

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Fluvanna County Library
214 Commons Boulevard
Palmyra, VA 22963**

**May 11, 2021
6:00 pm (Work Session)
7:00 pm (Virtual Meeting)**

MEMBERS PRESENT:

Barry Bibb, Chair
Gequetta "G" Murray-Key, Vice Chair
Lewis Johnson
Ed Zimmer
Howard Lagomarsino
Patricia Eager, Board of Supervisors

STAFF PRESENT:

Eric Dahl, County Administrator
Douglas Miles, Community Development Director
Jason Overstreet, Senior Planner
Fred Payne, County Attorney
Valencia Porter, Administrative Programs Specialist

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

At 6:00 pm, Chair Bibb called the Work Session to order, led in the Pledge of Allegiance and conducted a Moment of Silence.

B. PUBLIC COMMENTS: (5 minutes per speaker)

None were provided.

C. WORK SESSION: Virginia Electric and Power Company / Dominion Energy Landfill

Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("VEPCO") is seeking to rezone two (2) parcels identified as Tax Map 62 Section A Parcel 7 and Tax Map 59 Section A Parcel 27 (collectively the "Property") from A-1, General Agricultural to I-1, Limited Industrial in order to construct a lined landfill (the "Landfill") for the final disposition of coal combustion residuals (CCRs) that are currently located on the adjacent Bremono Power Station property (the "Power Station") along the James River.

Eric Dahl, County Administrator: spoke briefly about the Proffers contained in this request:

Use Restrictions: Offices, Contractor's storage yards, Lumberyards, Machine shops, Light manufacturing, solid waste collection facilities, Minor Utilities and Accessory land uses.

Uses permitted by Special Use Permit only: Sanitary landfills, Solid waste material recovery facilities, Telecommunication facilities, Utilities, major, and Uses accessory to the above uses.

Water Supply Improvements: To ensure the continued provision of a safe and reliable potable water source for residents and users in the Fork Union Sanitary District (FUSD)

Public Amenity / Recreation and Green Infrastructure Mitigation Payment: The Applicant shall pay the County \$500,000 (the "Public Amenity Payment") to construct park, recreation and/or green space area(s) (i.e., playground, baseball field, basketball court) in a location or locations to be determined by the Board at its sole discretion.

Transportation Improvements and Road Maintenance: The Applicant shall submit a traffic management plan as part of the overall site development plan.

Payment and Permitting Contingencies: Within a reasonable time prior to committing to the Water System Improvements option it will undertake, the County shall submit to Applicant an initial scope of work, schedule, and total budget for each phase of the Water Supply Improvements (each a Project Budget and collectively, the Project Budgets)

Use of Local Workforce: The Applicant shall work with its contractors to identify opportunities for utilizing, developing, and hiring local workers in accordance with Code of Virginia.

Permits: The Applicant shall acquire all necessary permits from all applicable regulatory bodies of the state and federal government and copies of such permits shall be provided to the County upon request.

Work Session Discussion:

Mr. Johnson: asked does that mean we will be getting rid of all of the FUSD wells?

Mr. Dahl: Yes, probably long term, but we probably have about six or seven ground water wells that we may rely on and will have some redundancy until we will have to take the wells offline.

Mr. Zimmer: asked is there a condition that only the coal ash from Bremono Power Station be placed into the new landfill? How do we know other coal ash cannot be put into this landfill?

Mr. Dahl: explained we had a discussion with them about how their coal ash will be removed there and there are options are: haul it out in trucks on County roads; take it out by rail cars; recycling it in some situations to reduce the amount of coal ash that needs to be removed or be landfilled; or just be Landfilled and that is where both sides have come to an agreement now.

The truck traffic and some of the heavier traffic will be contractors and other shipment trucks going into the site and will not have any coal ash dump trucks coming onto county roads. They will take it from the North side of the property to the East side and into the proposed Landfill.

Fred Payne, County Attorney: explained that this material is not going to stay where it is. The County is going to have to approve this as one of the possible solutions. They are asking that you go along with the landfill and he explained the options about the coal ash being removed from one side of the site to the other side and then it would be placed right into their landfill.

Mr. Zimmer: stated even though it is staying on site it is still not improving Fluvanna County.

Mr. Payne: stated yes, I guess that you could say that.

Mr. Zimmer: asked how are we protecting the private residential wells?

Mr. Payne: stated we are providing a reliable source of potable water.

Mr. Dahl: stated Dominion Energy will pay to hook up to that water system.

Chair Bibb: stated making the entire Fork Union Sanitary District (FUSD) water system better.

Mr. Payne: stated if they are going to give us funding it has to be for specific improvements.

Mr. Johnson: stated this will be better because in this part of the County and in Fork Union in general it is in need of new infrastructure such as water to eventually have new business uses.

Vice Chair Murray-Key: asked what about the environmental impact and the impact on where our residents live. So, their well water is being tested and I understand that they will have the option to connect up to a FUSD County water line or they can choose to also keep their well?

Mr. Miles: stated Dominion Energy was required to perform well testing for residents as a part of the Virginia General Assembly legislation and the well reports have been submitted to DEQ and we will have to provide additional information to residents about connecting up to water.

Mr. Dahl: stated since all of the adjoining landowners have been tested and for the first five years they will continue to get tested, for as long as they do not agree to the new system, then after that will get tested every five years. Those will be the properties within the ½ mile area.

Mr. Zimmer: stated that it does seem to me to be a much better situation when the landfill is built. Is it appropriate for us to ask the applicant about a condition to restrict the coal ash to be only from the Bremono Power Station here in Fluvanna County and not from outside the County?

Mr. Payne: stated you do not have to have them agree to this condition, you can just ask the question and see what they say. My guess is that they are not going to have any objection to it because they do not plan to bring any coal ash in from outside the County this would ensure it.

Mr. Zimmer: stated that he thinks it is a reasonable condition and that is where I will go with it.
Mr. Miles: stated that the conditions that we have are very similar to the ones that we used for the Sun Tribe Solar request last month and so we can work on adding to those case conditions.

Vice Chair Murray-Key: stated that she is very concerned when we start talking about impacts on our County residents and particularly residents near the former power plant. As people are looking at money needed to live and looking at their health and safety down the road. So that would be my main concern from individuals that are impacted by this entire process. Could the adjoining property owners get their wells tested by whomever they want? I am just trying to understand that if I lived there I would want to know that and all I hear now is everybody else around me is saying this is good. So, I am just trying to get clarity on what we are doing on it.

Mr. Miles: stated that tonight at your Regular Meeting and during the Public Hearings there will be several AECOM engineers and Dominion Energy representatives who can answer your questions and the other Planning Commissioners' questions. Mr. Dahl and I will be going over both the Proffers and Recommended Conditions for everyone and ready to answer questions.

Mr. Payne: indicated to Vice Chair Murray-Key nobody can assure you that there would not be a dispute or not be any well issues. Then they can say that is not reasonable we are not going to do that and they will have a dispute and there is nothing you can do about that. VEPCO has every incentive to satisfy any reasonable concerns. What is happening is that instead of them going out and drilling multiple wells they can say that there is a new water line in front of your house and you can hook it up, and that will be as good as it gets. Mr. Zimmer, so if you want to put your language into the conditions it seems like the easiest thing to do is to add to Condition One that is already found in the Staff Report and we can do that when the time is right tonight.

Chair Bibb adjourned the Work Session at 6:58 pm.

Regular Meeting at 7:00 pm

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

At 7:00 pm, Chair Bibb called the May 11, 2021 Regular Meeting to order, followed by the Pledge of Allegiance and a Moment of Silence.

2. **DIRECTOR'S REPORT: Douglas Miles, Community Development Director**

April 8, 2021 – Technical Review Committee (TRC) Meeting

ZMP 21:02 Virginia Electric and Power Company – A Conditional Rezoning from the A-1, Agricultural, General District to the I-1, Industrial, Limited District on 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

SUP 21:03 Virginia Electric and Power Company – A Special Use Permit request in the I-1 Industrial, Limited District to permit a sanitary landfill with respect to 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

April 12, 2021 – Cunningham Solar LLC – Transportation Plan Meeting

The Community Development Director met virtually with the VDOT Land Use Engineers, Timmons Group Transportation Senior Planner and Sun Tribe Solar staff on the proposed transportation planning construction route along Route 53 and Route 15 by avoiding the collector roads to their construction site in order to construct a new solar energy facility.

April 14, 2021 – VDOT Transportation Assistance Program (TAP) Statewide Webinar

The Community Development Director and Planner / GIS Technician both attended the VDOT statewide training session to prepare the streetscape project funding request for the Palmyra Main Street area in the County. The TAP Grant application process will help Fluvanna County.

April 21, 2021 – Board of Supervisors Public Hearings Meeting

SUP 20:04 Cunningham Solar, LLC – A request for a Special Use Permit in the A-1, Agricultural, General District to construct a major utility use (solar energy facility) on 62.4 +/- acres, Tax Map 18, Section A, Parcel 44. The property is located on the east side of South Boston Road (SR 600), approximately 0.2 miles north of its intersection with Thomas Jefferson Parkway (Route 53). The subject parcel is within the Rivanna Community Planning Area and the Fork Union and Palmyra Election Districts. **The SUP it was approved with the recommended conditions and a Transportation Plan is being reviewed by Director with Sun Tribe Solar and Timmons Group.**

SUP 20:03 Steven L. & Codie C. Peters – A Special Use Permit request in the R-3, Residential, Planned Community District to permit both car wash and gas station uses with respect to 60.9 +/- acres of Tax Map 8, Section A, Parcel A14A. The property is located on the northeast corner of the intersection of Thomas Jefferson Parkway (Route 53) and Lake Monticello Road. The subject parcel is within the Rivanna Community Planning Area and is in the Palmyra Election District. **The SUP was approved with recommended conditions. Director is reviewing final transportation improvements with Shimp Engineering and VDOT for the site development.**

ZMP 21:01 Christian & Associates Excavating – A Conditional Rezoning from A-1, Agricultural, General to the B-1, Business, General District on 14 +/- acres of Tax Map 9 Section A Parcel 12A. The property is located on the north line of Lake Monticello Road and 0.1 miles west of River Run Road. The subject parcel is within the Rivanna Community Planning Area and the Palmyra Election District. **The rezoning was approved with proffered conditions and the applicant is working on submitting his site plans for review by the TRC staff members.**

SUP 21:01 Christian & Associates Excavating – A Special Use Permit request in the B-1, Business, General District to permit a contractor’s storage yard with respect to 14 +/- acres of Tax Map 9 Section A Parcel 12A. The property is located on the north line of Lake Monticello Road and 0.1 miles west of River Run Road. The subject parcel is within the Rivanna Community Planning Area and the Palmyra Election District. **The SUP was approved with recommended conditions to screen the proposed use and it will be reviewed by the TRC.**

April 29, 2021 – Dominion Energy Community Meeting & Open House

Dominion Energy conducted a Community Meeting open house at the Fluvanna Community Center down in Fork Union on a proposed landfill site. The County Administrator, Economic Development Coordinator and Planner / GIS Technician attended this community meeting.

April 29, 2021 and May 6, 2021 – FLDP Planning & GIS Training Sessions

The Planning Commission Chairman, Community Development Director and Senior Planner / GIS Coordinator conducted a training session on the Planning Commission, Comprehensive Plan and the Zoning Ordinance. The Fluvanna Leadership Development Program (FLDP) participants were able to ask us questions and learn more about the Planning and GIS division operations.

The second FLDP training session on May 6th focused on the 2019-2020 Development Activity Report (DAR) and also on Transportation Planning work. Along with R-3, Residential Planned Community developments located within the County where the residential growth is occurring mainly along the Lake Monticello Road corridor with future growth expected in the ZXR area.

3. **PUBLIC COMMENTS #1:**

At 7:07 pm, Chair Bibb opened the first round of Public Comments. With no one coming online wishing to speak to the Commission, Chair Bibb closed the Public Comments Period at 7:08 pm.

4. **MINUTES:**

MOTION:	I move that the Planning Commission Minutes of April 13, 2021 be approved, as presented.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Seconded	Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Approved by 5-0 vote, as presented				

5. **PUBLIC HEARINGS:**

ZMP 21:02 Virginia Electric and Power Company – Douglas Miles, Community Development Director

A Conditional Rezoning from the A-1, Agricultural, General District to the I-1, Industrial, Limited District on 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

Mr. Miles provided a combined ZMP 21:02 and SUP 21:03 Virginia Electric and Power Company Powerpoint Presentation on the Conditional Rezoning proffered conditions and the Special Use Permit recommended conditions and overall site development and screening of a new landfill.

Sarah Marshall, Dominion Energy External Affairs Manager: introduced herself as well as the other professionals that were at the Planning Commission meeting. Then she proceeded to provide an overall background of the proposed landfill and the potential site construction timeline and she made herself available to answer the Planning Commissioners' questions.

The Dominion Energy timeline for the proposed Landfill construction project is as shown below:

Summer 2021 – Solid Waste Permit Application to be filed with VDEQ and ACOE a Joint Permit; Fall 2021 – A Major Site Development Plan will be filed with Fluvanna County and VDOT Staff; Estimated Construction Timeline: 2023 – 2027 Landfill Construction / 2024 – 2030 Coal Ash to be moved from the North Ash Pond into the Landfill; and Final Cover installed in 2030 – 2031.

Planning Commissioners Discussion Period:

Mr. Zimmer: asked so are the existing coal ash ponds going to be excavated or be left alone?

Mrs. Marshall: stated that the North Ash pond will be excavated and that ash will be placed into the proposed Landfill for disposal purposes. The other existing ponds will be evaluated.

Vice Chair Murray-Key: stated that Mrs. Marshall you spoke about Dominion's intentions to construct a sanitary landfill and where will we be twenty years down the road with a landfill?

Mrs. Marshall: stated currently there is not a condition to limit the proposed lined landfill, not a true Sanitary landfill - just coal ash from the Bremono Power Station and that is our intention.

Mr. Zimmer: stated that I plan to propose when the time is right tonight to amend one of the recommended conditions to include the restriction that only Bremono Power Station coal ash be placed into the landfill and also that sanitary landfill materials would not be permitted in there.

Mrs. Marshall: stated that we would like to see the exact language before we say yes or no but we do not see an issue with that type of condition and are happy to do that tonight with staff.

Vice Chair Murray-Key: asked that at your recent Community Meeting did you hear from area residents about any environmental concerns or well water concerns as that is what I would like to know more about this request and that we are protecting Fluvanna County residents there.

Mrs. Marshall: stated that we know everyone can have different expectations as to what the proposed landfill and the long term construction of the landfill will do to the immediate area. Dominion Energy has proffered several things to offset the impact upon the adjacent property owners as far as construction traffic, dust, noise, and other mitigating factors we have worked with the Fluvanna County Staff on to avoid any issues. In the past, we have even worked with the Fluvanna School System and the County overall to avoid any issues with the school buses and also their scheduled routes. So, as far as the groundwater testing, that has already been completed and we do not expect that much of an impact environmentally from the proposed landfill operation. Well testing will continue to be performed for the life of the landfill and we plan to have our Dominion Energy operations team to monitor all things going forward there.

Vice Chair Murray-Key: stated I understand that new recreational opportunities will be able to be established in this area in the future and that you have proffered to address that need. Is

there a timeline for that or we have babies that are not even born yet and then they will about to be parents and the recreational amenities will have been installed or how does that coincide with potential development of any recreational areas in relation to a landfill construction site.

Mrs. Marshall: stated that the recreational aspects of this project will be solely up to Fluvanna County as to when then would like to add the new recreational facilities with the \$500,000 that we are providing as a part of this conditional rezoning case and when the time is right for that.

Mrs. Eager: asked who does your groundwater well testing?

Mrs. Marshall: stated for residential well testing we use DRM and for on-site testing we use Golder and Associates and we plan to only bring the Bremo Power Station ash into the landfill.

Vice Chair Murray-Key: asked who determined the radius requirements for the well testing and how residents would be contacted and were they properly notified by letter by your company?

Mrs. Marshall: stated the Virginia General Assembly legislation required us to perform the well testing and it established the radius requirements and we went beyond those requirements by notifying the business owners and churches in the immediate area to properly notify everyone. Fluvanna County Planning and GIS Staff has worked with us to perform these notifications and they utilized the same mailing list to notify property owners about tonight’s Public Hearings.

Vice Chair Murray-Key: inquired about the potential for construction jobs to be made available to County residents for the construction of the proposed landfill – can you elaborate on that?

Mrs. Marshall: stated yes that eventually that there will be opportunities for local contractors to work for Dominion Energy in the construction of the proposed landfill again as a part of the Virginia General Assembly legislation and typically it is our policy of Dominion Energy, as well.

Chair Bibb opened up the Public Hearing at 7:46 pm as a joint Public Hearing and with no one coming forward online to speak to the Commission, he ended the Public Hearing at 7:47 pm.

Chair Bibb: stated that he thinks that this is the safest way for them to do it on-site and that they are not taking it out on our public roads. The opportunity for them to upgrade the water system would work best for residents. The Board of Supervisors has the right for the future development of a recreational area down the road. VDOT can come later and fix the roads that are damaged or have been damaged and can further assess what needs to be done once the landfill has been completed and all the coal ash trucks are no longer on the roads in the area.

Mr. Zimmer: stated he agreed completely and that Mr. Payne has prepared with Dominion’s land use attorney the recommended language that we had discussed in the Work Session.

Mr. Payne: This Special Use Permit is granted for a sanitary landfill use to Virginia Electric and Power Company d/b/a Dominion Energy Virginia or any successors as the owner of such use located on Tax Map 62 Section A Parcel 7 for the final disposition of coal combustion residuals (CCRs) and related materials that are currently located on the adjacent Bremo Power Station property (the “Power Station”) along the James River.

Mr. Johnson: stated he is the Fork Union District Commissioner and I support this, and I think this will help out with a new water system and it will be good for the County and Fork Union.

MOTION:	I move that the Planning Commission recommend Approval of ZMP 21:02 to conditionally rezone from the A-1, Agricultural, General District to the I-1, Industrial, Limited District on 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7 along with the seven (7) proffered conditions dated March 31, 2021 submitted by the applicant.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:			Motion	Seconded	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Recommended Approval 5-0 with proffered conditions				

SUP

A

21:03 Virginia Electric and Power Company – Douglas Miles, Community Development Director:

Special Use Permit request in the I-1 Industrial, Limited District to permit a sanitary landfill with respect to 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7. The properties are located on the south line of Bremono Road and 0.2 miles west of Spring Road. The subject properties are within the Rural Residential and Rural Preservation Planning Areas and the Fork Union Election District.

Recommended Conditions:

Staff recommended these conditions with amended Condition 1 as shown in the underlined text:

1. This Special Use Permit is granted for a sanitary landfill use to Virginia Electric and Power Company d/b/a Dominion Energy Virginia or any successors as the owner of such use located on Tax Map 62 Section A Parcel 7 for the final disposition of coal combustion residuals (CCRs) and related materials that are currently located on the adjacent Bremono Power Station property (the "Power Station") along the James River.
2. All site activity required for construction of the sanitary landfill shall be limited to the following days and times: All construction and site deliveries shall be limited to the hours from sunrise to sunset Monday through Saturday with no Sunday construction and site deliveries permitted on the Property.
3. A Construction Traffic Management Plan, including certain mitigation measures shall be developed by the applicant and it shall be submitted to the Virginia Department of Transportation (VDOT) and the County Administrator or his designee for review and approval. The Plan shall address traffic control measures along all state maintained roads leading to the Property for both pre-and post-construction road evaluation and any necessary repairs needed to the public roads that are required as a result of any damage from the sanitary landfill construction. All VDOT permits must be received and be approved by VDOT and the approved copies shall be provided to the County Administrator or his designee prior to site construction occurring on the premises.
4. A Site Parking and Construction Staging Plan shall be submitted as a part of the Site Development Plan approval process on the Property that demonstrates a site access plan directing both employee and delivery traffic to minimize conflicts with local traffic on state maintained roads leading to the site to avoid traffic delays during peak construction times. The Virginia Department of Transportation shall approve access to the Property and the applicant will be responsible for all necessary commercial entrance and road improvements to the Property.
5. A Site Construction Mitigation Plan shall be submitted as a part of the Site Development Plan approval process that addresses dust mitigation where all construction roads and areas shall remain dust-free by the use of a water truck or other approved method to keep soil and sediment on the premises. Burning operations must follow all local and state burning restrictions and distances from property lines and combustibles. The plan must address both dust and smoke migration so as not to be of a general nuisance to adjoining property owners during site construction and/or burning operations on the Property.
6. The applicant shall coordinate directly with the Fluvanna County Fire Chief and Fluvanna County Sheriff to provide sanitary landfill educational information and/or training to the respective County personnel responding to the sanitary landfill use in regards to how to respond to any calls for service that may occur on the Property. The Fire Chief and Sheriff shall be provided with the construction manager's direct contact information during construction and the remote sanitary landfill manager's direct contact information during operations on the Property. It shall be the responsibility of the applicant to update Fluvanna County should this sanitary landfill manager's name, phone number and/or e-mail address change on the Property.
7. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time on Property and they have the

authority to revoke this Special Use Permit if the applicant or property owner has substantially breached the conditions of the Special Use Permit.

MOTION:	I move that the Planning Commission recommend Approval of this request to permit a Special Use Permit SUP 21:03 request in the I-1 Industrial, Limited District to permit a sanitary landfill with respect to 224.5 +/- acres of Tax Map 59 Section A Parcel 27 and Tax Map 62 Section A Parcel 7 subject to the seven (7) conditions listed within the staff report.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Seconded			Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Recommended Approval 5-0 with amended conditions				

ZTA 21:02 Ordinance to Amend Chapter 22 Zoning – Douglas Miles, Community Development Director:

Be it resolved by the Fluvanna County Planning Commission, pursuant to Fluvanna County Code Sec. 22-20-1(c), that the Commission intends to propose the following amendment to the Fluvanna County Code:

An Ordinance to Amend Chapter 22 Zoning of the Fluvanna County Code by the Addition of Definitions Under 22-22-1 Definitions; Uses Permitted by Right in A-1 Zoning Under 22-4-2.1, in R-1 Zoning Under 22-5-2.1, in R-2 Zoning Under 22-6-2.1, in R-3 Zoning Under 22-7-9.1, in R-4 Zoning Under 22-8-2.1, in B-1 Zoning Under 22-9-2.1, in B-C Zoning Under 22-10-2.1, in I-1 Zoning Under 22-11-2.1, in I-2 Zoning Under 22-12-2.1, and in MHP Zoning Under 22-13-2.1 to Permit a Small Scale Solar Generation Facility; and Uses Permitted by Special Use Permit in A-1 Zoning Under 22-4-2.2, in B-1 Zoning Under 22-9-2.2, in B-C Zoning Under 22-10-4, in I-1 Zoning Under 22-1-2.2 and in I-2 Zoning Under 22-12-2.2 to Permit a Minor Scale and Utility Scale Solar Generation Facility; and the Addition of Chapter 22 Zoning, Article 28. Regulation_of Solar Generation Facilities.

BE IT ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS, pursuant to Virginia Code Sections 15.2-2285, that the Fluvanna County Code be, and it is hereby, amended, in Sections 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1, 22-13-2.1, 22-4-2.2, 22-9-2.2, 22-10-4, 22-11-2.2, 22-12-2.2 and 22-22-1 and the Addition of Chapter 22 Zoning, Article 28 as follows:

Sec. 22-22-1 Definitions

Solar generation facility, minor scale An on-site solar energy conversion system producing less than 2 MW of electricity. Minor scale solar energy conversion systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may also include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground mounted arrays require zoning approval as accessory structures.

Solar generation facility, small scale An on-site solar energy conversion system producing not more than 15 kW of electricity. Small scale solar energy systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground mounted arrays require zoning approval as accessory structures.

Solar generation facility, utility scale A solar energy conversion system producing 2 MW or more of electricity to a utility provider. Such facilities interconnect with an existing electrical grid serving other off-site facilities which are not adjacent or under common use, ownership or control.

Chair Bibb opened the Public Hearing at 8:18 pm. With no one coming forward online or on the conference call line wishing to speak, Chair Bibb closed the Public Hearing at 8:19 pm and he

opened it up for discussion by the Planning Commission.

Chair Bibb asked if there were any other questions or comments, none where provided. He then asked if there was a motion.

MOTION:	I move to adopt An Ordinance to Amend Chapter 22 Zoning of the Fluvanna County Code by the Addition of Definitions Under 22-22-1 Definitions; Uses Permitted by Right in A-1 Zoning Under 22-4-2.1, in R-1 Zoning Under 22-5-2.1, in R-2 Zoning Under 22-6-2.1, in R-3 Zoning Under 22-7-9.1, in R-4 Zoning Under 22-8-2.1, in B-1 Zoning Under 22-9-2.1, in B-C Zoning Under 22-10-3, in I-1 Zoning Under 22-11-2.1, in I-2 Zoning Under 22-12-2.1, and in MHP Zoning Under 22-13-2.1 to Permit a Small Scale Solar Generation Facility; and Uses Permitted by Special Use Permit in A-1 Zoning Under 22-4-2.2, in B-1 Zoning Under 22-9-2.2, in B-C Zoning Under 22-10-4, in I-1 Zoning Under 22-11-2.2 and in I-2 Zoning Under 22-12-2.2 to Permit a Minor Scale and Utility Scale Solar Generation Facility; and the Addition of Chapter 22 Zoning Article 28. Regulation of Solar Generation Facilities.				
MEMBER:	Bibb (Chair)	Murray-Key (Vice Chair)	Johnson	Zimmer	Lagomarsino
ACTION:		Motion		Seconded	
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	Recommended Approval 5-0				

6. PRESENTATIONS:

None

7. SITE DEVELOPMENT PLANS:

None

8. SUBDIVISIONS:

None

9. UNFINISHED BUSINESS:

None

10. NEW BUSINESS:

None

11. PUBLIC COMMENTS #2:

At 8:27 pm, Chair Bibb opened the second round of Public Comments. With no one else coming online Chair Bibb closed the Public Comments period at 8:28 pm.

12. ADJOURNMENT:

Chair Bibb adjourned the Planning Commission meeting of May 11, 2021 at 8:28 pm.

Minutes recorded by Valencia Porter, Administrative Programs Specialist.

Barry A. Bibb, Chair
Fluvanna County Planning Commission