

FLUVANNA COUNTY PLANNING COMMISSION
WORK SESSION AND REGULAR MEETING AGENDA

Morris Room

February 11, 2025

6:00PM Work Session

7:00 PM Regular Meeting

WORK SESSION

A – CALL TO ORDER, PLEDGE OF ALLEGIANCE

B – WORK SESSION

Food Trucks

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 January 14, 2025

6 – PUBLIC HEARING

AFD 25-01 Park

ZTA 24-11 Amend Definitions of Subdivision

ZTA 25-01 Agritourism

ZTA 25-02 Amend Definitions of Solid Waste Recovery

7 – RESOLUTIONS

ZTA 25-03 Amend Definitions of Outdoor Light Controls

8 – PRESENTATIONS

None

9 – SITE DEVELOPMENT PLANS

None

10 – SUBDIVISIONS

None

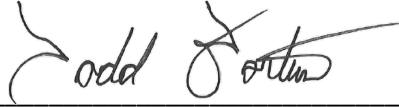
11 – UNFINISHED BUSINESS

Comp Plan

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.*

12 – NEW BUSINESS	PC Bylaws Update
13 – PUBLIC COMMENTS #2 (5 minutes each)	
14 – ADJOURN	



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.*

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES**

**132 Main Street Palmyra, VA 22963,
Tuesday, January 14, 2025**

Organizational Meeting 6:00 pm | Work Session 6:15 pm | Regular Meeting 7:00 pm

MEMBERS PRESENT:

Barry Bibb, Chair
Kathleen Kilpatrick, Commissioner (Arrived at 6:05 pm)
Howard Lagomarsino, Commissioner
Lorretta Johnson-Morgan, Commissioner
Eddie Shifflett, Commissioner
Mike Goad, Representative of Board of Supervisors

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

ORGANIZATIONAL MEETING:

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

At 6:00 pm Planning Director Fortune called the January 14th, 2025 organizational meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

B. Election of the Chair-

- Mr. Barry Bibb was nominated by Mr. Lagomarsino and voted in.

MOTION:	To Approve the election of Barry Bibb as the acting 2025 Chairman of the Planning Commission				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:			Second	Motion	
VOTE:	Aye	Absent	Aye	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

C. Election of the Vice Chair.

- Mr. Howard Lagomarsino was nominated by Ms. Johnson-Morgan and voted in.

MOTION:	To Approve the election of Howard Lagomarsino as the acting 2025 Vice Chairman of the Planning Commission				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:			Second		Motion
VOTE:	Aye	Absent	Aye	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

D. Organizational Meeting Resolution:

- The Organizational Meeting Resolution was adopted for 2025.

MOTION:	To Approve the Adoption of the Resolution for the 2025 Organizational meeting of the Planning Commission				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:			Motion		Second
VOTE:	Aye	Absent	Aye	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

E. Adoption of the Planning Commission Calendar

- The November date of the 11th was changed to the 18th due to the Veteran’s Day Holiday and the meeting in January was changed from the 7th to the 14th.

MOTION:	To Approve the Adoption of the Planning Commission Calendar				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:			Second	Motion	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

F. Adjournment-

- Mr. Bibb adjourned the Organizational Meeting at 6:06 pm

WORK SESSION:

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

At 6:15 pm Chairman Bibb Called the January 14th, 2025 work session to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

B. Special Events-

- Mr. Bibb checked with the Commission and verified whether other counties researched policies should to be covered. They did not. Mr. Fortune then presented the Commission the new Fluvanna County Voluntary Event Notification Form webpage to be added to the Fluvanna County website. Mr. Whitten advised that there is a separate form for events with outdoor music and went over the process for that special event permit. Mr. Goad questioned why music events were separated from other events, Mr. Whitten advised it was per the county code. Mr. Dahl wanted to know if a winery has outdoor music is that a special event permit, Mr. Whitten advised that would be covered under Agritourism. Ms. Morgan-Johnson had questions about what type of music event required a special event permit. Mr. Whitten provided the answers. Ms. Kilpatrick wanted the language changed to make the music event clearer on the application. Mr. Whitten suggested bringing a wording change to the ordinance to the Board to clarify the ordinance. Ms. Johnson-Morgan had questions about what happens when there are repeat offenders that do not use the event form and cause problems and will it be monitored. There was a discussion among several members of the Commission and staff on wording for the event webpage in reference to music. There was then discussion among several Commission members and Mr. Whitten and Mr. Dahl over events on County Property and at the schools. It was decided to bring the webpage back when the wording on music events was changed and not publish it until the wording was corrected.

C. Subdivisions-

- Mr. Whitten presented the suggested changes for for the “R4” zoning districts. He discussed adding wording to cover well and septic in the R-4 and presented a new proposed language for this with a lot size change and open space changes. Mr. Goad wanted clarification on open space restrictions, Mr. Whitten provided clarification. Mr. Bibb had questions about gross density and Mr. Whitten was able to clarify on the wording in the proposed ordinance. Mr. Whitten provided an explanation on the proposed wording and why the decision was made to size the lots and open space that way. The Planning Commission decided they wanted Mr. Whitten to take it to the Board in a work session

D. Adjournment-

- Mr. Bibb adjourned the work session at 6:51 pm.

REGULAR MEETING:

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

At 7:00 pm Chairman Bibb called the January 14th, 2025 special regular meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

B. Adoption of the Agenda:

MOTION:	To Approve the Adoption of the Agenda of the Planning Commission meeting for January, 14 2025.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:			Second	Motion	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

C. Director’s Report:

• **Announcements and Updates:**

- Zoning Ordinance Update-The Board of Supervisors held a public hearing on December 18, 2024 to consider and hear public comments on proposed ordinance language to clarify the requirements of the phrase “shielded and screened from view.” After the public hearing, the Board directed staff to make a change to the proposed language.
 - Specifically, Option 3 would be amended to “covering the vehicle with a fitted car cover.”
 - The Board authorized a public hearing for January 22, 2025 on the proposed change.
- Signs-The Board of Supervisors had a discussion on December 18, 2025 on enforcement of the County’s Sign Ordinance-specifically, temporary signs.
 - This is in response to the resident concerns regarding business and election signs that fall under “temporary, exempt signs” in the Ordinance.
 - If a resident has a concern about a sign, they should fill out the online “Report a Concern” form and staff will investigate.

• **Upcoming Cases:**

- There are two public hearings originally scheduled for January that, due to the postponement of this meeting, have to be re-advertised for the February meeting:
 - ZTA-Definition of Minor Subdivisions (Zoning Ordinance)
 - AFD-Removal of Park Property.
- There is a sketch plan request on the agenda for tonight’s meeting.
 - SDP 24:09-Carysbrook Solar/Suntribe Solar
- There are two resolutions for additional ZTA’s on the agenda tonight. The Commission will be asked to approve a resolution to advertise these for a public hearing.
 - Definition of Agritourism
 - Fluvanna County Code does not currently define Agritourism
 - Definition of Solid Waste Material Recovery Facility, Solid Waste Collection Facility
 - This is related to an unidentified business prospect.

Day	Date	Time	Public Hearings and Public Meetings	Location
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
Tuesday	Apr 8, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm

D. Public Comments #1:

- At 7:11 PM Chair Bibb opened up the first round of Public Comments.
 - Ms. Patricia Beers Block, address of 103 Island Hill Rd Palmyra, came forward with concerns in reference to Carysbrook Solar and if it would be a non-

conforming use due to the state code and pointed out a typo in the staff report. She was advised that this would be addressed during the SDP approval. No one else came forward and Mr. Bibb closed the first public comments at 7:13pm.

E. MINUTES:

MOTION:	To Approve the Regular meeting minutes of the Planning Commission of December 10, 2024.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

F. Public Hearings:

- None

G. Resolutions

- **Request for Public Hearing for ZTA 25:01 Define Agritourism**

- Mr. Fortune gave the power point presentation. Mr. Goad wanted to confirm that this wording was codifying the state code, Mr. Whitten confirmed it was. Mr. Goad also questioned Mr. Dahl this as well and Mr. Dahl provided an answer for him on the county’s need for a definition. There were no further questions

MOTION:	I MOVE THAT THE PLANNING COMMISSION APPROVE 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.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Request for Public Hearing for ZTA 25:02, Amend the definitions of Solid Waste Material Recovery Facility and Solid Waste Collection Facility.**

- Mr. Fortune Gave a power point presentation. There were no questions.

MOTION:	I MOVE THAT THE PLANNING COMMISSION APPROVE 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”				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

H. Presentations:

- None

I. Site Development Plans:

- **SDP 24:09 Carysbrook Solar/Suntribe Solar**

- Mr. Fortune gave a power point presentation address the site plan. Mr. Fortune did address the concerns of the first public comments that there was a typo in the staff report. Mr. Fortune provided information on the SUP that was already approved and went over the conditions of the SUP. Mr. Fortune did address the comments that were made during the TRC with the Commission. Mr. Whitten

addressed the concern that Ms. Block made during the public comment period. Ms. Johnson-Morgan had questions for the developer about the flooding situation, the developer was able to provide the information to her. There were no further questions from the Planning Commission. Mr. Lagomarsino wanted the motion to include the recommended conditions. Mr. Whitten approved the wording change.

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, WITH RECOMMENDED CONDITIONS.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

J. Subdivisions:

- None

K. Unfinished Business:

- **Comprehensive Plan-Todd Fortune, Director of Planning:**
 - Mr. Fortune presented his power point advising that staff was still working on updating the plan sections that are data intensive. Mr. Fortune confirmed with Mr. Shifflett that community meetings for Rivanna and Palmyra Districts were able to be combined, to which Mr. Shifflett confirmed with him. Mr. Fortune went over the different groups and the amount of people that have currently applied. Mr. Fortune had questions for the Commission if they wanted to allow individuals to serve in multiple groups and if Planning Commission members were to oversee the advisory groups, or be able to serve on the advisory groups. Ms. Johnson-Morgan wanted to know if applicants expressed why they wanted to serve on multiple committees, which Mr. Fortune replied they did not. The Commission discussed concerns with the last advisory committees during the last Comprehensive Plan update and the changes they wanted addressed during this process. The Commission then addressed the desire to be involved in the committees. Ms. Johnson-Morgan suggested auditing several of the meetings, Ms. Kilpatrick agreed she would like to do the same. Mr. Lagomarsino had concerns on coordinating members auditing meetings per FOIA. Ms. Johnson-Morgan had questions on the Planning Commission’s role in the Comprehensive Plan, Mr. Fortune explained the Planning Department’s role to the Planning Commission. The Commission decided to go through the Clerk to the Commission to schedule which meetings they want to attend. Mr. Fortune then stated that the Planning Department would have the names for the Chairman in the next meeting packet for assignment.

L. New Business:

- None

M. Public Comments #2:

- Mr. Bibb opened the second round of public comments at 7:55pm, Mr. Tom Diggs, 947 Jefferson Dr. wanted clarification from the Commission on the use of the word Consensus, no one else came forward and Mr. Bibb closed the second round of public comments at 8:01pm.

N. ADJOURNMENT

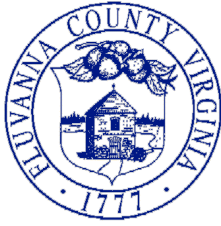
- Chair Bibb called for a motion to adjourn the December 10, 2024 Planning Commission regular meeting.

MOTION:	Motion to Adjourn the December 10, 2024 Planning Commission regular meeting at 8:55 pm.				
MEMBER:	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

Minutes were recorded by Margie Bamford, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission

DRAFT



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 County Planning Commission
Request: Agricultural & Forestal District Withdrawal

From: Jason Overstreet
District: Fork Union

General Information: This Agricultural and Forestal District (AFD) withdrawal request is to be heard by the Planning Commission on Tuesday, February 11, 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 Forestal District is located within both Rural Preservation and Rural Residential Planning Areas.

Policy Implications:

On November 19th, this application was submitted for review to the Agricultural and Forestal 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 Forestal Districts, as outlined in the Virginia Agricultural and Forestal 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 Forestal 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 Forestal 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 Forestal 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.

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.

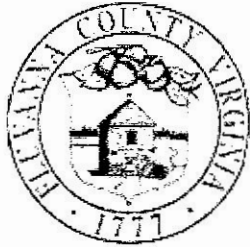
A landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located.

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/Forestal 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

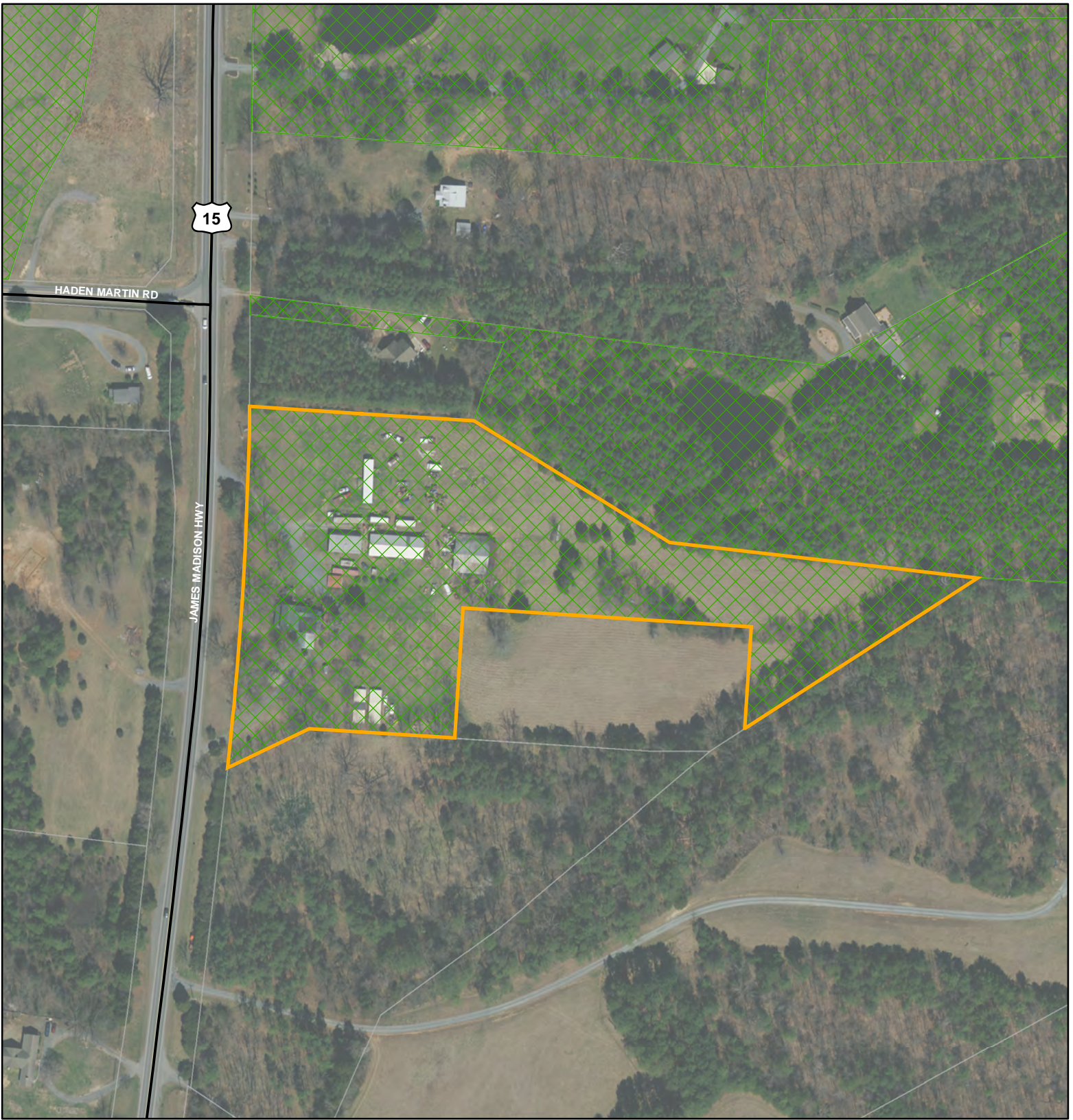
The Proposed period before the First Review (select 4 to 10 years) : _____

Contact Person for District: _____

Owner/Applicant Must Read and Sign

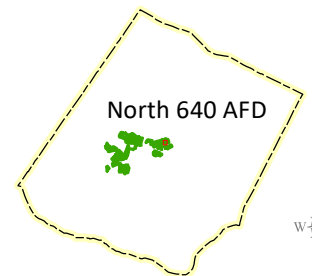
We the undersigned landowners have read the information and conditions on this page and request the property described above be designated an Agricultural/Forestal District.

<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



Dear Sirs,

My name is Patty Montanino and I am the daughter of Ann Park who is the owner of parcel 30-12-3A which contains my mother's house and 6.78 acres. I have power of attorney for my mother who is age 99. We are in a position where we need to sell a portion of our land to our neighbor to provide financial care for my mother. At this time we are requesting that the AFD status of our land be removed and the associated fee of \$500 be waived based upon her current financial situation. Additionally, we are requesting that any roll back taxes associated with this change in status be waived.

I understand in order to make this status change, this must be reviewed by the planning commission as well as require a public hearing.

I can provide a copy of the power of attorney as well as any financial statements as required.

Additionally, I will be reaching out to Fluvanna Tax Office to determine if my mother can qualify for a tax reduction on her property beginning next year.

Thank you,

Patty Montanino
2920 Gray St
Oakton, VA 22124
(703) 801-7087



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

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.

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

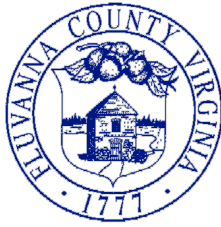
body, by an affirmative vote of a majority of all the members elected to it, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit 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

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, February 11, 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.**

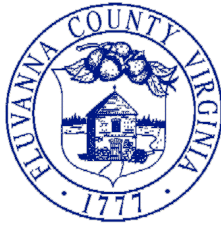
Subdivision Agent: The individual appointed and authorized by the Fluvanna County Board of Supervisors to administer and enforce this chapter.

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 (≥ 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 (≥ 6) lots or divided in such a way as to create a new public or central water or sewer system or one or more (≥ 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

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 public hearing is to be held on Tuesday, February 11, 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 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 RECOMMEND (APPROVAL/ DENIAL / DEFERRAL) OF ZTA 25:01 – AN 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**

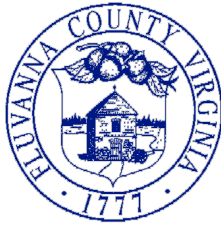
ARTICLE 22. – DEFINITIONS

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.*



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 public hearing is to be held on Tuesday, February 11, 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 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 RECOMMEND (APPROVAL/ DENIAL / DEFERRAL) OF 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

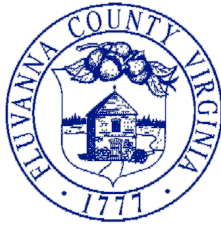
ARTICLE 22. – DEFINITIONS

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.*



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 25:03
District: Countywide Amendment

General Information: This is a request for a public hearing to be held on Tuesday, March 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 §22-25-4 to remove the phrase, "Refer to Example Graphics" from Paragraph (E) – description of "Full Cutoff Angle."

Background Information: This amendment removes the reference to "Example Graphics" from the description of "Full Cutoff Angle." The Ordinance does have a section for example graphics; therefore, the reference need to be removed.

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 25:03 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §22-25-4 TO REMOVE THE PHRASE "REFER TO EXAMPLE GRAPHICS" FROM THE DESCRIPTION OF "FULL CUTOFF ANGLE."

ZTA 25:2

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-25-4 TO MAKE A CLERICAL CORRECTION REMOVING AN OBSOLETE REFERENCE FOR OUTDOOR LIGHT CONTROLS

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 § 22-25-4 as follows:*

CHAPTER 22 ZONING

ARTICLE 25. – OUTDOOR LIGHT CONTROL

Sec. 22-25-4. - General terms.

(A) *Outdoor Light Fixtures* shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:

- (1) Buildings and structures, including canopies and overhangs;
- (2) Parking lot lighting;
- (3) Landscape lighting;
- (4) Signs; and
- (5) Display and service areas.

(B) *Installed* shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this article, but shall not apply to those outdoor light fixtures installed prior to such date.

(C) *Shielded, fully* shall mean fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture or beyond the property line. The terms 'source shield' and 'full cutoffs' shall mean fully shielded.

(D) *Footcandle* shall mean a quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

(E) *Full Cutoff Angle* shall mean the angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. ~~Refer to example graphics.~~

(F) *Initial Lumens* shall mean the lumens emitted from a lamp, as specified by the manufacturer of the lamp.

(G) *Lamp* shall mean the component of a luminaire that produces and directs light. A lamp is also commonly referred to as a bulb.

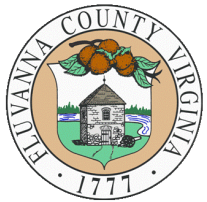
(H) *Lumen* shall mean a standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.

(I) *Luminaire* shall mean a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

(J) *Outdoor Luminaire* shall mean a luminaire that is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

(K) *Photometric Plan* shall mean a point-by-point plan depicting the intensity and location of lighting on the property and spillover on to adjacent properties or rights-of-way.

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



PLANNING COMMISSION
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 2025-03

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING § 22-25-4 TO MAKE A CLERICAL CORRECTION REMOVING AN OBSOLETE REFERENCE FOR OUTDOOR LIGHT CONTROLS

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 §22-25-4 to remove the phrase, “Refer to Example Graphics” from Paragraph (E) – description of “Full Cutoff Angle” from the Lighting Ordinance, 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 §22-25-4 to remove the phrase, “Refer to Example Graphics” from Paragraph (E) – description of “Full Cutoff Angle.” 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 March 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 11th day of February, 2025:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Lorretta 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

Fluvanna County Planning Commission

BYLAWS AND RULES OF PRACTICE AND PROCEDURES

Adopted: _____

I. CREATION. The Fluvanna County Planning Commission, hereinafter called the “Commission”, is an appointed body provided by the Code of Virginia, Section 15.2-2210, or as amended. The Commission consists of five (5) members, one (1) appointed from each election district and one (1) representative of the Board of Supervisors. The Board of Supervisors representative does not vote by directive of the Board of Supervisors.

II. PRINCIPAL ADDRESS. 132 Main Street, Palmyra, Virginia 22963; Mailing Address: Post Office Box 540, Palmyra, Virginia 22963.

III. COMMISSION CHAIR. At the first regular meeting of the year, the Commission selects one of its members to serve as Chair. The Chair is a voting member and serves for one (1) year.

IV. COMMISSION VICE CHAIR. At the first regular meeting of the year, the Commission selects one of its members to serve as Vice Chair. The Vice Chair is a voting member and serves for one (1) year.

V. DIRECTOR OF PLANNING. The Director of Planning shall be Clerk to the Commission and his or her general duty is set forth in the Code of Virginia, Section 15.2-2217. He or she shall maintain an office at the same address as the Commission.

VI. COUNTY ATTORNEY. The County Attorney assists the Commission in analyzing the facts; provides advice and action in legal matters and represents the Commission in civil actions.

VII. PARLIAMENTARY PROCEDURE. The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Bylaws and Rules of Practice and Procedures and Robert's Rules of Order as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Commission members. If the County Attorney is unavailable, the Director of Planning shall serve as the Parliamentarian.

VIII. QUORUM FOR THE EXERCISE OF COMMISSION BUSINESS. A majority of the commission shall constitute a quorum in order to conduct Commission business. A vote of the majority of those present is necessary to take action on an issue.

IX. PUBLIC SESSIONS.

A. Except as otherwise directed the regular public meeting of the Commission shall be held on the 1st Tuesday after the 1st Wednesday of the month at 7:00 p.m. The meetings shall generally be held in the Morris Room, of the County Administration Building, located at 132 Main Street, Palmyra, VA 22963.

B. A special meeting may be held at the call of the Chair or by the application of three members given to the Director of Planning. There shall be at least seventy-two (72) hours written notice for a special meeting.

X. MEETING AND ATTENDANCE.

A. All meetings and business shall be conducted in accordance with these Rules, Robert's Rules of Order Newly Revised, 12th Edition, and the law of Virginia. In the event of conflict, the law of Virginia shall govern.

B. Meetings will be held on the 1st Tuesday after the 1st Wednesday of the month. If the meeting date falls on a holiday, a new meeting date will be scheduled by the Chair. Meetings shall start at the appointed time, and if the Chair is not present, the Vice Chair shall preside. If neither the Chair nor the Vice Chair is present, the Director of Planning shall call the meeting to order and preside for the election of a Temporary Chair.

C. Any person making a written or electronic presentation or demonstrating a matter by way of a picture, slides or a similar document for inclusion in the record of the hearing shall provide the Director of Planning a copy of such item three (3) days prior to the meeting at which such person wishes to make a presentation.

D. The Director of Planning shall list all items requested on the agenda. If, in the opinion of the Director of Planning, an agenda item is not appropriate for consideration by the Commission, he shall inform the Chair, and if the Chair is in agreement, the Commission shall first discuss whether to entertain the agenda item.

E. The Director of Planning and Chair shall allocate time to items on the agenda, as is necessary, for appropriate consideration by the Commission.

F. The Commission shall consider all items docketed on the agenda before taking any other items unless an undocketed item is brought by consent of the Commission.

G. Time permitting, items not on the agenda shall be heard as the final items of the Commission's business. If time does not, in the opinion of the Chair, permit hearing items on the agenda, they shall be carried over to the next regular or special meeting.

H. The Chair's vote on all issues before the Commission shall be recorded as being given with the prevailing side, unless the Chair clearly votes otherwise.

I. Meetings shall be adjourned no later than 11:00 pm unless continued by unanimous vote of the Commission members.

XI. POLICY FOR REMOTE PARTICIPATION OF MEMBERS OF THE FLUVANNA COUNTY PLANNING COMMISSION AT MEETINGS OF THE COMMISSION

A. Authority and Scope

1. This policy shall govern participation by an individual member of the Planning Commission of Fluvanna County, Virginia, by electronic communication means in public meetings of the Planning Commission of Fluvanna County, Virginia, and any closed session of the Commission held in accordance with applicable law, from and after the date of adoption of this policy.
2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.
3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

B. Definitions

1. **“Caregiver” means a caregiver as defined by Va. Code § 2.2-3701.**
2. “Member” means any member of the Planning Commission.
3. “Remote participation” means participation by an individual member of the Commission by electronic communication means in a public meeting where a quorum of the Commission is physically assembled, as defined by Va. Code § 2.2-3701. **For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver and uses remote participation counts toward the quorum as if the individual was physically present.**
4. “Meeting” means a meeting as defined by Va. Code § 2.2-3701.
5. “Notify” or “notifies,” for purposes of this policy, means verbal or written notice that is reasonable under the circumstances, with written notice, such as by email or letter, being the preferred means of notice. Notwithstanding the foregoing, notice does not include text messages or communications via social media.
6. “VFOIA” means the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq.

C. Mandatory Requirements

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

1. A quorum of the Commission must be physically assembled at the primary or central meeting location; and
2. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.
3. **For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver and uses remote participation counts toward the quorum as if the individual was physically present.**

D. Process to Request Remote Participation

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Commission Chair (or the Vice-Chair if the requesting member is the Chair) that such member is physically unable to attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, **or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance,** (iii) such member's principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.
2. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter and that such matter renders the requesting member unable physically to attend. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) - (iii) above.
3. The requesting member is not obligated to provide independent verification regarding the reason for such member's nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents the member's physical attendance at the meeting.
4. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether the request is in conformance with this policy, and therefore approved or disapproved.

E. Process to Confirm Approval or Disapproval of Participation from a Remote Location

When a quorum of the Commission has assembled for the meeting, the Commission shall vote to determine whether:

1. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
2. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

F. Recording in Minutes

1. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, **or the member is a caregiver who must provide care for a person with a disability**, or because the member's principal residence is located more than 60 miles from the meeting location the Commission shall record in its minutes (1) the foregoing circumstance due to which the member is participating remotely; (2) the Commission's approval of the member's remote participation; and (3) a general description of the remote location from which the member participated.
2. If the member is allowed to participate remotely due to a personal matter, the Commission shall record in its minutes (1) the specific nature of such personal matter that renders the requesting member unable to attend stated by the requesting member; (2) how many times the member has attended remotely due to a personal matter; (3) the Commission's approval of the member's remote participation; and (4) a general description of the remote location from which the member participated.
3. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

G. Closed Session

If the Commission goes into closed session, the member may continue to participate remotely in the closed session, and shall ensure that no third party is able to hear or otherwise observe the closed meeting.

H. Strict and Uniform Application of this Policy

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Unless independently received by County staff, the Chair (or Vice-Chair) shall provide County

staff with copies of the member's written request to participate remotely and the written response, as applicable, if the request or response is in writing, to be retained by County staff for a period of one year, or other such time required by records retention laws, regulations, and policies.

I. Meetings Held Through Electronic Communication Means During Declared States of Emergency

1. In addition to the foregoing, pursuant to the Code of Virginia Section 2.2-3708.2(A)(2) the Planning Commission may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia Section 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency provide for the continuity of operations of the Commission or the discharge of its lawful purposes, duties, and responsibilities. The Planning Commission when convening a meeting in accordance with this subdivision (I) shall:
 - a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Planning Commission conducting the meeting;
 - b. Make arrangements for public access to such meeting through electronic communication means;
 - c. Provide the public with the opportunity to comment at those meetings of the Commission when public comment is customarily received;
 - d. Otherwise comply with the provisions of the Code of VFOIA; and
 - e. State in its minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.
- J. Nothing in this Section XI shall be construed to prohibit the use of interactive audio or video means to expand public participation.

XII. CONDUCT OF BUSINESS

- A. When the question is called and there is no dispute, the Chair shall call for the vote.
- B. Whenever any member wishes to abstain from voting on any question, he or she shall so state and, if because of a conflict, shall indicate in accordance with the Virginia Conflict

of Interests Act, Virginia Code § 2.2-3100 et seq., or as amended, and his or her abstention shall be announced by the Chair and recorded by the Clerk.

C. Exhibits or electronic slides before the Commission shall become the property of the Commission and shall be filed with the Director of Planning.

D. Citizens shall not speak at a meeting until they are recognized by the Chair. Citizens shall request recognition by addressing the Chair and then await acknowledgement. At his or her discretion, the Chair may permit a dialogue without individual recognition between members of the Commission or between a member and a citizen if such dialogue is orderly and contributes to the expedition of the business. Such discussion will be discouraged.

E. Prior to opening a meeting at which one or more public hearings will be held, the Chair shall recount the rules under which the hearing shall be operated, but he or she may amend the rules during the hearing by giving notice of the change to the Commission.

F. At the beginning of the public hearing, the Chair shall call upon the Director of Planning or the Chair of the committee handling the matter at hand or shall recount a description of the issue placed before the hearing.

G. Subject to revocation or extension by the majority of the commission assembled, the Chair may in all matters establish a maximum time for consideration of the matter, and/or limit the amount of time available to each speaker on a matter and/or limit the number of times each speaker may address the Commission on a matter. Notwithstanding the foregoing statement, every Commission member shall be entitled to make a statement on every matter before the Commission and the call for the question shall not be entertained until all members who wish to exercise this right shall have done so.

H. All members or citizens shall limit their comments before the Commission. The Chair has the option of requiring speakers to sign up before being authorized to address the Planning Commission.

I. The Commission has set forth the following rules for presentation time limits:

1. Individual presentations placed on the Commission's agenda shall be limited to ten (10) minutes in duration.
2. Individual presentations listed under the agenda item "Public Comments" shall be limited to five (5) minutes in duration.
3. Statements from the public during the "Public Hearing" on individual agenda items shall be limited to five (5) minutes.
4. Complete presentations on Commission action items shall be limited to not more than ten (10) minutes.

5. The above limitations may be extended only by majority consent of the Commission.

XIII. ORDER

A. It shall be the duty of the Chair to maintain order and decorum at meetings. The Chair shall speak to points of order in preference to all other members.

B. In maintaining decorum and propriety of conduct, the Chair shall not be challenged and no debate shall be allowed until after the Chair 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.

C. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chair shall be the judge of such breaches.

D. When a person engages in such a breach, the Chair may:

1. Order the person to stand silent,
2. Order the person's removal from the building, or,
3. Order the person removed from the County Property.

XIV. COMMITTEES. There will be no standing committees. Ad hoc committees will be appointed by the Chair, as needed. Constitutional Officers may be appointed to committees.

XV. RULES

A. The bylaws may be suspended at anytime by a majority vote of the Commission.

B. The bylaws may be amended by a majority vote of the Commission, but only at the regular meeting next held after the proposed amendment has been announced at a regular meeting.

XVI. RECORD OF THE MEETING. The Clerk of the Commission or another person acting in the capacity shall electronically record each regular meeting. Recordings are the property of Fluvanna County. A stenographic record shall not be admissible as evidence of what transpired at a meeting, unless the person taking the record has been sworn prior to making the record. Audio recordings are available on the county website at www.fluvannacounty.org/meetings