

MINORITY REPORT FOR THE 2040 COMPREHENSIVE PLAN VISION, OBJECTIVE, AND STRATEGIES

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Fluvanna citizens have for decades reaffirmed their unyielding desire to maintain Fluvanna's rural character. Fluvanna County's current mission statement:

“Fluvanna County is committed to providing an excellent quality of life for our citizens and businesses through the efficient delivery of core services and programs while preserving the unique identity and rural character of the County.”

Therefore, the principal Vision that drives this 2040 Comprehensive Plan is maintaining Fluvanna County's rural character.

What constitutes rural character?

- farmhouses, barns, pastures, livestock, agricultural and forestal production.
- country stores, winding gravel roads, green spaces, wildlife, rivers and streams, starry nights, forests
- tree lined gateways and highways, mountain views, orchards, vineyards
- mills, locks, old schoolhouses, log cabins, mansions, archaeological sites, churches, low density population

Once the rural character is destroyed or lost, it is gone forever; it cannot be replaced.

All areas of Fluvanna must retain rural character even the Community Planning Areas (CPAs). With development, appropriate buffering must be required when differing uses adjoin. Housing developments must be set back from roads and mature tree buffers preserved. Even Zion Crossroads, slated to be the most developed part of Fluvanna, must retain its rural character while expanding its services. As one of the primary gateways to Fluvanna, it should be enhanced to provide a scenic welcome to residents and tourists. The residents of the Rivanna CPA, with almost half of Fluvanna's population, actively seek to preserve open spaces, green infrastructure, and managed, sustainable growth that compliments existing rural and historic areas.

Background and History

The Comprehensive Plan is meant to be the blueprint for the future of Fluvanna County. It is imperative that the Planning Commission and the Board of Supervisors ensure that it guides the creation, passage, implementation, and enforcement of updated, strong, clear zoning and subdivision ordinances tailored to Fluvanna County; otherwise, this Plan has little meaning. Those ordinances are paramount to the successful guidance and management of county growth and rural preservation. Fluvanna's Plan must continue to tie development to the natural environment and its protection, while emphasizing the need for sustainable and

fiscally responsible development. Despite the depth of our current 2015 Plan, it has not served the preservation of our rural land well. The failure to preserve rural land is not in the Plan itself, but in the lack of understanding that the people's Plan contains numerous statements that illustrate why an automatic "YES" is not always appropriate for rezoning requests and approvals of developments.

(See Appendix 1 that presents statements in the 2015 Comprehensive Plan which need to be remembered.)

Much of the land which was preserved in Fluvanna since the 2015 Comprehensive Plan was adopted was a result of economic factors well beyond the control of our citizens as well as the Covid crisis beginning in 2020. We would like to see our rural areas preserved by good planning and clear, strong zoning ordinances and not be governed by changing conditions in the economy.

Infrastructure, Land Use and Preservation

Since the adoption of the 2015 Comprehensive Plan, Lake Monticello, our largest community, has been largely completed and now has relatively few lots left on which houses can be built. This puts significant pressure on land near the Lake, especially on land in our rural preservation areas. Lake residents continue to be concerned about the viability and capacity of its water and sewer systems. County planners have also indicated to the residents that they recognize that the most crucial and restraining infrastructure in the Lake area is the "highway system", those roads which encircle Lake Monticello.

The Rural Preservation Advisory Group (RPAG) applauds the county for its effort to bring water to the Route 15 and Route 250 area of Zion Crossroads where our existing plan calls for growth. We urge you to consider working with Louisa on a central wastewater treatment facility. We are also enthusiastic about plans for a reliable source of water for the Fork Union area which will support and drive residential development. It should also bring new businesses to the recently approved industrial park. All this growth will benefit the county.

The RPAG wishes to make the point that water, land use and growth must be considered in a comprehensive manner and that water availability can be used as a tool to limit and to channel growth. Land use affects water both in quality and quantity. There are continued concerns about the availability of water in large parts of the proposed rural preservation area. In addition, Fluvanna may have to provide incentives in the Zion Crossroads area to spur development with land in that area being expensive.

Our vision is that land use will be the overriding issue for comprehensive planning in the next 25 years.

The reality among Fluvanna citizens is that the preservation of land, water, the rural environment, historic sites, and our scenic resources can only be accomplished as a result of **good planning and effective, timely implementation of updated, strong, clear zoning and subdivision ordinances ensuring that growth is directed to designated growth areas and that public infrastructure is related to that plan. An additional key ingredient in this rural preservation plan is the designation of only two land uses: the six Community Planning Areas (CPAs) and a Rural Preservation Area (RPA).**

In the 2015 Comprehensive Plan, there are 12 chapters:

- Natural Environment
- Land Use and Community Design Environment
- Infrastructure
- Transportation
- Economic Development
- Historic Preservation
- Parks and Recreation
- Housing
- Human Resources
- Education
- Public Safety
- Financial Sustainability

Their integral relationships were considered in developing the strategies to meet the main objective.

Objective

The Rural Preservation Advisory Group's objective is to include community input while assisting planners and elected officials in ensuring that Fluvanna County's rural character, positive quality of life, agricultural and forestal production, water quality and quantity, natural resources and scenic vistas are protected and improved through good planning and clear, strong zoning ordinances driven by the revised 2040 Comprehensive Plan.

To achieve this guiding Objective, we advocate the following policy strategies that illustrate the interconnected, comprehensive nature of the varied elements involved in the preservation of Fluvanna County's unique identity and rural character.

Policy Strategies

1. Discourage extension of public utilities and other growth-inducing public facilities into the rural preservation area. Limit denser developments in the rural preservation area to those areas served by public utilities. Direct growth to Fork Union and Zion Crossroads where public water will be available.
2. Make land use decisions and plans that are consistent with the overall goal of preserving open space and approve rezoning of farmland to non-farm use **only** if an overriding public need exists and the designated growth areas cannot accommodate the new use.
3. Encourage and facilitate landowners to place their land under conservation easements or in ag/forestal districts. Assist local nonprofits in making the advantages of these programs known to residents. (We applaud the county's conservation easement program.)
4. Recognize conditions and restrictions in deeds and other legal documents and require developers to resolve **all** disputes involving **all** parties before any rezoning is considered.

5. Continue to support land use taxation and other fiscal programs that help alleviate economic burdens on owners of land used for agriculture, horticulture, forestry, or open space purposes and use land use planning to protect agricultural land from escalating assessments because of development pressures.

6. Mandate larger buffers (of at least 100 feet) between incompatible land uses and along our roads and the gateways to our county. Preserve, protect, and retain mature trees along our roads to retain our rural character and tree canopies. Any new commercial or housing developments must be behind green buffers or berms where trees do not already exist to retain the views along our rural roads. ¹

- Inform, educate, and precisely define the **Landscaping and Tree Protection Plan** for all members of the Board of Supervisors and Planning Commission.
- Ensure all types of developers are informed of the **Landscaping and Tree Protection Plan**. Mandate the inclusion of specific tree protection strategies as part of the application, Master Concept Plan and Site Development Plan.
- Enforce compliance with the **Landscaping and Tree Protection Plan** by following all the prescribed procedures and eliminating any potential options for developers to bypass the Plan to avoid compliance.

7. Develop scenic corridor regulations to preserve the scenic views along the gateways to Fluvanna County. (2015 Comprehensive Plan, page 63)

8. Protect the county's scenic roadways by designating them as State Scenic Byways and by adopting a local scenic byways ordinance. (Compare this to 2015 Comprehensive Plan, page 159, A (1))

9. Develop a Greenway Plan for Fluvanna County for increased recreational and tourism opportunities, provide connections to key destination points and attractions. This plan would include parks, significant trails, local wineries and orchards, historic sites, scenic rivers, and unique local businesses.

10. Protect scenic views and vistas by encouraging the siting of new buildings in conformance with the existing topography and into the existing landscape and vegetation.

11. Design public utility corridors to fit the topography.

¹ **Fluvanna County Zoning Code of Ordinances, Section 22, Article 24, Landscaping and Tree Protection**

12. Manage and protect the county's groundwater and surface water resources. Recently, the Commonwealth of Virginia has questioned the amount of environmental damage created by installing and maintaining solar facilities, specifically about runoff affecting the Chesapeake Bay.

13. Seek the expertise of the full-time extension agent in Fluvanna to collaborate with our rural landowners to use farmland optimally.

14. Mandate developers to minimize the visual impact of development through ordinances that require retaining natural features, such as mature trees and plants, avoiding excessive grading, minimizing impervious surfaces, preserving wildlife habitats, and limiting light and noise pollution.

15. Avoid spot zoning and rezoning of A-1 land until each is studied individually for all monetary and opportunity costs.

16. Bear in mind that the Commonwealth of Virginia, the other five Bay states, and the District of Columbia have signed an agreement with the Environmental Protection Agency entitled the "Chesapeake Bay Clean Water Blueprint." Among other things, it mandates serious reductions in the amount of phosphorous, nitrogen and silt in all the Bay's tributaries with a goal of meeting these goals by 2025. Development in our rural areas would not only have a serious detrimental impact on the ability of Fluvanna County and the Commonwealth of Virginia to meet the Total Maximum Daily Load Standards (TMDLS) contained in the Blueprint but also potentially result in loss of groundwater and the purity of our streams.

17. Ensure the rezoning and subdivision ordinances adopted are clear, strong, and reflect the vision of the RPAG so that growth takes place in a controlled manner without spreading into a sprawling pattern; have the RPAG continue to work in a collaborative status with the Planning Commission and the Board of Supervisors.

18. Balance zoning and subdivision ordinances to give **equal or greater** protection of property rights of resident property owners as opposed to off-site, non-resident property owners and developers. The county needs to protect and recognize the landowners who have chosen to stay and reside in Fluvanna County as their permanent residence.

19. Adapt development to the existing topography and natural setting. Excessive grading, cutting, and filling is to be discouraged.

20. Strictly regulate the number, size, and scope of smaller solar generation facilities in the county. Prohibit Industrial/Commercial scale solar power facilities as they appear to be contrary to the preservation of rural character in Fluvanna County.

- **Pause the acceptance of newly proposed solar facilities until solar has been thoroughly studied, potential impacts are known, and proper ordinances are written to protect the County and are in place.**

21. Focus planning efforts on key parcels which have potentially serious effects on adjacent properties, such as the 155-acre parcel opposite Pleasant Grove.
22. Keep river and stream corridors, especially floodplain and wetlands, undeveloped.
23. Limit development densities to ensure future development stays within the capacities of water and sewer systems.
24. Conduct water and wastewater studies as new development is requested and before that development is approved.
25. Create an Advisory Group to prepare architectural standards and to evaluate proposed new commercial and residential developments regarding styles and materials. Styles, materials, and structure height must protect the aesthetics of the land and reduce the environmental footprint of any new development. (pg.42, 2015 Comprehensive Plan).
26. Prohibit strip development and mandate limited access and internal access management in large scale commercial and industrial uses.
27. Support and promote specialty and niche farming such as equestrian uses.
28. Support local farmers markets with an emphasis on local products.
29. Encourage businesses and industries that support and strengthen the county's agricultural economy.
30. Promote farming as a productive way of life.
31. Hold developers accountable for the commitments made when property is rezoned or when developments are approved.
32. Ensure developers complete all parts of their applications.
33. Slow the constant rezoning of A-1 land (9 to 12 months).
34. Require larger lot sizes in rural areas and in developments on rezoned A1 land, especially adjacent to incompatible uses.
35. Encourage the protection of farmland and forests from development that would reduce its long-term viability as a part of the agricultural economy, i.e., residential development and solar facilities.
36. Mandate unobtrusive signage in commercial and industrial uses to protect primary roadways.

37. Support adequate setbacks, vegetative buffering, and dark sky lighting.
38. Draft design guidelines for all commercial and industrial development.
39. Revisit and re-evaluate cluster housing development that has not been successful in preserving our rural lands. Consider rescinding cluster development if revamping it does not work.
40. Manage By-Right better by implementing rezoning where the developer specifically proffers the uses they plan to pursue.
41. Develop and implement a system of cash proffers, impact fees, level of service standards. (Explain what level of service standards is).
42. Review and acknowledge the numerous statements in the 2015 Comprehensive Plan that illustrate why an automatic "YES" is not appropriate in all rezoning requests and approval of all developments. Draft ordinances to support these statements).
43. Identify the potential tax impact for each proposed development or rezoning (new schools, social services, public safety, traffic, water and sewer, adjacent incompatible uses). This information must be available to the Planning Commission and Board of Supervisors prior to their vote.
44. Encourage the use of the county's rail lines for the movement of commercial and industrial goods and for passenger service, including tourists. (Buckingham County does this).
45. Promote reuse of historic structures that support agricultural and forestal uses in the Rural Area.
46. Identify the geographic limits of a crossroads community by meeting with Rural Area residents.
47. Continue to discourage the proliferation of permanent and temporary advertising signs.
48. Limit development on critical slopes to maintain the balance between slope, soils, geology, and vegetation.
49. Reimagine and restore major celebrations of Fluvanna County related to history including oral history, music, and other related facets. Attempts should be made to include all areas and citizens, with outreach to youth groups and students.
50. Hold developers responsible for failure to comply with ordinances and/or proffers through implementation of monetary penalties.

51. Mandate low-impact development (LID) as an approach to site development and storm water management designed to mitigate development impacts to land, water, and air. LID begins with the site planning process and is more sustainable than traditional development practices. (See 2015 Comprehensive Plan, page 23).
52. Enhance and aggressively market a Fluvanna County brand aimed at attracting tourists and visitors through good planning and design.
53. Consider partnering with neighboring counties (i.e., Buckingham, Louisa) by exploring opportunities to attract new compatible economic enterprises.
54. Encourage development of a “country store” at Pleasant Grove which showcases Fluvanna’s artists, photographers, crafters, and writers where residents and tourists can enjoy the showcases in a comfortable setting along with the purchase of light refreshments including local artisanal foods.
55. Pursue marketing efforts, using digital technology to target the tourist/visitor market with the attractions this area has to offer, including tubing, hiking, biking, horseback riding, fishing, arts and crafts festivals, historic tours, and vineyards.
56. Continue to promote voluntary efforts by citizens and citizen groups to protect scenic resources (river clean up, trash pick-up, and recycling).
57. Maintain the rural character and ensure the protection of current and future agricultural and forestal land as essential to preserving the heritage and unique character of Fluvanna County.
58. Require developers to commit to specific material types and styles as part of a project's approval through legally binding proffers. (See pp. 41-42, 2015 Comprehensive Plan).
59. Work to increase alternative transportation options such as Rideshare, park-and-ride locations, and a more flexible schedule for Jaunt to accommodate workers, the elderly, and the disabled to mitigate the effects of vehicle emissions.
60. Improve connectivity between Palmyra and Pleasant Grove and within Community Planning Areas to enable residents to travel safely without the need to use a vehicle.
61. Complete a Master Water and Sewer Plan. Identify sources for County long-term water needs, particularly for each of the CPAs.
62. Continue to review and pursue opportunities and options for Palmyra Village streetscape projects to improve safety, parking, walkability, and overall appearance as it continues to be a viable, functioning Village. Do the same for Fork Union.
63. Continue Columbia area revitalization efforts.

64. Investigate and pursue with State offices the installation of boat ramps along the Rivanna and James Rivers to support additional recreation and tourism opportunities. Consider using the Water Treatment Plant to provide a shared access point for a boat ramp.

Solar Facilities

Solar facilities are an evolving subject of great interest and current discussion. Therefore, recommend the County establish a working committee to study the potential impact of industrial/commercial solar facilities in the County and to provide a clear, thorough impact study to the Planning Commission and the Board of Supervisors. The County must establish a clear, consistent, and readily understandable policy with strong, effective ordinances for solar facilities to include the impact such installations could have on adjacent or nearby landscapes and/or historic properties. The County must prevent such developments when these valuable county attributes are at risk. An environmental impact study must be submitted by the "Provider" as to the potential environmental and economic harm in case of natural disaster or unforeseen consequences including the decommissioning process. Inherent in these discussions should be the potential tax benefits to Fluvanna County and its citizens from any such solar installations. Also, we would like more information on the short- and long-range impacts of such installations on ground water and the environment in general. Recently, the Commonwealth of Virginia has questioned the amount of environmental damage created by installing and maintaining solar facilities, specifically regarding runoff affecting the Chesapeake Bay.

Madison County developed a comprehensive Ordinance to provide standards and review procedures for the development, operations, siting, and decommissioning of solar facilities. A copy is provided at Appendix 4.

Conclusion

We thank you for giving us this opportunity to provide our planners and elected officials our recommendations for our new Comprehensive Plan. Rural preservation is the most vital component of Fluvanna's revised Plan since it is the basis for all rural character preservation on which the 2040 revised Plan depends. We are enthusiastic to continue participating and contributing assistance during the drafting process and the creation of ordinances to support it.

APPENDIX 1.

The following statements in the 2015 Comprehensive Plan need to be remembered when drafting ordinances:

1. The Plan **“cannot bind the policies of the BOS, but as a public document that reflects public input, it should guide the land use policies and fiscal decisions of Fluvanna.”** (pg. 9) The first stated goal of the Plan is to maintain Fluvanna’s rural character.
 - **“The way a community chooses to grow, directly impacts the tax base and the taxes paid by existing citizens.”** (pg. 25)
 - **“There must be valid reasons for any zoning amendment that is [sic] substantially related to public welfare and necessity. It is not sufficient that an applicant merely shows that there is no neighborhood objection to the requested amendment.”** (pg.28)
 - **“A primary cause of sprawl is sporadic rezoning of properties throughout a locality...primarily for the private interest of one or more landowners instead of furthering the welfare of the entire community as part of an overall zoning plan. There must be valid reasons for any zoning amendments that are substantially related to the public welfare and necessity.”** (pg.28)
 - **“Zoning applications should be well planned and complementary to the vision for the area. Critical items include buffers and screening between incompatible uses...adequate infrastructure, sustainable and attractive design...”** (pg. 29)
 - **“Rezoning applications that do not compliment the community’s vision and address all anticipated adverse impacts from the project are not approved.”** (pg. 29)
 - **“It is not sufficient for an applicant to receive approval for a rezoning simply because a property is within a community planning area.”** (pg. 29)
 - **“Applications that do not address a project’s external costs to the community and provide a clear fiscal benefit to the county will not be favorably received.”** (pg. 29)

It appears that, since the build out of Lake Monticello, more building permits were issued for rural areas which are intended for the lowest density and the preservation of open space rather than in community planning areas. **“The future development of (routinely) approved subdivisions** (especially in rural areas and rezoned agriculture A-1) **could provide significant challenges to the preservation of rural character”** (pg. 30). This trend is the reverse of the desired development pattern.

Financial sustainability is of uppermost importance to citizens and must balance population growth against fiscal strain. **“County leaders must, in all decisions, recognize that they are the stewards for the people’s money. Expenditures and obligations are entered into only when it is in the people’s best interest...the annual review process for the CIP utilizes the goals and strategies in the Comprehensive Plan”.** (pg.147) The county must show **“the estimated tax impact of the debt service plus any ongoing cost necessary to maintain and staff the project in the future.”** (pg.147)

“Well-managed forests and farms are still a primary land use and a key component of the County’s historic and rural character and economic viability.” (pg.13)

“Ag/forestral districts are also abundant in rural areas and permanent open spaces ... and buffer areas are preserved as part of the development process.” (pg.13)

“Forests contribute service, like stormwater management, wildlife habitat protection, reduced erosion, groundwater recharge, carbon sequestration, and insect pollination.” (pg.16)

“Development should be required to show its projected impact on surrounding groundwater supplies ... Mitigating this impact, along with others, such as stormwater and traffic on surrounding property owners, is of utmost importance in any discretionary zoning action.” (pg.18)

“Hydrogeologic investigations, testing and reports should be required and specifically defined for ... residential subdivisions ... served by individual wells and ... newly proposed or expanded central water system not owned by and/or operated by Fluvanna County, FUSD, or other public entity.” (pg.19)

“Preserving or planting appropriate tree species throughout vehicular corridors is a good way to mitigate the effects of automobile emissions.” (pg.20)

“Low-Impact Development (LID) is an approach to site development ... that “preserves open space and minimizes land disturbance ... customizes site design to each site”, and incorporates natural site elements (wetlands, stream corridors, mature forests) as design elements...” (pg.23)

“The County’s natural resources deserve consideration as economic development tools ... development efforts should include protecting, enhancing, and promoting these resources.” (pg.23)

“Growth should be guided to ensure that adequate public services are provided and proper transitions exist between land uses.” (pg.25)

“Critical items (in zoning applications) include buffers and screening between incompatible uses ...” (pg.29)

“Utilities, specifically sewage systems, need to be carefully controlled and regulated ... to assist the prescribed land-use plan in a sustainable and environmentally responsible manner.” (pg.29)

“Palmyra (and the Rivanna Community Planning Area) should grow in an integrated, sustainable way that compliments existing development and the history or each area.” (pg.41)

“The design, style, and material quality of building impact the aesthetics and sustainability of the community.” (pg.41) “It is reasonable and feasible for a developer to commit to specific material types and styles as part of a project’s approval, preferably through legally binding proffers.” (pg.42)

“Zion Crossroads Community Plan ... seeks to expand the services .. options available for its residents while, at the same time, retaining the area’s rural character.” (pg.44) “Zion Crossroads is the primary gateway to Fluvanna County and should be enhanced to provide a scenic welcome to residents and tourists.” (pg.44) “The Route 250 and Route 15 intersection presents an opportunity to introduce travelers to the rural character of Fluvanna County ... The traffic signal, overhead utility lines, and cluttered signage contribute to the poor visual quality of this gateway to the Zion Crossroads. Addressing these functional and visual issues will greatly improve the people’s first impression of Fluvanna County.” (pg.45) “Protect the rural features of the Zion Crossroads area. The development of Zion Crossroads need not come at the expense of its rural and environmental features ... The County should encourage development that leaves natural features as intact as possible ... excessive grading, unnecessary removal of helpful plants and trees, and large quantities of impervious surfaces all contribute to stormwater runoff and sedimentation.” (pg.47) Support development of additional light industry ... with an appropriate buffer.” (pg.49)

“Most residents (of Lake Monticello) agree that it is important to take steps to maintain the rural character of the surrounding area ... (pg.50) “... and protect natural resources.” (pg.52)

In the Palmyra CPA, “... consider additional zoning or regulations to preserve the rural character of the edges ...” (pg.56)

The Fork Union CPA should encourage “compact growth in the downtown area while preserving the rural nature of the surrounding area.” (pg.57) “Prioritize renovation over new construction ... The Fork Union District is full of natural and historic resources to be valued and protected.” (pg.59)

“The rural preservation areas are intended to be the least developed areas of the County. Large subdivisions in the rural preservation areas should be discouraged.” (pg.61) In rural preservation areas, “when development occurs, appropriate buffering should also be required when differing uses adjoin each other ... Housing developments should minimize access points and be adequately set back from roads ... Open-space provisions could enhance rural character and be used to buffer residential subdivisions from adjacent agricultural uses.” (pg.65)

“Threats to (scenic beauty) include incompatible development, inconsistent or insufficient regulations, growth pressures, and pollution and litter. These scenic views are often located along important corridors and can serve as “gateways” into the community. Special measures, such as “scenic corridor” regulations, could be taken to preserve these views.” (pg.63) As of 2022, there are no scenic corridor regulations.

APPENDIX 2

Since Fluvanna County started approving cluster development in 2004, it became obvious that cluster development (as it is currently defined by County Ordinances) has failed. It has added a disproportionate amount of development in what is termed our Rural Preservation Area. The 2015 Comprehensive Plan Goal was to have only 30% of residential growth in the rural areas. However, in the past 10 years, 79% of residential growth has occurred in the Rural Preservation Area and Rural Residential Area.

The principal shortcoming of cluster development implementation was the density allowed in the adopted zoning and subdivision ordinances. In addition, those ordinances allowed cluster developments in our rural areas By Right. Should this situation be allowed to continue, it will invariably result in the building out of large parts of the County's rural landscape into suburban-type development.

Therefore, in the event the development is not successful, the County should eliminate cluster developments from A-1 zoning ordinance or revisit and re-evaluate cluster housing development to preserve our rural lands. **Consider rescinding cluster development if revamping it does not work.**

APPENDIX 3

Andrew Smith, "Land Use Tax Assessments Promote Farming, Preservation, and Tax Equity in 93 Virginia Localities", *Virginia Farm Bureau News Magazine*, September 2022, pp. 16-18. In the article, Smith, Associate Director of Government Relations, VA Farm Bureau Federation states: "Studies have shown that farm and forest lands require few services, and, in most cases, generated 3 to 4 times the tax revenue that they require in services. In contrast, residential development typically requires \$1.25 - \$1.50 in services for each dollar in tax revenue."

In November, the Cunningham representative to the Board of Supervisors requested that Fluvanna County staff conduct a Cost of Community Services (COCS) study. On November 16, 2022, the results of the Study were presented to the Board of Supervisors. The report found that:

- "For every \$1.00 in revenue produced by VA residential land, \$1.18 in expenses" is required for **additional cost** for new schools/staff, social services, public safety and other Infrastructure related needs .
- "On average, because residential land uses do not cover costs, they must be subsidized by other community land uses."
- "...document the high cost of residential development.... "
- "In nearly every community studied, farmland has generated a fiscal surplus to help offset the shortfall created by residential demand on public services."
- "COCS studies can help local leaders discard the notion that natural resources must be converted to other uses" to ensure fiscal stability and "dispel the myths that residential development leads to lower taxes."

As a result, "...it raises the cost of living through higher expenses/taxes (more etc.) ..."

Study of commercial growth in adjacent Louisa County shows that new business ventures bring more jobs and more people to fill them, resulting in "...more than twice the residential growth over the past 10 years as (sic) Fluvanna."

The resultant effect is the constant looping and spiraling --

- More people = the need for more businesses.
- More businesses = more people.
- More people = the need for more businesses.
- More businesses = more people. "

"Growth is inevitable while, if it raises taxes and reduces Fluvanna's rural character and our quality of life, why encourage residential growth?"

The principal strategy to build sustainable future growth should, first, secure compatible businesses.

APPENDIX 4

ORDINANCE TO AMEND THE MADISON COUNTY ZONING ORDINANCE ORDINANCE # 2019-12

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia and be in accord with the declaration of legislative intent set forth in Virginia Code 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

Article 14, General Provisions, Add Article 14-19, 14-19-1, 14-19-2, and 14-19-3 as follows:

14-19 Commercial solar Energy Facilities

14-19-1 Purpose and Intent The purpose of this ordinance is to provide standards and review procedures for the development, operations, siting, and decommissioning of commercial solar energy facilities in the County of Madison, Virginia, and require a special use permit for the same.

1 . Given the potential impact on the environment, health, safety and welfare of neighboring property owners, as well as county staff; the Madison County Board of Supervisors finds that it is in the public interest to regulate the establishment and operation of commercial solar energy facilities within Madison County.

2. Definitions

Applicant: The person or entity who submits an application to Madison County for a permit to install a Commercial Solar Energy Facility under this ordinance.

Commercial Solar Energy Facility. Any solar energy facility designed to produce electricity for sale.

14-19-2 Applicability

1 . The requirements set forth in this ordinance shall govern the approval, development siting, operation, and decommissioning of commercial solar energy facilities used to generate electricity for sale.

2. This special use permit shall be binding on any successors, assignees, current or future lessee or owner of the facility and is granted solely for the construction and operation of a commercial solar energy facility.

14-19-3 Conditions for the Establishment and operation of commercial solar Energy Facilities

The requirements for siting and construction of a commercial solar energy facility in Madison County, Virginia, shall include the following minimal standards and requirements:

A. Before issuance of a Special Use Permit

1. Commercial solar energy facilities, as described in this ordinance, are permitted exclusively in zoning district M-1 only by special use permit.
2. A special use permit shall not be issued for a commercial solar facility until the Applicant submits a feasibility study demonstrating that the amount of generated power can be supported by the relevant electric company and electric grid; that the State Corporation Commission has approved the proposed plan and that PJMQ (Pennsylvania, New Jersey, and Maryland Interconnection) or a successor organization has likewise approved the project, when required.
3. The Applicant shall submit an economic cost/benefit analysis describing estimated increase in Property tax revenues, sales taxes, other taxes, locally spent construction dollars, estimated construction jobs, estimated permanent jobs and costs associated with the project's impact on roads and other County infrastructure.
4. A commercial solar energy facility shall generate electric power for commercial purposes only. The size of the facility (generated power) shall be limited to 50% of the annual total power usage of all users in Madison County. The Applicant shall provide accurate information for electrical power usage in the County for the most current year.
5. A view shed analysis shall be conducted from the perspectives of neighboring landowners and roadway travelers.
6. The Applicant shall bear all costs to the County for increased staff time and attention to matters related to construction, maintenance, administrative costs, and enforcement of the requirements of this section and the Special Use Permit.
7. The Applicant shall submit a decommissioning plan to be reviewed and approved by the County attorney with an appropriate surety bond with Special Use application. The Decommissioning Plan shall be reviewed and updated every three years by a certified independent solar facility engineer acceptable to the County at no cost to the County.

B. Location/Setbacks

1. The Applicant shall address the impact of the facility on rivers and streams. A buffer of at least 50 feet is required on either side of any stream in the project area. A minimum setback of 150 feet is required on either side of a river.
2. All aspects and components of the facility shall meet the minimum setback requirement of 300 feet. This setback requirement is in addition to the buffer requirements for rivers and streams established in No. 1 above.
3. Construction of commercial solar facilities shall be subject to the Madison County Erosion and Sedimentation Control Ordinance which includes but not limited to: extent of grading and grading phases, runoff information, management of runoff and pollution both during construction and throughout the lifetime of the project.
4. The perimeter of the facility shall be secured through the use of security fencing of at least eight (8) feet in height to be installed on the outside of the facility to include the 300 feet setback buffer. Fencing should be designed to blend in with surrounding screening and natural views.
5. No facility shall be allowed on a property designated by the Virginia Department of Historic Resources as a battlefield area or other historic resource, or other sensitive area.

C. Safety/Access

1. All electrical equipment associated with and necessary for the operation of the facility shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electric Code (NEC), Virginia Commercial Building Code. Use of above-ground lines shall be kept to a minimum.
2. The Applicant shall provide training, before, during, and after construction for all emergency services in Madison County. The Applicant shall provide a set of procedures and protocols for managing risk of fire and for responding in the event of an emergency at the facility. The Applicant of the facility shall conduct regular training for first responders during the operation of the facility on a regular basis.
3. Special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility shall be provided at no cost to the County.
4. The Applicant shall provide for and maintain reasonable means of access for emergency services. Lock boxes and keys shall be provided at locked entrances for emergency personnel access. Warning signage shall be placed on electrical equipment and plant entrances.
5. The Applicant shall obtain all required permits from the Virginia Department of Transportation. If any adjoining properties are damaged as a result of ingress/egress to the facility, the Applicant shall remedy all damages in full.

6. Best practices when using herbicides (non-harmful to the environment) to control weeds, grass and other unwanted vegetation shall be used.

7. The photovoltaic panels shall not contain harmful chemicals such as Cadmium or amorphous silicon. Prior to construction, the Applicant shall provide written panel specifications to include composition, toxicological information, and the physical and chemical properties of all panels used at the facility. The Applicant shall also provide the country of origin of the panels used at the facility. Only bio-degradable cleaners and water shall be used to clean panels.

D. Landscaping/Appearance

1. Lighting shall be the minimum necessary for safety and/or security purposes and shall be shielded and downward facing to minimize off-site glare.

2. Noise associated with construction and operation shall be defined, maintained, and be of minimal levels. Construction shall be conducted during the hours of 6:00 a.m. and 8:00 p.m. Monday through Saturday to limit disturbance to neighbors.

3. The use of pile driving equipment is prohibited within 600 feet of any structure or private or public water system unless pile driving monitoring equipment to evaluate vibration is utilized.

4. The Applicant shall place all solar panels in a manner that minimizes or negates any solar glare onto nearby properties or roadways.

5. No aspect of the facility shall exceed fifteen (15) feet in height, as measured from grade at the base of the structure to its highest point (excluding power lines).

6. All site features, including landscaping, fencing, etc., shall be properly maintained throughout the life of the permit.

7. A vegetative buffer shall be installed and maintained around the entire circumference of the facility and its components to reduce the visual impact on the surrounding property owners. In areas where there is not at least 50 feet of a native timber buffer, a barrier consisting of a minimum of a double row of evergreens (with a beginning height of at least six (6) feet and anticipated mature height of 30 to 40 feet) shall be planted during the appropriate time of year, subsequent to the completion of construction. The Applicant shall replace any dead or diseased trees in the buffer. All landscaping shall be approved by the County.

8. The facility shall not be used to display advertising of any type, including banners, streamers, or reflectors. However, notices, warnings, and identification information required by law shall be displayed.

9. When the land surface is prepared for construction, the Applicant shall design the facility so that grading and fill are kept to a minimum. Top soil shall be removed before grading, etc., and stored on site to be returned to the disturbed land to a minimum of four (4) inches to maintain the quality of the soil prior to final approval by the County.

E. Additional Requirements

1. The County shall require the owner/operator to provide an annual statement of activity to ensure that the facility is actively producing electricity for the power grid.
2. If there is evidence that the facility or any aspect of such is not in conformance with any of the conditions of approval, a Notice of Violation shall be sent to the owner of the facility and the landowner. A continued violation of any conditions of approval shall be grounds for revocation of the special use permit.

F. Decommissioning Requirements

1. When the facility ceases to be operational, the owner/operator of the facility shall return the land to its original natural state, including at least four (4) inches of topsoil. ALL surface and sub-surface materials shall be removed.
2. When the facility ceases to be operational for a period of nine (9) months, decommissioning shall be enforced, unless the owner is diligently working to restore the facility to operation.
3. If the facility is not removed within the specified time after the County Notice, the County may cause the removal of the facility with costs being borne by the project owner or property owner.
4. If a solar energy system is abandoned or decommissioned, the owner of the system shall notify the respective power company to enable the power company to remove the facility from its system.
5. Proposed cost savings that may be associated with recycling of solar panels and other materials shall not be part of the decommissioning plan.
6. Decommissioning shall be guaranteed by cash, letter of credit, or other form, at the discretion of the County Attorney.
7. All decommissioning activities shall be completed within six (6) months after notice of inactivity is received by the County.

The aforesaid amendment shall be effective upon enactment.

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia and be in accord with the declaration of legislative intent set forth in Virginia Code 15.2-2200(1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

Article 8-2-9 ~~Public service corporation~~ Generating, booster or array station (Main)

Article 9-2-6 ~~Public service corporation~~ Generating, booster or array station (Main)

Article 10-2-7 ~~Public service corporation~~ Generating, booster or array station (Main)

The aforesaid amendment shall be effective upon enactment.

The aforesaid amendment shall be effective upon enactment. Adopted on this 7th day of August 2019 on motion Of Supervisor McGhee, Supervisor Foster.

SIGNED

R. Clay Jackson, Chair
Madison County Board of Supervisors

SIGNED

Jack Hobbs, Madison County Administrator

	Aye	Nay	Abstain	Absent
R. Clay Jackson	<u> X </u>	_____	_____	_____
R. Clay Jackson	<u> X </u>	_____	_____	_____
R. Clay Jackson	<u> X </u>	_____	_____	_____
R. Clay Jackson	<u> X </u>	_____	_____	_____
R. Clay Jackson	<u> X </u>	_____	_____	_____