in this chapter. In no event shall the act of creating a single district located in two localities pursuant to this subsection be construed to create two districts.

(Ord. 11-4-98)

Sec. 3.1-5. - Criteria for evaluating application.

Land being considered for inclusion in a district may be evaluated by the advisory committee and the planning commission through the Virginia Land Evaluation and Site Assessment (LESA) System. The

following factors shall be considered by the planning commission and the advisory committee, and at any public hearing at which an application that has been filed pursuant to this chapter is being considered:

- (1) The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
- (2) The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
- (3) The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
- (4) Local developmental patterns and needs;
- (5) The comprehensive plan and applicable provisions of the zoning ordinance;
- (6) The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
- (7) Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

(Ord. 11-4-98; Ord. 11-18-15)

**State Law reference**— See Code of Va., § 15.2-4303.

Sec. 3.1-6. - Review of application; notice; hearing.

Upon the receipt of an application for a district or for an addition to an existing district, the program administrator shall refer such application to the advisory committee. The advisory committee shall review and make recommendations concerning the application or modification thereof to the planning commission, which shall:

- (1) Notify, by first-class mail, adjacent property owners as shown on the maps of the County used for tax assessment purposes, and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain: (i) a statement that an application for a district has been filed with the program administrator pursuant to this chapter; (ii) a statement that the application will be on file open to public inspection in the office of the County Administrator; (iii) a statement that any owner of additional qualifying land may join the application within thirty days from the date of the notice or, with the consent of the governing body, at any time before the public hearing the governing body must hold on the application; (iv) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the governing body, at any time before the governing body acts pursuant to Section 3.1-8 of this chapter; and (v) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter;
- (2) Hold a public hearing as prescribed by law; and
- (3) Report its recommendations to the governing body including but not limited to the potential effect of the district and proposed modifications upon the County's planning policies and objectives.

(Ord. 11-4-98; Ord. 11-18-15)

**State Law reference**— See Code of Va., §§ 15.2-4307, 15.2-4309.

Sec. 3.1-7. - Repealed.

(Ord. 11-4-98; Ord. 11-18-15)

Sec. 3.1-8. - Hearing; creation of district; conditions; notice.

- (A) The governing body, after receiving the report of the planning commission and the advisory committee, shall hold a public hearing as provided by law, and after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate.
- (B) As a condition to creation of the district, any parcel in the district shall not, without the prior approval of the governing body, be developed to any more intensive use, other than uses resulting in more intensive agricultural or forestal production, during the period which the parcel remains within the district. The following shall not be prohibited as a more intensive use, unless the governing body finds that such use in the particular case would be incompatible with farming or forestry in the district:
  - (1) Construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner; or
  - (2) Divisions of parcels for such family members as provided in Section 19-2-1 of the County Code; or
  - (3) Divisions of land into two or more lots no one of which is less than 22 acres in area.
- (C) Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four years but not more than ten years from the date of its creation. In prescribing the period before the first review, the governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.
- (D) The governing body shall act to adopt or reject the application, or any modification of it, no later than 180 days from November 1.
- (E) Upon the adoption of an ordinance creating a district or adding land to an existing district, the governing body shall submit a copy of the ordinance with maps to the local commissioner of the revenue, and the State Forester, and the Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the governing body shall identify such parcels on the zoning map, where applicable and shall designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

(Ord. 11-4-98)

Sec. 3.1-9. - Additions to a district.

Additional parcels of land may be added to an existing district at any time by following the process and application deadlines prescribed for the creation of a new district.

(Ord. 11-4-98; Ord. 11-18-15)

**State Law reference**— See Code of Va., § 15.2-4310.

Sec. 3.1-10. - Review of districts.

The governing body may complete a review of any district created under this section, together with additions to such district, no less than four years but no more than ten years after the date of its creation and every four to ten years thereafter. If the governing body determines that a review is necessary, it shall begin such review at least 90 days before the expiration date of the period established when the district was created. In conducting such review, the governing body shall ask for the recommendations of the advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When each district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the governing body at any time before it acts to continue, modify or terminate the district. The planning commission or the advisory committee shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. The notice shall state the time and place for the meeting; that the district is being reviewed by the governing body; that the governing body may continue, modify, or terminate the district; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the governing body at any time before it acts to continue, modify or terminate the district. The governing body shall hold a public hearing as provided by law. The governing body may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the governing body, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created.

If the governing body determines that a review is unnecessary, it shall set the year in which the next review shall occur.

(Ord. 11-4-98; 11-18-15)

**State Law reference**— See Code of Va., § 15.2-4311.

Sec. 3.1-11. - Effects of districts.

- (A) Land lying within a district and used in agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to article 4 (section 58.1-3229 et seq.) of chapter 32 of title 58.1 of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (B) The County shall not exercise any of its powers to enact local laws or ordinances within a district in a manner which would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the purposes of this chapter unless such restrictions or regulations bear a direct relationship to public health and safety. The comprehensive plan and zoning and subdivision ordinances shall be applicable within said districts, to the extent that such ordinances are not in conflict with the conditions to creation or continuation of the district set forth in the ordinance creating or continuing the district or the purposes of this chapter. Nothing in this chapter shall affect the authority of the County to regulate the processing or retail sales of agricultural or forestal products, or structures therefor, in accordance with the comprehensive plan or any ordinance. Ordinances, comprehensive plans, land use planning decisions, administrative decisions and procedures

affecting parcels of land adjacent to any district shall take into account the existence of such district and the purposes of this chapter.

- (C) No special district for sewer, water or electricity or for nonfarm or nonforest drainage may impose benefit assessments or special tax levies on the basis of frontage, acreage or value on land used for primarily agricultural or forestal production within a district, except a lot not exceeding one-half acre surrounding any dwelling or nonfarm structure located on such land.

(Ord. 11-4-98)

Sec. 3.1-12. - Proposals as to land acquisition or construction within district.

- (A) Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the State Corporation Commission, provided that the proposed acquisition from any one farm or forestry operation within the district is in excess of one acre or that the total proposed acquisition within the district is in excess of ten acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures, shall at least 90 days prior to such action notify the governing body and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the governing body. Notice to the governing body shall be filed in the form of a report containing the following information:
  - (1) A detailed description of the proposed action, including a proposed construction schedule;
  - (2) All the reasons for the proposed action;
  - (3) A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be constructed;
  - (4) An evaluation of anticipated short-term and long-term adverse impacts on agricultural and forestal operations within the district and how such impacts are proposed to be minimized;
  - (5) An evaluation of alternatives which would not require action within the district; and
  - (6) Any other relevant information required by the governing body.
- (B) Upon receipt of a notice filed pursuant to subsection A, the governing body, in consultation with the planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of the Agricultural and Forestal Districts Act; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district.
- (C) If the governing body finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within 90 days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of 150 days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the governing body usually meets or at a place otherwise easily accessible to the district. The County shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the governing body shall issue a final order on the proposed action. Unless the governing

body, by an affirmative vote of a majority of all the members elected to it, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the governing body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the State Corporation Commission, an appeal shall be to the State Corporation Commission.

(Ord. 11-4-98)

Sec. 3.1-13. - Withdrawal of land from a district; termination of a district.

- (A) At any time after the creation of a district within the County, any owner of land lying in such district may file with the County a written request to withdraw all or part of his land from the district for good and reasonable cause. The program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the governing body. Land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to subsection (iv) of subdivision (1) of Section 3.1-6 or Section 3.1-10 of this chapter.
- (B) Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to roll-back taxes as are provided in section 58.1-3237 of the Code of Virginia.
- (C) Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of subsection B of Section 3.1-11 of this chapter.
- (D) Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the governing body and the commissioner of the revenue within two years of the date of death of the owner.
- (E) Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the governing body shall submit a copy of the ordinance or notice of withdrawal to the local commissioner of revenue, the State Forester and the State Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the governing body shall delete the identification of such parcel from the zoning map, where applicable.
- (F) The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to Section 3.1-10 of this chapter.

(Ord. 11-4-98; Ord. 11-18-15)



---

# 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](http://www.fluvannacounty.org)

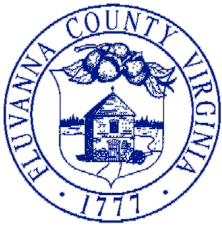
## MEMORANDUM

**Date:** January 2, 2025  
**From:** Margie Bamford  
**To:** Todd Fortune  
**Subject:** AFD 24:01 – Park

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the January 7, 2025 PC meeting.







---

# 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](http://www.fluvannacounty.org)

## PUBLIC HEARING NOTICE

**December 16, 2024**

### **RE: Withdrawal of parcel from Agricultural and Forestal District**

This is to notify you that the Fluvanna County Planning Commission will hold a public hearing on:

**Meeting:** Planning Commission Regular meeting

**Date:** **Tuesday, January 7, 2024 at 7:00pm**

**Location:** Morris Room, County Administration Building  
132 Main St Palmyra Va, 22963

**AFD 24:01 – Withdrawal from the North 640 Agricultural and Forestal District**– A request to withdrawal of 6.78 acres from the North 640 Agricultural and Forestal District. The North 640 District is located in the Fork Union Election District and consists of approximately 2370 acres making it the largest AFD in Fluvanna. The District was renewed by the Board of Supervisors on January 22, 2020 for an additional ten (10) year period. The parcel proposed to be withdrawn is identified as Tax Map Parcel 30-12-3A. The North 640 Agricultural and Forestal District is located within both Rural Preservation and Rural Residential Planning Area.

The regular meeting of the Planning Commission will be in person and instructions for public participation during the meeting will be made available on the Fluvanna County website. Interested persons may submit written comments prior to the scheduled meeting to [planning@fluvannacounty.org](mailto:planning@fluvannacounty.org) and questions may be directed to Jason Overstreet, Senior Planner at 434-591-1910, between 8:00 am and 5:00 pm, Monday – Friday in the County Administration Building at 132 Main Street Palmyra, VA 22963.

Pursuant to Fluvanna County Code Section 3.1-6, the following information is hereby provided to adjacent parcel owners:

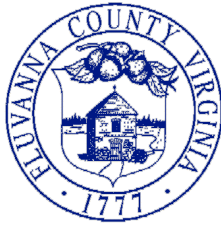
- I. This application has been filed with the AFD program administrator and has been referred to the Fluvanna County Planning Commission by the AFD Advisory Committee.
- II. The application will be on file open to public inspection in the office of the County Administrator.
- III. Any owner of additional qualifying land may join the application within thirty days from the date of this notice or, with the consent of the Board of Supervisors, at any time before the required public hearing that the Board of Supervisors must hold on the application.

- IV. Any owner who joined in the application may withdraw his or her land, in whole or in part, by written notice filed with the Board of Supervisors at any time before the Board of Supervisors acts pursuant to County Code Section 3.1-8.
- V. Additional qualifying lands may be added to an already created district at any time upon separate application pursuant to County Code Section 3.1.

Sincerely,



Jason Overstreet, CZA  
Senior Planner  
Planning and Zoning Department



---

# 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 25:01

**District:** Countywide Amendment

**General Information:** This is a request for a public hearing to be held on Tuesday, February 11, 2025 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend advertisement for a public hearing to approve an amendment to the Fluvanna County Zoning Ordinance by amending §§ 22-22-1 and 22-4-2.1 to define "agritourism activity" and to authorize such activity by-right in the A-1 zoning district.

**Background Information:** Our Code currently does not define or regulate Agritourism. The definition is taken from the Virginia Code § 3.2-6400.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON FEBRUARY 11, 2025 TO CONSIDER ZTA 25:01 – ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §§ 22-4-2.1 AND 22-22-1 TO DEFINE AGRITOURISM ACTIVITY AND TO AUTHORIZE AGRITOURISM ACTIVITY BY-RIGHT IN THE A-1 ZONING DISTRICT.

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-4-2.1 AND 22-22-1 TO DEFINE AGRITOURISM ACTIVITY AND TO AUTHORIZE AGRITOURISM ACTIVITY BY-RIGHT IN THE A-1 ZONING DISTRICT

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 §§ 22-4-2.1 and 22-22-1 as follows:*

CHAPTER 22 ZONING

ARTICLE 4. – AGRICULTURAL, GENERAL, DISTRICT A-1

Amend Sec. 22-4-2.1 Uses Permitted by right in the Agricultural, General, District A-1 to add:

- **Agritourism activity**

ARTICLE 22. – DEFINITIONS

Amend Sec. 22-22-1. – Rules of construction; definitions to add:

- **Agritourism activity: Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, horseback riding, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.**

State Law Reference: Va. Code § 3.2-6400

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



**PLANNING COMMISSION**  
County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 2025-01**

**A RESOLUTION OF INTENTION TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-4-2.1 AND 22-22-1 TO DEFINE AGRITOURISM ACTIVITY AND TO AUTHORIZE AGRITOURISM ACTIVITY BY-RIGHT IN THE A-1 ZONING DISTRICT**

**WHEREAS**, the regulations established in the Fluvanna County Zoning 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 an amendment to the Zoning Code by amending §§ 22-4-2.1 and 22-22-1 to define “agritourism activity” and to authorize such activity by-right in the A-1 zoning district; and

**WHEREAS**, the Planning Commission finds that this proposed amendment in a matter of public necessity, convenience, general welfare or 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 an amendment to the Zoning Code by amending §§ 22-4-2.1 and 22-22-1 to define “agritourism activity” and to authorize such activity by-right in the A-1 zoning district; and

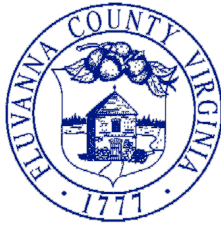
**BE IT FURTHER RESOLVED**, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on February 11, 2025; and

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 7<sup>th</sup> day of January, 2025:

	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



---

# 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 25:02

**District:** Countywide Amendment

**General Information:** This is a request for a public hearing to be held on Tuesday, February 11, 2025 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend advertisement for a public hearing to approve an amendment to the Fluvanna County Zoning Ordinance by amending §22-22-1 to remove the word "municipal" from the definitions of "Solid Waste Material Recovery Facility" and "Solid Waste Collection Facility."

**Background Information:** This amendment broadens the definitions of "Solid Waste Material Recovery Facility" and "Solid Waste Collection Facility" to include non-municipal waste.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE / DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON FEBRUARY 11, 2025 TO CONSIDER ZTA 25:02 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §22-22-1 TO REMOVE THE WORD "MUNICIPAL" FROM THE DEFINITIONS OF "SOLID WASTE MATERIAL RECOVERY FACILITY" AND "SOLID WASTE COLLECTION FACILITY"

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-22-1 TO REMOVE THE WORD “MUNICIPAL” FROM THE DEFINITIONS OF “SOLID WASTE MATERIAL RECOVERY FACILITY” AND “SOLID WASTE COLLECTION FACILITY”

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 § 22-22-1 as follows:*

CHAPTER 22 ZONING

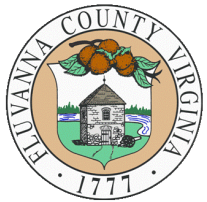
ARTICLE 22. – DEFINITIONS

Sec. 22-22-1. – Rules of construction; definitions.

*Solid Waste Material Recovery Facility:* A solid waste management facility which may receive ~~municipal~~ solid waste and recyclables from off premises for processing and consolidation and shipment out of the County for further processing or disposal.

*Solid Waste Collection Facility:* Any storage or collection facility which is operated as a relay point for recyclables or ~~municipal~~ solid waste which ultimately is to be shipped for further processing or disposal. No processing of such items occurs at such facility.

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



**PLANNING COMMISSION**  
County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 2025-02**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §22-22-1 TO REMOVE THE WORD “MUNICIPAL” FROM THE DEFINITIONS OF “SOLID WASTE MATERIAL RECOVERY FACILITY” AND “SOLID WASTE COLLECTION FACILITY”**

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

**WHEREAS**, in accordance with section 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 an amendment to §22-22-1 to remove the word “municipal” from the definitions of “Solid Waste Material Recovery Facility” and “Solid Waste Collection Facility,” and

**WHEREAS**, the Planning Commission shall hold a public hearing on such proposed amendments after notice as required by section 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 Fluvanna County Zoning Ordinance by amending §22-22-1 to remove the word “municipal” from the definitions of “Solid Waste Material Recovery Facility” and “Solid Waste Collection Facility,” and

**WHEREAS**, the Planning Commission finds that this proposed amendment in a matter of public necessity, convenience, general welfare or good zoning practice; and

**BE IT FURTHER RESOLVED**, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on February 11, 2025; and

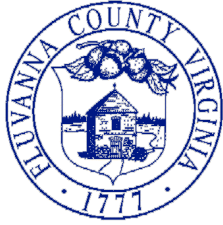
**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 7<sup>th</sup> day of January, 2025:

	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





---

# 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

## Planning Commission Staff Report

**To:** Fluvanna Planning Commission   **From:** Todd Fortune, Director of Planning  
**Case:** SDP 24:09 Sun Tribe Solar/Carysbrook Solar   **District:** Fork Union Election District  
**Tax Map:** Tax Map 42, Section 1, Parcel 1

**General Information:**           This item is scheduled to be heard by the Planning Commission on Tuesday, January 7, 2025 at 7:00 p.m. in the Morris Room of the County Administration Building.

**Applicant:**   Sun Tribe Solar EPC/Carysbrook Solar

**Representative:**   Tom Paquette, Sun Tribe Solar

**Requested Action:**                       **SDP 24:09 Sun Tribe Solar EPC** – Acceptance of a sketch plan request to construct a 3-MW ground-mounted solar facility on approximately 27 acres of 361.3-acre parcel to be accessed from Route 615 (Carysbrook Road), Tax Map 42-1-1. The property in question is owned by private individuals, Richard and Julia Rose, and is zoned A-1, Agricultural, General. The parcel is located within the County's Rural Preservation Area.

**Existing Zoning:**   A-1, Agricultural, General

**Existing Land Use:**   There is a dwelling and two agricultural buildings on the north side of the property, near the Rivanna River. The south side of the property, where the facility is proposed, is vacant.

**Planning Area:**   Rural Preservation Planning Area

**Adjacent Land Use:**   The property immediately to the south of the subject property is zoned I-1, Industrial, Limited. The remaining adjacent properties are zoned A-1, Agricultural, General

**History:**   A Special Use Permit (SUP) was granted for this project in November 2021. The SUP was approved subject to a number of conditions. This SUP was issued prior to changes to the Fluvanna County Code, enacted in July 2024 and October 2024, restricting solar development in A-1. Sun Tribe Solar won this project in a bidding process initiated by Dominion Energy in 2023.

## **SUP Approval:**

The Board of Supervisors approved the SUP on November 17, 2021 subject to the following nine (9) conditions:

1. This Special Use Permit is granted for a three (3) megawatt photovoltaic solar generation facility / major utility use to Carysbrook Solar, LLC or any successors as the owner or operator of such use located on a 36-acre portion of Tax Map 42 Section 1 Parcel 1.
2. All site activity required for construction, expansion and operation of the solar energy facility / major utility use shall be limited to the following days and times: All pile driving and site deliveries shall be limited to the hours from sunrise to sunset Monday through Saturday. All other site construction and expansion activity may occur Monday through Sunday from sunrise to sunset and be in compliance with the noise ordinance.
3. A Construction Traffic Management Plan, including certain mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and the County Administrator or his designee for review and approval. The Plan shall address traffic control measures along Carysbrook Road (SR 615) pre-and post-construction road evaluation and any necessary repairs to the public roads that are required as a result of any damage from the solar generation facility construction and/or expansion. All VDOT permits must be received and be approved by VDOT and an approved copy provided to the County Administrator or his designee prior to site construction or expansion occurring on the premises.
4. A Site Parking and Staging Plan shall be submitted as a part of the Site Development Plan approval process that demonstrates a site access plan directing both employee and delivery traffic to minimize conflicts with local traffic on Carysbrook Road (SR 615) and state roads leading to the site such as James Madison Highway (Route 15) to avoid traffic delays during peak construction times.
5. A Construction Mitigation Plan shall be submitted as a part of the Site Development Plan approval process that addresses dust mitigation where all construction roads and areas shall remain dust-free by the use of a water truck or other approved method to keep soil and sediment on the premises. Burning operations must follow all local and state burning restrictions and distances from property lines and combustibles. The plan must address both dust and smoke migration so as not to be of a general nuisance to adjoining property owners during site construction, expansion and/or burning operations on the premises.
6. A minimum fifty (50) foot setback shall be maintained from all public right-of-ways and all agriculturally and residentially zoned properties, either occupied or unoccupied, until such time that the property is converted to commercial or industrial uses, at such time the setback can become the underlying zoning district setback amount for such district.
7. A twenty-five (25) foot vegetative buffer utilizing double staggered rows of evergreen trees planted every ten (10) feet on center with a minimum planting height of four (4) feet

and achieving eight (8) feet in height within three (3) years shall be installed when there is not mature vegetation on the perimeter of the premises along the public right-of-way or adjacent to agricultural or residential land uses. Site groundcover for the use should consist of a variety of native groundcovers that benefit bees, birds and beneficial insects and the use of any synthetic herbicides to control and maintain groundcover areas post-construction or post-expansion shall not be permitted on the premises.

8. The applicant, owner or operator shall coordinate directly with the Fluvanna County Fire Chief to provide solar energy educational information and/or training to the respective County personnel responding to the solar energy facility use in regards to how to respond to any emergencies that may occur on the premises. The Fire Chief shall be provided with the construction manager's direct contact information during construction or expansion and the remote manager's direct contact information during site operations.
9. A decommissioning plan shall be approved by the County Administrator or his designee prior to approval of a site development plan or any building permits being issued for the solar energy facility use. If the solar energy facility use is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to the County Administrator or his designee in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator with Fluvanna County and a name and physical address of such entity that would perform such decommissioning of the site shall be provided for the premises.

**Technical Review Committee Comments:**

- As the facility is built, be mindful that the area is subject to flooding.
- If there are just porta johns on the site, and no wells are drilled, then no coordination with VDH is needed. However, if any wells are drilled or a pump and haul system is used at the site, then permits will be needed.
- The access roads need to be wide enough, constructed with proper materials, and have culverts rated for large vehicles, to accommodate emergency response vehicles. Additionally, ensure there is adequate turning space for fire/rescue apparatus that have to drive into the facility.
- Consider pulling in the fencing (smaller fenced area), unless the space is needed for additional buffers or a laydown area.

**Planning Analysis:**

Sun Tribe Solar is requesting sketch plan acceptance for a 3-MW ground-mounted solar facility on approximately 27 acres of 361.3-acre parcel to be accessed from Route 615 (Carysbrook Road), Tax Map 42-1-1.

The applicant advised that they plan to minimize land disturbance at the site during construction, though there will be grading needed in a few spots and some fill will be needed to accommodate crossing for the access road in the floodplain. The applicant further advised that they intend to stay away from the existing pond on the site during construction. They said a wetlands inventory has been completed for the site. They also plan to have a Know Box for emergency vehicles to access the facility as needed.

As a SUP for the facility was approved prior to the changes to the Fluvanna County Code in 2024 related to solar development.

**Conclusion:**

The submitted sketch plan appears to meet the sketch plan requirements of Section 22-23-8.A of the Fluvanna County Zoning Ordinance. Prior to final approval, a site development plan that meets the requirements of Articles 23 through 26 of the Fluvanna County Zoning Ordinance must be submitted for staff review and approval.

**Recommended Conditions**

If approved, Staff recommends the following conditions:

1. Meet all final site plan requirements which include, but are not limited to: setback and buffer requirements; and required Erosion and Sedimentation Control regulations;
2. Meet all VDOT requirements.
3. If the applicant decides to locate a well or pump and haul system on the site, permits will be needed from VDH.

**Suggested Motion:**

**I move that the Planning Commission accept SDP 24:09, a sketch plan request to construct a 3-MW ground-mounted solar facility on approximately 27 acres of 361.3-acre parcel identified as Tax Map 42, Section 1, Parcel 1.**

**Attachments:**

- A – Application
- B – Aerial Vicinity Map
- C – Site Sketch Plan



**COMMONWEALTH OF VIRGINIA  
COUNTY OF FLUVANNA  
Site Development Application**

**Owner of Record:** Richard H Rose

**Applicant of Record:** Sun Tribe Solar EPC

E911 Address: 749 Carysbrook Rd, Fork Union VA 23055

E911 Address: 107 5th St SE, Charlottesville VA 22902

Phone: 4348429388 Fax:

Phone: 800.214.4579 Fax:

Email: patrick.smith@suntribesolar.com

Email: tom.paquette@suntribesolar.com

**Representative:** Hannah Hellman

E911 Address: hannah.hellman@suntribesolar.com

Phone: Fax:

Email: hannah.hellman@suntribesolar.com

**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: \_\_\_\_\_

**Tax Map and Parcel(s):** 42-1-1

**Deed Book Reference:**

**Acreage:** 27 **Zoning:** A-1

Deed Restrictions?  No  Yes (Attach copy)

Location: 37°48'57.6"N 78°13'53.1"W Carysbrook Rd

Description of Property: Agg Field adjacent to the Rivanna River

Proposed Structure: 3MW Ground Mounted Solar Facility

Dimensions of Building: ~1,300ft x 1,000ft

Lighting Standards on Site:  No  Yes

# of Employees: 0

# of Parking Spaces: 8

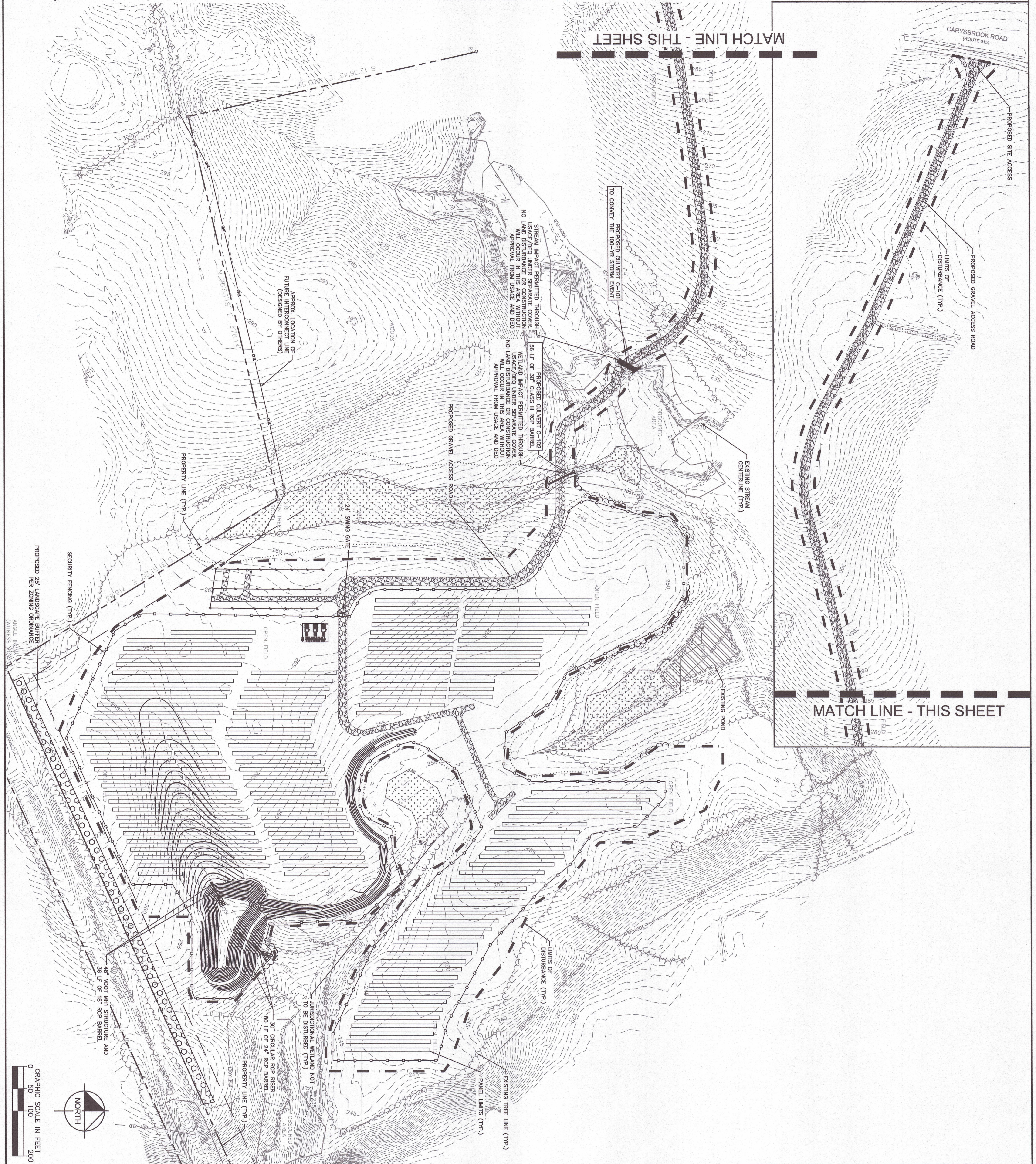
Noise Limitations:

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.

Applicant Name (Please Print)

Applicant Signature and Date

OFFICE USE ONLY		
Date Received:	Fee Paid:	Application #: SDP _____ :
Election District:	Planning Area:	Number of Lots:
Total Fees Due at Time of Submittal		
Sketch Plan: \$150.00	Minor Plan: \$550.00	Major Plan: \$1,100.00
Additional Fees Due at Time of Review		
Street Sign Installation:	\$200.00 Per Intersection	
Amendment of Plan	\$150.00	
Outdoor Lighting Plan Review*	\$ 50.00	
Landscape Plan Review*	\$ 50.00	
Tree Protection Plan Review*	\$ 50.00	
* If not part of a Site Plan Review		



LEGEND	
	BUILDING SETBACK
	EDGE OF PAVEMENT
	TRESTLE
	STREAM / CREEK
	SURVEYED DRAINAGE FEATURE
	MAJOR CONTOURS
	SITE PROPERTY LINE
	RIGHT OF WAY
	SUPERVISED EDGE OF WATER
	WETLAND
	WETLAND BOUNDARY
	EXISTING DIRT ROAD
	100 YEAR FLOODPLAIN
	EASEMENTS
	LIMITS OF DISTURBANCE
	UNDERGROUND ELECT. POWER POLE
	WETLAND BUFFER
	SECURITY FENCE
	MAJOR CONTOURS
	TRESTLE
	SITE ACCESS ROAD
	PROPOSED LANDSCAPE BUFFER

SHEET NUMBER <b>EX-1</b>	CARYSBROOK SOLAR PREPARED FOR SUN TRIBE SOLAR	CARYSBROOK SOLAR SKETCH PLAN	KHA PROJECT 113715000 DATE 12/12/2024 SCALE AS SHOWN DESIGNED BY MLH DRAWN BY GRJ CHECKED BY MLH	© 2024 KIMLEY-HORN AND ASSOCIATES, INC. 2035 MAYWELL ST., SUITE 200, RICHMOND, VA 23230 PHONE: 804-673-3882 WWW.KIMLEY-HORN.COM	No.      REVISIONS      DATE      BY
	FLUVANNA COUNTY      VA				

Details [hide](#)

[Identify Adjoining Parcels](#)

Select Features by Buffer

Parcels

Zoom To Unhighlight Highlight Clear

Export to KML Export to SHP

PID: 5980  
Map PIN: 42 1 1  
Map PIN (Formatted): 42-1-1  
Owner: ROSE, RICHARD H JR & JULIA N

Mailing Address:  
749 CARYSBROOK RD  
FORK UNION VA 23055

Physical Address:  
1084 CARYSBROOK RD  
FORK UNION VA 23055

Acres: 361.282  
Zoning: A-1  
Land Use Code: 60  
Occupancy Code: Dwelling  
Building Value: \$71,000  
Land Value: \$245,100  
Total Value: \$1,183,800  
Year Built: 1920  
Year Sold: 2018  
Deed Book: 3936  
Legal Description1: INST 180003936 AC 361.282  
Planning Cases:  
SUP 20-06  
SUP 21-06

Vision Property Card: [5980](#)  
County Tax Map: [42](#)

[Mailable Link \(right-click to copy\)](#)  
[View in GoogleMaps](#)  
[Fluvanna County Census Dashboard](#)

Attributes at point: N: 3822287, E: 11560366

US Congressional Districts (2021)  
DISTRICTN: 5

VA Senate Districts (2021)  
DISTRICTN: 10

VA House Districts (2021)  
DISTRICTN: 56

Voting Districts (2021)

