



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

Morris Room
 January 14, 2025

6:00 PM Organizational Meeting

6:15PM Work Session

7:00 PM Regular Meeting

Organizational Meeting	
A – CALL TO ORDER, PLEDGE OF ALLEGIANCE	
B – ELECTION OF CHAIRMAN	
C – ELECTION OF VICE-CHAIR	
D – ORGANIZATIONAL MEETING RESOLUTION	
E – SELECTION OF DATES FOR THE COMMISSION MEETING	
F – ADJOURN	
WORK SESSION	
A – CALL TO ORDER, PLEDGE OF ALLEGIANCE	
B – WORK SESSION	Special Events
	Subdivisions
C – ADJOURN	
REGULAR MEETING	
1 – CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE	
2 – ADOPTION OF THE AGENDA	
3 – DIRECTOR’S REPORT	
4 – PUBLIC COMMENTS #1 (5 minutes each)	
5 – MINUTES	Minutes December 10, 2024
6 – PUBLIC HEARING	None

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.*

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



 Planning/Zoning Administrator Review

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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

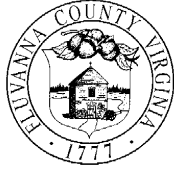
1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman 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.

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

RESOLUTION

At an Organizational meeting of the Fluvanna County Planning Commission held on Tuesday, January 14, 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 14th 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

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MARCH

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APRIL

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JUNE

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JULY

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AUGUST

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						31

SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
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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

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

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

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

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:

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

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.

MOTION:	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.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0, Approved 1 Absent				

- **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.

MOTION:	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.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0, Approved 1 Absent				

- **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

MOTION:	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.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Absent	Nay	Aye
RESULT:	3-1, Approved 1 Absent				

- **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.

MOTION:	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”				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second		Motion	
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0, Approved 1 Absent				

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.

MOTION:	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.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Recuse	Aye	Absent	Aye	Aye
RESULT:	3-0, Accepted, 1 Absent, 1 Recuse				

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.

MOTION:	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.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0, Approved, 1 Absent				

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.

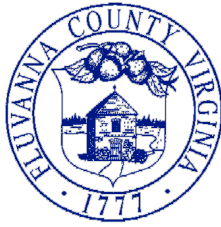
14. ADJOURNMENT

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

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

Minutes were recorded by Margie Bamford, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission



COUNTY OF FLUVANNA

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Palmyra, VA 22963
(434) 591-1910
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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.



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

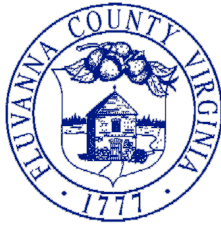
BE IT FURTHER RESOLVED, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on February 11, 2025; and

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Planning Commission at a meeting of the Commission held on the 14th 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



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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners

From: Dan Whitten, County Attorney

Case Number: ZTA 25:02

District: Countywide Amendment

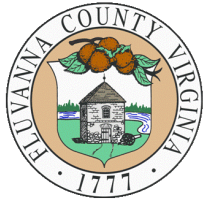
General Information: This is a request for a public hearing to be held on Tuesday, February 11, 2025 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

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"



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

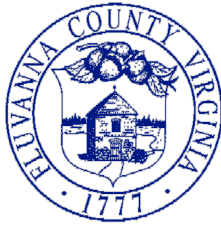
BE IT FURTHER RESOLVED, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on February 11, 2025; and

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Planning Commission at a meeting of the Commission held on the 14th 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



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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 14, 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

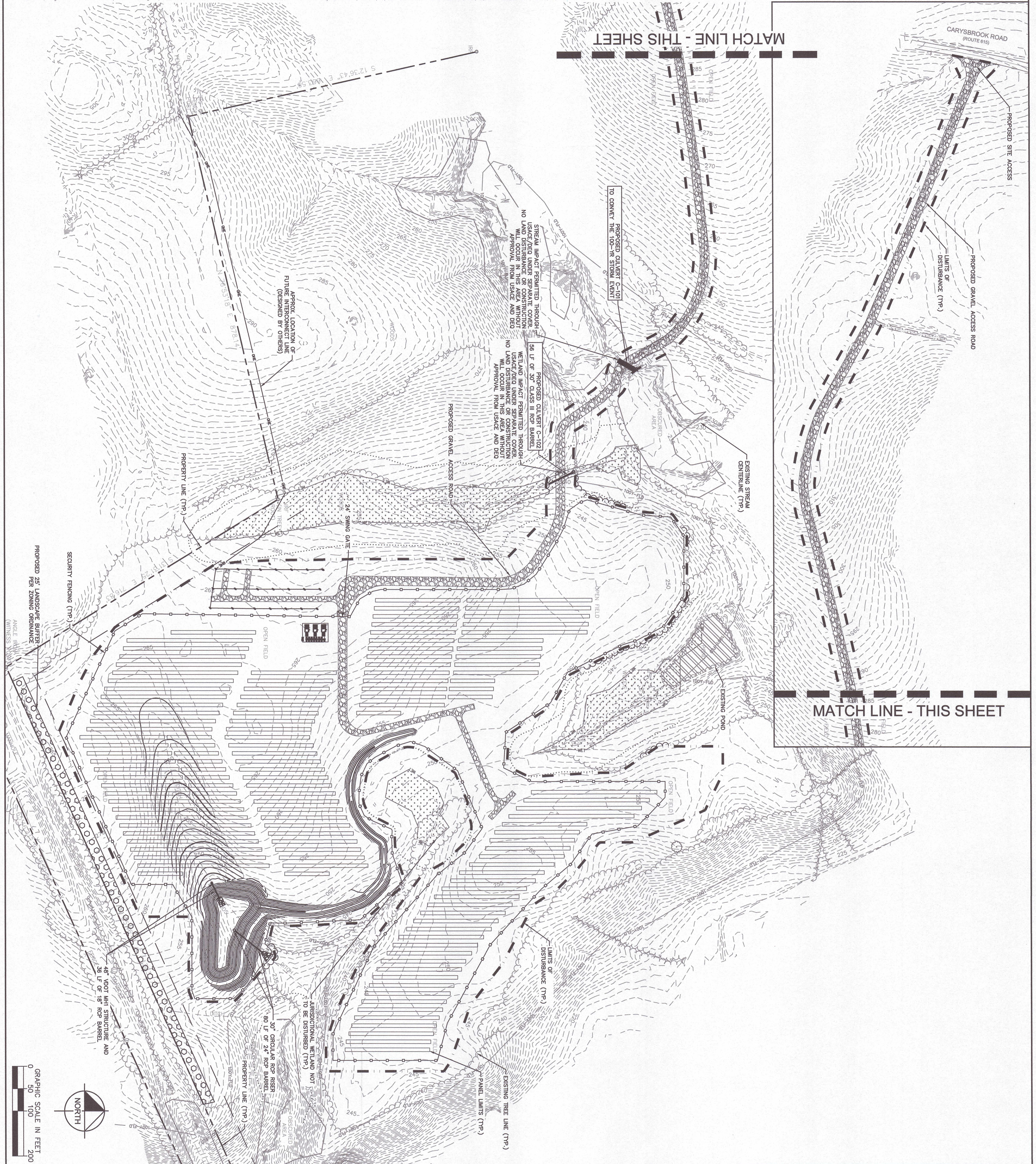
Noise Limitations: _____

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
	TREELINE
	STREAM / CREEK
	SURVEYED DRAINAGE FEATURE
	MAJOR CONTIGUOUS
	SECURITY FENCE
	MAJOR CONTIGUOUS TREELINE
	SITE ACCESS ROAD
	PROPOSED LANDSCAPE BUFFER
	WETLAND BOUNDARY
	EXISTING DIRT ROAD
	100 YEAR FLOODPLAIN
	EASEMENTS
	LIMITS OF DISTURBANCE
	UNDERGROUND ELECT. POWER POLE
	BY WETLAND BUFFER
	SECURITY FENCE
	MAJOR CONTIGUOUS TREELINE
	SITE ACCESS ROAD
	PROPOSED LANDSCAPE BUFFER

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

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)

