



FLUVANNA COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

Carysbrook Performing Arts Center
8880 James Madison Hwy Fork Union, VA 23055

Tuesday, January 9, 2024
Regular Meeting 7:00 pm

TAB	AGENDA ITEM
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REGULAR MEETING

1 – CALL TO ORDER, PLEDGE OF ALLEGIANCE AND FOLLOWED BY A MOMENT OF SILENCE

2 – DIRECTOR’S REPORT – Kelly Belanger Harris, Acting Director of Planning

3 – PUBLIC COMMENTS #1 (5 minutes per speaker)

4 – MINUTES: Review and Approval of Draft Minutes from December 12, 2023 & Draft Minutes of January 3, 2024

5 – ACTION MATTERS: Resolution of intention to propose an amendment to the Fluvanna County Zoning Code to authorize the short-term rental of detached single-family dwellings by-right

6 – PUBLIC HEARINGS:

ZTA 23:02 – Short Term Rentals – Dan Whitten, County Attorney
ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, AND 22-22-1 AND ENACTING 22-17-20 TO AUTHORIZE THE SHORT-TERM RENTAL OF DETACHED SINGLE-FAMILY DWELLINGS BY-RIGHT IN THE A-1, R-1, R-2, R-3 AND R-4 ZONING DISTRICTS SUBJECT TO SUPPLEMENTAL REGULATIONS

7 – PRESENTATIONS: None

8 – SITE DEVELOPMENT PLANS: None

9 – SUBDIVISIONS: None

10 – UNFINISHED BUSINESS: Adoption 2024 Bylaws and Rules of Practice and Procedures

12 – NEW BUSINESS: None

12 – PUBLIC COMMENTS #2 (5 minutes per speaker)

13 – ADJOURNMENT

Douglas Miles

Douglas Miles
Community Development Director

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*For the Hearing-Impaired – Listening devices are available 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 434.591.1910.*

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.

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**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Carysbrook Performance Arts Center
8880 James Madison Hwy
Fork Union, VA 23055**

Tuesday, December 12, 2023

**Work Session 6:00 pm
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

Barry Bibb, Chair
Mike Goad, Commissioner
Bree Key, Commissioner
Howard Lagomarsino, Commissioner
Loretta Johnson-Morgan, Commissioner

ABSENT:

Patricia Eager, Representative of Board of Supervisors

STAFF PRESENT:

Eric Dahl, County Administrator
Douglas Miles, Community Development Director
Dan Whitten, Fluvanna County Attorney
Jason Overstreet, Senior Planner
Joanna Lehtinen, Planner /GIS Technician
Valencia Porter-Henderson, Administrative Programs Specialist

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

At 6:00 pm, Chair Bibb called the December 12, 2023 Work Session to Order, led in the Pledge of Allegiance, and then he conducted a Moment of Silence.

B. Short Term Rental of Dwellings – Dan Whitten, County Attorney

Overview

- Short-term rental defined as “the provision of a room or space that is suitable or intended for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy” (Va. Code §15.2-983).
- The most well-known platforms are Airbnb, VRBO and Home Away that connect property owners with guests for short stays.
- It is difficult to tell from the outside that it is a short-term rental since typically there is not any signage.

Regulating Short-term rentals through Zoning

- County can also regulate the short-term rental through land use and zoning authority (Va. Code §15.2-2285).
- Proposed Ordinance makes the short-term rental of dwelling a by-right use in Agricultural and Residential Zoning Districts: A-1, R-1, R-2, R-3 and R-4
- Definition of Short-term rental of dwelling: A single-family dwelling not attached to any other dwelling by any means and located on an individual lot that is rented for compensation for periods of less than 30 days. See §22-17-20 for supplementary regulations pertaining to the short-term rental of dwelling.

Short term rental proposed supplemental regulations

- Short-term rental dwelling shall not be allowed within a subdivision governed by a homeowners’ association or property owners’ association where the Short-term rental of a dwelling is not authorized in the restrictive covenants.
- Owners shall provide contact information for the owner and/or authorized property manager to the Fluvanna County Planning and Zoning Department.
- There shall be no visible evidence of the conduct of such Short-term rental of dwelling activity other than one nonilluminated identification sign. Maximum sign area: four square feet.
- Owners shall provide the Fluvanna County Noise Ordinance (Chapter 15.2) to guests as part of the rental contract.

- Outdoor burning and use of fireworks by guests shall be prohibited.
- Owners must comply with all Virginia Department of Health regulations.
- The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Fluvanna County Health Department; however, the maximum number of occupants shall not exceed 10.
- Parking for the dwelling shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all rights-of-way and in yards.
- Property boundaries, or limitations within the property's boundaries where guests are allowed, must be clearly marked at all times.
- The dwelling shall comply with all applicable state building code and safety regulations.
- A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code; and a carbon monoxide detector must be installed on each floor in every dwelling.
- The Owner shall register the Short-term rental of the dwelling with the Commissioner of Revenue.
- Owners unable to meet all of the above requirements shall be prohibited from operation of the Short-term rental of dwelling.

Enforcement

- Civil penalties under § 15.2-2209
- Criminal penalties under § 15.2-2286(A)(5)
- Injunction under § 15.2-2208

Grandfathered and Nonconforming Uses

- **Grandfathering:** a specific permission within an ordinance or regulation for a property to continue in a use or design
- **Nonconforming but legal (§15.2-2307):**
 1. It must have been a lawful primary use of the property before the change in zoning.
 2. An accessory use cannot become the primary use.
 3. The use must be continuous from before the zoning change.
 4. No break longer than two years.
 5. The use and the property cannot expand beyond their pre-zoning use and size.

Agritourism and Short-term Rentals

- § 3.2-6400 - "Agritourism activity" means "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."
- § 15.2-2288.6(A) - No locality shall regulate the carrying out of any of the following activities at an agricultural operation, as defined in § 3.2-300, unless there is a substantial impact on the health, safety, or general welfare of the public:
 1. Agritourism activities as defined in § 3.2-6400
- Attorney General Opinion No. 22-036 on Short Term Rentals
 - 1) "I therefore conclude, based on the plain language of the applicable statutes, including § 3.2-6400, that offering short-term rental accommodations, in defined circumstances, falls within the protections against local regulation afforded certain activities under § 15.2-2288.6.
 - 2) "Nevertheless, I caution that whether a particular instance of a property owner offering short-term rental accommodations is exempt from local zoning regulation depends on whether all attendant statutory conditions are met. For an activity to be exempt from local regulation under § 15.2-2288.6:"
 - The associated property must be zoned as a part of an agricultural district or classification or engaged in an "agricultural operation" as defined in § 3.2-300.
 - The activity must occur on property meeting the definition of a "farm or ranch," which in turn requires the land to be used in the creation of "agricultural products," as further defined by statute.
 - "Rural activities" must be available for the general public to experience

C. Adjournment: Chair Bibb closed the Work Session at 6:48 pm.

MOTION:	Motion to adjourn the Work Session of December 12, 2023 at 6:48 pm.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0				

1. **CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**
 At 7:00 pm, Chair Bibb called the December 12, 2023 Regular Meeting to Order, led in the Pledge of Allegiance, and then he conducted a Moment of Silence.

2. **DIRECTOR’S REPORT – Douglas Miles, AICP, CZA, Community Development Director**

Commercial / Mixed Use Developments – December 2023

- VILLAGE OAKS COMMERCIAL – 40,000 sq. ft. Commercial building is under Final Site Development Plan approval at Manor Boulevard.
- ISLAND HILL SUBDIVISION – VDOT road Acceptance completed and Final County site inspections occurring this month with developer.
- VILLAGE OAKS PHASE 4 – VDOT road Acceptance completed and final County site inspections on the pedestrian walking trail area.

VDOT US 250 and Troy Road (SR 631) Roundabout meeting

- VDOT Culpeper District Office is conducting a Design meeting:
- Location: Best Western in Zion Crossroads 135 Wood Ridge Terrace
- Date: Thursday, December 14th from 5:00 pm to 7:00 pm
- Project: Approved roundabout construction at 250 & Troy Road
- Contact: John.Rose1@vdot.virginia.gov for more information

Day	Date	Time	Public Hearings and Public meetings	Location
THURS	DEC 14	5-7 PM	VDOT Route 250 & Troy Road Design meeting	Best Western
WED	DEC 20	7:00 PM	Board of Supervisors – JRWA Public Hearing	Carysbrook Performing Arts Center
WED	JAN 3	6:00 PM	Joint Work Session on Solar with the Board	Carysbrook Performing Arts Center
TUES	JAN 9	6:30 PM	Organizational Planning Commission meeting	Carysbrook Performing Arts Center

3. **PUBLIC COMMENTS #1**

Chair Bibb opened the Public Comments at 7:05 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record. With no one else wishing to speak in person, Chair Bibb closed the first round of Public Comments at 7:06 pm.

4. **DRAFT MINUTES:**

MOTION:	To Approve the Regular meeting minutes of the Planning Commission of November 8, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion	Second		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

5. **PUBLIC HEARINGS:**

1. CIP FY2025-FY2029 – Eric Dahl, County Administrator

MOTION:	I move that the Planning Commission recommend approval of the FY2025-FY2029 Capital Improvement Plan (CIP) as presented, with a list of funding priorities prepared by the Planning Commission.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Approved				

2. AFD 23:01 Quaint Lea of Nahor – Jason Overstreet, Senior Planner

AFD 23:01 Quaint Lea Nahor– A request to create an Agricultural and Forestal District in the A-1, Agricultural, General District under §3.1-4 on 404 +/- acres and known as Tax Map 16 Section A Parcels 37 and 42; Tax Map 17 Section A Parcel 27. These parcels are generally located on the north and south sides of Nahor Manor Road (SR 636) and east of North Ruritan Drive in the Rural Residential Planning Area and Cunningham Election District.

Overview:

- Request for the creation of a new Agricultural and Forestal District in the Cunningham election district
- 3 parcels totaling 404 acres in the core (200 required)
- Rural Residential Planning Area
- Ten (10) year review period requested by applicants
- AFD Advisory Committee recommends approval 6-0

Evaluation Criteria

- The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto.
- 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.
- The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto.
- Local developmental patterns and needs.
- The comprehensive plan and applicable provisions of the zoning ordinance.
- The environmental benefits of retaining the land in the district for agricultural and forestal uses.
- Any other matter which may be relevant.

The existing conditions of the parcels to be included in the Quaint Lea of Nahor Agricultural and Forestal District meet the requirements for designation as an AFD. The creation of AFDs is supported by the Comprehensive Plan. AFDs were “established to conserve, protect, and encourage the development of agricultural and forestal lands for food and other agricultural and forestal products. The districts conserve and protect agricultural and forestal lands as valued natural and ecological resources that provide open space for watershed protection, wildlife habitat, and aesthetic purposes.” Preservation of land through the creation of the Quaint Lea of Nahor AFS will help to conserve and promote the rural character of the County.

Chair Bibb opened the Public Hearing at 7:09 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

James Von Ottenritter: 2126 Nahor Minor Rd: Thanking the Planning Staff, Mel Sheridan, Suzie and Robert Morris. Stated that this is No Tax movement, and will not reduce taxes.

Suzie Morris: 6840 Thomas Jefferson Pkwy: Thanking everyone for their hard work

With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 7:16 pm.

MOTION:	I move to recommend approval of the creation of the Quaint Lea of Nahor Agricultural and Forestal District to include Tax Map 16
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	Section A Parcels 37 and 42; Tax Map 17 Section A Parcel 27 totaling 404 +/- acres.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Approval				

Chair Bibb: Read a disclosure of this SUP 23:10, because he is a member of Antioch Baptist Church

**Conflict of Interests Disclosure Statement
Fluvanna County Planning Commission Meeting
December 12, 2023**

On Item 5 on tonight’s agenda – Public Hearing for SUP 23:10 Antioch Baptist Church, I would like to disclose the following:

- I am not the applicant, nor do I have any financial interest in the application or the applicant’s business.
- I serve as a deacon, Sunday school teacher and member for the applicant Antioch Baptist Church.

Pursuant to the Code of Virginia Section 2.2-3115 (H), I want to disclose that I will not receive any benefit, monetary or otherwise, if the Planning Commission approves the special use permit, nor will I suffer any detriment, monetary or otherwise, if the Planning Commission disapproves the special use permit.

I am a member of a group, deacons and members of Antioch Baptist Church, who may have an opinion on whether the special use permit should be approved, but I do not foresee any true effect to me regardless of the outcome of this vote, and I am confident that I can participate in the discussion and vote on this matter fairly, objectively, and in the best interest of the County as a whole.

I ask that this disclosure be made a part of the minutes of this meeting.

Barry A. Bibb

3.SUP 23:10 Antioch Baptist Church – Jason Overstreet, Senior Planner

SUP 23:10 Antioch Baptist Church – A Special Use Permit request in the A-1, Agricultural, General District to operate a Daycare center under §22-4-2.2 on 9.3 +/- acres and known as Tax Map 26 Section A Parcel 15. The existing church is located at 4422 Antioch Road and it is located in the Rural Preservation Area and Cunningham Election District.

- Required improvements have been completed
- The Building Official is prepared to issue the necessary A3/E certificate of occupancy required for operation of the facility once ADA door handles are added to the newly installed exterior doors that were required for his use.
- Septic system will be replaced or tied into a new system by 2026. Improvements have been completed to the existing system that will accommodate 39 children and 8 adults, The current system will be monitored

Recommended Conditions

- Daycare center hours of operation shall be 7:00 am to 6:00 pm, Monday through Friday.
- The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
- Under Sec. 22-17-4F(2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

Conclusion:

The Planning Commission should consider any potential adverse impacts to the surrounding Antioch community, such as traffic entering and exiting the property, noise, or potential visual

impacts to adjacent properties. The Daycare center will provide a needed service to the residents in this area of the county who have indicated their support of the Daycare use as indicated by the attached letters.

Chair Bibb opened the Public Hearing 7:21 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

Sara Cole: 5890 Rolling Road S: Spoke in support of this project.

With no one else wishing to speak in person, Chair Bibb closed the first round of Public Hearing at 7:23 pm.

Chair Bibb opened the discussion board to the Commissioners at this time.

Chair Bibb: stated that he feels that this is a good idea

Mr. Goad: stated that he feels good about this idea

MOTION:	I move that the Planning Commission recommends approval of SUP 23:10, a request to permit a Daycare center with respect to 9.3 ± acres of Tax Map 26 Section A Parcel 15 with the three conditions as described in the staff report.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion	Second		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Approval				

Chair Bibb requested a five minute recess: 7:25 pm, and reopened the meeting at 7:30 pm

4. SUP 23:03 Sun Reventon Farm LLC , Douglas Miles- A Special Use Permit request in the A-1, Agricultural, General District to construct a Camp use under § 22-4-2.2 on 298 +/- acres and known as Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3. These parcels are generally located west of Rolling Road S (SR 620) and north of Briery Creek Road (SR 761) and along the Albemarle County line in the Rural Preservation Area and Cunningham Election District.

Recommended Conditions:

Fluvanna County staff recommends approval of the proposed Camp facility use provided that the impact upon the surrounding property owners is minimal. Staff has proposed recommended conditions to ensure that this use complies with all federal, state and County Code requirements:

1. Development of the Camp use shall be in general accordance, as determined by the Zoning Administrator, with the Reventon Farms Conceptual Plan – Special Use Permit Application, dated April 28, 2023 and known as Exhibit A. In order to be in general accordance with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development:
 - a. The maximum number of cabins is 40 in Fluvanna County.
 - b. The location of improvements shall generally be shown on the Conceptual Plan.
2. Use of recreational facilities and other facilities, to include the Event facility on-site, is limited to Camp guests staying in the on-site cabins **and** their registered guests, in either Albemarle County or in Fluvanna County, as shown on the Conceptual Plan.
3. No **motorized** Recreational vehicles or Travel trailers nor any other temporary vehicles or tents as defined in Campgrounds in the Fluvanna County Zoning Ordinance shall be permitted on the Property. Camp structures as defined in Camp in the Fluvanna County Zoning Ordinance shall be permitted and all permanent structures will be considered under the Building Code to be considered for Camp guests or employees and then be shown on the Conceptual Plan. **For the purpose of this condition “Park Model” cabins shall meet the ANSI 119.5 standards and once established at the Camp have had their wheels and towing tongue removed and are located on a foundation.**
 - **ANSI A119.5 is a single living recreational vehicle that is primarily designed and completed in a single chassis and mounted on wheels for camping or seasonal use.**
4. Prior to commencing the Camp use, the Developer must provide contact information for on-site Camp management to all property owners within 1,000 feet of the exterior boundaries of the

area that is included in the Conceptual Plan. The notice shall be re-sent to these same property owners if the contact information changes or additional information needs to be provided by the Camp management.

5. The boundary of the Property shall be posted to alert Camp guests that they are approaching the boundary of the property and that they are not permitted to trespass onto the abutting property.
6. The Developer shall inspect and record Briery Creek Road (SR 761) prior to any site construction. The VDOT – Louisa Residency will need in writing that the Developer is responsible to repair all damages done to Briery Creek Road (SR 761) during site construction of the Camp property.
7. The Developer shall construct or bond for construction the site entrance(s) to the proposed Camp property to meet VDOT entrance and intersection requirements prior to the issuance of a Zoning Permit.
8. The Developer shall notify VDOT, Albemarle County and Fluvanna County in writing thirty (30) days prior to commencing any site construction or logging activity on the Camp property.
9. The Developer shall construct a right turn, taper and/or transition lane on Rolling Road South (SR 620) onto Briery Creek Road (SR 761) to serve the Main Entrance as shown on the Site Access Plan which is a part of the Conceptual Plan. The proposed improvements shall be constructed per VDOT specifications and as shown on the approved site development plans for the Camp property.
10. A minimum twenty-five (25) foot buffer shall be maintained along all property lines that adjoin agricultural or residential zoning districts. Land clearing is not permitted within this buffer area, except for the removal of dead or diseased vegetation, utilities installation and/or for maintenance purposes. The Developer may meet the required Zoning Ordinance buffer and screening requirements by supplementing the existing screening materials to the reasonable satisfaction of the Zoning Administrator.
11. The Developer will be responsible for compliance with the Fluvanna County lighting and noise ordinance requirements, as amended.
12. The Fluvanna County Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time and upon reasonable notice.
13. Under Section 22-17-4(F) (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

SUP 23:04 – Sun Reventon Farm, LLC, Central Water System - A Special Use Permit request in the A-1, Agricultural, General District to construct a **Central water system** / major utilities use § 22-4-2.2 on 298 +/- acres and known as Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3. These parcels are generally located west of Rolling Road S (SR 620) and north of Briery Creek Road (SR 761) and along the Albemarle County line in the Rural Preservation Area and Cunningham Election District.

Virginia Department of Health Approval

- The applicant would file for Central Water system review and approval with the VDH Blue Ridge Health Dept – Charlottesville.
- The ECS Mid-Atlantic Draft groundwater Management Plan has been posted online since July of 2023 for community review.

SUP 23:05 Briery Creek Farm Sewer Use - A Special Use Permit request in the A-1, Agricultural, General District to construct a **Central sewer system** / major utilities use under § 22-4-2.2 on 298 +/- acres and known as Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3. These parcels are generally located west of Rolling Road S (SR 620) and north of Briery Creek Road (SR 761) and along the Albemarle County line in the Rural Preservation Area and Cunningham Election District.

Virginia Department of Health Approval

- The Applicant would file for sewage waste water treatment review and approval with the VDH – Blue Ridge Health Department in Charlottesville and they have performed soils analysis with positive test results.
- The Virginia Code requirements shall apply for the applicant to receive approval.

Chair Bibb stated that he's going to call this "Tiny Cabins on Wheels, and this is what it seems like they are proposing. These are recreational vehicles which they are calling Park trailers. Also, my concern is, I'm not sure why they are throwing this on us at this time."

Mrs. Johnson-Morgan asked whether the parked model cabins are going to be all around, or just on Fluvanna side.

Mr. Miles stated that with all 240 cabins there will not be any stick-built cabins.

Mrs. Johnson-Morgan stated that comparing stick-built and portable cabins, it seems like the value of those are different. How would it help Fluvanna as far as the tax purposes? And if they want them to be removed all they would have to do is put the tires back on them to move them, right?

Mr. Miles stated that Mr. Whitten and he would like to stay more focused on the land use part of this application. Mr. Whitten has talked to Mr. Mel Sheridan about the tax part of this.

Chair Bibb asked if Albemarle County had been notified that these cabins will be on wheels.

Mr. Miles replied, he doesn't know that answer. Albemarle did approve this in November.

Mr. Whitten stated that Fluvanna County will still be taxed on this regardless.

Steve Blaine, applicant: Presented his presentation at this time.

Bill Raffoul, Sun representative, spoke about the traffic analysis

Chair Bibb opened the Public Hearing 7:23 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

Suzie Morris: 6840 Thomas Jefferson Pkwy, spoke in opposition to this project

James Von Ottenritter: 2126 Nahor Manor Rd., spoke in opposition to this project

Vivian Westfall: 1495 Transco Rd., spoke in support to this project

Jacqueline Heather: 44 Shady Oaks Lane, spoke to say the lake is only for fishing, no paddle boarding, or kayaking.

Jason Fulton: 5266 Rolling Road S., spoke in opposition to this project

Sara Cole: 5890 Rolling Rd. S., spoke in opposition to this project

Timothy Cole: 5890 Rolling Rd. S., spoke in opposition to this project

Tom Diggs: 947 Jefferson Dr., spoke in opposition to this project

Calvin Hickman: 139 Briery Creek Rd., spoke in opposition to this project

With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 8:01 pm.

Steve Blaine, applicant: stated that this is a land use decision, and there would be an economic benefit to this project.

Bill Raffoul: stated that the commercial enterprise is related to income and property value. The same quality of construction standards would apply to these park model cabins. These cabins will be beautiful. They appreciate the clarification of this.

Chair Bibb open the panel to the Commission board.

Chair Bibb stated his concern for himself and the community, noting that there were more concerns tonight than at the last meeting.

Mr. Goad stated that they expressed that this is land use proposal. He referenced the fiscal impact report that he received in an email. It will take Albemarle less than four (4) years to get to this amount verses Fluvanna will take a little over 25 years to get to the same amount.

Mrs. Johnson-Morgan stated she asked about revenue sharing, this document created on November 28, 2023 makes it look like a lot is being hidden from Fluvanna where Albemarle is. The physical impact will change. Cabins will decrease in property value. She doesn't feel this is a good fit for Fluvanna.

Vice Chair Lagomarsino spoke in opposition to this project

Ms. Key spoke in support of the Commission.

MOTION:	I move that the Planning Commission recommends denial of SUP 23:03, a request to permit a Camp use with respect to 298 +/- acres of Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3 subject to the
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	thirteen (13) conditions listed in the staff report.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Denied				

MOTION:	I move that the Planning Commission recommends (denial) of SUP 23:04, a request to permit a water use with respect to 298 +/- acres of Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3 subject to the thirteen (13) conditions listed in the staff report.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Denial				

MOTION:	I move that the Planning Commission recommends denial of SUP 23:05, a request to permit a sewer use with respect to 298 +/- acres of Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3 subject to the thirteen (13) conditions listed in the staff report.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Denial				

SUP 23:06 Sun Reventon Farm Event Facility – Douglas Miles

SUP 23:06 Sun Reventon Farm, LLC – A Special Use Permit request in the A-1, Agricultural, General District to construct an Event facility use under § 22-4-2.2 on 298 +/- acres and known as Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3. These parcels are generally located west of Rolling Road S (SR 620) and north of Briery Creek Road (SR 761) and along the Albemarle County line in the Rural Preservation Area and Cunningham Election District.

Recommended Event Facility Conditions

- I. This Special Use Permit is granted for an Event facility to Sun Reventon Farm LLC or its successor LLC related to the Applicant and is subject to Tax Map 26 Section A Parcel A2, A5A, A37, A38, and 3 located in Fluvanna County and as shown on Reventon Farms Conceptual Plan, dated April 28, 2023 and known as Exhibit A in the application.
- II. The Applicant will provide staffing for private parking and traffic circulation purposes from Briery Creek Road with event personnel clearly marked as “Event Staff” for safety reasons. The Fluvanna County Sheriff’s Office (FCSO) shall be notified at least thirty (30) days prior to the Event facility events that are between 100 to 200 persons to be located on the Property. It is on the Applicant to remain in regular contact with the FCSO.
- III. Use of the Event facility is limited to registered Camp guests staying in the on-site cabins and their registered guests, in either Albemarle or in Fluvanna County, as shown on the Conceptual Plan and provided that no Event facility function shall exceed 200 persons.
- IV. The applicants shall ensure compliance with the Noise Ordinance of the Code of the County of Fluvanna, as adopted and as enforced by the Fluvanna County Sheriff’s Office.
- V. The site shall be maintained in a neat and orderly manner so that the visual appearance from the public right-of-way and adjacent properties is acceptable to County officials.

- VI. The Board of Supervisors, or its representative, reserves the right to inspect the property for compliance with these conditions at any time.
- VII. Under Section 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owners have substantially breached the conditions of the Special Use Permit.

Steve Blaine, applicant: spoke towards the Event facility

Chair Bibb opened the Public Hearing 9:29 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record. With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 9:29 pm.

Chair Bibb open the panel for the Commissioners

MOTION:	I move that the Planning Commission recommends denial of SUP 23:06, a request to permit an Event Facility use with respect to 298 +/- acres of Tax Map 26 Section A Parcels A2, A5A, A37, A38 and 3 subject to the thirteen (13) conditions listed in the staff report.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Opposed	Aye
RESULT:	4-0-1, Denial				

Chair Bibb asked for a five minute recess: 9:32

Chair Bibb closed the recess and reopened the meeting at 9:45

9. ZTA 23:01 Marina Point at Lake Monticello, INC – Douglas Miles, Community Development Director

ZTA 23:01 Marina Point at Lake Monticello, Inc - An Ordinance to amend Chapter 22, Zoning, Article 8 of the Fluvanna County Code by the addition of the following text under §22-8-3 Area and residential density regulations (C). The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only.

Zoning Ordinance Text:

Sec. 22-8-3 Area and residential density regulations

- (A) The minimum lot area for permitted uses not utilizing central or public water and central or public sewerage systems shall be 87,120 square feet (2 acres). The maximum permitted residential density for such uses shall be one dwelling unit per two acres.
- (B) The minimum lot area for permitted uses utilizing both central or public water and central or public sewerage systems shall be fifteen thousand (15,000) square feet. The maximum permitted residential density for such uses shall be two and nine-tenths (2.9) dwelling units per acre.
- (C) **The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only.**

Applicant: Ann Cosby, Representing Marina Point of Lake Monticello, Inc.

Dan Whitten said after analyzing the legal documents provided by the applicant, he doesn't see a reason why the condominiums can't be built.

Chair Bibb opened the Public Hearing at 10:13 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

Larry Henson: 26 Piedmont Ln., Lake Monticello Board of Directors President. The Lake Monticello Board of Directors is rescinding the letter sent on October 30, 2023 which stated no objection to the ZTA or SUP after meeting in executive session last night.

Sandra Radford: 121 Mulberry Drive, stated that the comp plan isn't approved. Fluvanna needs more affordable housing, but Marina Point doesn't meet that goal. She spoke in opposition to this ZTA and SUP Marina Point.

John Danna: 951 Jefferson Drive, spoke in opposition to this ZTA and SUP Marina Point.

Suzie Morris: 6840 Thomas Jefferson Pkwy, spoke in opposition to the ZTA and SUP Marina Point.

Tom Diggs: 946 Thomas Jefferson Drive, spoke in opposition to this ZTA and SUP Marina Point.

With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 10:33 pm.

Chair Bibb opened the panel up to the Planning Commission board.

MOTION:	I move that the Planning Commission recommend denial ZTA 23:01 – An Ordinance to amend Chapter 22 Zoning, Article 8 of the Fluvanna County Code by the addition of the following text under Section 22-8-3 Area residential density regulations (C) The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Denial				

10. SUP 23:07 Marina Point at Lake Monticello – Douglas Miles, Community Development Director

SUP 23:07 Marina Point at Lake Monticello Inc. - A Special Use Permit request in the R-4, Residential, Limited District to allow Multi-family dwellings under §22-8-3 as proposed, up to 5.0 dwelling units per acre on 5 +/- acres and known as Tax Map 18A Section 1 Parcels 296A, 296B, 296BA and 296C. These parcels are generally located south of Jefferson Drive and at Marina Point in the Rivanna Community Planning Area and the Rivanna Election District.

Zoning Ordinance Text:

Sec. 22-8-3 Area and residential density regulations

- (A) The minimum lot area for permitted uses not utilizing central or public water and central or public sewerage systems shall be 87,120 square feet (2 acres). The maximum permitted residential density for such uses shall be one dwelling unit per two acres.
- (B) The minimum lot area for permitted uses utilizing both central or public water and central or public sewerage systems shall be fifteen thousand (15,000) square feet. The maximum permitted residential density for such uses shall be two and nine-tenths (2.9) dwelling units per acre.
- (C) **The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only.**

Chair Bibb opened the Public Hearing at 10:47 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record.

Meeting documents:

12/9/2023

Question: What happens if the Zoning Text Amendment (ZTA 23-01) or Marina Point (MP) Special Use Permit (SUP 23-07) are not approved?

Answer: Due to liability and other reasons, the status quo cannot be maintained.

Reasons:

1 FLUVANNA COUNTY: According to Fluvanna County staff, MP parcel 296BA (Marina side) was

assessed at \$254,100 and 2023 taxes were \$2,144.60. MP parcel 296C (spillway side) was assessed at \$322,500 and 2023 taxes were \$2,721.90. Fluvanna County would lose up to \$4,866.50 of taxes annually that the developer has been paying on these parcels since 1984, since the land was considered “convertible” or able to be developed. According to the MP Declaration of Condominium, filed with the State of Virginia, if the land cannot be developed, the parcels revert to MP Council of Unit Owners (MPCUO) ownership. MPCUO would appeal the Fluvanna County assessment on land that cannot be developed and is therefore worthless.

If the SUP is approved, Fluvanna County would receive approximately \$63,000/year (approximately 13X current tax revenues on the “convertible” land) based on the Fluvanna Planning staff estimated average assessed value of \$500,000 for each of the 10 proposed units.

2 LAKE MONTICELLO OWNERS ASSOCIATION: LMOA is currently in a fiscal dilemma, as all LMOA members were notified by email, and as the general public was informed by an article in the November 2, 2023 Fluvanna Review.

If the SUP is approved, LMOA would gain approximately \$10,000/year of HOA payments based on 2023 LMOA dues of \$955.35 per MP unit for a 2023 total of \$9,553.50 for 10 new units.

3 MARINA POINT COUNCIL OF UNIT OWNERS: MPCUO may be forced to let parcels 296BA and 296C return to a natural state (as are many LMOA empty lots) because it will be difficult for the 15 MP residents to maintain the parcels as the developer has done for many years.

If the SUP is approved, professional landscaping around the 10 new MP units will be more attractive than wild growth in parcels 296BA and 296C.

4 LAKE MONTICELLO RESIDENTS: For safety and the prevention of accidents, and to address insurance liability concerns, MPCUO may need to erect a natural barrier at least 20 feet away from and along Jefferson Drive (per LMOA Environmental Control Committee (ECC) rules) to discourage trespassers on the MP property. On each 4th of July, insurers have advised MPCUO to erect yellow caution tape along Jefferson Drive to discourage trespassers from attempting to observe the LMOA fireworks from the MP property and to protect trespassers from being injured in the dark while walking across parcels 296BA and 296C.

If the SUP is approved, there would be no need for a natural barrier since landscaping around the 10 new MP units would make it obvious that parcels 296BA and 296C are part of the 25-unit MP Private property.

Deborah Graham, President: Board of Directors of Lake Monticello: 3 Marina Point, spoke in support of this project.

Linda Sega, Vice President: Board of Directors of Lake Monticello: B3 property, spoke in support of this project.

Laura Clark, Secretary: Board of Directors of Lake Monticello, C4 property, spoke in support of this project.

Gerry Stoopman, Treasurer: Board of Directors of Lake Monticello, C2 Marina Point, spoke in support of this project.

With no one else wishing to speak in person, Chair Bibb closed the Public Hearing at 10:56 pm.

MOTION:	I move that the Planning Commission recommend denial – SUP 23:07 Marina Point at Lake Monticello, Inc. a Special Use Permit request under Section 22-8-3 Area residential density regulations (C) The permitted residential density for such permitted uses shall be between two and nine-tenths (2.9) and five (5.0) units per acre by special use permit only on Tax Map 18A Section 1 Parcels 296A, 296B, 296BA and 296C.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Denial				

MOTION:	Motion to extend the meeting till 11:15				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended approved				

6. PRESENTATIONS:

None

7. SITE DEVELOPMENT PLANS:

None

8. SUBDIVISIONS:

None

9. UNFINISHED BUSINESS:

None

10. NEW BUSINESS:

White Oak Solar Tree, LLC – Deferral, Douglas Miles – Community Development Director Deferment requested until March 12, 2024

MOTION:	Motion to extend the deferral till March 12, 2024				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0, Recommended Deferred				

11. PUBLIC COMMENTS #2:

Chair Bibb opened Public Comments #2 at 11:03 pm by giving each speaker a limit of five (5) minutes to speak in person and asked that they state their full name and property address for the record. With no one coming forward wishing to speak in person, he closed the Public Comments period at 11:03 pm.

12. ADJOURNMENT

Chair Bibb called for a motion to adjourn the December 12, 2023 Planning Commission Regular meeting with Vice Chair Lagomarsino motioning with Commissioner Goad seconding his motion.

MOTION:	Motion to Adjourn the December 12, 2023 Planning Commission Regular meeting at 11:04 pm				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Second		Motion	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 approved adjournment				

Minutes were recorded by Valencia Porter-Henderson, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Carysbrook Performance Arts Center
8880 James Madison Hwy
Fork Union, VA 23055**

**Wednesday, January 3, 2024
Work Session 6:00 pm**

MEMBERS PRESENT:

Barry Bibb, Chair
Kathleen Kilpatrick, Commissioner
Bree Key, Commissioner
Howard Lagomarsino, Vice Chair
Loretta Johnson-Morgan, Commissioner
Mike Goad, Board of Supervisors member

ABSENT:

None

STAFF PRESENT:

Eric Dahl, County Administrator
Kelly Belanger Harris, Assistant County Administrator
Jason Overstreet, Senior Planner
Valencia Porter-Henderson, Administrative Programs Specialist
Dan Whitten, Fluvanna County Attorney

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

At 6:50 pm, Eric Dahl called the January 3, 2024 Organizational Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

B. 2024 ORGANIZATIONAL MEETING OF THE FLUVANNA COUNTY PLANNING COMMISSION

Election of Chair – This action will elect a Chair to the Planning Commission for 2024.

Eric Dahl, County Administrator, called for any nominations for Chair.

Bree Key nominated Commissioner Barry Bibb as Chair. Loretta Johnson-Morgan second the motion.

NOMINATION: Barry Bibb Commissioner

Vote: 5-0

COMMISSIONER	NOMINATE	SECOND	AYE	NAY	ABSTAIN	ABSENT
Loretta Johnson-Morgan, Columbia District		X	X			
Barry Bibb, Cunningham District			X			
Kathleen Kilpatrick, Fork Union District			X			
Howard Lagomarsino, Palmyra District			X			
Bree Key, Rivanna District	X		X			

Mr. Dahl passed over the remainder of the meeting to Chair Bibb.

Chair Bibb called for any nominations for Vice Chair.

Loretta Johnson-Morgan nominated Howard Lagomarsino as Vice Chair. Bree Key second the motion.

NOMINATION: Howard Lagomarsino

Vote: 5-0

COMMISSIONER	NOMINATE	SECOND	AYE	NAY	ABSTAIN	ABSENT
Loretta Johnson-Morgan, Columbia District	X		X			
Barry Bibb, Cunningham District			X			
Kathleen Kilpatrick, Fork Union District			X			
Howard Lagomarsino, Palmyra District			X			
Bree Key, Rivanna District		X	X			

MOTION:	I move that the Fluvanna County Planning Commission adopt the 2024 Planning Commission Regular Meeting Calendar, as presented.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Johnson-Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved the meeting Calendar				

MOTION:	That the Fluvanna County Planning Commission accept the Resolution entitled "Organizational Meeting of the Fluvanna County Planning Commission 2024," as presented.				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Johnson - Morgan
ACTION:			Second		Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved the Resolution				

Mr. Dahl stated that Mrs. Harris will be the acting Planning Director.

Adjournment:

MOTION:	Motion to Adjourn the 2023 Planning Commission Organizational meeting at 6:56 pm				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:		Second		Motion	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 approved adjournment				

- C. At 7:05 pm, Chair Bibb called the January 3, 2024 Joint Work Session meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence

Solar Projects Informational Discussion: Jason Sweeney, Attorney, M.B.A., Board Member, Citizen Defenders of Fluvanna County – Presented his presentations at this time

Fluvanna County Needs a Solar Strategy

- Comprehensive Plan that includes reasonable and strategic solar development policies
- Supplemental Conditions for A-1 Utility—Scale Solar
 - County Incentives for Utility Scale Solar on Brownfield and Industrial Zoned properties
 - Prevent Deforestation
 - Protect Land Values
 - Protect Soil & Watersheds
 - Protect Wildlife
 - PROTECT RURAL CHARACTER OF FLUVANNA COUNTY

AGGRESSIVE SOLAR GROWTH

- Virginia Clean Economy Act of 2020 (VCEA)
- Virginia State Incentives
- Federal Inflation Reduction Act of 2022 (FIRA)

VIRGINIA DATA CENTERS

- “The main driver for renewables and utility-scale solar [in Virginia is] data centers.”
- Data Centers Consume 21% of Virginia energy
- 50% consumption by 2038.

EXPECT BIG SOLAR DEVELOPMENT PUSH IN 2024
“Please approve my Solar Project before Dec. 31, 2024!!!!”

Virginia DEQ’s new Stormwater Management Program (VSMP) kicks in on Jan. 1, 2025

- Utility-Scale Solar Developers don’t have to comply with Virginia’s more stringent (and more expensive) VSMP stormwater management requirements....

IF

- They receive interconnection approval by a regional transmission organization or electric utility **before December 31, 2024.**

➤ Is AD HOC Utility-Scale Solar Development good for Fluvanna County?

➤ Risk of Bad Land Use Planning:

- Lose rural character
- Hurts surrounding land values
- Lose productive farmland
- Lose forest and watersheds and soil
- Hurts environment
- Encourages other negative land-use practices, like landfills
- Impairs future growth and development

Scott Cameron - Keynote Presenter – Presented his presentation

Winfred Nash, Retired President, BWXT Nuclear Operations Group – presented his presentation with a few key pointers.

- Solar Panel Manufacturing Process
- Utility-Scale Solar Facility Configuration
- Solar Panel Hazards – Fire
- Solar Panel Hazards – Airborne Contamination
- Solar Panel Hazards – Hail
- Solar Panel Hazards – Thunderstorm

Liability Risk to Fluvanna County

Who bears the risk?

- Governing Bodies need to seriously consider the long-term probability of their tax base taking on the long term/undefinable cost burden for cleanups and the associated impact to the residents fairly close to a solar farm.
- That is why the current financial structure to construct these solar farms consist of LLC type business that have no equity to withstand any financial liability. That is also why operators of solar farms change ownership periodically. The electrical utility that buys the power has no liability.
- Ultimate liability would come back to the local community that permitted the solar farm and in do so assume the management responsibility of assume the management responsibility of assuring all requirements/specifications were complied with for a 25-to-30-year period of time with an undefinable restoration/cleanup cost.

George “Spud” Almond, Member, Appomattox Planning Commission, Safety and Operations, J. E. Jamerson – presented his presentation

Jason Sweeney – continued his presentation at this time.

- Deforestation
- Highly Land Consumptive
- Hurts Property Values
- Impacts Wildlife
- Landfill Demand

POLICY RECOMMENDATIONS:

- Immediate Moratorium on approval of Utility-Scale Solar Developments until:
- Wait for **2024 Regulatory developments** at State and Federal level
- Include in **New Comprehensive Plan**, express Utility-Scale Solar Development policies
- Fluvanna should adopt **Supplemental Conditions** for Utility-Scale Solar Developments in Fluvanna’s Zoning regulations

MORATORIUM

- Wait for 2024 Legislative Directives re Solar
- Develop Solar Policy in Fluvanna County Comprehensive Plan
- Develop new Fluvanna County Supplemental Conditions

Starting now, Fluvanna should require that Fluvanna Utility-Scale Solar Developers comply with Virginia Department of Environmental Quality (VDEQ) stormwater construction requirements for post-development stormwater management (which otherwise will apply commencing on Jan. 1, 2025.)

FLUVANNA COUNTY COMPREHENSIVE PLAN:

- Adopt Express Solar Development Policies to Protect Rural Character
- Disfavor Utility Scale Solar Projects
- Favor Projects

ZONING – SUPPLEMENTAL CONDITIONS

- Fluvanna County should adopt uniform regulations to ensure Utility Scale Solar projects do not destroy rural character of the County by incentivizing property site selection
- Require Compliance with Virginia DWR Solar Energy Facility Guidance for Wildlife Protection
- Require Compliance with Virginia Association of Soil and Water Conservation Districts’ “Policy on Adequacy & Quality of Erosion Controls on Utility Projects”

Other Suggested Policy Considerations

- Require higher County revenue sharing and other disincentives for solar projects that require deforestation, or that reduce County farmland, while offering financial incentives for developers that locate projects on brownfields.
- Establish cap on total Solar development acreage in Fluvanna (See Rockingham, Culpeper, Page Counties).
- Another approach is setting a cap on the size of individual projects (See Shenandoah, Page Counties).
- Require Recycling and prohibit disposal of Solar Panels in Fluvanna landfills.
- Require sufficient bond for lifetime of project, with periodic cost estimate updates. Exclude salvage value calculations. Require Parent Company and Owner personal guarantees.
- Require Soil Stabilization plan.
- Require Development Company contribution to Fluvanna land development goals, such as extinguishing future development rights, making payment to local farmland protection programs or as matching funds for grants in support of conservation-related efforts.
- Require larger setbacks (500 feet) from any well for lots not served by water.
- Decommissioning plan should require restoration of land and soil.
- Disallow disposing of solar panels in landfills.

Adjournment:

MOTION:	Motion to Adjourn the 2024 Joint Work Session at 8:50 pm				
MEMBER:	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 approved adjournment				

Minutes were recorded by Valencia Porter-Henderson, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission



PLANNING COMMISSION
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. __-2024

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§ 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, AND 22-22-1 AND ENACTING 22-17-20 TO AUTHORIZE THE SHORT-TERM RENTAL OF DETACHED SINGLE-FAMILY DWELLINGS BY-RIGHT IN THE A-1, R-1, R-2, R-3 AND R-4 ZONING DISTRICTS SUBJECT TO SUPPLEMENTAL REGULATIONS

WHEREAS, the regulations established in the Chapter 22 of the Fluvanna County Code (“Zoning Code”) may from time to time be amended, supplemented, changed, modified or repealed by the governing body pursuant to 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 amendments to the Zoning Code by amending §§ 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1 and 22-22-1 and enacting 22-17-20 to authorize the short-term rental of detached single-family dwellings by-right in the A-1, R-1, R-2, R-3 and R-4 zoning districts subject to supplemental regulations; and

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

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.

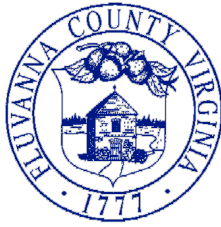
NOW, THEREFORE, BE IT RESOLVED, the Planning Commission proposes amendments to the Zoning Code by amending §§ 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1 and 22-22-1 and enacting 22-17-20 to authorize the short-term rental of detached single-family dwellings by-right in the A-1, R-1, R-2, R-3 and R-4 zoning districts subject to supplemental regulations.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Planning Commission at a meeting of the Commission held on the 9th day of January, 2024:

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

Attest:

Barry Bibb, Chair
Fluvanna County Planning Commission



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners
Case Number: ZTA 23:02 Short Term Rentals

From: Staff
District: Countywide Amendment

General Information: This Public Hearing request is to be heard by the Fluvanna County Planning Commission on Tuesday, January 9, 2024 at 7:00 pm in the Carysbrook Performing Arts Center.

Requested Action: Amend the Fluvanna County Zoning Ordinance

ZTA 23:02 ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §§ 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, AND 22-22-1 AND ENACTING 22-17-20 TO AUTHORIZE THE SHORT-TERM RENTAL OF DETACHED SINGLE-FAMILY DWELLINGS BY-RIGHT IN THE A-1, R-1, R-2, R-3 AND R-4 ZONING DISTRICTS SUBJECT TO SUPPLEMENTAL REGULATIONS.

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, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1 and 22-22-1 and enacting 22-17-20 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:

- Short-term rental of a detached single-family dwelling

ARTICLE 5. – RESIDENTIAL, LIMITED, DISTRICT R-1

Amend Sec. 22-5-2.1 Uses Permitted by right in the Residential, Limited, District R-1 to add:

- Short-term rental of a detached single-family dwelling

ARTICLE 6. – RESIDENTIAL, GENERAL, DISTRICT R-2

Amend Sec. 22-6-2.1 Uses Permitted by right in the Residential, General, District R-2 to add:

- Short-term rental of a detached single-family dwelling

ARTICLE 7. – RESIDENTIAL, PLANNED COMMUNITY, DISTRICT R-3

Amend Sec. 22-7-9.1 Uses Permitted by right in the Residential, Planned Community, District R-3 to add:

- Short-term rental of a detached single-family dwelling

ARTICLE 8. – RESIDENTIAL, LIMITED, DISTRICT R-4

Amend Sec. 22-8-2.1 Uses Permitted by right in the Residential, Limited, District R-4 to add:

- Short-term rental of a detached single-family dwelling

ARTICLE 17. – GENERAL PROVISIONS

Enact Sec. 22-17-20. – Short-term rental of a detached single-family dwelling- General Standards.

- (A) Owners of the Short-term rental shall pay an application fee and submit the Short-Term Rental Application annually while the Short-term rental is being occupied pursuant to this section. Such application shall be submitted to the Fluvanna County Department of Planning and Community Development. The Owner is required to notify the Department of Planning and Community Development of any changes to its information contained in its application. In the application, the Owner must fully complete all fields including without limitation owner information, address, and phone number, Short-term rental information, and, if applicable, property agent name, address, and phone number. A separate application for each detached single-family dwelling which is to be offered for Short-term rental shall be provided by the Owner.
- (B) Any parcel may only have one Short-term rental use.
- (C) The Short-term rental use shall not take place within an accessory apartment or an accessory structure.
- (D) There shall be no visible evidence of the conduct of such Short-term rental other than one nonilluminated identification sign. Maximum sign area: four square feet.
- (E) Owners of a Short-term rental shall require their guests to comply with any applicable law including without limitation the Fluvanna County Noise Control Ordinance (Chapter 15.2).
- (F) Outdoor burning, not within a designated firepit, and use of fireworks by guests shall be prohibited at the Short-term rental.
- (G) Owners of the Short-term rental must comply with all Virginia Department of Health regulations.
- (H) The maximum number of occupants in the Short-term rental shall be no more than so permitted by a valid and controlling permit issued by the Fluvanna County Health Department or other State Agency, if and as applicable. All bedrooms or sleeping quarters must conform to the requirements of section 36-105.4 of the Code of Virginia, as amended, and the Virginia Uniform Statewide Building Code, as amended. The Owner shall also agree to restrict occupancy in the Short-term rental to no more than two persons per lawful bedroom.
- (I) Parking for the Short-term rental shall be located on-site in driveways or other designated parking areas located on the Owner's property where the Short-term rental is being operated. The parking of vehicles off-site or in yards is prohibited.

- (J) Property boundaries of the Short-term rental, or limitations within the property's boundaries where guests are allowed, must be clearly marked at all times.
- (K) The Short-term rental shall comply with all applicable state building code, fire, health and safety statutes and regulations.
- (L) A fire extinguisher shall be provided and visible in all kitchen and cooking areas; functional smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code; and in every dwelling that utilizes gas or propane a carbon monoxide detector must be installed on each floor and in any attached garage, if applicable.
- (M) The Owner shall register the Short-term rental with the Commissioner of Revenue for purposes of collecting the transient occupancy tax.
- (N) Nothing herein is intended to limit, affect or otherwise impact any covenants, easements, restrictions or other similar limitations on private property such as restrictions of an owner's association or otherwise.
- (O) Owners unable to meet all of the above requirements shall be prohibited from operation of the Short-term rental.

ARTICLE 22. – DEFINITIONS

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

- *Short-term rental of a detached single-family dwelling:* A single-family dwelling not attached to any other dwelling by any means and located on an individual lot that is rented for compensation for periods of less than 30 consecutive days. See § 22-17-20 for supplementary regulations pertaining to the short-term rental of a detached single-family dwelling.

State Law Reference: Va. Code § 15.2-2285

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

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION, IN CONFORMANCE WITH SECTION 22-20-2 (B) OF THE ZONING ORDINANCE, RECOMMENDS (APPROVAL / DENIAL / DEFERRAL) OF ZTA 23:02 AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, AND 22-22-1 AND ENACTING 22-17-20 TO AUTHORIZE THE SHORT-TERM RENTAL OF DETACHED SINGLE-FAMILY DWELLINGS BY-RIGHT IN THE A-1, R-1, R-2, R-3 AND R-4 ZONING DISTRICTS SUBJECT TO SUPPLEMENTAL REGULATIONS

Fluvanna County Planning Commission
BYLAWS AND RULES OF PRACTICE AND PROCEDURES

Adopted: October 10, 2023

- 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 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 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. COMMUNITY DEVELOPMENT DIRECTOR. The Community Development Director 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 Procedure 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 Community Development Director 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 Carysbrook Performing Arts Center in Palmyra, VA.

B. A special meeting may be held at the call of the Chair or by the application of three members given to the Community Development Director. 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 Community Development Director 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 Community Development Director a copy of such item three (3) days prior to the meeting at which such person wishes to make a presentation.

D. The Community Development Director shall list all items requested on the agenda. If, in the opinion of the Community Development Director, 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 Community Development Director 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. "Member" means any member of the Planning Commission.
2. "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 § 2.23701.
3. "Meeting" means a meeting as defined by Va. Code § 2.2-3701.
4. "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.
5. "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.

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, (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 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 2.23708.2(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 Community Development Director.
- 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 Community Development Director 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.

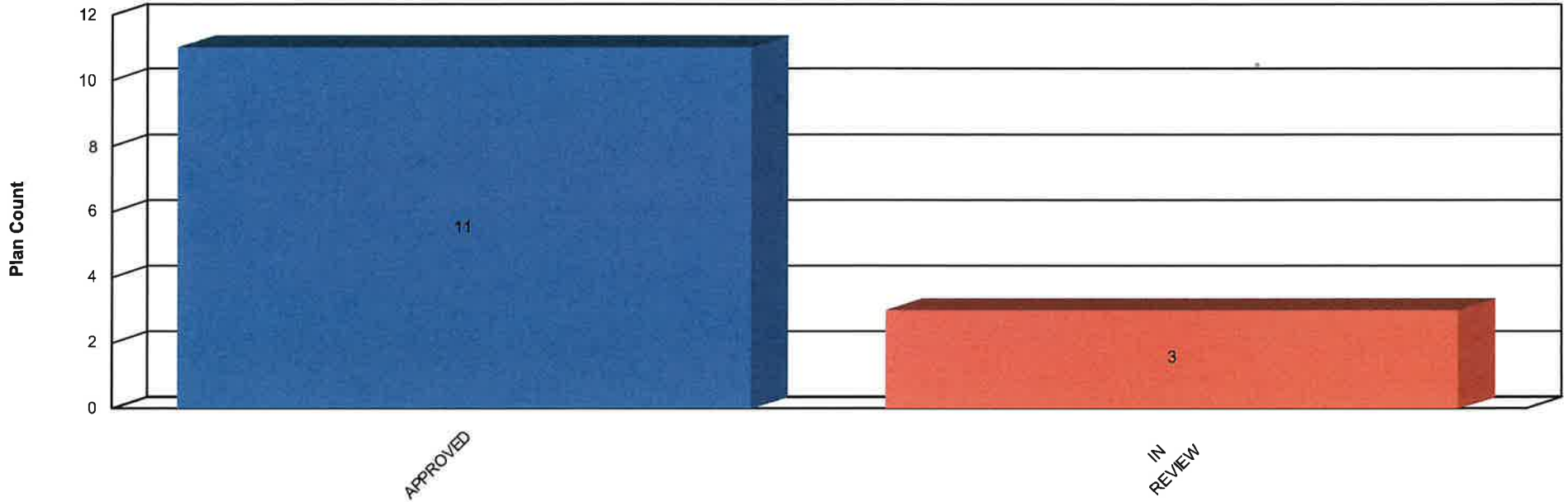
XV. RULES

- A. The bylaws may be suspended at any time 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



PLANS APPLIED BY STATUS (12/01/2023 TO 12/31/2023) FOR FLUVANNA COUNTY BUILDING AND PLANNING DEPARTMENT



Plan Case #	Type	Workclass	Status	Main Address	Project	District	Parcel
	Application Date Zone	Expiration Date Sq Ft	Complete Date Valuation	Approval Expire Date Fee Total	Applicant Assigned To		
APPROVED							
MSC23:0276	Miscellaneous 12/01/2023	Miscellaneous - Other 0	Approved 12/04/2023 \$0.00	15 Whippoorwill Ln, Palmyra, VA 22963 \$100.00	Not Assigned Jason Overstreet	Rivanna	18A 3 424
<i>Description: New deck with sunroom, master bathroom renovation</i>							
MSC23:0277	Miscellaneous 12/01/2023	Miscellaneous - Other 0	Approved 12/04/2023 \$0.00	1198 Jordan Store Rd, Kents Store, VA 23084 \$100.00	Not Assigned Jason Overstreet	Columbia	13 10 1
<i>Description: New single family dwelling</i>							
MSC23:0278	Miscellaneous 12/06/2023	Miscellaneous - Other	Approved 12/08/2023		Not Assigned	Rivanna	18A 3 276

PLANS APPLIED BY STATUS (12/01/2023 TO 12/31/2023)

Plan Case #	Type	Workclass	Status	Main Address	Project	District	Parcel
	<i>Application Date</i>	<i>Expiration Date</i>	<i>Complete Date</i>	<i>Approval Expire Date</i>	<i>Applicant</i>		
	<i>Zone</i>	<i>Sq Ft</i>	<i>Valuation</i>	<i>Fee Total</i>	<i>Assigned To</i>		
		0	\$0.00	\$100.00	Jason Overstreet		
	<i>Description: New single family dwelling</i>						
MSC23:0279	Miscellaneous	Miscellaneous - Other	Approved	786 Jefferson Dr, Palmyra, VA 22963	Not Assigned	Rivanna	18A 2 130
	12/11/2023		12/14/2023				
		0	\$0.00	\$100.00	Jason Overstreet		
	<i>Description: Porch</i>						
MSC23:0280	Miscellaneous	Miscellaneous - Other	Approved	7021 James Madison Hwy, Fork Union, VA 23055	Not Assigned	Fork Union	52 1 7
	12/14/2023		12/14/2023				
		0	\$0.00	\$100.00	Ben Frashure		
	<i>Description: Addition</i>						
MSC23:0281	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Columbia	32 15 5B
	12/20/2023		12/21/2023				
		0	\$0.00	\$100.00	Ben Frashure		
	<i>Description: New single family dwelling</i>						
MSC23:0282	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Rivanna	18A 12 337
	12/20/2023		12/20/2023				
		0	\$0.00	\$100.00	Ben Frashure		
	<i>Description: New Single Family Dwelling</i>						
MSC23:0283	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Fork Union	29 24 13
	12/20/2023		12/20/2023				
		0	\$0.00	\$100.00	Ben Frashure		
	<i>Description: New Single Family Dwelling</i>						
MSC23:0284	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Cunningham	16 9 1
	12/20/2023		12/20/2023				
		0	\$0.00	\$100.00	Ben Frashure		
	<i>Description: New Single Family Dwelling</i>						
MSC23:0285	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Columbia	19 A 33B
	12/20/2023		12/21/2023				
		0	\$0.00	\$100.00	Ben Frashure		
	<i>Description: 3 bdrm dwelling and 1 bdrm cottage</i>						
MSC23:0286	Miscellaneous	Miscellaneous - Other	Approved	1429 Salem Church Rd, Palmyra, VA 22963	Not Assigned	Columbia	10 14 2

PLANS APPLIED BY STATUS (12/01/2023 TO 12/31/2023)

Plan Case #	Type	Workclass	Status	Main Address	Project	District	Parcel
	<i>Application Date</i>	<i>Expiration Date</i>	<i>Complete Date</i>	<i>Approval Expire Date</i>	<i>Applicant</i>		
	<i>Zone</i>	<i>Sq Ft</i>	<i>Valuation</i>	<i>Fee Total</i>	<i>Assigned To</i>		
	12/27/2023		12/27/2023				
		0	\$0.00	\$50.00	Ben Frashure		
	<i>Description: Detached Garage</i>						

PLANS APPLIED FOR APPROVED: 11

IN REVIEW							
SUB23:0045	Subdivision	Subdivision - Minor	In Review			Columbia	43 A 34
	12/20/2023	02/03/2024			Mark McWilliams Jason Overstreet		
		0	\$0.00	\$600.00			
BZA23:0003	Board of Zoning Appeals	Variance	In Review	2953 Brema Rd, Brema Bluff, VA 23022		Fork Union	59 A 79
	12/27/2023	02/25/2024			Samuel Ross, Jr. Jason Overstreet		
		0	\$0.00	\$640.00			
	<i>Description: Vacant Land</i>						
MSC23:0287	Miscellaneous	Miscellaneous - Other	In Review	1946 Perkins Rd, Kents Store, VA 23084		Columbia	23 16 4
	12/28/2023				Ben Frashure		
		0	\$0.00	\$50.00			
	<i>Description: Detached Garage</i>						

PLANS APPLIED FOR IN REVIEW: 3

GRAND TOTAL OF PLANS: 14

BUILDING INSPECTIONS MONTHLY REPORT

County of Fluvanna

Building Official:	Period:
Andrew Wills	December, 2023

Category	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
BUILDING PERMITS ISSUED														
NEW - Single Family Detached (incl. Trades permits & SWMH)	2019	8	10	14	9	12	9	10	14	14	2	11	7	120
	2020	12	13	23	14	8	19	19	17	16	20	22	11	194
	2021	15	9	19	20	16	22	15	11	8	22	13	8	178
	2022	17	11	20	11	18	32	10	9	11	12	9	4	164
	2023	5	6	6	12	12	6	10	5	7	8	9	7	93
NEW - Single Family Attached (Town Homes)	2019	0	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	1	6	0	0	6	0	0	0	13
	2021	6	0	0	0	0	0	0	0	6	0	0	0	6
	2022	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	8	0	0	0	0	0	0	0	0	0	7	15
Multi Family (Apartment, Duplex)	2019	0	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	1	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	5	0	0	0	0	5
	2023	1	0	0	0	0	0	0	0	0	0	0	0	1
Additions and Alterations	2019	35	33	37	27	38	38	44	34	34	36	35	31	422
	2020	37	38	23	30	30	22	27	20	30	34	35	23	349
	2021	28	14	43	39	31	40	30	29	26	30	35	33	378
	2022	33	48	60	45	47	50	51	63	45	63	51	44	600
	2023	52	34	51	34	36	28	36	35	45	39	43	37	470
* Trade permits count not in .														
Accessory Buildings	2019	2	4	6	4	4	3	3	8	2	8	4	4	52
	2020	2	4	4	4	5	5	1	7	8	3	5	1	49
	2021	1	3	3	6	3	6	1	3	2	4	4	2	38
	2022	3	4	13	6	5	2	5	4	5	3	0	2	52
	2023	7	2	7	5	6	2	5	8	4	7	5	6	64
Swimming Pools	2019	0	0	0	3	2	2	0	1	0	1	0	1	10
	2020	0	1	3	3	1	2	3	1	1	0	0	0	15
	2021	0	0	7	1	5	2	3	4	1	0	1	2	26
	2022	0	2	4	4	1	0	3	3	0	0	0	0	17
	2023	1	0	6	1	2	4	0	0	0	2	0	0	16
Commercial/ Industrial Build/Cell Towers	2019	0	0	1	1	0	2	0	0	0	0	0	0	4
	2020	0	0	1	0	1	0	0	3	0	0	2	0	7
	2021	1	0	1	0	0	0	1	0	0	0	2	0	5
	2022	0	0	0	0	0	2	3	2	0	2	1	0	10
	2023	1	1	0	1	0	0	0	0	0	0	0	0	3
TOTAL BUILDING PERMITS	2019	45	47	58	44	56	54	57	57	50	48	50	43	609
	2020	51	56	54	51	46	54	50	48	63	57	54	40	624
	2021	51	26	73	66	55	70	50	47	37	56	55	45	631
	2022	54	65	97	66	71	86	72	77	61	80	61	50	840
	2023	67	51	64	52	51	40	52	48	56	56	57	57	651
* Trade permits count not included as in previous years														
BUILDING VALUES FOR PERMITS ISSUED														
TOTAL BUILDING VALUES	2019	\$1,991,054	\$2,502,719	\$5,639,238	\$4,695,173	\$3,057,597	\$3,228,152	\$3,360,952	\$3,926,015	\$3,457,214	\$2,636,194	\$3,148,369	\$2,960,579	\$ 40,603,256
	2020	\$2,292,161	\$3,206,055	\$7,238,708	\$2,997,448	\$2,245,441	\$4,389,903	\$3,644,002	\$5,555,492	\$5,271,906	\$4,201,357	\$3,513,834	\$2,954,193	\$ 47,506,500
	2021	\$5,397,000	\$1,687,484	\$2,506,869	\$4,952,702	\$3,473,256	\$5,766,891	\$2,885,146	\$2,506,053	\$2,046,134	\$3,637,390	\$4,633,868	\$2,712,396	\$ 41,734,789
	2022	\$5,073,054	\$3,017,155	\$5,012,175	\$2,937,240	\$5,654,955	\$9,371,750	\$11,374,772	\$17,974,068	\$2,743,309	\$4,363,026	\$6,842,941	\$1,046,000	\$ 75,410,524
	2023	\$3,929,572	\$4,916,308	\$3,029,674	\$3,087,131	\$6,370,476	\$3,088,398	\$4,234,315	\$3,224,163	\$2,474,897	\$2,332,220	\$3,542,065	\$4,921,239	\$ 45,140,458

Category	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
LAND DISTURBING PERMITS ISSUED														
LAND DISTURBING PERMITS	2019	8	12	16	9	14	10	12	14	13	2	11	8	129
	2020	11	10	26	13	8	24	13	19	20	19	13	16	192
	2021	22	10	18	20	18	22	16	11	4	23	13	8	185
	2022	16	13	19	11	18	34	11	10	8	13	8	3	164
	2023	5	14	9	15	10	7	10	5	10	8	8	14	115
INSPECTIONS COMPLETED														
TOTAL INSPECTIONS	2019	237	207	232	297	305	246	324	332	295	298	204	216	3,193
	2020	213	197	302	369	371	304	434	368	439	464	407	412	4,280
	2021	430	349	465	431	402	426	333	355	419	453	422	356	4,841
	2022	304	414	551	449	439	486	594	589	523	400	300	351	5,400
	2023	350	298	321	308	288	285	261	294	287	375	297	300	3,664
FEEES COLLECTED														
Building Permits	2019	\$11,377	\$13,617	\$14,005	\$14,308	\$11,228	\$16,260	\$13,778	\$18,772	\$14,375	\$8,468	\$14,747	\$11,059	\$ 161,994
	2020	\$12,863	\$15,468	\$18,152	\$16,803	\$13,147	\$28,068	\$23,193	\$28,887	\$24,237	\$19,359	\$15,359	\$15,871	\$ 231,407
	2021	\$18,733	\$15,400	\$15,654	\$21,333	\$16,184	\$23,031	\$27,000	\$11,923	\$9,144	\$20,620	\$15,563	\$9,211	\$ 203,796
	2022	\$21,100	\$19,347	\$23,488	\$15,404	\$19,739	\$23,621	\$18,713	\$54,782	\$11,348	\$34,994	\$17,567	\$6,021	\$ 266,124
	2023	\$11,925	\$20,870	\$11,256	\$15,385	\$21,848	\$9,751	\$9,429	\$8,207	\$10,590	\$11,603	\$11,462	\$14,778	\$ 157,104
Land Disturbing Permits	2019	\$1,000	\$1,500	\$1,625	\$1,125	\$3,553	\$1,250	\$2,975	\$6,556	\$1,920	\$250	\$1,375	\$1,125	\$ 24,251
	2020	\$1,375	\$1,250	\$6,365	\$1,625	\$1,000	\$3,000	\$2,125	\$8,369	\$2,500	\$2,375	\$4,294	\$1,875	\$ 36,153
	2021	\$5,678	\$1,250	\$14,463	\$2,500	\$2,250	\$2,750	\$13,581	\$2,824	\$500	\$4,848	\$1,625	\$1,000	\$ 53,268
	2022	\$2,000	\$2,050	\$9,963	\$1,375	\$2,250	\$10,014	\$1,375	\$2,175	\$27,725	\$3,649	\$2,175	\$375	\$ 65,126
	2023	\$625	\$1,875	\$1,125	\$2,300	\$1,625	\$5,000	\$2,408	\$625	\$4,975	\$1,000	\$1,000	\$1,750	\$ 24,308
Zoning Fees collected by Planning Dept starting March 2023	2019	\$1,200	\$1,800	\$2,200	\$1,550	\$2,050	\$1,350	\$1,950	\$2,300	\$1,700	\$1,150	\$1,450	\$1,400	\$ 20,100
	2020	\$1,650	\$1,600	\$3,000	\$1,700	\$15,550	\$3,050	\$2,350	\$2,300	\$2,900	\$2,850	\$1,600	\$1,700	\$ 26,250
	2021	\$2,150	\$1,150	\$3,650	\$2,950	\$2,650	\$3,400	\$2,450	\$1,850	\$1,300	\$2,900	\$1,900	\$1,150	\$ 27,500
	2022	\$1,900	\$1,400	\$3,900	\$1,650	\$2,300	\$3,900	\$1,800	\$1,500	\$1,500	\$2,000	\$1,450	\$750	\$ 24,050
	2023	\$1,350	\$1,950	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 3,300
TOTAL FEES	2019	\$13,577	\$16,917	\$17,830	\$16,983	\$16,831	\$18,860	\$18,703	\$27,628	\$17,995	\$9,868	\$15,028	\$132,584	\$ 203,804
	2020	\$15,888	\$18,318	\$27,517	\$20,128	\$15,697	\$34,118	\$27,668	\$39,556	\$29,637	\$24,584	\$24,584	\$19,446	\$ 293,810
	2021	\$25,000	\$22,797	\$37,351	\$18,429	\$24,289	\$37,535	\$21,888	\$58,457	\$40,573	\$40,643	\$24,584	\$7,146	\$ 290,061
	2022	\$25,001	\$22,797	\$37,351	\$18,429	\$24,289	\$37,535	\$21,888	\$58,547	\$40,073	\$40,643	\$21,192	\$7,146	\$ 355,300
	2023	\$13,900	\$24,695	\$12,381	\$17,685	\$23,473	\$14,751	\$11,837	\$8,834	\$15,565	\$12,603	\$12,462	\$16,528	\$ 184,714