



**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING**

Carysbrook Performing Arts Center  
8880 James Madison Highway, Fork Union, VA 23055  
Tuesday  
February 13, 2024  
**7:00 PM**

**TAB AGENDA ITEMS**

**1– CALL TO ORDER: Chair Barry Bibb**

**2 - PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE**

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

**4 – PUBLIC COMMENTS #1 (5 minutes per speaker)**

**4 – MINUTES**

Minutes of January 9, 2024

**5 – ACTION MATTERS: Resolution – Dan Whitten, County Attorney**

Resolution of intention to propose an amendment to the Fluvanna County Zoning Code to make a clerical correction that minor scale solar generation facilities are allowed by special use permit in the B-1, B-C, I-1 and I-2 Zoning Districts

**6 – PUBLIC HEARINGS: ZTA 24:01 – Minor Scale Solar – Dan Whitten, County Attorney**

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-9-2.2, 22-10-4, 22-11-2.2, AND 22-12-2.2 TO MAKE A CLERICAL CORRECTION THAT MINOR SCALE SOLAR GENERATION FACILITIES ARE ALLOWED BY SPECIAL USE PERMIT IN THE B-1, B-C, I-1 AND I-2 ZONING DISTRICTS

**7 – PRESENTATIONS: None**

**8 – SITE DEVELOPMENT PLANS: None**

**9 – SUBDIVISIONS: None**

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

**11 – NEW BUSINESS: SUP 23:01 White Oak Tree Solar – Shores Road Deferral request**

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

**13 -- ADJOURNMENT**

Jason Overstreet, Acting Zoning Administrator  
Zoning Administrator Review

*Fluvanna County...The heart of central Virginia and your gateway to the future!*

*For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.  
For Persons with Disabilities – If you have special needs, please contact the County Administrator’s Office at 591-1910.*

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## **PLEDGE OF ALLEGIANCE**

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

\*\*\*\*\*

## **ORDER**

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

## **PUBLIC HEARING RULES OF PROCEDURE**

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

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**FLUVANNA COUNTY PLANNING COMMISSION  
REGULAR MEETING MINUTES**

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

**Tuesday, January 9, 2024**

**Regular Meeting 7:00 pm**

**MEMBERS PRESENT:**

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

**ABSENT:**

Valencia Porter-Henderson, Administrative Assistant

**STAFF PRESENT:**

Eric Dahl, County Administrator  
Kelly Harris, Acting Director of Planning  
Dan Whitten, Fluvanna County Attorney  
Jason Overstreet, Senior Planner  
Joanna Lehtinen, Planner /GIS Technician

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

At 7:00 pm, Chair Bibb, called the January 9, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

Commissioner Bree Key sent an email request that was forwarded to Chair Bibb to participate remotely in accordance with Section XI of the Bylaws and Rules of Practice and Procedure. Commissioner Key was sick and was calling in from home.

<b>MOTION:</b>	NOW, THEREFORE, BE IT RESOLVED, the Planning Commission approves the remote participation of Commission Bree Key who was sick and calling in from home in accordance with Section XI of the Bylaws and Rules of Practice and Procedure				
<b>MEMBER:</b>	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
<b>ACTION:</b>	Motion				Seconded
<b>VOTE:</b>	Aye	Aye	Abstain	Aye	Aye
<b>RESULT:</b>	<b>4-0-1 Approved, as presented</b>				

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

**Announcements and Updates:**

- At the January 3, 2024 meeting, the Board of Supervisors appointed Jason Overstreet as Acting Zoning Administrator
- At the same meeting, the Board also appointed Kelly Harris, Assistant County Administrator as Acting Director of Planning
- Director of Planning position is posted on the County website
- BOS approved a change of position from Director of Community Development to Director of Planning

Day	Date	Time	Public Hearings and Public meetings	Location
WED	JAN 17	6:00 PM	Board of Supervisors – Marina Point at Lake Monticello, Inc	Performing Arts Center
TUES	FEB 13	6:00 PM	TBD – Planning Commission – Work Session	Performing Arts Center
TUES	FEB 13	7:00 PM	Planning Commission, Regular Meeting	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:**

<b>MOTION:</b>	To Approve the Regular meeting minutes of the Planning Commission of December 12, 2023.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Abstain	Aye	Aye	Aye
<b>RESULT:</b>	<b>4-0-1 Approved, as presented</b>				

<b>MOTION:</b>	To Approve the Regular meeting minutes of the Planning Commission of January 3, 2024.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>		<b>Second</b>	
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved, as presented</b>				

**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

<b>MOTION:</b>	NOW, THEREFORE, BE IT RESOLVED, the Planning Commission adopts the resolution of intention 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.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Second</b>	<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved, as presented</b>				

**6. PUBLIC HEARINGS:**

**ZTA 23:02 – Short Term Rentals:**

**Presentation overview:**

- Regulating Short-term rentals through Zoning:**
- Short term rental proposed supplemental regulations:**
- Proposed Supplemental Regulations**
- Enforcement:**
- Grandfathered and Nonconforming Uses:**
- Nonconforming and illegal uses:**
- Nonconforming but legal (§15.2-2307):**
- Agritourism and Short-term Rentals:**
- Attorney General Opinion No. 22-036 on Short Term Rentals:**

Mrs. Johnson-Morgan: asked about whether any parcel may only have one short-term rental use? What if they have 30+ acres?

Mr. Whitten: replied this only refers to Short term rentals not long term rentals.

After further discussion, Mr. Whitten stated that they may make any adjustments to the motion if needed.

Chair Bibb opened the Public Hearing at 7:40 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 7:40 pm.

Chair Bibb asked is there any more questions or concerns if not do we have a motion.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION, IN CONFORMANCE WITH SECTION 22-20-2 (B) OF THE ZONING ORDINANCE RECOMMENDS APPROVAL 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 with the amendment of allowing one (1) short term rental per 10 acres.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Second</b>	<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0, Recommended Approved</b>				

**7. PRESENTATIONS:**

None

**7. SITE DEVELOPMENT PLANS:**

None

**8. SUBDIVISIONS:**

None

**9. UNFINISHED BUSINESS:**

1. **Review of 2024 Planning Commission By-Laws and Rules of Practice and Procedures:**

Dan Whitten, County Attorney went to acknowledge the difference in the By-Laws and Rules of Practice and Procedures. The By-laws will come back before the Planning Commission at the February 12, 2024 meeting.

**10. NEW BUSINESS:**

None

**11. PUBLIC COMMENTS #2:**

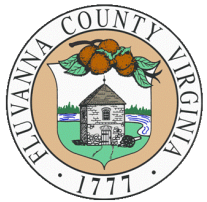
Chair Bibb opened Public Comments #2 at 7:45 pm by giving each speaker a limit of five (5) minutes to speak in person and asked that they state their full name and property address for the record. With no one coming forward wishing to speak in person, he closed the Public Comments period at 7:45 pm.

**12. ADJOURNMENT**

<b>MOTION:</b>	Motion to Adjourn the January 9, 2024 Planning Commission Regular meeting at 7:45 pm				
<b>MEMBER:</b>	Bibb	Kilpatrick	Key	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 approved adjournment</b>				

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. 2024-02**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§ 22-9-2.2, 22-10-4, 22-11-2.2, AND 22-12-2.2 TO MAKE A CLERICAL CORRECTION THAT MINOR SCALE SOLAR GENERATION FACILITIES ARE ALLOWED BY SPECIAL USE PERMIT IN THE B-1, B-C, I-1 AND I-2 ZONING DISTRICTS**

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

**WHEREAS**, in accordance with section 22-20-1 of the Zoning Code, the Fluvanna County Planning Commission (“Planning Commission”) can adopt a resolution of intention to propose an amendment to the Zoning Code; and

**WHEREAS**, the Planning Commission desires to propose an amendment to the Zoning Code by amending §§ 22-9-2.2, 22-10-4, 22-11-2.2, AND 22-12-2.2 to make a clerical correction that minor scale solar generation facilities are allowed by special use permit in the B-1, B-C, I-1 and I-2 zoning districts; and

**WHEREAS**, the Planning Commission shall hold a public hearing on such proposed amendments after notice as required by section 15.2-2204 of the Code of Virginia, and may make appropriate changes in the proposed amendment as a result of such hearing.

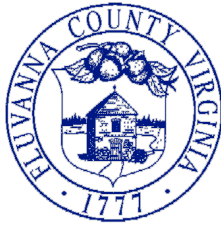
**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission proposes an amendment to the Zoning Code by amending §§ 22-9-2.2, 22-10-4, 22-11-2.2, AND 22-12-2.2 to make a clerical correction that minor scale solar generation facilities are allowed by special use permit in the B-1, B-C, I-1 and I-2 zoning districts; and

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 13<sup>th</sup> day of February, 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



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

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

## PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners

**From:** Staff

**Case Number:** ZTA 24:01 Minor Scale Solar

**District:** Countywide Amendment

**General Information:**

This Public Hearing request is to be heard by the Fluvanna County Planning Commission on Tuesday, February 13, 2024 at 7:00 pm in the Carysbrook Performing Arts Center.

**Requested Action:**

Amend the Fluvanna County Zoning Ordinance

**Background Information:** The Fluvanna County Zoning Ordinance was amended September 15, 2021 to authorize Small scale solar generation facilities as a by-right use in the A-1, R-1, R-2, R-3, R-4, B-1, B-C, I-1, I-2, and MHP zoning districts. The ordinance mistakenly also authorized Small Scale solar generation facilities by special use permit in the B-1, B-C, I-1 and I-2 zoning districts. The proposed ordinance amendment would instead allow Minor scale solar generation facilities by special use permit in the B-1, B-C, I-1 and I-2 zoning district which was the original intent of the ordinance approved in 2021.

A minor scale solar generation facility is defined in Section 22-22-1 of the Zoning Ordinance as "An on-site solar energy conversion system producing less than 2 MW of electricity. Minor scale solar energy conversion systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may also include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground mounted arrays require zoning approval as accessory structures."

A small scale solar generation facility is defined in Section 22-22-1 of the Zoning Ordinance as "An on-site solar energy conversion system producing not more than 15 kW of electricity. Small scale solar energy systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground mounted arrays require zoning approval as accessory structures."

**The Ordinance:**

**ZTA 24:01 ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §§ 22-9-2.2, 22-10-4, 22-11-2.2, AND 22-12-2.2 TO MAKE A CLERICAL CORRECTION THAT MINOR SCALE SOLAR GENERATION**

FACILITIES ARE ALLOWED BY SPECIAL USE PERMIT IN THE B-1, B-C, I-1 AND I-2 ZONING DISTRICTS

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 §§ 22-9-2.2, 22-10-4, 22-11-2.2, and 22-12-2.2 as follows:*

CHAPTER 22 ZONING

ARTICLE 9. – BUSINESS, GENERAL, DISTRICT B-1

Amend Sec. 22-9-2.2 Uses permitted by special use permit only:

*Miscellaneous Uses*

- **Minor ~~Small~~ scale solar generation facility**

ARTICLE 10. – BUSINESS, CONVENIENCE, DISTRICT B-C

Amend Sec. 22-10-4 Uses permitted by special use permit only:

*Miscellaneous Uses*

- **Minor ~~Small~~ scale solar generation facility**

ARTICLE 11. – INDUSTRIAL, LIMITED, DISTRICT I-1

Amend Sec. 22-11-2.2 Uses permitted by special use permit only:

*Miscellaneous Uses*

- **Minor ~~Small~~ scale solar generation facility**

ARTICLE 12. – INDUSTRIAL, GENERAL, DISTRICT I-2

Amend Sec. 22-12-2.2 Uses permitted by special use permit only:

*Miscellaneous Uses*

- **Minor ~~Small~~ scale solar generation facility**  
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 24:01 AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-9-2.2, 22-10-4, 22-



11-2.2, AND 22-12-2.2 TO MAKE A CLERICAL CORRECTION THAT MINOR SCALE SOLAR GENERATION FACILITIES ARE ALLOWED BY SPECIAL USE PERMIT IN THE B-1, B-C, I-1 AND I-2 ZONING DISTRICTS

**ZTA 24:01**

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-9-2.2, 22-10-4, 22-11-2.2, AND 22-12-2.2 TO MAKE A CLERICAL CORRECTION THAT MINOR SCALE SOLAR GENERATION FACILITIES ARE ALLOWED BY SPECIAL USE PERMIT IN THE B-1, B-C, I-1 AND I-2 ZONING DISTRICTS

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 §§ 22-9-2.2, 22-10-4, 22-11-2.2, and 22-12-2.2 as follows:*

CHAPTER 22 ZONING

ARTICLE 9. – BUSINESS, GENERAL, DISTRICT B-1

Amend Sec. 22-9-2.2 Uses permitted by special use permit only:

*Miscellaneous Uses*

- **Minor ~~Small~~ scale solar generation facility**

ARTICLE 10. – BUSINESS, CONVENIENCE, DISTRICT B-C

Amend Sec. 22-10-4 Uses permitted by special use permit only:

*Miscellaneous Uses*

- **Minor ~~Small~~ scale solar generation facility**

ARTICLE 11. – INDUSTRIAL, LIMITED, DISTRICT I-1

Amend Sec. 22-11-2.2 Uses permitted by special use permit only:

*Miscellaneous Uses*

- **Minor ~~Small~~ scale solar generation facility**

ARTICLE 12. – INDUSTRIAL, GENERAL, DISTRICT I-2

Amend Sec. 22-12-2.2 Uses permitted by special use permit only:

*Miscellaneous Uses*

- **Minor ~~Small~~ scale solar generation facility**

State Law Reference: Va. Code § 15.2-2285

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

**Fluvanna County Planning Commission**  
**BYLAWS AND RULES OF PRACTICE AND PROCEDURES**  
**Adopted: February 13, 2024**

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

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

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

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

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

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

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

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

**IX. PUBLIC SESSIONS.**

A. Except as otherwise directed the regular public meeting of the Commission shall be held on the 1st Tuesday after the 1st Wednesday of the month at 7:00 p.m. The meetings shall generally be held in the Carysbrook Performing Arts Center in **Fork Union**, VA.

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

## **X. MEETING AND ATTENDANCE.**

- A. All meetings and business shall be conducted in accordance with these Rules, Robert's Rules of Order Newly Revised, 12th Edition, and the law of Virginia. In the event of conflict, the law of Virginia shall govern.
- B. Meetings will be held on the 1st Tuesday after the 1st Wednesday of the month. If the meeting date falls on a holiday, a new meeting date will be scheduled by the Chair. Meetings shall start at the appointed time, and if the Chair is not present, the Vice Chair shall preside. If neither the Chair nor the Vice Chair is present, the Director **of Planning** shall call the meeting to order and preside for the election of a Temporary Chair.
- C. Any person making a written or electronic presentation or demonstrating a matter by way of a picture, slides or a similar document for inclusion in the record of the hearing shall provide the Director **of Planning** a copy of such item three (3) days prior to the meeting at which such person wishes to make a presentation.
- D. The Director **of Planning** shall list all items requested on the agenda. If, in the opinion of the Director **of Planning**, an agenda item is not appropriate for consideration by the Commission, he shall inform the Chair, and if the Chair is in agreement, the Commission shall first discuss whether to entertain the agenda item.
- E. The Director **of Planning** and Chair shall allocate time to items on the agenda, as is necessary, for appropriate consideration by the Commission.
- F. The Commission shall consider all items docketed on the agenda before taking any other items unless an undocketed item is brought by consent of the Commission.
- G. Time permitting, items not on the agenda shall be heard as the final items of the Commission's business. If time does not, in the opinion of the Chair, permit hearing items on the agenda, they shall be carried over to the next regular or special meeting.
- H. The Chair's vote on all issues before the Commission shall be recorded as being given with the prevailing side, unless the Chair clearly votes otherwise.
- I. Meetings shall be adjourned no later than 11:00 pm unless continued by unanimous vote of the Commission members.

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

### A. Authority and Scope

1. This policy shall govern participation by an individual member of the Planning Commission of Fluvanna County, Virginia, by electronic communication means in

public meetings of the Planning Commission of Fluvanna County, Virginia, and any closed session of the Commission held in accordance with applicable law, from and after the date of adoption of this policy.

2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.
3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

#### B. Definitions

1. “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 § 2.2-3701.
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 2.2-3708.2(A)(2) the Planning Commission may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia Section 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency provide for the continuity of operations of the Commission or the discharge of its lawful purposes,

duties, and responsibilities. The Planning Commission when convening a meeting in accordance with this subdivision (I) shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Planning Commission conducting the meeting;
  - b. Make arrangements for public access to such meeting through electronic communication means;
  - c. Provide the public with the opportunity to comment at those meetings of the Commission when public comment is customarily received;
  - d. Otherwise comply with the provisions of the Code of VFOIA; and
  - e. State in its minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.
- J. Nothing in this Section XI shall be construed to prohibit the use of interactive audio or video means to expand public participation.

## **XII. CONDUCT OF BUSINESS**

- A. When the question is called and there is no dispute, the Chair shall call for the vote.
- B. Whenever any member wishes to abstain from voting on any question, he or she shall so state and, if because of a conflict, shall indicate in accordance with the Virginia Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., or as amended, and his or her abstention shall be announced by the Chair and recorded by the Clerk.
- C. Exhibits or electronic slides before the Commission shall become the property of the Commission and shall be filed with the Director **of Planning**.
- D. Citizens shall not speak at a meeting until they are recognized by the Chair. Citizens shall request recognition by addressing the Chair and then await acknowledgement. At his or her discretion, the Chair may permit a dialogue without individual recognition between members of the Commission or between a member and a citizen if such dialogue is orderly and contributes to the expedition of the business. Such discussion will be discouraged.
- E. Prior to opening a meeting at which one or more public hearings will be held, the Chair shall recount the rules under which the hearing shall be operated, but he or she may amend the rules during the hearing by giving notice of the change to the Commission.



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

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

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

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

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

### **XIII. ORDER**

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

B. In maintaining decorum and propriety of conduct, the Chair shall not be challenged and no debate shall be allowed until after the Chair declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order, the regular business may be suspended by vote of the Commission to discuss the matter.

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

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

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

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

**XV. RULES**

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

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

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

Dan Whitten  
County Attorney  
132 Main Street  
Palmyra, VA 22963

CEP Solar, LLC  
2201 Broad Street, Suite 200  
Richmond, VA 23220

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**To:** Dan Whitten  
**From:** CEP Solar, LLC

Dear Mr. Whitten,

This letter confirms the Applicant's request for a deferral of SUP 23:01 White Oak Tree Solar, LLC and the associated Substantial Accord determination from the March 12<sup>th</sup>, 2024 Planning Commission Agenda until the June 11<sup>th</sup>, 2024 Planning Commission Agenda.

We look forward to continuing to work with Staff and the Planning Commission to build consensus on White Oak Solar Farm.

Best,



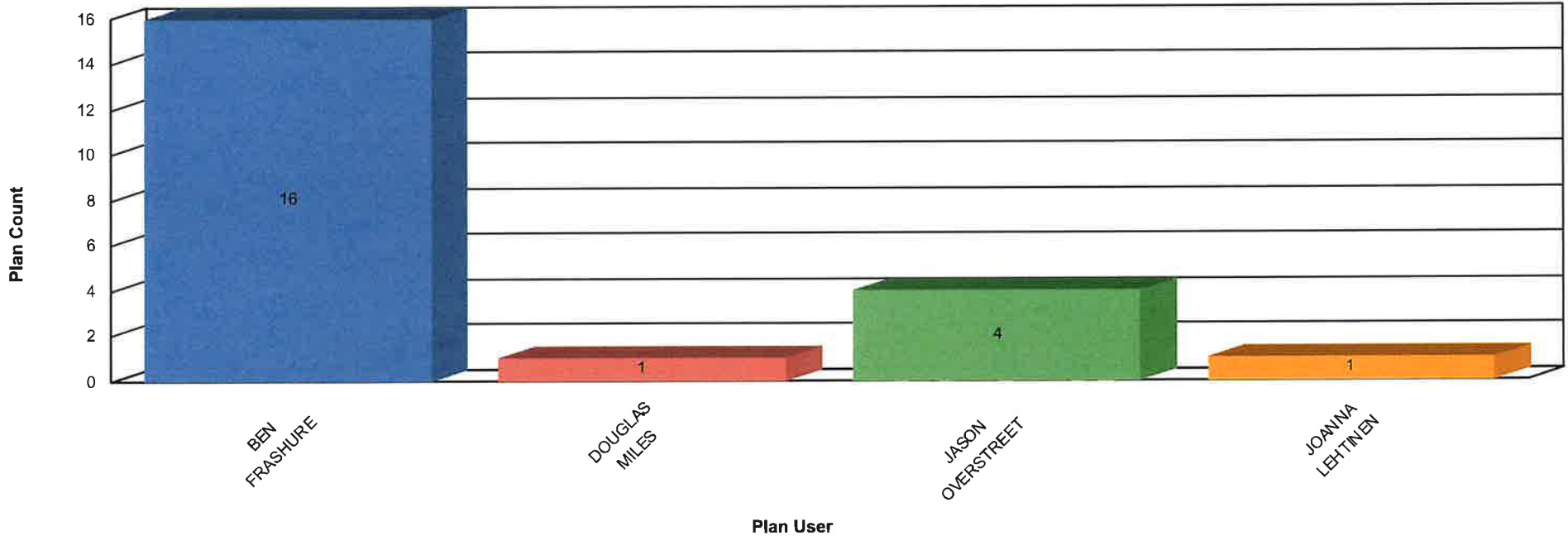
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[www.cepsolar.com](http://www.cepsolar.com)







## PLANS APPLIED BY USER (01/01/2024 TO 01/31/2024) 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			
<b>BEN FRASHURE</b>							
MSC24:0288	Miscellaneous 01/02/2024	Miscellaneous - Other 0	Void \$0.00	78 Shiloh Church Rd, Palmyra, VA 22963 \$0.00	Not Assigned	Fork Union	40 16 3D
MSC24:0001	Miscellaneous 01/08/2024	Miscellaneous - Other 0	Approved 01/08/2024 \$0.00	 \$100.00	Not Assigned	Fork Union	50 A 41
Description: New Single Family Dwelling							
MSC24:0002	Miscellaneous 01/16/2024	Miscellaneous - Other 0	Approved 01/16/2024 \$0.00	92 Pine Shadow Ct, Troy, VA 22974 \$100.00	Not Assigned	Columbia	12 21 21

## PLANS APPLIED BY USER (01/01/2024 TO 01/31/2024)

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>		
	<i>Description: Deck with no roof</i>						
<b>MSC24:0003</b>	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Columbia	11 15 7
	01/17/2024	0	01/17/2024	\$0.00	\$100.00	Ben Frashure	
	<i>Description: New Single Family Dwelling</i>						
<b>MSC24:0004</b>	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Columbia	11 15 7A
	01/17/2024	0	01/17/2024	\$0.00	\$100.00	Ben Frashure	
	<i>Description: New Single Family Dwelling</i>						
<b>MSC24:0005</b>	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Columbia	11 15 7B
	01/17/2024	0	01/17/2024	\$0.00	\$100.00	Ben Frashure	
	<i>Description: New Single Family Dwelling</i>						
<b>MSC24:0006</b>	Miscellaneous	Miscellaneous - Other	Approved	881 Oak Creek Rd, Palmyra, VA 22963	Not Assigned	Columbia	31 11 1
	01/17/2024	0	01/18/2024	\$0.00	\$50.00	Ben Frashure	
	<i>Description: 20 X 30 X 12 single truss arch storage shelter</i>						
<b>MSC24:0007</b>	Miscellaneous	Miscellaneous - Other	Approved		Not Assigned	Cunningham	18 8 35
	01/17/2024	0	01/17/2024	\$0.00	\$100.00	Ben Frashure	
	<i>Description: New Single Family Dwelling</i>						
<b>MSC24:0009</b>	Miscellaneous	Miscellaneous - Other	In Review	2323 Kents Store Way, Kents Store, VA 23084	Not Assigned	Columbia	22 18 C
	01/23/2024	0	01/26/2024	\$0.00	\$100.00	Decks by DeMers Ben Frashure	
	<i>Description: Deck/Screen Porch</i>						
<b>MSC24:0010</b>	Miscellaneous	Miscellaneous - Other	Approved	4929 Rolling Rd S, Scottsville, VA 24590	Not Assigned	Cunningham	26 A 12
	01/23/2024	0	01/26/2024	\$0.00	\$100.00	Above and Beyond Construction Ben Frashure	
	<i>Description: Addition</i>						

## PLANS APPLIED BY USER (01/01/2024 TO 01/31/2024)

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>		
<b>MSC24:0011</b>	Miscellaneous	Miscellaneous - Other	Approved	0 South Boston Road, Palmyra, VA 22963	Not Assigned	Columbia	9 A 19
	01/24/2024	0	01/24/2024	\$0.00	Andrew & Kaitlin Powell Ben Frashure		
	<i>Description: New Home/Shop</i>						
<b>MSC24:0012</b>	Miscellaneous	Miscellaneous - Other	Approved	0 Carys Creek Road, Fork Union, VA 23055	Not Assigned	Fork Union	41 A 44C3
	01/26/2024	0	01/26/2024	\$0.00	Liberty Homes Ben Frashure		
	<i>Description: New Home</i>						
<b>MSC24:0014</b>	Miscellaneous	Miscellaneous - Other	Approved	5570 Union Mills Rd, Troy, VA 22974	Not Assigned	Columbia	10 10 24
	01/29/2024	0	01/29/2024	\$0.00	Ben Frashure		
	<i>Description: 5' X 14.1 Addition to existing bathroom</i>						
<b>MSC24:0015</b>	Miscellaneous	Miscellaneous - Other	Approved	15464 West River Rd, Bremo Bluff, VA 23022	Not Assigned	Fork Union	51 A 46
	01/29/2024	0	01/29/2024	\$0.00	Ben Frashure		
	<i>Description: Kitchen Addition</i>						
<b>MSC24:0016</b>	Miscellaneous	Miscellaneous - Other	In Review		Not Assigned	Rivanna	18 A 52
	01/29/2024	0	\$0.00	\$50.00	Ben Frashure		
	<i>Description: Duplex</i>						
<b>MSC24:0017</b>	Miscellaneous	Miscellaneous - Other	Approved	8 Axle Tree Rd, Palmyra, VA 22963	Not Assigned	Rivanna	18A 3 112
	01/29/2024	0	01/29/2024	\$0.00	Ben Frashure		
	<i>Description: Deck</i>						

**PLANS APPLIED FOR BEN FRASHURE: 16**

### DOUGLAS MILES

<b>MSC24:0013</b>	Miscellaneous	Miscellaneous - Other	In Review	2571 Rolling Rd S, Scottsville, VA 24590	Not Assigned	Cunningham	38 A 70B
	01/26/2024	0	01/26/2024	\$0.00	Emily Drayer Douglas Miles		
	<i>Description: New Home</i>						



**PLANS APPLIED BY USER (01/01/2024 TO 01/31/2024)**

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>		
<b>PLANS APPLIED FOR DOUGLAS MILES:</b>							<b>1</b>
<b>JASON OVERSTREET</b>							
<b>SUB24:0001</b>	Subdivision <i>01/10/2024</i>	Subdivision - Minor <i>02/24/2024</i>	In Review		Not Assigned	Fork Union	41 A 31
		0	\$0.00	\$600.00	Betty McGehee et al Jason Overstreet		
	<i>Description: Lot 1, Containing 5.60 acres</i>						
<b>MSC24:0008</b>	Miscellaneous <i>01/17/2024</i>	Sign Permit	Approved <i>01/30/2024</i>	265 Turkeysag Trl, Palmyra, VA 22963	Not Assigned	Cunningham	17 21 D1
		0	\$0.00	\$155.00	Papa Jim's Ice and Cream LLC Jason Overstreet		
	<i>Description: Papa Jim's Sign</i>						
<b>MSC24:0018</b>	Miscellaneous <i>01/29/2024</i>	Sign Permit	In Review	6 Toby Way, Palmyra, VA 22963	Not Assigned	Fork Union	18 10 7
		0	\$0.00	\$155.00	The Graphics Garage Jason Overstreet		
	<i>Description: Hidden Gem Sports Cards and Collectibles</i>						
<b>SDP24:0002</b>	Site Development Plan <i>01/30/2024</i>	Sketch Plan <i>03/15/2024</i>	In Review		Not Assigned	Columbia	5 A 55X
		0	\$0.00	\$150.00	MACON PROPERTIES LLC C/O First Virginia Homes Jason Overstreet		
	<i>Description: Proposed Automobile Service Center</i>						
<b>PLANS APPLIED FOR JASON OVERSTREET:</b>							<b>4</b>
<b>JOANNA LEHTINEN</b>							
<b>SUB24:0002</b>	Subdivision <i>01/29/2024</i>	Boundary Adjustment <i>03/14/2024</i>	In Review	1415 Broken Island Rd, Palmyra, VA 22963	Not Assigned	Fork Union	18 5 12
		0	\$0.00	\$1,000.00	Steve Dancey Joanna Lehtinen		
<b>PLANS APPLIED FOR JOANNA LEHTINEN:</b>							<b>1</b>
<b>GRAND TOTAL OF PLANS:</b>							<b>22</b>