



FLUVANNA COUNTY PLANNING COMMISSION

MEETING AGENDA

Morris Room, Fluvanna County Administration Building

132 Main St, Palmyra, VA 22963

March 10, 2026

7:00pm Regular Meeting

REGULAR MEETING

1 – CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

2 – ADOPTION OF THE AGENDA

3 – DIRECTOR'S REPORT

4 – APPROVAL OF MINUTES

- A Approval of Minutes from September 30, 2025 (special called meeting) – Todd Fortune, Director of Planning
 - B Approval of Minutes from November 10, 2025 (special called meeting) – Todd Fortune, Director of Planning
 - C Approval of Amended Minutes from January 13, 2026 – Jenny Cassell Faulkner, Admin. Prog. Specialist
 - D Approval of Minutes from February 10, 2026 – Jenny Cassell Faulkner, Admin. Prog. Specialist
 - E Approval of Minutes from February 24, 2026 – Jenny Cassell Faulkner, Admin. Prog. Specialist
-

5 – PUBLIC COMMENTS #1 (5 Minutes Each)

6 – PUBLIC HEARING

- C SUP 26:08 Lenherr – Jason Overstreet, Senior Planner
 - D ZTA 26:10 Include volunteer fire departments and rescue squads as being exempt from requirements in County Sign Ordinance – Todd Fortune, Director of Planning
 - E SUP 25:06 Prater – Jason Overstreet, Senior Planner
-

12 – RESOLUTIONS

- F None
-

13 – PRESENTATIONS

- G None
-

14 – UNFINISHED BUSINESS

- H Comprehensive Plan Update – Todd Fortune, Director of Planning
 - I Planning Commission Bylaws – Todd Fortune, Director of Planning; and Dan Whitten, County Attorney
-

15 – NEW BUSINESS

- J None
-

16 – PUBLIC COMMENTS #2 (5 minutes each)

17 – ADJOURN

Planning Director Review

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

PLEDGE OF ALLEGIANCE

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

ORDER

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

PUBLIC HEARING RULES OF PROCEDURE

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

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**FLUVANNA COUNTY PLANNING COMMISSION
SPECIAL MEETING MINUTES
Fluvanna County High School
1918 Thomas Jefferson Parkway
Palmyra, VA 22963
September 30, 2025
Special Meeting 6:30 pm**

MEMBERS PRESENT:

Howard Lagomarsino, Vice-Chair
Kathleen Kilpatrick, Commissioner
Lorretta Johnson-Morgan, Commissioner
Bob Dorsey, Commissioner
Mike Goad, Board of Supervisors Representative

ABSENT:

Barry Bibb, Chair

STAFF PRESENT:

Eric Dahl, County Administrator
Kelly Belanger-Harris, Assistant County Administrator
Jennifer Schmack, Director of Economic Development
Todd Fortune, Director of Planning

CALL TO ORDER

At 6:45 pm, Vice Chair Lagomarsino called the September 30, 2025 Special Meeting to order.

Chris Fairchild, Fluvanna County Board of Supervisors, and Mr. Goad made a few opening remarks about the proposed Tenaska generating station then opened the floor to questions and comments. Members of the public were then allowed to ask questions and address comments to Mr. Fairchild and Mr. Goad as well as representatives of Tenaska who were in attendance.

ADJOURNMENT:

The Special Meeting was adjourned at 8:40 pm.

Minutes were recorded by Todd Fortune, Director of Planning.

**Howard Lagomarsino, Vice Chair
Fluvanna County Planning Commission**

**FLUVANNA COUNTY PLANNING COMMISSION
SPECIAL MEETING MINUTES
Lake Monticello Fire Station, Maple Room
10 Slice Road
Palmyra, VA 22963
November 10, 2025
Special Meeting 6:00 pm**

MEMBERS PRESENT:

Howard Lagomarsino, Vice-Chair
Lorretta Johnson-Morgan, Commissioner
Bob Dorsey, Commissioner

ABSENT:

Barry Bibb, Chair
Kathleen Kilpatrick, Commissioner
Mike Goad, Board of Supervisors Representative

STAFF PRESENT:

Kelly Belanger-Harris, Assistant County Administrator
Jennifer Schmack, Director of Economic Development
Todd Fortune, Director of Planning
Jason Overstreet, Senior Planner

CALL TO ORDER

At 6:08 pm, Vice Chair Lagomarsino called the November 10, 2025 Special Meeting to order.

Kelsey Schlein and Connie Lieu from Shimp Engineering, representing the applicant (NVA Properties, LLC), made a presentation on ZMP 25:04 – a proposed rezoning from R-3 to B-1 of an approximately 5.809-acre parcel, Tax Map 17 Section A Parcel 10. The applicant requested the rezoning so they may locate an auto repair shop on the property. After the presentation, Ms. Schlein and Ms. Lieu answered questions from citizens in attendance.

ADJOURNMENT:

The Special Meeting was adjourned at 6:35 pm.

Minutes were recorded by Todd Fortune, Director of Planning.

**Howard Lagomarsino, Vice Chair
Fluvanna County Planning Commission**

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
Tuesday, January 13, 2026
Work Session 6:00 pm and Regular Meeting 7:00 pm**

MEMBERS PRESENT:

Barry Bibb, Chair, Cunningham District
Howard Lagomarsino, Vice-Chair, Palmyra District
Kathleen Kilpatrick, Fork Union District
Lorretta Johnson-Morgan, Columbia District
Mike Goad, Board of Supervisors Representative

STAFF PRESENT:

Todd Fortune, Director of Planning
Dan Whitten, County Attorney
Jason Overstreet, Senior Planner
Eric Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Noble Pearson, Assistant County Attorney
Jenny Cassell Faulknier, Administrative Programs Specialist

MEMBERS ABSENT:

Robert Dorsey, Rivanna District

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

At 6:00 pm Barry Bibb, Chair called the January 13, 2026 Work Session to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

● **Private Subdivisions, Family Subdivisions**

- Currently, the Fluvanna County Code restricts lot access for private roads NOT built to VDOT standards.
- As a result, for private lot subdivisions, lots fronting public roads must use private road access. That restricts such lots to the minimum acreage requirements in this section of the Code.
 - Typically, A-1 allows for a minimum lot size of two acres. However, if it is served by a private road, the lot must be at least 10 acres.
- This forces a developer to either:
 - Create a single subdivision using the limits on number of lots and minimum lot size restrictions; or
 - Create multiple subdivisions on the same parent tract, with the initial subdivision consisting of lots with public road access and a later subdivision with lots served by the private road.
- The Code allows the Subdivision Agent to grant exceptions under special circumstances.
- Some exceptions have been granted recently due to unique circumstances.
 - Examples were given.
- Staff have researched how ordinances in neighboring counties regulate private road subdivisions compared with Fluvanna County.
 - That information was presented for Planning Commission consideration.
- Subdivisions are defined in Sections 19-2-1 and 22-22-1 of the County Code. Family subdivisions are regulated in Section 19-3-3 of the Code.
- A few concerns have been noted:
 - The current subdivision definitions, specifically regarding whether family subdivisions are limited to five lots, is subject to interpretation.
 - The code language does not stipulate whether a road maintenance agreement is required for family subdivisions.
 - For the family subdivisions, the current access requirement is a 20-foot access easement.
- Should the Subdivision Ordinance be amended to allow flexibility for subdivision lots with public road frontage?
 - Under current criteria, private road subdivision lots with public road frontage are required to abide by the private road subdivision standard (10 acres or more). Amending the standard would allow for lots with public road frontage (that meet all other criteria for lot size in A-1) to be smaller than the 10-acre minimum.
- Should the Subdivision Ordinance be amended to clarify lot requirements for family subdivisions?
 - The current code language is subject to interpretation.

- Should the Subdivision Ordinance be amended to clarify whether a Road Maintenance Agreement is required for family subdivisions?
 - Section 19-3-3 does not address this.
- Should the Subdivision Ordinance be amended to require a greater ROW in family subdivisions?
 - The current standard, 20 feet, is a concern for fire/rescue access.

WORK SESSION RECESS/ADJOURNMENT CALLED:

At 6:45 pm Barry Bibb, Chair called a recess/adjournment of the January 13, 2026 Work Session.

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

At 7:00 pm Barry Bibb, Chair called the January 13, 2026 Regular Meeting to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

● **Adoption of Agenda:**

MOTION:	TO APPROVE THE ADOPTION OF THE AGENDA OF THE PLANNING COMMISSION MEETING FOR JANUARY 13, 2026 MEETING AS PRESENTED.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

● **Director’s Report:**

- **Upcoming cases - Tenaska**
 - There are three cases on the agenda related to Tenaska under Unfinished Business:
 - ZTA 25:09 – Height regulations for power production plants
 - SUP 25:04 – Expedition Generation Holdings
 - SA 25:01 – Substantial Accord Review, Expedition Generation Holdings
 - The applicant has requested deferral of ZTA 25:09 and SUP 25:04 until February 24, 2026.
 - Per State Code requirements, the Commission must make a decision on SA 25:01 at this meeting.
 - Code of Virginia Section 15.2-2232 (B) “The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval.”
 - The Board of Supervisors authorized an extension until this meeting.
- **Upcoming cases - SUPs**
 - There was originally a SUP request advertised for this meeting – SUP 25:05 (Memory Lane Properties). Given the items on the agenda, and as agreed to by the applicant, this public hearing will be held at the regular monthly meeting on February 10, 2026.
 - Consequently, there will be three public hearings for SUPs at the February 10, 2026 meeting.
 - SUP 25:05 (Memory Lane Properties)
 - SUP 25:06 (Prater)
 - SUP 25:07 (Saddle Creek Lane)

● **Future Meetings:**

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	Feb. 10, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Fluvanna County Circuit Court
Tuesday	Feb. 24, 2026*	6pm 7pm	Work Session (TDB) Regular Meeting	Carysbrook Performing Arts Center
Tuesday	Mar. 10, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room
Tuesday	Apr. 7, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room

* Planning Commission meetings will be held in the Morris Room *
 * (other locations to be considered if larger crowds anticipated) *

- **Approval of Minutes:**

- None

- **Public Comments:**

- Mr. Bibb opened the first round of public comments.
 - Tracey Smith, 2 Sandy Beach Ct., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Jennifer Kingrea-Ruffner, 11 Zephyr Rd., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant, and presented a petition from Fluvanna Horizons Alliance
 - Raymond Bassi, 50 Smokewood Dr., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Mario Kuhar, 3247 West River Rd., Scottsville, VA 24590, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Jessica Melton, 222 Pine Ln., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Jim Crocker-Lakness, 221 Palmer Country Ln., Palmyra, Va 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Ashleigh Crocker, 442 Justin Dr., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Bonnie Redding, 18 Lafayette Dr., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Larry Edgington, 581 Country Creek Way, Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Judy Spellman, 13 Amethyst Rd., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Ron Barche, 204 Panorama Ct., Palmyra, VA 22963, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Millie Fife, 889 Jefferson Dr., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Sara Hernandez, 3872 Branch Rd., Scottsville, VA 24590, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Brian Faulknier, 4021 Ruritan Lake Rd., Palmyra, VA 22963, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Amber Kidd, 76 Bell Farms Ln., Palmyra, VA 22963, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Josephus Allmond, 42 Partridge Berry Ln., Troy, VA 22974, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Carol Bruskin, 251 Jefferson Dr., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Nancy Kidd, 4629 Rolling Rd., Scottsville, VA 24590, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Mary Jane Swift, 1028 Hidden Valleys Rd., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Louis Cable, 651 West River Rd., Scottsville, VA 24590, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Angus Murdock, 417 Laughton Ln., Kents Store, VA 23084, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Rebecca Logan Fay, 28 Stonewall Rd., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Suzy Morris, 6840 Thomas Jefferson Pkwy, Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Lauren Banning, 79 Ross Ln., Columbia, VA 23038, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Georgianna Joslin, 5 White Bluff Ct., Palmyra, VA 22963, voiced concerns about how certain aspects of the meeting were handled, and spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Ben Gathright, 2064 Cedar Lane Rd., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Fletcher Gore, 3774 Bleak House Rd., Earlysville, VA 22936, spoke in **opposition** of the proposed Expedition Gas Power Plant.
- No one else came forward to speak, and Mr. Bibb closed the first round of public comments.

- **Public Hearings:**
 - None
- **Resolutions:**
 - None
- **Site Development Plans:**
 - None
- **Subdivisions:**
 - None
- **Unfinished Business:**
 - **ZTA 25:09 – Height Regulations for Power Plants**
 - **ZTA 25:09** – A request to amend § 22-17-16 of the County Code to give the Board of Supervisors the authority, when issuing a special use permit for a power production plant, to grant a waiver or modification of the maximum height allowances for chimneys and stacks on power production plants.
 - The Planning Commission held a public hearing on this request at its October 7, 2025 monthly meeting and deferred the request until January 13, 2026.
 - Per Section 22-20-1 of the Fluvanna County Code, in conjunction with Section 15.2-2285 of the Code of Virginia, the Planning Commission has 100 days from the date when the Commission first considers the application to make a recommendation.
 - The Planning Commission does not have the ability to further defer this unilaterally. However, it could be deferred upon request by the applicant.
 - The applicant has requested a further deferral of this proposed ZTA until February 24, 2026 (request included in this packet). If the deferral is granted, a special called meeting of the Planning Commission would be held on February 24 to consider this proposed ZTA.

MOTION:	I MOVE THAT THE PLANNING COMMISSION DEFER ZTA 25:09 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-17-16 TO ALLOW THE BOARD OF SUPERVISORS TO GRANT A WAIVER OR MODIFICATION FOR MAXIMUM HEIGHT ALLOWANCES FOR CHIMNEYS AND STACKS ON POWER PRODUCTION PLANTS – UNTIL FEBRUARY 24, 2026.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

- **SUP 25:04 - Special Use Permit, Expedition Generation Holdings**
 - **SUP 25:04 Tenaska Project Expedition** – A Special Use Permit request in the A-1, Agricultural, General District to construct a gas-fired electric generation facility on approximately 414.05 +/- acres and known as Tax Map 27-A-1 (165 acres) and Tax Map 27-A-4 (249.05 acres), which are located along Branch Road (Route 761) and Rock Lane. Tax Map 27-A-1 is located in the Rural Residential Planning Area, and Tax Map 27-A-4 is located within the Rural Preservation Planning Area. Both parcels are located within the Cunningham Election District.
 - The Planning Commission held a public hearing on this request at its monthly meeting on October 7, 2025 and deferred this request until January 13, 2026.
 - The Planning Commission considered this request at its monthly meeting on October 7, 2025 and voted 5-0 to defer this request until January 13, 2026.
 - The applicant has requested a further deferral on this SUP request until February 24, 2026.
 - SUP Conditions:
 - The applicant and the County have been discussing conditions for the SUP. Subsequently, the County has retained the Berkley Group and Sands Anderson to review and comment on the proposed conditions. The Board of Supervisors and Planning Commission held a joint work session on January 7, 2026 to review the conditions and comments from each firm. A revised set of conditions will be available for the Planning Commission’s review at the February 24, 2026 special meeting.

MOTION:	I MOVE THAT THE PLANNING COMMISSION DEFER SUP 25:04 – A SPECIAL USE PERMIT REQUEST IN THE A-1, AGRICULTURAL, GENERAL DISTRICT TO CONSTRUCT A GAS-FIRED ELECTRIC GENERATION FACILITY ON APPROXIMATELY 414.05 +/- ACRES AND KNOWN AS TAX MAP 27-A-1 AND TAX MAP 27-A-4 – UNTIL FEBRUARY 24, 2026.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second		Motion	
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

- **SA 25:01 - Substantial Accord Review Expedition Generation Holdings**
 - **SA 25:01 Substantial Accord Review and Determination for Expedition Generation Holdings per Virginia Code Section 15.2-2232** – A request to review the proposed Tenaska Project Expedition to determine whether the general or approximate location, character, and extent of the proposed facility is substantially in accord with the County’s Comprehensive Plan per Section 15.2-2223 of the Code of Virginia.
 - The proposed project is located on two parcels – Tax Map 27-A-1 (165 acres) and Tax Map 27-A-4 (249.05 acres) – totaling approximately 414.05 acres and located along Branch Road (Route 761) and Rock Lane. Tax Map 27-A-1 is located in the Rural Residential Planning Area, and Tax Map 27-A-4 is located within the Rural Preservation Planning Area. Both parcels are located within the Cunningham Election District.
 - Per the Code of Virginia, Section 15.2-2232 (A):
 - “Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of §56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof.”
 - Per the Code of Virginia, Section 15.2-2232 (B):
 - “The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval.”
 - The Commission held a public hearing on this substantial accord request at its October 7, 2025 meeting and deferred the request until the November 18, 2025 meeting.
 - In early November 2025, Tenaska requested a further deferral until January 13, 2026.
 - Subsequently, at its regular meeting on November 5, 2025, the Board of Supervisors approved a resolution authorizing the Planning Commission to further defer this matter until January 13, 2026 to align the date of the decision with the recommendations for ZTA 25:09 and SUP 25:04.
 - Consequently, at its regular meeting on November 18, 2025, the Commission further deferred this request until January 13, 2026.
 - Since the Board has not authorized any further deferrals, a decision on this request will need to be made at this meeting.
 - The Applicant has requested that the Planning Commission review this proposed electric generation facility as a “public utility facility” under Code of Virginia Section 15.2-2232(A), to determine whether the general or approximate location, character, and extent of the proposed facility is substantially in accord with the County’s Comprehensive Plan.

- This review is related to a separate request for a Special Use Permit (SUP) submitted by the applicant to construct a gas-fired electric generating station.
- The applicant is proposing a natural gas-fired power plant with a capacity of up to 1,540 MW. The SUP request covers two parcels totaling approximately 414.05 acres – Tax Map 27-A-1 (owned by Tenaska) and Tax Map 27-A-4 (owned by Pardee Virginia Timber, Tenaska has an option to purchase from the current owner). The parcels are zoned A-1, Agricultural, General. The proposed use qualifies as “Utility, major” under the County Code, which requires a SUP in A-1.
- Considerations from the current Comprehensive Plan:
 - In the Implementation Goals and Strategies section of the Plan, One of the County’s goals is to promote energy efficiency. Under this goal, one strategy is to “Promote energy efficiency in developments and throughout the community including the use of solar, geothermal, wind, and other decentralized energy technologies and support renewable energy generation by allowing such uses in the zoning ordinance.”
 - Conservation easements are stressed as an important tool for land preservation and conservation in Chapter 1, Chapter 2, Chapter 6, and Implementation Goals and Strategies.
 - Rural Preservation is identified as a desire of the County in Chapter 2, Chapter 5, and Implementation Goals and Strategies.
- Implementation Goals and Strategies also include strategies to preserve the natural environment. They include protecting farm and forest landowners from conflicting adjacent land uses with utilization of buffers, screening, and contiguous tracts of open space; and continuing to promote land-use taxation, conservation easements, ag-forestral districts, and other programs to alleviate economic burdens on owners of land used for agricultural, horticultural, forest, or open-space purposes.
- Chapter 5, cites preservation of open space as “an important value in Fluvanna County.” Additionally, Chapter 5 notes that Fluvanna County’s vision is to see at least one-third of its tax revenue come from the business sector. One of the goals cited in Section 5 of the Plan is to diversify and strengthen the County’s tax base.
- To the question of whether the location is in accord with the Comprehensive Plan, staff have not been able to find anything in the Plan that addresses the location of energy generation facilities. That having been said, the proposed use is a *major utility* under the Fluvanna County Code. This use is allowed by-right in I-2 but requires a SUP in A-1, B-1, B-C, I-1, MHP, R-1, R-2, R-3, R-4 and S-1 zoned districts. This request is for a SUP as the parcels in question are zoned A-1.
- **Staff reviewed the proposal against the following components of the Comprehensive Plan:**
 - **Strategy: Promote energy efficiency in developments and throughout the community including the use of solar, geothermal, wind, and other decentralized energy technologies and support renewable energy generation by allowing such uses in the zoning ordinance.**
 - The Comprehensive Plan says little about energy generation other than the strategy stated above. That been said, this project uses gas as its generation source. As such, this project does not meet that strategy.
 - **Goal: To preserve and enhance Fluvanna's unique identity and rural character.**
 - This proposal seeks to use about 50 acres out of a total of approximately 414.05 acres at the project site for the planned facility, which the rest being preserved as forested/open space. Additionally, related to this project, the applicant seeks to acquire two additional parcels south of the project site totaling approximately 354.82 acres and place conservation easements on those parcels. Accordingly, this project meets this goal as it would preserve more than 700 acres in the Rural Residential and Rural Preservation Planning Areas.
 - **Goal: To protect rural areas through economic development.**
 - **Goal: To diversify and strengthen the county’s tax base.**
 - According to 2023 data from the Fluvanna County Commissioner of Revenue, Tenaska contributed 4.18 percent of the County’s tax base from the existing facility. It should be expected that the addition of a second facility would make an additional contribution to the County’s tax base.

▪ **Staff recommendation:**

- Based on the analysis, staff finds that the Project **partially** aligns with the County’s goals and objectives per the Comprehensive Plan for the following key reasons:
 - The Project would further the County’s goals to preserve open space. The project, when completed, would use only 50 acers of an approximately 414.05-acre site. Additionally, the two parcels the Applicant propose to acquire south of the project site would be placed into conservation easements – preserving additional open space.
 - The Project would allow the County to diversify its tax base and increase the portion of the County’s revenue steam that comes from the business sector, which could provide an opportunity to reduce the burden on real estate and personal property taxes for supporting local revenues.
- **Accordingly, staff finds that the proposed facility is substantially in accord with the Fluvanna County Comprehensive Plan, or “part thereof.”**
- The Planning Commission should consider all relevant portions of the Comprehensive Plan in its analysis. Additionally, the Commission should carefully and thoroughly document its reasons for whatever conclusion it reaches.
- To reiterate, based on State Code requirements and previous action by the Board of Supervisors, the Commission needs to make a decision on this request at this meeting.
 - Code of Virginia Section 2-2232 (B) states:
 - “The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, **unless the time is extended by the governing body**, shall be deemed approval.”
 - Consequently, the Commission has the following options:
 - Determine that the application **IS** substantially in accord with the Comprehensive Plan with written reasons for its decision.
 - Determine that the application **IS NOT** substantially in accord with the Comprehensive Plan with written reasons for its decision.
 - Option 3, to defer, **is no longer available** since the Board has not authorized a further extension of the time period for the Commission to act on this request.
- If the Planning Commission chooses Option 2, that the application **IS NOT** substantially in accord with the Comprehensive Plan, then the applicant has the right to appeal that decision to the Board of Supervisors.
- Code of Virginia Section 15-2-2232 (B) further states:
 - “The owner or owners or their agents may appeal the decision of the commission to the governing body **within 10 days** after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. **The appeal shall be heard and determined within 60 days from its filing.** A majority vote of the governing body shall overrule the commission.”

○ **Applicant Comments:**

- Expedition Generating Station Key Project Updates by Jarrod Pitts, Lori Schweller, and Dr. David Paylor.
 - At the Oct. 7 meeting, decisions were deferred as the Planning Commission wanted to see the following concerns addressed:
 - Sound
 - Traffic
 - Heath and environmental impacts
 - Need for grid reliability
 - Community engagement
 - More data and independent studies
 - Improved Conditions of Approval
 - Over the last 3 months, we have been working diligently to address these areas
 - Sound
 - i. Third-party study that examines sound from both facilities made available to the public
 - ii. Prior commitment to use of “best in class” sound mitigation

- technology added as a condition
 - iii. Commitment to pre- and post-construction baseline sound studies to demonstrate compliance and will work with county staff to update the SUP conditions
 - iv. Good Neighbor Fund that accounts for sound and other impacts
 - Traffic
 - i. County commissioned independent traffic study, which is being paid for by Tenaska
 - ii. Commitment to work with county on solutions to traffic issues exacerbated by construction
 - iii. Day-to-day operation of the plant would have limited impact on traffic
 - Environmental, Health and Safety
 - i. Environmental Summary Memo (November 14, 2025)
 - ii. Significant data and information on the existing plant and Expedition relating to air and water
 - iii. Meet or be better than state and federal requirements
 - Supplemental Environmental Information (January 8, 2026)
 - i. Preliminary air modeling that meets all state and federal requirements
 - ii. Refute recent "health reports" that are inaccurate and dismiss robust regulatory standards
 - Independent Environmental Memo from Potesta (David Paylor, former Director of VDEQ)
 - i. "National and state regulatory programs can be trusted to protect the public"
 - ii. With respect to the existing plant, "there have been no Notices of Violation" and "the facility is in compliance with all air requirements"
 - Required Post-Zoning Environmental and Related Permits
 - i. Site development plan approval
 - ii. Virginia Certificate of Public Convenience and Necessity (State Corporation Commission)
 - iii. Prevention of Significant Deterioration (PSD) Air Quality Permit (VDEQ)
 - iv. Title V Operating Permit (VDEQ)
 - v. Virginia Pollutant Discharge Elimination System (VPDES) Wastewater Discharge Permit (VDEQ)
 - vi. Virginia Water Protection Permit (VDEQ) / Clean Water Act Section 404 Permit (USACE) for wetlands, T&E species, cultural and historical resources
 - vii. Various oil tank installation, registration and financial assurance demonstration
 - viii. Potable water well installation and operation approval
 - ix. Construction stormwater permit(s) with post-construction stormwater requirements (VDEQ, Fluvanna County)
 - Grid Reliability
 - i. Latest capacity auction report from PJM (regional grid operator) shows 6,625 MW shortfall to ensure grid reliability
 - ii. Risk of blackouts in Virginia are increasing and electricity bills are expected to increase unless new generation is brought online
 - iii. Expedition among 51 projects deemed critical by PJM for grid reliability
 - Community Engagement
 - i. Tenaska has been engaging with residents about Expedition since June 2025
 - ii. Briefings for closest neighbors and stakeholders
 - iii. Community open house
 - iv. Project website and dedicated project email account
 - v. Various direct mail letters and email blasts
 - vi. Neighbor surveys and home visits with neighbors
 - vii. County-wide mailing
 - viii. Ads in Fluvanna Review

- ix. All application materials on the county’s website
- x. Commitment to establish Community Advisory Board
- xi. As demonstrated by the SUP conditions, we are committed to additional benefits for the county – beyond the estimated \$250 million in tax revenue that this will generate and the 29 new local jobs
 - Good Neighbor Fund
 - Funding for first responders
- xii. We are working with county staff on the appropriate mechanism to memorialize these commitments
 - i. We are committed to working with the county to further revise conditions
- **Expedition Generating Station Substantial Accord with Comprehensive Plan**
 - **Substantial Accord with Comprehensive Plan (“2232 Review”)**
 - Before a public utility facility may be “constructed, established, or authorized,” the “general location or approximate location, character, and extent” must be approved by the Planning Commission as being “substantially in accord with the adopted comprehensive plan or part thereof.” (emphasis added)
 - Va. Code § 15.2-2232.
 - **Approximate Location**
 - The County’s Zoning Ordinance allows power production plants only in the A-1 General Agricultural zoning district. Building the plant contiguous to the existing Tenaska plant minimizes impacts to the rural areas by using existing utility infrastructure.
 - Development of the plant on commercial timber parcels sets stage for forest preservation and conversion over time.
 - **Relevant Goals and Objectives of Fluvanna County Comprehensive Plan Update 2024**
 - Accord with Important Comprehensive Plan Goals
 - i. Economic Development and Financial Sustainability
 - ii. Rural Area Preservation
 - iii. Environment Protection
 - **Chapter 5 – Economic Development:** GOAL: To diversify and strengthen the county’s tax base, and **Chapter 12 – Financial Sustainability:** GOAL: Seek to maximize revenue streams from new development.
 The Expedition Generating Station is expected to generate approximately \$247.7 million in tax revenue for Fluvanna County over 30 years of operation. This would make Expedition the highest taxpayer in the county, paying 30% of real property taxes. This benefit helps to fulfill the County objective of shifting from heavy reliance on residential property taxes (70% of revenues) by expanding commercial and industrial contributions. Construction and operation will also result in additional jobs, contractor opportunities and other economic activity within the county.
 - **Chapter 1 – Natural Environment:** GOAL: To manage and protect surface water and groundwater resources.
 Per the federal and state environmental framework, Expedition will:
 - i. Comply with the stringent federal permitting requirements of the Clean Air Act and State Air Pollution Control Law and attendant regulations, including Prevention of Significant Deterioration and major source (or Title V) air permits from DEQ
 - ii. Employ Best Available Control Technology to minimize emissions and operate as one of the cleanest forms of dispatchable energy
 - iii. Obtain process water from an existing permitted public water system that must curtail water withdrawals during drought conditions
 - iv. Obtain a Virginia Water Protection Permit from DEQ for water withdrawal, which will limit the amount of withdrawal and set other conditions to ensure sufficient flow preserved for aquatic life, recreational uses and “off-stream” uses
 - v. Obtain a Virginia Pollutant Discharge Elimination System

permit, which will ensure discharged water is compliant with water quality standards that protect human health and the environment

- vi. Continue Tenaska’s commitment to the environment, as reflected in DEQ records finding the existing plant in compliance with established standards

- **Chapter 1 – Natural Environment: GOAL: To develop land-use policies and regulations that will preserve and enhance the county’s natural environment, and Chapter 5 – Economic Development: GOAL: To protect rural areas through economic development**

- i. Expedition will maintain at least 87% of the two project parcels (425 acres) in open space
- i. Forest Management Plan will preserve and convert forest to hardwood on the southern project parcel
- ii. Minimum 300’ wide buffers surrounding the plant
- iii. Construction activities will be sequenced to minimize impacts to threatened and endangered wildlife

- **Chapter 1 – Natural Environment: GOAL: To protect environmental resources.**

- i. Tenaska will put two additional off-site parcels totaling 350 acres into conservation easement
- ii. A Forest Management Plan will be developed for these two parcels for slow conversion from loblolly pine to native hardwood

- **Summary**

- **Staff finds the project is substantially in accord**
 - i. "Staff finds that the proposed facility is substantially in accord with the Fluvanna County Comprehensive Plan, or ‘part thereof.’"
- **Project meets key objectives of the comprehensive plan**
 - i. Preserving rural character
 - ii. Economic development
 - iii. Diversifying and strengthening the tax base
- **Expedition will meet or be better than state and federal environmental regulations**

- **Planning Commission Members Discussion:**

Commission Members and Board Representative discussed the nuance of this Substantial Accord concept and the “part thereof” language used in the particular code section.

MOTION:	I MOVE THAT THE PROPOSED TENASKA PROJECT EXPEDITION ELECTRIC GENERATION STATION, AS DESCRIBED IN THE RELATED SPECIAL USE PERMIT APPLICATION, BE FOUND NOT TO BE SUBSTANTIALLY IN ACCORD WITH THE FLUVANNA COUNTY COMPREHENSIVE PLAN OR PARTS THEREOF FOR THE FOLLOWING REASONS: IT DOES NOT APPEAR TO MEET THE THRESHOLD OF SUBSTANTIAL ACCORD OR PART THEREOF, AND INDEED CONTRADICTS PARTS THEREOF.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Nay	Aye	Absent	Aye	Aye
RESULT:	3-1 Approved, 1 Absent				

- **Recess:**

- Mr. Bibb called for a recess at 10:16 pm.
- The Planning Commission returned from recess at 10:29 pm.

- **New Business:**

- **Amendment to Planning Commission Bylaws**
 - The Planning Commission Bylaws were last amended in April 2025.
 - The Planning Commission Bylaws changes are being proposed to bring the Planning Commission Bylaws more in line with the Bylaws for the Board of Supervisors.
 - Changes are being presented to the Commission at this meeting for review. The changes will need to be voted on at the February Commission meeting.

• **Public Comments #2:**

- Mr. Bibb opened the second round of public comments.
 - Raymond Bassi, 50 Smokewood Dr., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Tracey Smith, 2 Sandy Beach Ct., Palmyra, VA 22963, voiced concerns about how certain aspects of the meeting were handled.
 - Ron Barche, 204 Panorama Ct., Palmyra, VA 22963, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Angus Murdock, 417 Laughton Ln., Kents Store, VA 23084, spoke about the Comprehensive Plan and possible inputs for the future.
 - Sara Hernandez, 3872 Branch Rd., Scottsville, VA 24590, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Jessica Melton, 222 Pine Ln., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.

- No one else came forward to speak, and Mr. Bibb closed the second public comment period.

• **ADJOURNMENT:**

- Chair Bibb called for a motion to adjourn the January 13, 2026 Planning Commission meeting at 10:56 pm.

MOTION:	MOTION TO ADJOURN THE JANUARY 13, 2026 PLANNING COMMISSION MEETING AT 10:56 PM.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0 Approved, 1 Absent				

Minutes were recorded by Jenny Cassell Faulkner, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
Circuit Court
72 Main St., Palmyra, VA 22963,
Tuesday, February 10, 2026
Work Session 6:00 pm, and Regular Meeting 7:00 pm**

MEMBERS PRESENT:

Barry Bibb, Chair
Howard Lagomarsino, Vice-Chair
Kathleen Kilpatrick, Commissioner
Lorretta Johnson-Morgan, Commissioner
Bob Dorsey, Commissioner*
Mike Goad, Board of Supervisors Representative**
*Arrived at 6:24 pm
**Regular Meeting only

STAFF PRESENT:

Todd Fortune, Director of Planning
Dan Whitten, County Attorney
Jason Overstreet, Senior Planner
Andrew Notman, Director of Information Technology
Eric Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Noble Pearson, Assistant County Attorney
Jenny Cassell Faulkner, Administrative Programs Specialist

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

At 6:00 pm Mr. Bibb, Chair, called the February 10, 2026 Work Session to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

• **Presentation Regarding Private Subdivisions, Todd Fortune, Director of Planning**

- **Currently, the Fluvanna County Code restricts lot access for private roads NOT built to VDOT standards.**
 - Section 19-8-1(c) states: *“All lots that are within a subdivision which is served by any private road shall be prohibited from direct vehicular access from an existing public road by deed restriction or other means.”*
 - *“Except in the case of lots intended, designed and used for attached single-family, two-family or multi-family dwellings or for commercial or industrial uses, no lot served by a private road may be less than ten acres in area, and no such private road shall serve more than five lots.”*
 - As a result, for private lot subdivisions, lots fronting public roads must use private road access. That restricts such lots to the minimum acreage requirements in this section of the Code.
 - Typically, A-1 allows for a minimum lot size of two acres. However, if it is served by a private road, the lot must be at least 10 acres.
 - This forces a developer to either:
 - Create a single subdivision using the limits on number of lots and minimum lot size restrictions; or
 - Create multiple subdivisions on the same parent tract, with the initial subdivision consisting of lots with public road access and a later subdivision with lots served by the private road.
 - The Code allows the Subdivision Agent to grant exceptions under special circumstances.
 - Some exceptions have been granted recently due to unique circumstances.
 - Examples were presented to the Commission.
 - Staff have researched how ordinances in neighboring counties regulate private road subdivisions compared with Fluvanna County.
 - That information was presented for Commission review.
 - Subdivisions are defined in Sections 19-2-1 and 22-22-1 of the County Code. Family subdivisions are regulated in Section 19-3-3 of the Code.
 - A few concerns have been noted:
 - The current subdivision definitions, specifically regarding whether family subdivisions are limited to five lots, is subject to interpretation.
 - The code language does not stipulate whether a road maintenance agreement is required for family subdivisions.
 - For the family subdivisions, the current access requirement is a 20-foot access

easement.

- Suggested ordinance amendments have been drafted to address questions that were discussed last month:
 - Should the Subdivision Ordinance be amended to allow flexibility for subdivision lots with public road frontage?
 - Should the Subdivision Ordinance be amended to clarify lot requirements for family subdivisions?
 - Should the Subdivision Ordinance be amended to clarify whether a Road Maintenance Agreement is required for family subdivisions?
 - Should the Subdivision Ordinance be amended to require a greater ROW in family subdivisions?
- These proposed changes were presented to the Commission for review.

- **Commission Members discussed suggested ordinance amendments.**

- **Recess:**

- Chair Bibb called for a recess of the February 10, 2026 Work Session at 6:20 pm.
- Chair Bibb reconvened the Work Session at 6:26 pm.

- **Presentation Regarding Noise Ordinance, Todd Fortune, Director of Planning**

Todd Fortune, Director of Planning, presented information regarding the current Noise Ordinance.

- Noise regulations are covered in the Fluvanna County Code in Section 15.2 – Noise Control.
- The Noise Ordinance regulates, among other things:
 - Prohibited noises and acts.
 - Exempt sounds.
 - Processes for complaints, violations, and penalties.
- The Fluvanna County Sheriff’s Office is the designated agent for enforcement of the Noise Ordinance.
- Since Section 15.2 is outside of the Zoning and Subdivision Ordinance, it is under the purview of the Board of Supervisors.
 - Consequently, any change to this section of the Code would need to be initiated by the Board.

- **Commission Members discussed suggested ordinance amendments and asked for permission from the Board for the Commission to propose amendments to the Noise Ordinance.**

- **ADJOURNMENT:**

- Chair Bibb adjourned of the February 10, 2026 Work Session at 6:52 pm.

PLANNING COMMISSION REGULAR MEETING CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:00 pm Mr. Bibb, Chair, called the February 10, 2026 Regular Meeting to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

- **Adoption of the Agenda:**

MOTION:	To approve the adoption of the Agenda for the Planning Commission meeting for February 10, 2026 as presented.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Director’s Report:**

- **Announcements and Updates:**

- **Wawa**

- The next step in the construction process is the extension of water and sewer lines to the site.
- The company has obtained building permits.

- **Village Residential Zoning**

- Staff have been in conversation with representatives from the VCU Grace E. Harris Leadership Institute and the Virginia Chapter of the American Planning

Association (APA) about possible assistance with development of concepts for Village Residential Overlays to present to the Planning Commission and the public.

- In mid-December, staff has a Zoom meeting with APA representatives and a student representative about the process and possibly putting a team of UVA students together to assist with this.
- Last week, the APA representative reached out to staff and informed us that a team of UVA students has been assembled to assist with this process. They presented a draft work plan for staff to review.

▪ **Cases on tonight’s agenda**

- There are three public hearings tonight regarding SUP requests:
 - a. SUP 25:07 (Saddle Creek Lane)
 - b. SUP 25:06 (Prater) – **Applicant requested postponement**
 - c. SUP 25:05 (Memory Lane Properties)
- The Planning Commission Bylaws are being brought back to the Commission tonight.
- There is one BZA case being brought to the Commission’s attention tonight:
 - a. BZA 26:08 (Cracchiolo) – Variance request

▪ **Update – Tenaska**

- Three cases related to Tenaska were considered by the Commission on January 13:
 - a. ZTA 25:09, height regulations for power production plants, was deferred until February 24.
 - b. SUP 25:04, Expedition Generation Holdings, was deferred until February 24.
 - c. SA 25:01, Substantial Accord Review for Expedition Generation Holdings, as acted upon.
 - i. The Commission determined that the project is NOT in substantial accord with the County’s Comprehensive Plan.
 - ii. Tenaska has appealed this decision to the Board of Supervisors.
 - iii. The Board plans to hear this appeal at its March 18 meeting.

• **Future Meetings:**

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	Feb. 24, 2026*	6pm 7pm	Work Session (TDB) Regular Meeting	Carysbrook Performing Arts Center
Tuesday	Mar. 10, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room
Tuesday	Apr. 7, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room
Tuesday	May 12, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room

* Planning Commission meetings will be held in the Morris Room *

* (other locations to be considered if larger crowds anticipated) *

• **Minutes:**

MOTION:	Approval of Minutes from January 6, 2026				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

MOTION:	Approval of Minutes from January 13, 2026				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

• **Public Comments:**

- Mr. Bibb opened the first round of public comments.
 - Raymond Bassi, 50 Smokewood Dr., Palmyra, VA 22963, spoke in opposition of the proposed Expedition Gas Power Plant.
- No one else came forward to speak, and Mr. Bibb closed the first round of public comments.

- **Public Hearings:**
 - **SUP 25:07 Saddle Creek Lane, Jason Overstreet, Senior Planner:**
 - **SUP 25:07 Saddle Creek Lane** – A Special Use Permit request in the A-1, Agricultural, General District to construct and operate a seasonal summer camp under §22-4-2.2 on a parcel totaling approximately 23.71 acres, Tax Map 28-A-33G. The subject property is located on Saddle Creek Lane just north of Long Acre Road (Route 639) in the Rural Preservation Planning Area and Fork Union Election District.
 - The applicant is requesting a Special Use Permit (SUP) in order to open and operate a seasonal summer camp, For Fox Sake, which would be a hybrid glamping-summer camp and boutique eco camp for women.
 - Proposed 22-week operational season from April to October to include 10 week-long camps from June to August and 10 weekend retreats during April, May, September, and October.
 - 10 safari-style tents to accommodate up to 40 guests with 5 tents for year one and 5 added for year two.
 - Proposed accessory structures include: lagoon pool, wellness hut, dining hall with kitchen, general store/office, art hut, three tiny houses for staff, property owner’s home, and a maintenance barn.
 - Walking paths and fire pits are also proposed.
 - The camp site will be accessed by two gravel drives off of Saddle Creek Lane which intersects State Route 639, Long Acre Road. Gravel parking spaces for 38 guests and staff are proposed.
 - To ensure adjacent properties are protected, the site will be encompassed by fencing on three sides, boundaries will be clearly marked, non-registered guests will be prohibited from overnight stays, and a 25-foot buffer will be maintained along property lines.
 - The applicant will seek to minimize disruption to the natural environment by utilizing best practices for forest health, stream maintenance, water conservation, and energy efficiency.
 - **Technical Review Committee comments:**
 - All structures will need individual permits and engineer-designed plans, while also addressing erosion control requirements for the site. An Erosion & Sediment Control plan is required if disturbance is over 10,000 square feet, and plans may need to be reviewed by the Department of Environmental Quality to determine if stormwater facilities are required.
 - Virginia Department of Health (VDH) staff outlined requirements including permits for restaurants, campgrounds, and water systems. The wastewater system would need to be reviewed by VDH, and swimming pools would require annual safety inspections and daily water quality testing. Wells would need to be permitted with one requiring commercial permitting through the VDH Office of Drinking Water.
 - Fire Department officials emphasized the need for 18-foot roadways, proper fire pit screening, and sufficient water access for firefighting. Officials also requested a cul-de-sac diameter of 75 to 100 feet at the end of the access roads. Fire officials noted that there should be 25 feet of separation between tents/modular units, and proper fire suppression in the commercial kitchen.
 - Department of Forestry staff urged the applicant to be aware of outdoor burning regulations and noted that open-air burning is restricted in April. They further advised the applicant to be very cognizant of ash disposal from the fire pit and that any open-air fires are required to be monitored. They also recommended using local fire wood to avoid introducing invasive insects.
 - At Official Site Plan Submission for VDOT review, the applicant will need to provide turn lane warrants and trip generation data.
 - The existing entrance at Route 639 will need to be a commercial entrance that meets VDOT design standards.
 - When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.
 - **The proposed use should not tend to change the character and established**

pattern of the area or community.

- a. Given the minimal number of campsites on the property, the lack of festival events to be held on the property, and the seasonal nature of the business, the increase to local traffic is expected to be negligible and any additional noise generated is expected to be minimal; therefore, it does not appear that the established rural pattern of the community would be altered or changed. Additionally, the applicant has committed to working within the existing landscape to minimize the removal of existing trees and minimize the disruption to the creeks and areas immediately surrounding waterways.
- **The proposed use should be compatible with the uses permitted in that zoning district and shall not adversely affect the use/or value of neighboring property.**
 - a. The campground is an allowed use with a SUP. The surrounding land use is low density residential and agricultural uses, which should not be adversely affected by the proposed use.

▪ **Recommended Conditions:**

- The applicant would submit a site plan for approval that addresses the concerns stated by the Technical Review Committee. They include:
 - a. Emergency access and sufficient water access for firefighting.
 - b. VDOT requirements for turn lane warrants and trip generation data.
 - c. Erosion and sediment control and stormwater measures as required.
- The applicant will obtain all required permits from the Virginia Department of Health prior to opening the facility for business.
- The applicant will abide by all Virginia Department of Forestry burning regulations, and will use local fire wood when possible.
- 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.
- The applicant 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.
- The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
- Under Sec. 22-17-4 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.
- No more than 40 guests will be allowed.
- No camp actives will be permitted from November through March except for maintenance.

MOTION:	I move that the Planning Commission recommends approval of SUP 25:07, a request to operate a seasonal summer camp and accessory uses with respect to 23.71 ± acres of Tax Map 28 Section A Parcel 33G with the conditions as described in the staff report.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

○ **SUP 25:05 Memory Lane Property, LLC, Jason Overstreet, Senior Planner**

- A request for a Special Use Permit in the I-1, Industrial, Limited District to authorize a solid waste material recovery facility on four parcels totaling approximately 13.868 acres: Tax Map 4-26-2; 4-A-18A; 4-A-19; and 4-A-20. The parcels are located in the Zion Crossroads Community Planning Area and the Palmyra Election District.
- The applicant is requesting a Special Use Permit (SUP) in order to establish a solid waste material recovery facility for the recycling of ferrous and nonferrous metals on four parcels located on the east side of Memory Lane, Route 698.
- The center will collect, sort, and process metals from the general public, tradesmen, and surrounding industry. The processed metals will be sold to end users in the United States as well as overseas via export containers.
- Two buildings are proposed to be constructed for this facility: a 6,000 sf (50’ x 120’) building for processing, consolidation and shipment, and an 8,000 sf (60’ x 120’) building for storage.
- Electronic waste (e-waste) and appliances will also be recycled.

- The majority of the processing and sorting will be conducted inside.
- Five to seven full-time jobs are expected to be created.

The Technical Review Committee has reviewed the application and offered the following comments:

- VDOT will require trip generation and turn lane warrants for Memory Lane as part of the site plan submittal.
- Virginia Department of Health staff noted that if the facility is connected to public water, then any wells on site need to be abandoned.
- Building Officials stated that the site will need stormwater discharge/retention management.
- If any of the existing concrete is used on site, it will need to be noted in the site plan.

A community meeting was conducted on December 15th that was attended by one citizen, one member of the Planning Commission, and planning staff.

- **When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.**
 - The proposed use should not tend to change the character and established pattern of the area or community.
 - The parcels subject to this SUP are zoned I-1 as are several adjacent and nearby parcels. A rezoning of a large parcel at the southern end of Memory Lane, initiated and approved by the County in 2017, has established a pattern of industrial use along this road. The proposed use will not change this established pattern and will further establish this area’s industrial land use.
 - The proposed use should be compatible with the uses permitted in that zoning district and shall not adversely affect the use/or value of neighboring property.
 - This proposed industrial use is compatible with existing industrial uses on Memory Lane including an additional solid waste material recovery facility previously authorized by special use permit. The intended industrial use could potentially impact the use and value of the adjacent residential properties, particularly those in the adjacent A-1 zoning district, due to increased truck traffic and noise generated by facility operations.
 - **Recommended Conditions**
 - Prior to proposed development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance must be approved.
 - The material recovery facility will comply with all VDOT, VDH, VDEQ, and any additional state and federal regulatory requirements.
 - The applicant will only accept aluminum cans, wires and automobile parts; copper/brass wires or parts; batteries other than lithium batteries; steel (including steel-cased batteries); converters that have been removed from automobiles; automotive parts that have been removed from vehicles; other metals; cardboard; appliances; electronic waste; and e-waste with the sole intent to be recycled.
 - All other solid waste will be transported outside of Fluvanna County to an approved sanitary landfill location.
 - Tires will only be collected as needed to remove from wheels. The tires will be bundled and shipped to an approved disposal site.
 - No lithium batteries or other hazardous waste will be collected, recycled, or stored at the facility.
 - Whole automobiles will only be collected for the purpose of shipment to another facility. They will be stored on site for no more than seven (7) days unless there is a court order or DMV hold mandating the vehicle be held for a longer period or inclement weather which prohibits timely removal.
 - The applicant will be limited to holding no more than twenty-five (25) vehicles on site at any one time.
 - The applicant will operate the materials recovery facility Monday through Friday, from 6:00 am to 6:00 pm and on Saturday from 6:00 am to 12:00 Noon; with no Sunday operations unless there is an emergency or weather-related need for owners to be on site.
 - The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time, upon reasonable notice.
 - 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.

- **Julia Moore, Shimp Engineering, P.C., made a presentation on behalf of the Applicant**
- **The Commissioners asked questions of the Applicant**

MOTION:	I move that the Planning Commission recommend approval of SUP 25:05, a Special Use Permit request in the I-1, Industrial, Limited District to authorize a solid waste material recovery facility on four parcels totaling 13.868 +/- acres and known as Tax Map 4-26-2; 4-A-18A; 4-A-19; and 4-A-20 subject to the conditions presented by staff with the condition being specifically that any new improvements have to be connected to public water; no additional well can be constructed.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion	Second		
VOTE:	Aye	Aye	Aye	Nay	Nay
RESULT:	3-2 Approved				

- **Resolutions:**
 - None
- **Site Development Plans:**
 - None
- **Subdivisions:**
 - None
- **Unfinished Business:**
 - **Comprehensive Plan Update - Todd Fortune, Director of Planning**
 - Work is proceeding on individual sections of the Plan update.
 - A new section is being added to address Rural Preservation.
 - The advisory groups have been meeting regularly to review documents related to the Comp Plan.
 - The Historic Preservation Advisory Group has resumed meetings, and has met twice within the last month.
 - It is expected that each group will need to have at least one more meeting before draft sections are ready for review.
 - Among the issues for the Planning Commission to resolve are:
 - Whether to keep three Planning Areas or reduce it to two.
 - Whether to expand or eliminate certain Community Planning Areas.
 - Revised schedule for Plan completion:
 - April 2026 – August 2026 – Planning Commission reviews draft Plan sessions.
 - a. Propose at least one joint work session with each Advisory Group.
 - September/October 2026 – At least one joint work session with the Board of Supervisors.
 - October/November 2026 – Advertise Plan for public hearing.
 - November/December 2026 – Planning Commission Public Hearing/ recommendation.
 - December 2026/January 2027 – Board of Supervisors Public Hearing/ adoption.
 - **Planning Commission Proposed Bylaws Amendment, Todd Fortune, Director of Planning**
 - The Planning Commission Bylaws were last amended in April 2025.
 - There were two changes:
 - a. One was related to remote participation for members caring for family members.
 - b. One was related to rescheduling public hearings cancelled by the weather.
 - The Planning Commission Bylaws need substantial changes:
 - These changes are being proposed to bring the Planning Commission Bylaws in line with the Bylaws for the Board of Supervisors.
 - Changes were presented to the Commission on January 13 for review. The changes are being presented to further review and action by Commission tonight.

MOTION:	Motion to accept the Bylaws as stated.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **New Business:**

- **BZA26:08 – Cracchiolo, TM 17-29-1, Jason Overstreet, Senior Planner**

- The Board of Zoning Appeals (BZA) occasionally hears requests for variances and appeals of zoning decisions. The BZA meets AS NEEDED on the third Tuesday of the month.
 - Per Section 22-18-4(A) of the Fluvanna County Code, applications for variances are to be presented to the Planning Commission. The Commission has three options:
 - Take no action
 - Make a recommendation to the BZA
 - Attend as a party to the public hearing
 - There is one variance request on the agenda for the BZA meeting to be held February 17, 2026. The Commission is being presented this case tonight, and given the option of making a recommendation or attending as a party to the hearing.
 - A request for a one hundred (100) foot variance to section 22-4-3 (D) of the Fluvanna County Code to allow a reduction of the required lot width at setback, and for a fifty (50) foot variance to section 22-4-3 (E) (2) of the Fluvanna County Code to allow a reduction of the required front setback for the parcel identified as Tax Map 17, Section 29, Parcel 1. The subject property is zoned A-1, Agricultural, General.
 - This parcel was created as part of the Fox Hollow Phase IV subdivision. The parcel is accessed through Taylor Ridge Estates subdivision using Taylor Ridge Way (SR 1074). This lot’s frontage is on a cul-de-sac which affects the setback due to the requirement that the lot width at setback equal three hundred feet. Additionally, the west side of the lot slopes down to an intermittent creek which effectively further limits the location available for a dwelling.

- **No action taken.**

- **Public Comments #2:**

- Mr. Bibb opened the second round of public comments.
 - No one came forward to speak, and Mr. Bibb closed the second public comment period.

- **ADJOURNMENT:**

- Chair Bibb called for a motion to adjourn the February 10, 2026 Planning Commission meeting at 8:40 pm.

MOTION:	Motion to adjourn the February 10, 2026 Planning Commission meeting at 8:40 pm.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

Minutes were recorded by Jenny Cassell Faulkner, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission

**FLUVANNA COUNTY PLANNING COMMISSION
SPECIAL CALLED MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
Tuesday, February 24, 2026
Special Called Meeting 7:00 pm**

MEMBERS PRESENT:

Barry Bibb, Chair, Cunningham District
Howard Lagomarsino, Vice-Chair, Palmyra District*
Kathleen Kilpatrick, Fork Union District
Lorretta Johnson-Morgan, Columbia District
Robert Dorsey, Rivanna District
Mike Goad, Board of Supervisors Representative
*Remote participation via Zoom

STAFF PRESENT:

Todd Fortune, Director of Planning
Dan Whitten, County Attorney
Jason Overstreet, Senior Planner
Eric Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Noble Pearson, Assistant County Attorney
Jennifer Schmack, Economic Development Director
Alex Porter, Planner / GIS Technician
Jenny Cassell Faulkner, Admin. Programs Specialist

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

At 7:00 pm Barry Bibb, Chair called the February, 24, 2026 Special Called Meeting to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

• **Allow Remote Participation:**

MOTION:	TO ALLOW VICE-CHAIR MR. LAGOMARSINO TO PARTICIPATE IN THE FEBRUARY 24, 2026 PLANNING COMMISSION MEETING REMOTELY DUE TO ILLNESS.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Absent	Aye
RESULT:	4-0 Approved, 1 Absent				

• **Adoption of Agenda:**

MOTION:	TO APPROVE THE ADOPTION OF THE AGENDA OF THE PLANNING COMMISSION MEETING FOR FEBRUARY 24, 2026 MEETING AS PRESENTED.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:			Second		Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

• **Approval of Minutes:**

- None

• **Public Comments:**

- Mr. Bibb opened the first round of public comments.
 - Tracey Smith, 2 Sandy Beach Ct., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Jennifer Kingrea-Ruffner, 11 Zephyr Rd., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - David Vogt, 2633 Antioch Rd., Scottsville, VA 24590, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Ron Barche, 204 Panorama Ct., Palmyra, VA 22963, spoke in **support** of the proposed Expedition Gas Power Plant.

- **Recess:**
 - Planning Commission recessed from 7:18 pm to 7:26 pm due to technical difficulties.

- **Public Comments Continued:**
 - Mr. Bibb re-opened the first round of public comments.
 - Raymond Bassi, 50 Smokewood Dr., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant, and Valley Link transmission lines.
 - Mario Kuhar, 3247 West River Rd., Scottsville, VA 24590, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Jean DeMarco 1 Liebenow Ct., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Rebecca Smith, 26 Evergreen Ln., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Vina Hayes, 10 Barefoot Ln., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Channing Snoddy, 1342 Salem Church Rd., Palmyra, VA 22963, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Larry Edgington, 581 Country Creek Way, Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Brian Faulknier, 4021 Ruritan Lake Rd., Palmyra, VA 22963, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Angus Murdock, 417 Laughton Ln., Kents Store, VA 23084, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Will Murdock, 417 Laughton Ln., Kents Store, VA 23084, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Nancy Kidd, 4629 Rolling Rd., Scottsville, VA 24590, spoke in **support** of the proposed Expedition Gas Power Plant.
 - Gary Osteen, 2567 Sclaters Ford Rd., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Donna Shaunesey, 1003 Birdwood Rd., Charlottesville, VA 22903, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Erin Wise-Ackenbom, 2042 Friendship Way, Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Michelle Dubert-Bellrichard, 1830 Hunters Lodge Rd., Troy, VA, 22974, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Josephus Allmond, 42 Partridge Berry Ln., Troy, VA 22974, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Jason Banton, 40 Steger Creek Ln., Troy, VA 22974, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - Ashleigh Crocker, 442 Justin Dr., Palmyra, VA 22963, spoke in **opposition** of the proposed Expedition Gas Power Plant.
 - No one else came forward to speak, and Mr. Bibb closed the first round of public comments.

- **Public Hearings:**
 - None

- **Resolutions:**
 - None

- **Unfinished Business:**
 - **ZTA 25:09 – Height Regulations for Power Plants**
 - **ZTA 25:09** – A request to amend § 22-17-16 of the County Code to give the Board of Supervisors the authority, when issuing a special use permit for a power production plant, to grant a waiver or modification of the maximum height allowances for chimneys and stacks on power production plants.
 - The Planning Commission held a public hearing on this request at its October 7, 2025 monthly meeting and deferred the request until January 13, 2026.
 - Per Section 22-20-1 of the Fluvanna County Code, in conjunction with Section 15.2-2285 of the Code of Virginia, the Planning Commission has 100 days from the date when the Commission first considers the application to make a recommendation.
 - The Planning Commission does not have the ability to further defer this unilaterally. However, it could be deferred upon request by the applicant.
 - The applicant had requested a further deferral of this proposed ZTA until February 24, 2026. The Planning Commission deferred this proposed ZTA until February 24, 2026.

- **Applicant made a Presentation.**
- **Planning Commission Members Discussion:**
 - Commission Members and Board Representative discussed the reason for voting on the ZTA prior to the SUP.
 - Commissioners stipulated that the word “new” be added to the text of the ZTA to clarify that the authority pertains only to new SUPs and cannot be applied retroactively to existing chimneys and stacks.

MOTION:	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 25:09 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-17-16 TO ALLOW THE BOARD OF SUPERVISORS TO GRANT A WAIVER OR MODIFICATION FOR MAXIMUM HEIGHT ALLOWANCES FOR CHIMNEYS AND STACKS ON NEW POWER PRODUCTION PLANTS.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:			Motion	Second	
VOTE:	Abstain	Aye	Aye	Aye	Nay
RESULT:	3-1 Approved, 1 Abstain				

- **SUP 25:04 - Special Use Permit, Expedition Generation Holdings**
 - **SUP 25:04 Tenaska Project Expedition** – A Special Use Permit request in the A-1, Agricultural, General District to construct a gas-fired electric generation facility on approximately 414.05 +/- acres known as Tax Map 27-A-1 (165 acres) and Tax Map 27-A-4 (249.05 acres), which are located along Branch Road (Route 761) and Rock Lane. Tax Map 27-A-1 is located in the Rural Residential Planning Area, and Tax Map 27-A-4 is located within the Rural Preservation Planning Area. Both parcels are located within the Cunningham Election District.
 - The Planning Commission held a public hearing on this request at its monthly meeting on October 7, 2025, and deferred this request until January 13, 2026. The request was further deferred until tonight’s meeting.
 - Related to this SUP request, the Planning Commission heard a request to review this project to determine whether it is in Substantial Accord with the County’s Comprehensive Plan. On January 13, 2026, the Commission voted 3-1 (with one member absent) to determine that the project is NOT in substantial accord with the Comprehensive Plan.
 - The applicant has appealed that decision to the Board of Supervisors. The Board is scheduled to hear that appeal at its regular meeting on March 18, 2026.
 - Legally, the Commission can make a recommendation on this SUP request while the appeal of the Substantial Accord decision is pending.
 - The parcels are zoned A-1, Agricultural, General. The proposed use qualifies as “Utility, major” under the County Code, which requires a SUP in A-1. The proposed facility would be constructed and operated on Tax Map 27-A-1. Tax Map 27-A-4 would be used as a laydown area for construction. After construction, the applicant plans to restore Tax Map 27-A-4 to a natural area.
 - The project site is adjacent to the existing Tenaska facility, accessed from Branch Road.
 - Water use for power generation at the facility would be from surface waters. The only groundwater use at the facility would be for employees to use the bathroom and running water for uses like washing hands and dishes.
 - Related to this project, the applicant seeks to acquire two additional parcels south of the project site, totaling approximately 354.82 acres, and place conservation easements on those parcels. Those parcels, in turn, could be used as natural and recreational areas.
- **SUP Conditions**
 - The applicant and the County have been discussing conditions for the SUP. In addition, the County has retained the Berkley Group and Sands Anderson to review and comment on the proposed conditions. The Board of Supervisors and Planning Commission held a joint work session on January 7, 2026, to review the conditions and comments from each firm. The applicant and the County have since had additional meetings to review the SUP conditions. A revised set of conditions are available on the County web site and in the packet for tonight’s meeting.
 - The initial SUP conditions submitted for the October 7, 2025 Commission meeting consisted of 31 conditions. The current proposed SUP conditions now contain 45 conditions.
 - **Significant changes since the October 7 meeting include:**
 - **Noise**
 - Attenuation measures condition amended to apply sound limits to Leq levels (as opposed to L90 readings) – Condition 5.

- New condition added that sound level limits will apply to sound from plant operations alone – Condition 6.
 - New condition added to include sound attenuation measures in addition to the 300-foot vegetative buffer – Condition 7.
 - Condition regarding sound from construction activities amended to restrict times and dates for noises above a Leq level of 60 dBA at the Project Boundary Lines – Condition 8.
 - New condition added to stipulate baseline sound testing prior to Commercial Operation Date – Condition 9.
 - New condition added to stipulate remedy for sounds exceeding applicable limits – Condition 10.
 - New condition added to identify monetary penalties for repeated or uncorrected exceedances of sound limits – Condition 11.
 - New condition added to stipulate sound testing by an Institute of Noise Control Engineers certified acoustical practitioner approved by the County, paid by the applicant – Condition 12.
 - New condition added to define “Commercial Operation Date” – Condition 13.
 - New condition added to define “Project Boundary Lines” – Condition 14.
 - **Traffic**
 - First condition amended to clarify that project access will comply with VDOT requirements – Condition 28.
 - New condition added to stipulate that the applicant will reimburse the County for the traffic study and construction traffic management plan developed by TRC – Condition 29.
 - The condition regarding the development and implementation of a construction traffic management plan by the applicant modified to include specific measures to be included in the plan – Condition 30.
 - New condition added to stipulate the applicant will comply with VDOT requirements regarding construction entrances, access, roads, and timing of deliveries – Condition 31.
 - New condition added to include the provision of funding by the applicant to undertake roadway improvements at the intersection of Route 53 and Route 619 in the amount of up to \$5,500,000 – Condition 32.
 - **Off-site conservation**
 - The condition regarding deeded conservation easements was amended to include more details about how the easements would be held – Condition 37.
 - **Other**
 - New condition added to stipulate the submission (by the applicant) of a decommissioning plan subject to County approval – Condition 36.
 - Condition added to mandate the provision of a security plan by the applicant to the Fluvanna County Sheriff’s Office – Condition 44.
 - Condition added to emphasize that the SUP may be deemed abandoned if the use has not been initiated within two years of approval, and clarifies the meaning of “initiated” – Condition 45.
 - **Declaration of restrictive covenants**
 - The impervious surface coverage on the Restricted Property shall not exceed 13% of the gross acreage,
 - Allows above ground wires, cables, conduits, and support structures for electricity transmission, natural gas, water supply, waste water, and other utilities to be constructed on a portion of the restricted property to serve the new power plant; such utilities would be allowed within a 250-foot easement.
 - Establishment of “Good Neighbor Fund” with a minimum amount of \$5,000,000 to help mitigate impacts of construction for homeowners within 2 miles of the plant’s footprint.
 - “First responder contribution” to the County for the construction of a new fire/EMS station in the Kidd’s Store area and funding needs for the Sheriff’s Department for a total amount of \$5,000,000.
- **Applicant made a Presentation.**
 - **Planning Commission Members Discussion:**
 Commission Members and Board Representative discussed their concerns with the project (and others), and the effect on the County.

MOTION:	I MOVE THAT THE PLANNING COMMISSION RECOMMEND DENIAL OF SUP 25:04 – A SPECIAL USE PERMIT REQUEST IN THE A-1, AGRICULTURAL, GENERAL DISTRICT TO CONSTRUCT A GAS-FIRED ELECTRIC GENERATION FACILITY ON APPROXIMATELY 414.05 +/- ACRES AND KNOWN AS TAX MAP 27-A-1 AND TAX MAP 27-A-4 SUBJECT TO THE CONDITIONS LISTED IN THE STAFF REPORT.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **New Business:**

- None

- **Public Comments #2:**

- **Mr. Bibb opened the second round of public comments.**
 - Ron Barche, 204 Panorama Ct., Palmyra, VA 22963, spoke in support of the proposed Expedition Gas Power Plant.
 - Vina Hayes, 10 Barefoot Ln., Palmyra, VA 22963, thanked the Commission Members for voting not to recommend the SUP.
 - Ashleigh Crocker, 442 Justin Dr., Palmyra, VA 22963, thanked the Commission Members for voting not to recommend the SUP.
- No one else came forward to speak, and Mr. Bibb closed the second public comment period.

- **ADJOURNMENT:**

- Chair Bibb called for a motion to adjourn the February 24, 2026 Planning Commission meeting at 9:57 pm.

MOTION:	MOTION TO ADJOURN THE FEBRUARY 24, 2026 PLANNING COMMISSION MEETING AT 9:57 PM.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second	Motion		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

Minutes were recorded by Jenny Cassell Faulkner, Administrative Programs Specialist.

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 Commission
Case: SUP 26:08 Lenherr
Tax Map 18-A-4

From: Jason Overstreet
District: Cunningham

General Information: This Special Use Permit (SUP) request is to be heard by the Planning Commission on Tuesday, March 10 2026 at 7:00 pm at the County Administration Building, Morris Room.

Applicant: Lenherr

Requested Action: **SUP 26:08 Lenherr** - A Special Use Permit request in the A-1, Agricultural, General District for a specialty retail store on a 3.1-acre parcel located at 4643 Thomas Jefferson Parkway, Palmyra, Virginia and identified as Tax Map 18-A-4.

Existing Zoning: A-1, Agricultural, General

Existing Land Use: Mixed-use, vacant

Planning Area: Rivanna Community Planning Area

Adjacent Land Use: The surrounding parcels are zoned A-1, Agricultural, General.

Zoning History: SUP 00:04 permitted a small home industry consisting of a barber shop and SUP 01:09, an amendment to the conditions of SUP 00:04 allowed the entire structure to be used for the barber shop. The following approved conditions were attached to the amendment:

- 1)Determination of adequate sewer systems for the users of the facility by the Fluvanna County Health Department.
- 2)Approval of the entry to State Route 53 and any improvements required thereof by the Virginia Department of Transportation.
- 3)Structures that are utilized by this use shall be designed to reflect the architectural style of the existing building.
- 4)The total gross floor area of the structure(s) may not exceed 2500 square feet.

5)As per Section 22-4-2.2 (9) of the Zoning Ordinance, the home industry site and the residence shall be located within 500 feet of each other.

6)The side of the small home industry facing Route 53 is considered the front of the structure and all employee and customer parking associated with the use will be located to the rear or side of the small home industry.

Applicant Summary:

The applicant is requesting a Special Use Permit (SUP) to allow a specialty retail store in order to sell swimming pool supplies and equipment. The applicant currently operates RDL Pool Supply at the Turkeysag Trail shopping center and intends to relocate the business if permitted.

Retail store, specialty: A retail sales establishment of not more than 4,000 square feet that specializes in one type or line of merchandise or service including, but not limited to, antique stores, bookstores, shoe stores, stationary stores, jewelry stores, auto parts stores, and hardware stores.

Comprehensive Plan:

The Comprehensive Plan designates this property as within the Rivanna Community Planning Area which makes up approximately 40 percent of the county's population and consists mainly of the Lake Monticello community. This planning area contains a mixture of residential and commercial uses. Based on the community planning area growth elements, the subject site is located within a neighborhood residential development area. The requested use aligns with the designated neighborhood residential classification. According to the development standards, "In some cases, small commercial and institutional uses may be incorporated into the neighborhood residential community element." The rural nature of the surrounding parcels should not be adversely affected by the proposed light commercial use.

Technical Review Committee:

The Technical Review Committee has reviewed the proposed SUP and offered the following comments:

1. Planning staff noted that a Site Development Plan would be required before developing the site.
2. Planning staff advised applicant to consider community engagement.
3. Sheriff's Office had no public safety concerns.
4. E&SC inquired about the new access easement as it relates to the proposed use.
5. VDH stated that a capacity assessment of wastewater capacity the septic system may be required. Noted that this assessment would be required for commercial properties, and they would review the engineer's report before issuing any approvals. Suggested retaining an engineer for a comprehensive evaluation of the site's capabilities. Also recommended reviewing the VDH guidelines on safety

storage. Inquired if chlorine would be generated on site and if water testing would be conducted. Also inquired if a bathroom was required.

6. Fire Department officials inquired about the quantity of chemicals to be stored. Commented on the access stating that it was good for accessing with emergency vehicles.
7. VDOT inquired about the new access easement on the north/west property boundary. Advised closing off access to the adjacent property as it will now be accessed via this new easement. VDOT would need to review trip generation data and turn lane warrants to determine whether additional requirements apply. Noted that a paved commercial entrance already exists.

Planning Analysis:

The property is located on the south side of the Thomas Jefferson Parkway approximately six tenths of a mile from its intersection with South Boston Road and is zoned A-1, Agricultural, General. The parcel is located within Fluvanna County's Rivanna Community Planning Area. Under Fluvanna County's A-1 zoning, per Section 22-4-2.2 of the Fluvanna County Code, specialty retail stores are allowed in A-1 by Special Use Permit only.

There are two special use permits attached to the property that previously allowed a barber shop to operate at the location. The applicant proposes to use the existing building on the property to operate the specialty retail store.

The property appears to have a low-volume commercial entrance which will require verification for site plan approval.

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

- 1) The proposed use should not tend to change the character and established pattern of the area or community.**

Due to the specific and limited nature of the goods and services to be provided, the proposed use should have a minimal impact on the existing character of the area if any impact at all. Any potential impact will likely be related to an increased number of vehicles entering and exiting the property. The number of customers and daily vehicles is estimated to be around 10 per day.

- 2) The proposed use should be compatible with the uses permitted in that zoning district and shall not adversely affect the use/or value of neighboring property.**

The retail store is an allowed use with a SUP. The surrounding land use is low density residential and vacant agricultural.

Recommendation:

The Planning Commission should consider any potential adverse impacts to the surrounding community, such as traffic entering and exiting the property, noise, or potential visual impacts to adjacent properties. The slight increase in traffic generated by this use will have minimal effect on local infrastructure and on the rural character of the surrounding residential areas.

If this request is approved, staff recommend the following conditions:

1. The SUP shall be deemed abandoned and revoked if the authorized use has been discontinued for a consecutive period of two years.
2. An approved site development plan shall be required before any additional permits are approved.
3. The store's hours of operation shall be limited to operate Monday through Saturday, 9:00 a.m. to 5:00 p.m.
4. The site shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
5. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
6. Under Sec. 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.

Suggested Motion:

I move that the Planning Commission recommends (approval / denial) of SUP 26:08, a request in the A-1, Agricultural, General District for a specialty retail store on a 3.1-acre parcel located at 4643 Thomas Jefferson Parkway, Palmyra, Virginia and identified as Tax Map 18-A-4.

Attachments:

- A – Application
- B – Site Sketch Plan



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Special Use Permit (SUP)

Owner of Record: Steven Lenherr **Applicant of Record:** _____

Address: 548 Gold Mine Road * Palmyra, VA 22963 **Address:** _____

Phone: [Redacted] **Fax:** N/A **Phone:** _____ **Fax:** _____

Email: [Redacted] **Email:** _____

Representative: N/A

Address: N/A

Phone: N/A **Fax:** N/A

Email: N/A

Tax Map and Parcel(s): 18(A)-4

Acreage: 3.078 **Zoning:** A1

Location of Parcel: 4643 Thomas Jefferson Pkwy Palmyra, VA 22963

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:

Deed Book and Page: 390-201

If any Deed Restrictions, please attach a copy

Request for an SUP for the purpose of: Specialty Retail Store

*Ten copies of a sketch plan (8.5x11 inches or 11x17 inches) must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 2/1/2024 Signature of Owner/Applicant: _____

Subscribed and sworn to before me this February day of 01 02, 2026

Notary Public: _____ Register # 306712

My commission expires: 1/31/2028

Certification Date: 2/2/2026



Office Use Only			
Date Received: <u>2/2/26</u>	Pre-Application Meeting:	PH Sign Deposit Received: <u># 50</u>	Application #: SUP <u>26</u> ; <u>0008</u>
\$800.00 fee paid: <u>2/2/26</u>			
Amendment of Condition: \$400.00 fee paid:			
Telecommunications Tower fee plus mailing costs paid:		Telecom Consultant Review fee paid:	
Election District: <u>Cunningham</u>		Planning Area:	
Planning Commission		Board of Supervisors	
Advertisement Dates:	Advertisement Dates:	Advertisement Dates:	Advertisement Dates:
APO Notification:	APO Notification:	APO Notification:	APO Notification:
Date of Hearing:	Date of Hearing:	Date of Hearing:	Date of Hearing:
Decision:	Decision:	Decision:	Decision:



**Commonwealth of Virginia
County of Fluvanna
Public Hearing Sign Deposit**

Name: Steven Lenherr
Address: 548 Gold Mine Road
City: Palmyra
State: VA Zip Code: 22963

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.


Applicant Signature

2/01/2026
Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP _____ : ZMP _____ : ZTA _____ :	
\$50 deposit paid per sign*:	Approximate date to be returned:

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

Existing building being used

yes

NECESSITY OF USE: Describe the reason for the requested change.

To Put a Pool store

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

Should have no effects on adjoining property

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

to have a local Pool store

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application.
Remarks:

Commonwealth of Virginia
County of Fluvanna
Special Use Permit Checklist

The following information shall be submitted with the application and is to be provided by the applicant for the processing of the application:

Applicant must supply	Staff Checklist
Completed Special Use Permit signed by the current owner(s) or lessee or written confirmation from the current owner or lessee granting the right to submit the application	✓
Ten (10) copies of a Site Plan for any expansion or new construction Include: <ul style="list-style-type: none"> • Plot plan or survey plat at an appropriate scale • Location and dimension of existing conditions and proposed development • <i>Commercial and Industrial Development:</i> parking, loading, signs, lighting, buffers and screening • Copy of the Tax Map showing the site (preferred) • General Location Map (preferred) 	N/A
Supporting graphics are not required, but suggested for site illustration & visualization	

All maps and plans submitted are to be either 8.5"x 11" or 11"x 17". One original of any size may be for staff use at the public hearing.

Staff Only	Staff Checklist
Preliminary review by planning staff for completeness and content:	✓
<ul style="list-style-type: none"> • Technical Review Committee review and comment • Determine all adjacent property owners • Placed as a Public Hearing on the next available agenda of the Planning Commission. 	✓
Notification of the scheduled Public Hearing to the following:	✓
<ul style="list-style-type: none"> • Applicant • All adjacent property owners • Local Newspaper advertisement 	✓
Staff Report to include, but not be limited to:	
<ul style="list-style-type: none"> • General information regarding the application • Any information concerning utilities or transportation • Consistency with good planning practices • Consistency with the comprehensive plan • Consistency with adjacent land use • Any detriments to the health, safety and welfare of the community. 	

The Special Use Permit application fee is made payable to the **County of Fluvanna**.

Meetings for the processing of the application

Applications must be submitted by the first working day of the month to have the process start that month. Applications received after the first working day will have the process start the following month.

Process:

1. Placed on next available Technical Review Committee (TRC) agenda.
2. Placed as a Public Hearing on agenda of the Planning Commission (PC) the month following TRC meeting. Staff Report and Planning Commission recommendation forwarded to the Board of Supervisors.
3. Placed as a Public Hearing on agenda of the Board of Supervisors the month following PC meeting.

Applicant or a representative must appear at the scheduled hearings.

The Technical Review Committee provides a professional critique of the application and plans. The Planning Commission may recommend to the Board of Supervisors: approval; approval subject to resubmittal or correction; or denial of the special use permit.

Board Actions

After considering all relevant information from the applicant and the public, the Board will deliberate on points addressed in the Staff Report.

The Board may approve; deny; or defer the request pending further consideration; or remand the case back to the Planning Commission for further consideration.

With **approval**, the development may proceed.

If **denied**, an appeal to the Courts may be prescribed by law

No similar request for a Special Use Permit for the same use at the same site may be made within one year after the denial.

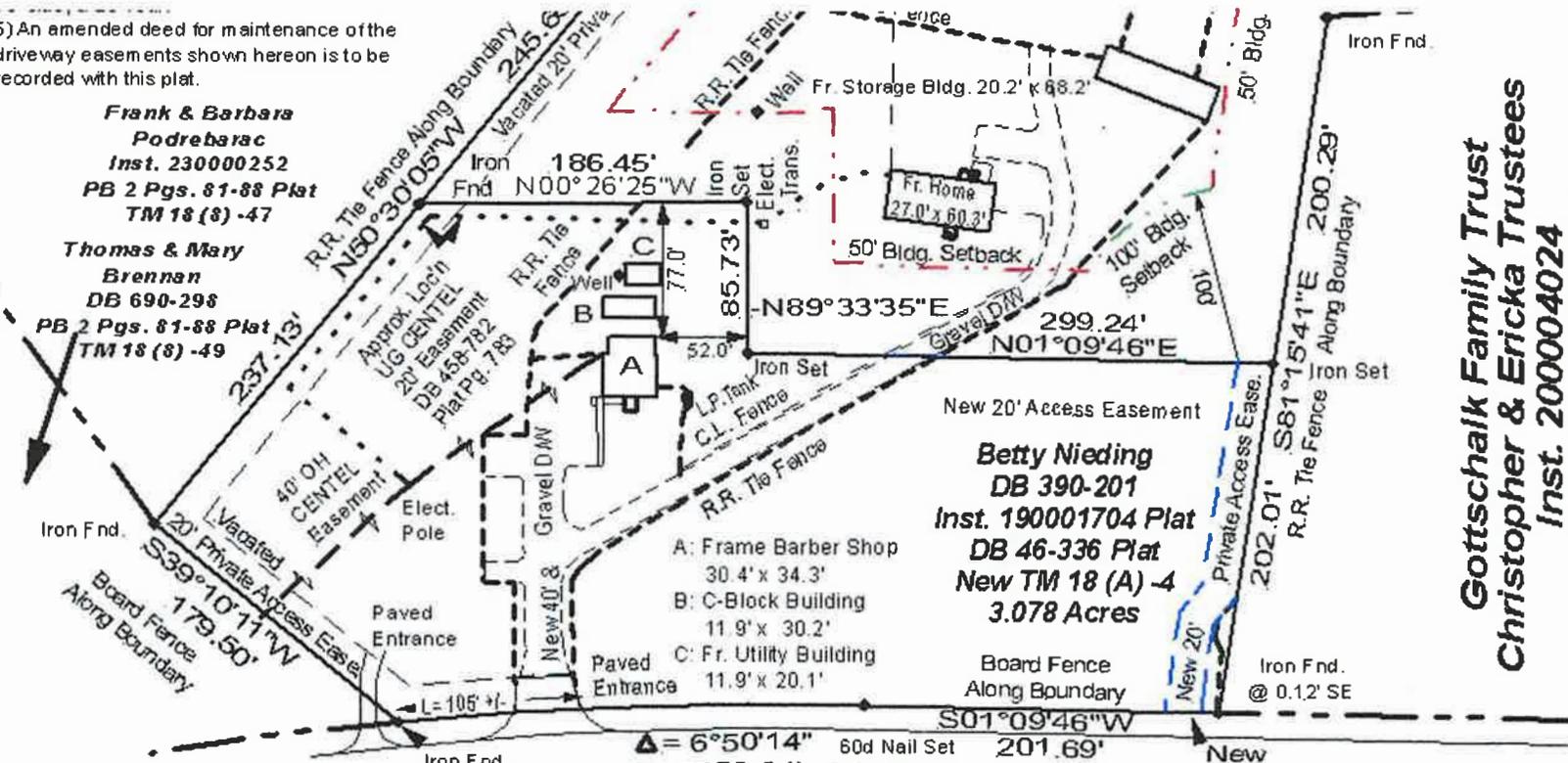
5) An amended deed for maintenance of the driveway easements shown hereon is to be recorded with this plat.

Frank & Barbara Podrebarac
 Inst. 230000252
 PB 2 Pgs. 81-88 Plat
 TM 18 (8) -47

Thomas & Mary Brennan
 DB 690-298
 PB 2 Pgs. 81-88 Plat
 TM 18 (8) -49

Betty Nieding
 DB 390-201
 Inst. 190001704 Plat
 DB 46-336 Plat
 New TM 18 (A) -4
 3.078 Acres

Gottschalk Family Trust
Christopher & Erica Trustees
 Inst. 200004024
 PB 2-188 & 189 Plat
 TM 18 (11) -50



Owners:
Michael & Betty Nieding
 4645 & 4643 Thomas Jefferson Pkwy.
 Palmyra, Va. 22963
 Ph: (434) 962-7962 (Betty Nieding)

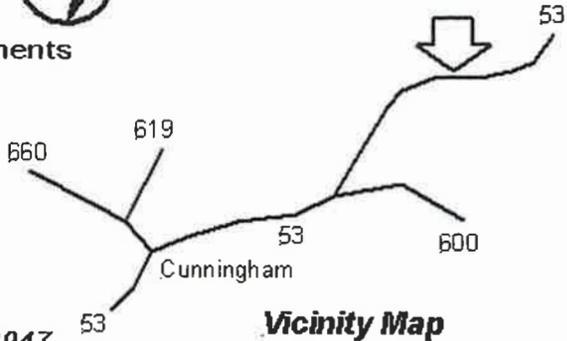
Plat Showing New 20' & 40' Private Access Easements
 On TM18 (A) Par. 4 For TM18 (A) Par. 4A
 Cunningham District, Fluvanna County, Virginia

Properties Of Michael Nieding & Betty Nieding

Scale: 1" = 100'; Date: _____, 2025
 Chambers - Land Surveying
 Located @ Lake Monticello, VA (434) 962-3746
 Mailing Address: 253 Willow Drive, Keswick Va. 22947

$\Delta = 6^{\circ}50'14''$
 $R = 2228.84'$
 $L = 265.98'$

State Route 53
 As Shown On VDOT Sh. 4 Of
 Hwy Plan For Proj. #1383-K
 Rev. 1/5/1939





COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission

From: Todd Fortune, Director of Planning; and Dan Whitten, County Attorney

Case Number: ZTA 26:10

District: Countywide Amendment

General Information: This public hearing is to be held on Tuesday, March 10, 2026, at 7:00 pm by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra, VA 22963.

Requested Action: Recommend approval of an amendment to the Fluvanna County Zoning Ordinance by amending § 22-15-2 to include signs for volunteer fire departments and rescue squads as being exempt from requirements in the County Sign Ordinance.

Applicant: Superior Signs c/o Lake Monticello Fire and Rescue

Background Information: This request would amend § 22-15-2 of the County Code to include signs for volunteer fire departments and rescue squads as being exempt from requirements in the County Sign Ordinance. Currently, the Code allows for public signs to be exempt. However, Lake Monticello Fire and Rescue (LMFR) is a volunteer organization not under County jurisdiction. As such, they are not covered under the current exemption. This amendment would allow LMFR to be included under the exemption.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL / DEFERRAL) OF ZTA 26:10 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-15-2 TO INCLUDE SIGNS FOR VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS AS BEING EXEMPT FROM REQUIREMENTS IN THE COUNTY SIGN ORDINANCE.



**COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for
Zoning Text Amendment**

Owner of Record: Lake Monticello Vol. Fire Dept. & Rescue Squad
 E911 Address: 10 Slice Rd. Palmyra, VA 22963
 Phone: XXXXXXXXXX Fax: _____
 Email: _____

Applicant of Record: Rusty Durham/Superior Signs C/O LMVF&R
 E911 Address: 2510 Willis Rd. N. Chesterfield, VA 23237
 Phone: XXXXXXXXXXXXXX Fax: _____
 Email: XXXXXXXXXXXXXXXXXXXXXXXXXX

Representative:
 E911 Address: See above
 Phone: _____ Fax: _____
 Email: _____

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Proposed amendment to the Zoning Ordinance: (attach additional sheets as necessary)
 If the amendment proposes to replace existing text, please provide a full copy of the existing text for the affected section.

Location of Parcel: 18 A 38F Section: 22-15-2 (Signs Permitted)

Proposed Text:

See attached

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

Date: 2-2-2026 Signature of Owner/Applicant: Rusty Durham

Subscribed and sworn to before me this 2nd day of February, 2026 Register # 320287

My commission expires: 5-31-26 Notary Public: [Signature]



OFFICE USE ONLY		
Date Received:	Pre-Application Meeting:	Application #: <u>ZTA 26 : 0010</u>
\$550 fee paid:		
Public Hearings		
Planning Commission		Board of Supervisors
Advertisement Dates:		Advertisement Dates:
APO Notification:		APO Notification:
Date of Hearing:		Date of Hearing:
Decision:		Decision:



Per guidance of County Staff, we are filing this ZTA on behalf of Lake Monticello Volunteer Fire & Rescue (LMVFR). Specifically, we are filing this ZTA to pursue an amendment that would allow LMFVR to erect a ~32 square foot free-standing sign that includes a 37.75" x 75.5625" (19.83 SF) Electronic Message Center (EMC). These specs are per the sign permit application submitted to the Planning Department several months ago.

As discussed with County Staff, this ZTA would likely apply to language in section 22-15-2 (below), which would provide a germane exemption to the LMFVR and other like entities that provide public services but are technically private organizations.

From paragraph 2 (exempt signs) of Section 22-15-2:

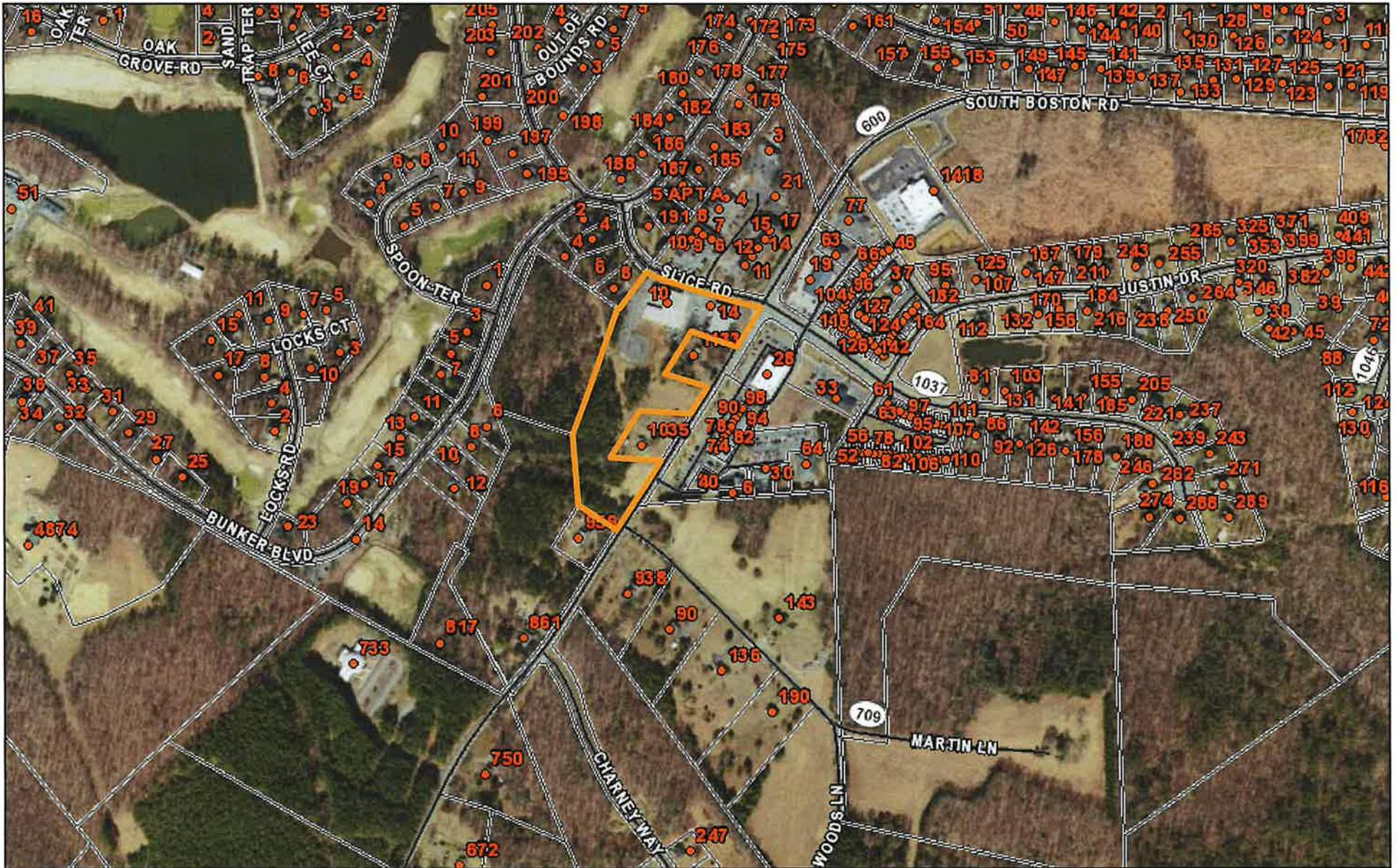
Exempt Signs. Exempt signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. Exempt signs shall be legible, and shall be reasonably maintained in good repair, and in safe, neat, and clean condition. Any temporary exempt sign, defined in Section 22-22-1 of this Code, shall be posted a reasonable time before prior to and shall be removed a reasonable time after, but in no event greater than ten days after the event, election, production, group, occurrence, speaker, program or seasonal activity to which the temporary sign refers. The following types of signs, as defined in and subject to the regulations in Section 22-22-1, are exempt from the sign permit requirements in all zoning districts:

- A. Auction Signs
- B. Banner Signs
- C. Construction Signs
- D. Directional Signs
- E. Estate Signs
- F. Public Signs
- G. Real Estate Signs
- H. Temporary Sale, Announcement or Merchandising Signs
- I. Temporary Signs
- J. Temporary Directional Signs
- K. Warning Signs
- L. Window Signs

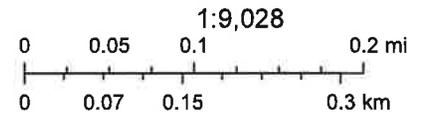
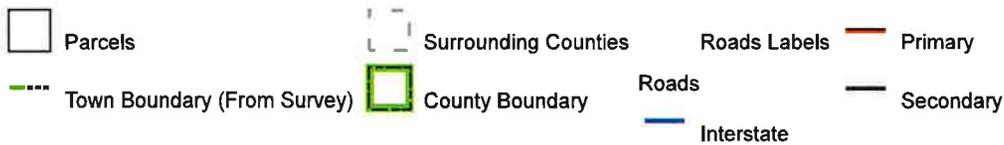
Rusty Durham
Sales Specialist
Superior Signs

2-2-2020

Fluvanna County, VA WebGIS Parcels - PIN: 18 A 38F



December 18, 2025



Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Virginia Geographic Information Network (VGIN)



Setback ≥ 10'

Sign to be placed at least 10' back from road





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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Case: SUP 25:06 Prater
Tax Map: 17-A-72

From: Jason Overstreet
District: Cunningham

General Information: This Special Use Permit (SUP) request is to be heard by the Planning Commission on Tuesday, March 10, 2026 at 7:00 pm at the Fluvanna County Circuit Court, 72 Main Street, Palmyra, VA 22963.

Applicant: Burlin Prater, Jr.

Owner: Burlin Prater, Jr.

Requested Action: **SUP 25:06 Prater** – A Special Use Permit request in the A-1, Agricultural, General District to authorize a landscape materials supply use on approximately 8.193 acres of Tax Map 17-A-72.

Existing Zoning: A-1, Agricultural, Limited

Existing Land Use: Residential, single-family dwelling

Planning Area: Rural Residential Planning Area

Adjacent Zoning: The surrounding parcels are zoned A-1, Agricultural, General.

Zoning History: None

Summary:

The applicant is requesting a Special Use Permit (SUP) in order to establish a landscape materials supply business for the sale and storage of landscaping materials. This commercial use is permitted by special use permit only in the A-1 zoning district.

Landscaping materials supply: A business used primarily for the bulk storage and sale of landscaping supplies, such as soil, gravel, potting mix, mulch, sand, stone, and the like, either wholesale or at retail, necessitating the frequent use of heavy equipment. Plants and

supplemental items used in planting and landscaping, such as plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items.

Comprehensive Plan:

Chapter 2- Land Use and Community Design:

The Comprehensive Plan designates this property as being within the Rural Residential Planning Area. This land-use designation seeks to limit growth and preserve the rural character of the county. However, “Some additional commercial services for the convenience of those living out in the country are appropriate and may be considered if these uses are designed and arranged to complement the rural character of the area and its surrounding uses”. This proposed use can help sustain the rural character of the county as well as strengthen and expand the tax base.

Chapter 5 - Economic Development:

Chapter 5 of the Comprehensive Plan establishes the goal of protecting rural areas through economic development, and it lists supporting the development of locally owned businesses, particularly those that require little provision of infrastructure as a key strategy for achieving this goal.

Technical Review Committee:

The Technical Review Committee has reviewed the proposed SUP and offered the following comments:

- Fluvanna Building Official – the building as proposed on the sketch plan would require bathrooms.
- VDOT – require trip generations and turn lane warrants for Branch and Ruritan Lake Roads as part of the site plan submittal. Entrances will need to meet VDOT design standards and the existing entrance onto Rte. 761/Branch Rd will need to be closed, if proposed Rte. 761 entrance is approved. Only allow for two (2) entrances on site.
- VDH - suggested engaging a soil scientist for sighting a sanitary sewer if required and that the Virginia Department of Health’s Office of Drinking Water regulates commercial wells if one is installed. Permits would be required for both.
- Department of Forestry - stated that it would be highly beneficial to consider the use of native plant and tree species for any required buffering.
- Fire Department - advised leaving defensible space around any buildings and any flammable materials such as mulch or fertilizers. Advised to store mulch and other flammable material fifty feet away from buildings.

Analysis:

The applicant is requesting a special use permit in order to establish a landscaping materials supply business on his property located at the intersection of Branch Road and Ruritan Lake Road. The business would offer landscaping materials such as dirt, sand, and stone to residents and contractors. Several dwellings and a commercial vineyard are adjacent to the property.

The applicant's sketch plan indicates that there will be an office and retail building with a small parking lot. Additionally, the plan indicates that there will be a covered storage area, a laydown yard, and two open areas for stockpiling materials and for screening both fill dirt and topsoil.

Cunningham Creek Winery and Brewery is adjacent to the subject parcel and considered a commercial use in the A-1 district. Screening will be required along both state roads as required by the site development plan regulations. This will help preserve the rural nature of the area.

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance. When permitted, special use permits may be authorized by the governing body upon the governing body's finding that the proposed use will not be detrimental to the character and development of the adjacent area.

- 1) **The proposed use should not tend to change the character and established pattern of the area or community.**

The surrounding land use is low density residential and agricultural uses including a winery. Screening along both public roads as required by the site development plan will help preserve and enhance the rural nature of the area.

- 2) **The proposed use should be compatible with the uses permitted in that zoning district and shall not adversely affect the use/or value of neighboring property.**

The proposed use is compatible with permitted uses in the A-1 district and should have little impact on the adjacent and surrounding properties' use or value.

Recommendation:

This Special Use Permit request appears to meet the intent of the Comprehensive Plan in that the proposed use is compatible with existing uses in the area and meets the intent of the Rural Residential Community Planning Area to permit smaller scale commercial uses.

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

Conditions

- 1) Prior to proposed development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval;
- 2) Comply with all VDOT, VDH, VDEQ, and all other state and federal regulatory requirements;
- 3) Any lighting will not be directed toward adjacent properties and will be limited in nature;
- 4) All screening shall be maintained in a condition acceptable to the County;

- 5) Outside storage of materials and machinery shall be screened from the public rights-of-way with either architectural or vegetative screening as approved by the County;
- 6) Retail business hours of operation shall be limited to: 7AM-6PM, Monday-Sunday;
- 7) The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time;
- 8) The use of a greenhouse for commercial purposes shall not be allowed, except if a Special Use Permit for such use is granted. Non-commercial greenhouses are currently allowed by-right in A-1 Zoning.

Suggested Motions:

I move that the Planning Commission recommend (approval / denial / deferral) of SUP 25:06, a Special Use Permit request in the A-1, Agricultural, General District to authorize a landscape materials supply use on approximately 8.193 acres of Tax Map 17-A-72. subject to the eight (8) conditions listed in this staff report.

Attachments:

- A – Application
- B – Site Sketch Plan



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Owner of Record: BURLIN PRATER JR Applicant of Record: BURLIN PRATER JR

Address: 3899 BRANCH RD SLOTTVILLE, VA. 24590 Address: 141 FAIR OAKS DRIVE SLOTTVILLE VA 24590

Phone: XXXXXXXXXXXXXXX Fax: _____ Phone: XXXXXXXXXXXXXXX Fax: _____

Email: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Representative: BURLIN PRATER JR

Address: 141 FAIR OAKS DRIVE SLOTTVILLE, VA. 24590

Phone: XXXXXXXXXXXXXXX Fax: _____

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:

Tax Map and Parcel(s) 17A 72

Acreage 8.193 Zoning A-1

Deed Book and Page: 809

Location of Parcel: ON THE CORNER OF LAKEROT RD, RIVERTON BRANCH

If any Deed Restrictions, please attach a copy

Request for an SUP for the purpose of: BUYING AND SELLING LANDSCAPE MATERIALS & SUPPLIES & SOIL TORSION

*Ten copies of a sketch plan (8.5x11 inches or 11x17 inches) must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

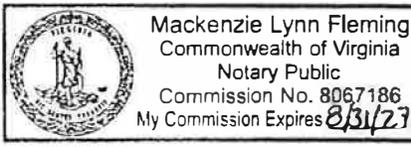
Date: 12/10/25 Signature of Owner/Applicant: Burlin Prater Jr

Subscribed and sworn to before me this 10th day of December, 2025

Notary Public: Mackenzie Fleming Register # 8067186

My commission expires: 08/31/2027

Certification: Date: 12/10/2025



Office Use Only			
Date Received:	Pre-Application Meeting:	PH Sign Deposit Received:	Application #: SUP _____
\$800.00 fee paid:			
Amendment of Condition: \$400.00 fee paid:			
Telecommunications Tower fee plus mailing costs paid:		Telecom Consultant Review fee paid:	
Election District:		Planning Area:	
Planning Commission		Board of Supervisors	
Advertisement Dates:		Advertisement Dates:	
APO Notification:		APO Notification:	
Date of Hearing:		Date of Hearing:	
Decision:		Decision:	



**Commonwealth of Virginia
County of Fluvanna
Public Hearing Sign Deposit**

Name: BURLOW PRATER JR

Address: 141 FAIR OAKS DR

City: SCOTTSVILLE, VA. 24590

State: VIRGINIA Zip Code: 24590

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Burlow Prater Jr
Applicant Signature

12/7/25
Date

*Number of signs depends on number of roadways property adjoins. **2**

OFFICE USE ONLY	
Application #: BZA _____ :	CPA _____ :
SUP _____ :	ZMP _____ :
ZTA _____ :	_____ :
\$50 deposit paid per sign*:	Approximate date to be returned:

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

OFFICE & RETAIL BUILDING
SMALL PARKING AREA
LAYOUT YARD FOR MATERIALS
AREA TO STOCKPILE & SALE MATERIALS
AREA TO STOCKPILE & SCREEN TOPSOIL FOR SALE

NECESSITY OF USE: Describe the reason for the requested change.

TO BUY & SELL LANDSCAPE MATERIALS & SUPPLIES
AND SCREEN TOPSOIL FOR SALE
BUY & SELL DECORATIVE STONES
SCREEN FILL DIRT FOR SALE
CHIP BRUSH FOR RE-SALE
SALE OF FIREWOOD

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

(TREE)
WOOD BUFFER WILL BE LEFT IN PLACE AND A 40' GRASS BUFFER
AND ITS ON THE CORNER OF 2 ROADS. RURITAN LAKE RD & BRANCH ROAD
WITHIN WILL ALSO HAVE A 40' GRASS BUFFER

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

- LOCAL BUSINESS ADDED EMPLOYMENT
- TAX REVENUE
- MORE OPTIONS FOR LOCAL RESIDENTS
- FAMILY RUN BUSINESS. LIVED IN THE COUNTY OVER 40 YEARS

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application.
Remarks:

[Empty box for Remarks]

Commonwealth of Virginia
County of Fluvanna
Special Use Permit Checklist

The following information shall be submitted with the application and is to be provided by the applicant for the processing of the application:

Applicant must supply	Staff Checklist
Completed Special Use Permit signed by the current owner(s) or lessee or written confirmation from the current owner or lessee granting the right to submit the application	
Ten (10) copies of a Site Plan for any expansion or new construction Include: <ul style="list-style-type: none"> • Plot plan or survey plat at an appropriate scale • Location and dimension of existing conditions and proposed development • <i>Commercial and Industrial Development:</i> parking, loading, signs, lighting, buffers and screening • Copy of the Tax Map showing the site (preferred) • General Location Map (preferred) 	
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Preliminary review by planning staff for completeness and content: <ul style="list-style-type: none"> • Technical Review Committee review and comment • Determine all adjacent property owners • Placed as a Public Hearing on the next available agenda of the Planning Commission. 	
Notification of the scheduled Public Hearing to the following: <ul style="list-style-type: none"> • Applicant • All adjacent property owners • Local Newspaper advertisement 	
Staff Report to include, but not be limited to: <ul style="list-style-type: none"> • General information regarding the application • Any information concerning utilities or transportation • Consistency with good planning practices • Consistency with the comprehensive plan • Consistency with adjacent land use • Any detriments to the health, safety and welfare of the community. 	

The Special Use Permit application fee is made payable to the **County of Fluvanna**.

Meetings for the processing of the application

Applications must be submitted by the first working day of the month to have the process start that month. Applications received after the first working day will have the process start the following month.

Process:

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2. Placed as a Public Hearing on agenda of the Planning Commission (PC) the month following TRC meeting. Staff Report and Planning Commission recommendation forwarded to the Board of Supervisors.
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Applicant or a representative must appear at the scheduled hearings.

The Technical Review Committee provides a professional critique of the application and plans. The Planning Commission may recommend to the Board of Supervisors: approval; approval subject to resubmittal or correction; or denial of the special use permit.

Board Actions

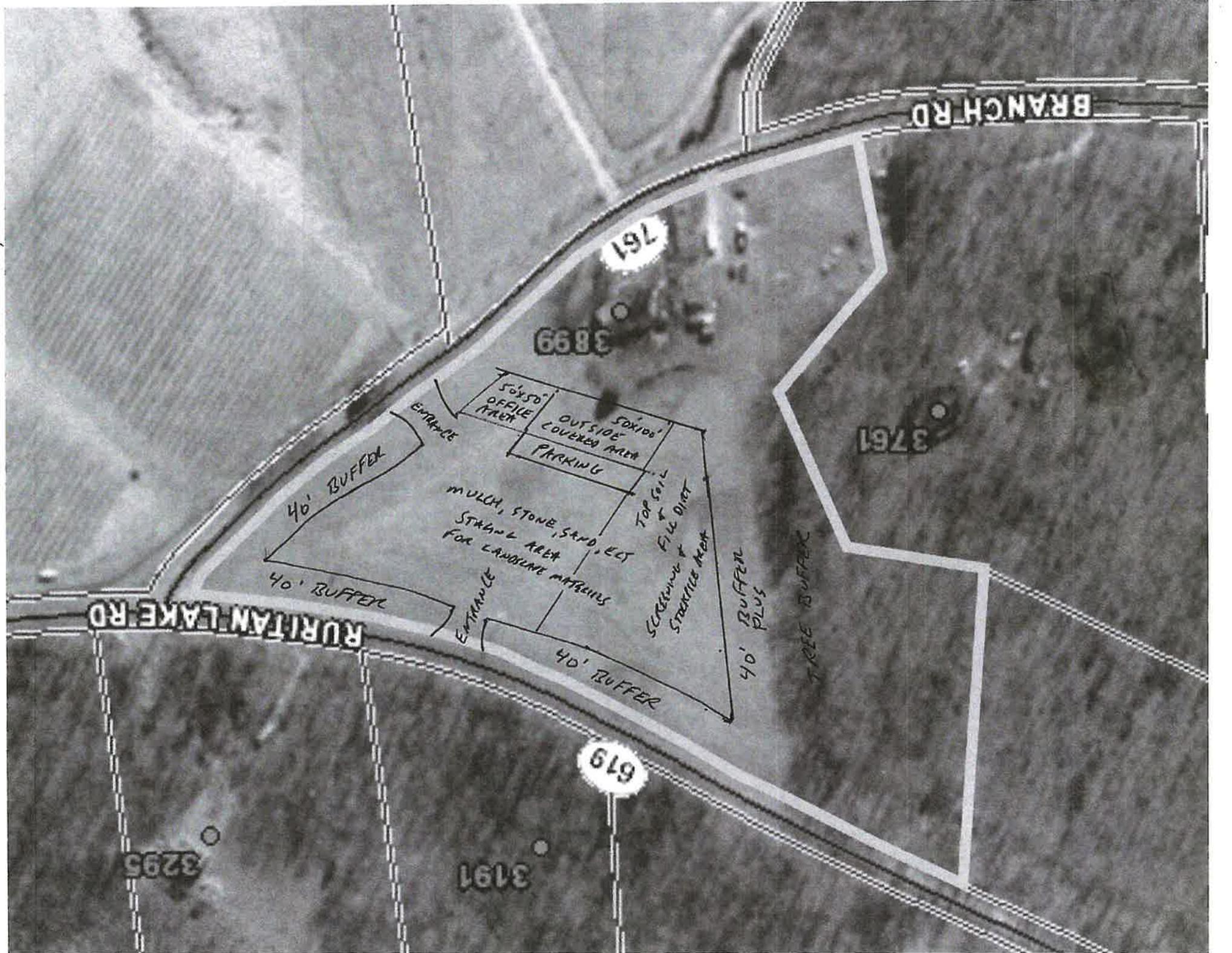
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With **approval**, the development may proceed.

If **denied**, an appeal to the Courts may be prescribed by law

No similar request for a Special Use Permit for the same use at the same site may be made within one year after the denial.



BRANCH RD

761

3899

3761

RURITAN LAKE RD

679

3295

3191

40' BUFFER

40' BUFFER

40' BUFFER

40' BUFFER PLUS

TREE BUFFER

ENTRANCE

ENTRANCE

50x50' OFFICE TRACT

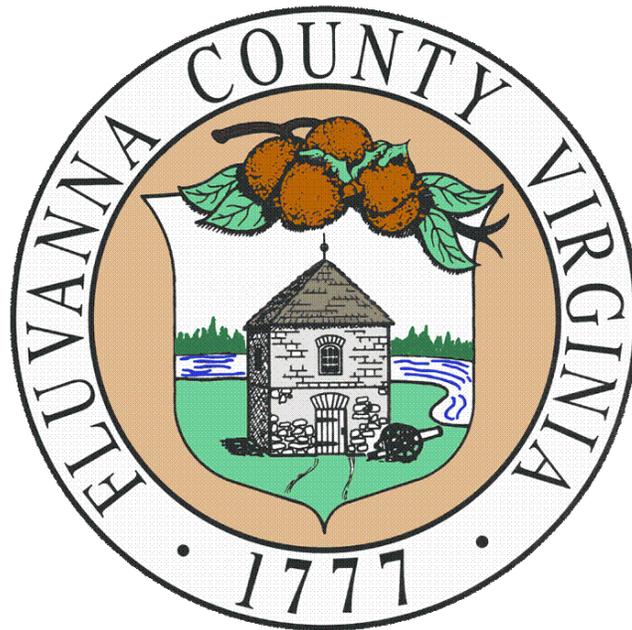
OUTSIDE COVERED AREA

PARKING

MULCH, STONE, SAND, ECT
STAGING AREA
FOR LANDLINE MATERIALS

TOP SOILS
FILL DIRT
SCREENING &
STOCKPILE AREA

FLUVANNA COUNTY PLANNING COMMISSION



2026 BYLAWS AND RULES OF PRACTICE & PROCEDURES

Adopted

February 10, 2026

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Fluvanna County Planning Commission

BYLAWS AND RULES OF PRACTICE AND PROCEDURES

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: P.O. Box 540, Palmyra, Virginia 22963.

III. RULES

A. These Bylaws and Rules of Practice and Procedures (“Rules”) are adopted and shall apply to the Planning Commission of Fluvanna County. These Rules are intended to expedite transaction of the business of the Commission in an orderly fashion. The Bylaws and Rules are deemed to be procedural only. The failure strictly to observe application of the Rules shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting that is otherwise held in conformity with law.

B. 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. A decision of the Chair with respect to the interpretation, applicability, or enforcement of these Rules may be overruled by a majority vote of the members present and voting.

C. Except as otherwise provided by law, any rule of the Commission may be suspended temporarily, upon approval of the majority of the Commission members present and voting. The temporary suspension shall apply only to the matter under immediate consideration and, in no case, shall it extend beyond an adjournment.

D. No rule of the Commission shall be adopted or amended except by majority vote of the Commission.

IV. CONSTRUCTION. As used in these Rules, the masculine shall include the feminine and the singular the plural unless otherwise specified herein. The word "shall" is mandatory and not discretionary; the word “may” is permissive and discretionary. The word "approve" shall be considered to be followed by the words "or disapprove".

V. DEFINITIONS. As used in these Rules, the following terms are defined:

A. Action of Record. An action taken or decision made by the Commission recorded in the Minutes of the Meetings. Except as otherwise required by law, an Action of Record may take the following forms:

1. Motions and seconds with the recorded votes of the members.
2. Consensus agreement of the Commission without vote by the Commission.

3. Directive of the Chair in the exercise of that office during the conduct of an official meeting of the Commission.

B. Commission. The Fluvanna County Planning Commission.

C. County Code. The Code of Fluvanna County.

D. Directive. An exercise of discretionary authority granted to the Chair from the Commission empowering the Chair as follows:

1. To enforce the protocols of these Rules for the conduct of business and discourse before the Commission to ensure proper decorum, civility, fairness, and order.

2. To cause the removal of any person or persons without charge of civil or criminal offense for misconduct, disruption, or disturbance of a meeting of the Planning Commission consistent with adopted policies and procedures of the Commission.

3. To charge any person or persons with civil or criminal offenses pursuant to federal, state, or local laws for the misconduct, disruption, or disturbance of a meeting of the Commission.

E. Item of Business. A matter to be presented before the Commission at an official meeting, specified on the Meeting Agenda or modification thereof, and which may be subject to an Action of Record.

F. Meeting or Official Meeting. Any Annual Organizational, Regular, or Special Meeting of the Planning Commission. The following terms may also be used to further define and specify purposes for meetings. Meetings as defined herein are not exclusive of each other and may be concurrently conducted.

1. Joint Meeting: A Joint Meeting may be conducted simultaneously with one or more public bodies for the purpose of review, inquiry, and discussion of matters of mutual interest or in the interest of expedient disposition of public business matters. Action of record may be taken at said meeting, and a quorum of both the Commission and other body(ies) is required to Call to Order and conduct a Joint Special Meeting.

2. **Public Hearing:** A public hearing shall be conducted at said meeting and the Commission may take Action of Record on such matters as may arise from the Public Hearing. A quorum of the Commission is required to Call to Order and conduct a Public Hearing.

3. **Recessed Meeting:** A meeting conducted at a date, place and time set by the Planning Commission as a continuation of a previously held meeting. A Recessed Meeting shall be scheduled no later than the date of the next Regular Meeting.

4. **Rescheduled Meeting:** A Rescheduled Meeting shall be for the purpose of conducting a meeting of the Commission where, by virtue of necessity or at the discretion of the Commission, the originally scheduled meeting cannot be conducted on its prescribed date or time or at its prescribed location pursuant to these Rules. Action of Record may be taken on any Item of Business presented at a Rescheduled Meeting, and a quorum of the Planning Commission is required to Call to Order and conduct a Rescheduled Meeting.

5. **Work Session Meeting:** A Work Session Meeting shall be for the purpose of in-depth review, inquiry, and discussion of specified Items of Business where Action of Record may be taken by the Commission. A quorum of the Commission is required to Call to Order and conduct said meeting. Work Session Meetings may also be called and scheduled for the purposes of presentations to the Planning Commission for educational and informational purposes.

G. **Primary Motion.** The first motion presented following informal discussion of any Item of Business at a Commission meeting.

H. **Substitute Motion.** A motion presented succeeding and in lieu of a primary motion on any Item of Business at a Commission meeting.

I. **Virginia Code.** The 1950 Code of Virginia, as amended.

VI. COMMISSION CHAIR

A. 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, or until his successor shall be elected and qualify as such.

B. The Chair, when present, shall preside at all meetings of the Commission and shall take the Chair at the hour appointed for every Commission meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Commission in the manner prescribed by these Rules. The Chair shall preserve order and decorum and shall decide all questions of order.

C. Upon the death, resignation, or other permanent disability of the Chair to fulfill the duties of his office, the Commission shall elect a new Chair at its next regularly scheduled meeting or as soon thereafter as possible.

VII. COMMISSION VICE CHAIR

A. 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, or until his successor shall be elected and qualify as such.

B. In the absence, or inability to act, of the Chair, the Vice Chair shall have and exercise all the powers and duties of the Chair.

VIII. COMMISSION MEMBERS

A. Notification of Absence. If any Commission member is unable to attend a meeting, all reasonable effort shall be made to notify the Chair and the Director of Planning as soon as possible to ensure there are sufficient members present and voting to consider all agenda items. The Director of Planning shall continue an agenda item if there will not be a sufficient number of Commission members present and voting at the meeting to approve the item.

B. Conflicts of Interest. At such times a Commission member may find himself with a conflict of interest as set forth in the Code of Virginia, Section 2.2-3100 et seq., the Commission member shall state the nature of the conflict of interest prior to an issue being heard and shall remove himself from the meeting. The member shall not vote or in any manner act on behalf of the Commission with respect to the issue for which a conflict has been declared, until such time as the issue has been decided. The member shall not attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the issue is discussed; and will not discuss the issue with other governmental officers or employees in their official capacity at any time.

C. By resolution adopted by the Fluvanna County Board of Supervisors on April 19, 1995, the Board of Supervisors requires all Fluvanna County Planning Commission members to attend at least one or more of the training courses provided by the Virginia Cooperative Extension, the Virginia Department of Housing and Community Development, the Virginia Citizens Planning Association, or Virginia Tech's Public Service Program within two years of their appointment.

IX. 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. The Director of Planning, or a designated representative, shall attend each meeting of the Commission and shall provide such information to the Commission as necessary to assist Commission members in their deliberations and decision making.

X. COUNTY ATTORNEY. The County Attorney shall perform the duties set forth in Code Section 15.2-1542. The County Attorney or designated representative shall attend each meeting of the Commission and shall serve as adviser to the Commission on issues of law relating to the

Commission's business. The County Attorney assists the Commission in analyzing the facts; provides advice and action in legal matters and represents the Commission in civil actions.

XI. PARLIAMENTARY PROCEDURE. The County Attorney or designated representative 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 or designated representative is unavailable, the Director of Planning shall serve as the Parliamentarian.

XII. 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.

XIII. MEETINGS

A. Regular Meeting Schedule

1. Meetings are held on the first Tuesday after the first Wednesday of the month at 7:00 p.m. in the Morris Room of the County Administration Building, located at 132 Main Street, Palmyra, VA 22963, unless another location is announced.

2. Meetings will adjourn/recess no later than 11:00 p.m.

3. The Commission, at its pleasure, may continue its meeting beyond the normal adjournment/recess time, by majority vote of the Commission members present and voting.

4. Meetings shall start at the appointed time, and if the Chair is not present, the Vice Chair shall preside.

5. 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.

B. Work Sessions Schedule. When needed, Work Sessions are held each month at 6:00 pm, prior to the 7:00 pm Regular Meeting, in the Morris Room of the County Administration Building, located at 132 Main Street, Palmyra, VA 22963, unless another location is announced. Other days/times may be scheduled by majority consent of the Commission.

C. Closed Meetings

1. Closed Meetings will be held as needed, but may only be convened in conformance with Section 2.2-3711 of the Code of Virginia (1950), as amended.

2. No resolution, ordinance, rule, contract, regulation, or motion agreed to in a Closed Meeting shall become effective until the Commission reconvenes in an Open Session and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

3. At the conclusion of a Closed Meeting, the Commission shall reconvene in Open Session immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:

a. Only public business matters lawfully exempted from Open Session requirements were discussed; and

b. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

4. The failure of the certification to receive the affirmative vote of a majority of the members present and voting during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

5. The Commission may permit non-members to attend a Closed Meeting if their presence will reasonably aid the Commission in its consideration of an issue. Except as otherwise directed by the Commission, the County Attorney or designated representative and the Director of Planning shall attend all Closed Meetings.

D. Special Meetings. The Commission may hold Special Meetings as it deems necessary, at such times and places as it finds convenient, and may adjourn such special meetings from time to time as it finds convenient and necessary. Special Meetings shall be called and scheduled per § 15.2-2214.

E. Community Engagement and Town Halls. Individual Commission members may hold and/or participate in community meetings, town halls, and other community engagement gatherings at their discretion. No more than two (2) Commission members shall attend any such gathering.

XIV. AGENDA ITEM SUBMISSION

A. All agenda items are due to the Director of Planning for the Commission by COB Tuesday the week before the Commission meeting, with the exception of presentations. Presentations by applicants presenting on zoning matters are due by COB Tuesday the week before the

Commission meeting, and the presentations will be included in the Commission packet. ~~which~~
Staff presentations are due by COB Monday the week of the meeting.

B. 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.

C. Copy all files into the "Library/03-Planning/04- Planning Commission" folder (if you do not have access to the county's shared drive, email the materials to planning@fluvannacounty.org).

D. Items can be in any file format (e.g., doc, docx, pdf, ppt, pptx, xls, xlsx)

E. NO paper copies of requested Agenda Items are required.

XV. AGENDA PREPARATION

A. The Director of Planning shall prepare the agenda for meetings.

B. The Director of Planning may at his discretion, and individual Commission members may by request to the Director of Planning, place matters of business on the Agenda according to the schedule in paragraph XIV(A) above for discussion, information and/or action by the Commission as are germane to the affairs and interests of the Commission and County. However, this does not prevent the Director of Planning or Commission members, at their discretion, from having items included which are received after the regular cutoff date.

C. The Director of Planning shall allocate time to items on the agenda to suit the convenience of the Commission.

D. If the Director of Planning considers a requested agenda item not appropriate for consideration by the Commission, he shall inform the Commission for a decision. This does not prevent retaining the item on the agenda by majority consent of the Commission.

F. The Director of Planning shall submit the draft agenda to the Chair on the Wednesday in the week before a regularly scheduled meeting for the Chair's review and approval. Agendas for special or other meetings may have the preparation and approval timeline modified to accommodate the available timeframe.

G. Issues for which actions will be required shall normally have all materials in the Agenda package for advance study.

H. The Commission Agenda and related materials shall be received by each member of the Commission and the County Attorney not later than the Thursday before the scheduled regular

meeting. The Director of Planning may request an adjustment to the delivery schedule due to special circumstances.

I. The Director of Planning shall prepare extra copies of the Agenda and shall make the same available to the public and the press in the Office of the County Administrator, the Public Library, and on the County website. The Director of Planning shall also have at least one hard copy available at each regular meeting.

XVI. ORDER OF BUSINESS. The Order of Business shall be as follows unless the Director of Planning in drawing up the Agenda shall find good cause to change it:

1 – Call to Order
2 – Pledge of Allegiance and Moment of Silence
3 – Adoption of Meeting Agenda
4 – Director of Planning’s Report
5 – Approval of Minutes
6 – Public Comments #1
7 – Public Hearing
8 – Resolutions
9 – Presentations
10 – Unfinished Business
12 – New Business
13 – Public Comments #2
14 – Closed Meeting (as needed)
15 – Adjourn

XVII. CONDUCT OF BUSINESS

A. Basic Principles: The following principles should be observed at all times in the transaction of public business before the Commission.

1. Only one subject may claim the attention of the Commission at one time.
2. Each item presented for consideration is entitled to full and free discussion.
3. Every member has rights equal to every other member except as to procedural matters within the competence of the Chair.
4. The will of the majority must be carried out, and the rights of the minority must be preserved.

5. The personality and desires of each member should be merged into the larger unit of the Fluvanna Planning Commission.

B. The Commission shall adopt an agenda for each meeting by recorded vote of a majority of the Commission members present and voting. The adoption of the agenda shall be the first item for action following the Call to Order, Pledge of Allegiance, and Moment of Silence.

C. Items shall be heard in order of the Agenda, except as the Commission decides when adopting the Agenda and that the Commission may vote to call up any matter at any time.

D. Except as provided in subsection F. of this Section XIX, the Commission shall take no Action of Record on any matter that is not on the Meeting Agenda unless a modification to the Meeting Agenda is requested at the time of Approval of the Agenda. Modification of the Meeting Agenda requires a majority vote of Commission members present and voting.

E. The Commission shall consider all items on the Agenda before taking any other items, unless an unlisted item is brought by majority consent of the Commission members present and voting.

F. Items not on the Agenda shall be heard as the final items of the Commission's business, time permitting, or shall be carried over to the next regular meeting or a special meeting as determined by majority consent of the Commission.

G. Exhibits before the Commission shall become the property of the Commission and shall be filed with the Director of Planning and shall be deemed a part of the record of the meeting at which submitted.

H. Citizens shall not speak at a meeting until they are recognized. Citizens shall request recognition by addressing "Mr. Chair" or "Madam Chair" (as appropriate), stating their name, their address, and awaiting acknowledgment by the Chair. 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 expeditious conduct of business.

I. Should it be desired by the Chair, any member, or by the Director of Planning, the member making a resolution shall reduce the same to writing and deliver it to the Director of Planning's Office. The Director of Planning shall take down verbal resolutions as accurately as possible to reflect the intent of the Commission.

J. Prior to initiating a public hearing, the Chair shall recount, either verbatim or by reference, the rules under which the hearing shall be operated, but the Commission may amend the rules during the hearing by giving notice of the change to those gathered (e.g., a change to the time limitation for individual speakers).

K. At the beginning of the public hearing, the Chair shall call upon the Director of Planning or the other staff member handling the matter at hand to present a description of the issue placed before the hearing, or the Chair may do so himself.

L. For zoning matters where a public hearing has been advertised, the planning staff shall be called upon by the Chair to introduce the topic. Then the applicant shall be permitted to speak on behalf of his application and may make a presentation. Next the public hearing shall be opened. At the conclusion of the public hearing, the applicant shall be provided with the opportunity to answer questions or provide additional information for the Commission in response to comments made during the public hearing.

M. For zoning matters where an item has been deferred after a public hearing, the planning staff shall be called upon by the Chair to introduce the topic. Then the Chair will ask the Commission whether it wants to hear updates from the applicant regarding the deferred item. If approved by a majority of the Commission, the applicant shall be permitted to speak on behalf of his application and may make a presentation. The applicant shall then be provided with the opportunity to answer questions or provide additional information for the Commission.

N. 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 any matter, and/or limit the amount of time available to each speaker, including Commission members, on a matter and/or limit the number of times each speaker may address the Commission on a matter. Regardless, every Commission member is entitled to speak 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 at least once.

OM. All members or citizens shall limit their comments before and to the Commission. The Chair may prohibit questions from citizens until a speaker has finished his presentation.

PN. The Planning Commission has set forth the following rules for time limits for various agenda items or comments from the public, unless modified by majority consent of the Commission:

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.

Q. Once a notice for Public Hearing has been advertised (regardless of the nature), the Public Hearing will be conducted, unless the Commission formally defers the matter to a future meeting. The postponement or cancellation of a public hearing shall be as follows:

1. Any public hearing scheduled for a Commission meeting that has been publicly advertised shall not be postponed based on a request from a non-County government entity or person absent extreme mitigating circumstances. The Chair, with concurrence of the Director of Planning, will determine when such circumstances exist. If mitigating circumstances exist, the petitioner will bear any cost incurred by the County in providing public notification of the change and for the cost of advertising the new date of the hearing.

2. The Chair, with the concurrence of the Director of Planning shall have the authority to postpone a public hearing based on the weather or other extraordinary circumstances.

3. In all cases, County staff will ensure all Commission members are provided timely notification of schedule changes. Further, staff will ensure the public and general news media are notified of changes to schedules which have been announced in public. The public hearing shall be rescheduled, if appropriate, and advertised as required by law.

XVIII. ORDER AND DECORUM

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~~ when presiding at a meeting of the Commission, without vacating the chair, shall refer any point of order to the Parliamentarian.

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 majority vote of the Commission members present and voting.

C. All comments by members of the public during any Public Hearing must be germane to the purpose of that Public Hearing. All comments by members of the public during any Public Comment period must be germane to the services or policies of the County. When providing comments, members of the public are not permitted to campaign for public office and shall not promote private businesses or address pending litigation.

D. All comments and presentations by applicants speaking on a zoning matter must be germane to the purpose of the specific item that is pending before the Commission.

~~D.~~ DE. No member or citizen shall be allowed to use of any profane, vulgar, obscene, abusive, defamatory, disruptive, or threatening speech, and doing so may result in removal from the meeting. No member or citizen shall use language of a personal nature which insults or demeans any person or which, when directed at a public official or County staff, is not related to his or her official duties.

~~E.~~ EF. All speakers shall be respectful of other opinions and viewpoints expressed at the meeting, and the audience shall not make audible expressions of support (i.e. applause) or of opposition (i.e. booing) during meetings.

~~F.~~ FG. Speakers should strive to avoid repetitive comments. Simple statements of endorsement of previous speakers are appropriate.

~~G.~~ GH. Speakers should address all comments to the Planning Commission and not the audience.

~~H.~~ HI. The Chair shall be the judge of all breaches of order and decorum; however, the Commission may by majority vote of the Commission members present and voting opt to overrule the judgement of the Chair.

J. When any person engages in such breaches, the Chair may order that person to stand silent, to be removed from the building, or to be removed from County property.

XIX. MOTIONS

A. Motions by Commission members shall require a second.

Exceptions. The following do not require a second:

- To Raise a Question of Privilege
- Questions of Order
- Objection to the Consideration of a Question
- Call up Motion to Reconsider
- Nominations
- Leave to Withdraw a Motion
- Inquiries of any kind

B. Motions shall not be formally discussed prior to being duly seconded.

C. After a motion is properly made and seconded, the Chair shall restate the motion and open the floor to discussion.

D. The Chair shall routinely refrain from making or seconding motions in order to fairly and impartially preside over the Commission deliberations and discussion. In any case, the Chair shall

not make or second a motion without first temporarily surrendering the chair to the Vice Chair, if present and willing to temporarily accept the gavel, or to another member present and willing to temporarily accept the gavel. In such event, he should not resume the chair until the motion is decided.

E. A maker of a motion may not speak against his motion.

F. The Chair shall call for and cause the vote to be recorded after the motion is properly made before the Commission, has been seconded, and has been duly discussed. Any member believing a motion has been duly discussed may move or call for the previous question. Such motion shall not be debatable. However, if any member objects, the Chair shall call for a vote on the motion calling for the previous question. If that motion carries, the Chair shall proceed to call for the vote on the motion before the Commission. If the motion calling for the previous question is defeated, the debate on the main motion shall continue.

G. A substitute motion may be made by any member to any motion properly on the floor. Once seconded, the substitute motion shall take precedence and all debate or action on the existing motion shall cease until the substitute motion is decided. Debate on a substitute motion is permissible. If the substitute motion is passed by a majority vote of the members then present and voting, the original motion is supplanted by the substitute motion. A second substitute motion can be made only after the first substitute motion is decided by vote of the Commission.

H. When a motion is made and then cannot obtain a second, the motion will die for lack of a second and does not require a vote. However, in the event that a motion which is not seconded is nevertheless voted on by the Commission and passes by a majority of the members present and voting, the failure of a second shall not invalidate the adoption of such motion.

I. Defeated Motions

1. Same Meeting: A defeated motion can be brought back for consideration at the same meeting if the members present agree to do so by a majority vote. Only a member who voted on the prevailing side may make the motion to reconsider the issue. The rule restricting renewal of a motion in the same session does not apply to a motion that died for lack of a second.

2. Subsequent Meeting: Except as otherwise provided by law, a defeated motion that is still applicable can be re-introduced at a subsequent meeting as new business (under the normal process for new business).

XX. VOTING

A. All Actions of Record must be approved by vote unless there is unanimous consent.

B. When the question is called and there is no dispute, the Chair shall call for the vote.

C. Whenever any member wishes to abstain from voting on any question, he 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., and his abstention shall be announced by the Chair and recorded by the Director of Planning.

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

E. The Director of Planning shall record the name of each member voting and how he voted.

F. A tie vote fails. The Commission does not designate a tiebreaker.

G. Except as otherwise provided by law, motions shall be carried by a majority of the members present and voting in the affirmative.

XXI. RECORDING OF MEETINGS. The Clerk of the Commission or another person acting in that capacity shall electronically record each regular meeting. These recordings are the property of Fluvanna County and are public records as provided by the Virginia Freedom of Information Act. Interested persons may listen to the recordings on the County website or may obtain copies of the recording by making appropriate arrangements with the Director of Planning's office. Costs will be borne by the person making the request.

XXII. AD HOC 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.

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

A. AUTHORITY AND SCOPE

1. This policy shall govern participation by an individual member of the Planning Commission of Fluvanna County, Virginia, by electronic communication means in public meetings of the Planning Commission of Fluvanna County, Virginia, and any closed session of the Commission held in accordance with applicable law, from and after the date of adoption of this policy.

2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.

3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

B. DEFINITIONS

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

C. MANDATORY REQUIREMENTS

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

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

D. PROCESS TO REQUEST REMOTE PARTICIPATION

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Commission Chair (or the Vice-Chair if the requesting member is the Chair) that such member is physically unable to attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance, (iii) such member's principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

2. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter and that such matter renders the requesting member unable physically to attend. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) - (iii) above.

3. The requesting member is not obligated to provide independent verification regarding the reason for such member's nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents the member's physical attendance at the meeting.

4. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether the request is in conformance with this policy, and therefore approved or disapproved.

E. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION

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

1. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and

2. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

F. RECORDING IN MINUTES

1. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or the member is a caregiver who must provide care for a person with a disability, or because the member's principal residence is located more than 60 miles from the meeting location the Commission shall record in its minutes (1) the foregoing circumstance due to which the member is participating remotely; (2) the Commission's approval of the member's remote participation; and (3) a general description of the remote location from which the member participated.

2. If the member is allowed to participate remotely due to a personal matter, the Commission shall record in its minutes (1) the specific nature of such personal matter that renders the requesting member unable to attend stated by the requesting member; (2) how many times the member has attended remotely due to a personal matter; (3) the Commission's approval of the member's remote participation; and (4) a general description of the remote location from which the member participated.

3. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

G. CLOSED SESSION

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

H. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Unless independently received by County staff, the Chair (or Vice-Chair) shall provide County staff with copies of the member's written request to participate remotely and the written response, as applicable, if the request or response is in writing, to be retained by County staff for a period of one year, or other such time required by records retention laws, regulations, and policies.

I. MEETINGS HELD THROUGH ELECTRONIC COMMUNICATION MEANS DURING DECLARED STATES OF EMERGENCY

1. In addition to the foregoing, pursuant to the Code of Virginia Section 2.2-3708.2(A)(2) the Planning Commission may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia Section 44-146.21, provided

that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency provide for the continuity of operations of the Commission or the discharge of its lawful purposes, duties, and responsibilities. The Planning Commission when convening a meeting in accordance with this subdivision (I) shall:

a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Planning Commission conducting the meeting;

b. Make arrangements for public access to such meeting through electronic communication means;

c. Provide the public with the opportunity to comment at those meetings of the Commission when public comment is customarily received;

d. Otherwise comply with the provisions of the Code of VFOIA; and

e. State in its minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.

J. Nothing in this Section XXIV shall be construed to prohibit the use of interactive audio or video means to expand public participation.

XXIV. 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.