

PLANNING COMMISSION
May 17, 2017

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, MAY 17, 2017, AT 6:30 PM IN THE COUNTY MEETING ROOM.

Members present were: Jay Willer, Chairman
William Saunders, III, Vice-Chairman
Frank Morris, Member

Members absent were: John McCloskey, Member
Steven Kruskamp, Jr., Member

Staff present were: Dale Herring, Ex-Officio Member
Bart Svoboda, Planning Director
Stephanie Golon, County Planner
Shawn Leake, Zoning Officer

CALL TO ORDER

The Chairman called the meeting to order.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

The Chairman lead the Pledge of Allegiance and offered a moment of silence.

DETERMINATION OF QUORUM

Each member stated their name on the record to determine a quorum.

PUBLIC HEARINGS

Ronald Snoddy requests a special use permit for a home business for an awards and trophy business on a 2.27 acre tract zoned R-1, Residential, located on Matthew Mill Road and identified on County Tax Maps as 66D-(3)-X. (SUP#17-002)

Mr. Willer read the request.

Mr. Svoboda presented an overview of the request including the location, maps of the area, and aerial photos of the property. He described the home business criteria and noted that conditions have been suggested for approval. He reminded the Commission that to mitigate impacts the Board of Supervisors has the authority to place reasonable conditions for approval. He noted that the use is a relatively low impact and would likely not affect the character of the community. He reviewed the area on the Future Land Use Map of the Comprehensive Plan. He stated that staff recommends approval with the following conditions:

- a. To ensure the character of the neighborhood, special use permit (SUP#14-009) shall be terminated.
- b. The Home Business shall be located in the 80' x 30' structure as shown on exhibit A as submitted by the applicant.
- c. Outdoor storage is prohibited.
- d. To ensure the harmony of the neighborhood, the addition of any accessory structure associated with the home business shall warrant the approval of a site plan in accordance with the zoning ordinance.

Mr. Svoboda stated that agency comments were included in the packet.

Mr. Willer asked about the Future Land Use designation of the area across from the parcel in question.

Mr. Svoboda stated that this property is a rural area designation and that there is a suburban residential designation across from it.

Ronald Snoddy, applicant, addressed the Commission. He stated that he would like to use an existing building to operate a trophy and awards business which would include engraving and sublimation which is a type of heat transfer for special medals. He noted that he expects customer traffic to consist of those who are picking up orders.

Mr. Willer asked if compressors, spray booths, and things of that nature would be in use, noting that it may be a less impacting use.

Mr. Snoddy stated that those items would not be used.

Mr. Saunders asked if it would be a complete indoor operation.

Mr. Snoddy stated that it is all indoors.

Mr. Willer asked if he was aware of ordinance requirements for a home business that would apply in addition to any conditions that may be placed on the special use permit.

Mr. Snoddy indicated that he was aware of those requirements.

The Chairman opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Willer presented an overview of the special use permit process and the allowable uses for zoning designations to the attendees. He explained that an approved special use permit would run with the land even upon transfer of ownership.

Mr. Morris clarified that the outdoor storage would apply only to the proposed business use and not for his personal use.

Mr. Svoboda agreed.

Mr. Saunders asked Mr. Snoddy if the proposed conditions were acceptable.

Mr. Snoddy indicated that the proposed conditions were acceptable.

Mr. Willer explained that Mr. Snoddy had a previous request about a year ago and that the Planning Commission's recommendation to the Board of Supervisors was that the proposal had not been appropriate for the neighborhood. He stated that this is a different business and that he was prepared to say that this one is appropriate and was willing to support the request.

Mr. Saunders made a motion to recommend approval of special use permit (SUP#17-002) for an awards and trophy home business to be located on County Tax Map 66D-(3)-X with the following conditions:

- a. To ensure the character of the neighborhood, special use permit (SUP#14-009) shall be terminated.
- b. The Home Business shall be located in the 80' x 30' structure as shown on exhibit A as submitted by the applicant.
- c. Outdoor storage is prohibited.
- d. To ensure the harmony of the neighborhood, the addition of any accessory structure associated with the home business shall warrant the approval of a site plan in accordance with the zoning ordinance.

Mr. Morris seconded the motion.

Mr. Willer suggested adding *related to the business* to condition c in order to address Mr. Morris' earlier question regarding outdoor storage.

Mr. Saunders amended the motion to include the verbage *outdoor storage related to the business is prohibited*.

Mr. Morris seconded the amended motion.

The vote was taken.

AYE

Mr. Morris
Mr. Saunders
Mr. Willer

NAY

The motion to recommend approval of SUP#17-002 carried by a 3-0 vote.

Mr. Willer offered a procedural clarification for those in attendance, noting that the Commission's job is to make recommendations to the Board of Supervisors who are the elected officials who make the final decision.

Greene County Zoning Ordinance Revision: Amend Article 16-1 (Zoning Permits), and all applicable references to clarify the regulations relating to the issuance of Zoning Permits. (OR#17-001)

Mr. Willer read the request.

Mr. Svoboda stated that this ordinance revision is part of the work program from the Board of Supervisors to clarify ordinance language. He pointed out that this is the application that was deferred at the last meeting. He stated that he had met with the Building Official to review the language, adding that they had made some revisions and moved some items to ensure that the zoning ordinance worked in conjunction with the building code. He added that the Building Official's comments are in the packet and that they indicate that the revision is acceptable to the Building Official.

Mr. Svoboda explained that the language was rather jumbled in long paragraphs and that the requirements and process language has been streamlined in order to offer clarity. He added that the formatting has been changed to provide organization.

Mr. Saunders asked if there were any additional restrictions or requirements that were not included before.

Mr. Svoboda stated that there were not additional restrictions or requirements. He noted that he and the Building Official had clarified that the Certificate of Occupancy and Temporary Certificate of Occupancy language so that the zoning ordinance and the building code worked in concert.

Mrs. Golon stated that exceptions were also included to allow for less restrictive zoning requirements.

Mr. Svoboda explained that some exemptions for zoning permits have been allowed for accessory structures smaller than 256 square feet to align with the building code requirement for permits. He noted that the setbacks must continue to be met but that a zoning permit would not be required for those structures less than 256 square feet.

Mr. Willer referred to 16-1-4-1 regarding zoning permits relating to building permits of the redlined version and asked about the language regarding the improvements to be completed. He stated that it does not make sense to him in the difference between a Temporary Certificate of Occupancy and a Certificate of Occupancy.

Mr. Svoboda explained that the unfinished improvements may be related to site plan improvement, landscaping, or things of that nature. He stated that rather than have the property owner operate under a Temporary Certificate of Occupancy, for example it may be March and not a good time to plant trees, a bond could be required in order for a Certificate of Occupancy to be issued. He noted that the reason to allow for the Certificate of Occupancy is to enable the property owner or developer to complete the business closings, etc. for that property since the item is not directly related to the function or construction of the structure.

Mr. Willer suggested removing *the* or substitute *any* in that particular sentence in order to clarify the language.

Mr. Svoboda read the sentence and omitted *the* and Mr. Willer agreed.

Mr. Svoboda offered an explanation of how a Temporary Certificate of Occupancy could benefit a property owner or when it may be needed.

Mr. Saunders suggested making the same change in the next section as well.

Mr. Willer agreed.

Mr. Willer referred to 16-1-1 and asked if there are county regulations for *docks*.

Mr. Svoboda stated that there are no regulations currently but added that there have been many questions recently relating to many of the existing docks being in need of repair. He added that they must meet building code requirements but that there is no zoning impact to be concerned about.

Mr. Morris stated that he was good with the revision now.

Mr. Willer referred to 16-1 of the redlined version in the middle of the page in the paragraph that begins with *Each application for a zoning permit*. He stated that there appears to be a missing *is* in the last original sentence.

Mr. Svoboda agreed.

Mr. Willer stated that he was otherwise pleased with the revision.

Mr. Morris stated that he was good with the revision.

The Chairman opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Saunders asked if, under Proposed Motions in the staff report, adding *with the proposed changes* would be appropriate.

There was discussion on the possible wording of a motion. It was determined the grammatical corrections suggested by Mr. Willer and Mr. Saunders should be included.

Mr. Morris made a motion to recommend approval of ordinance revision (OR#17-001) as submitted with the discussed changes as suggested by Mr. Willer and Mr. Saunders.

Mr. Saunders seconded the motion.

The vote was taken.

AYE

Mr. Saunders
Mr. Morris
Mr. Willer

NAY

The motion to recommend approval of OR#17-001 carried by a 3-0 vote.

Greene County Zoning Ordinance Revision: Amend Articles 4-1-2.2 and 4-11 (Commercial Kennels), Article 9-1-2.01 & 2.02 (Animal Shelters and Animal Kennels), and Article 22 (Definitions), and all applicable references to clarify the regulations relating to these uses. (OR#17-002)

Mr. Willer read the request.

Mr. Svoboda gave an overview of the proposed revision as directed by the resolution of intent from the Board of Supervisor to clarify the language as it relates to kennels. He explained that currently the zoning ordinance only allows an animal kennel in the A-1 zoning district by special use permit. He stated that the proposed language would broaden that definition to allow animal kennels in the A-1 and C-1 zoning districts as a by-right use and kennels beyond a certain size would require a special use permit to mitigate some conditions. He added that commercial kennels would be allowed by special use permits in these zoning districts. He explained that the difference between an animal kennel and a commercial kennel has to do with the number of animals being kept. He pointed out that this does not pertain to your own dogs and cats or your hunting dogs, noting that this would not apply to those animals. He added that the proposal removes the existing supplemental language requiring a kennel to be 300 feet from a property line. He stated that the proposal is an effort to provide friendlier, clearer, and less restrictive requirements. He added that the definition for *animal shelter* is being included in the language as well. He stated that animal kennels are also being allowed in the business districts by-right and if there are more than five dogs it would be allowed by special use permit. He pointed out that the current ordinance language requires that a commercial kennel must have ten dogs, meaning that if you do not keep ten dogs, then you cannot operate a kennel.

Mr. Willer asked what you would have if you have ten dogs.

Mr. Svoboda stated that current requirements allow you to have a commercial kennel by special use permit if you have ten dogs. He reviewed the proposed language as follows:

<u>Use</u>	<u>Comparison</u>	<u>District Permitted</u>
Animal Kennel	4 or less animals	C-1, A-1, and B-2 By Right
Commercial Kennel	5 or more animals	C-1, A-1, and B-2 By SUP
Animal Shelter	Animal Shelter	A-1 and C-1 By SUP

Mr. Svoboda noted that an animal shelter would be a larger facility with more animals which is why it would require a special use permit.

There was discussion regarding the uses chart, noting that uses allowed in B-2 are also allowed in B-3 because those uses carry over to the more intense zoning district. It was also noted that these uses would not apply in any other zoning districts other than C-1, A-1, B-2 and B-3 as designated in the chart.

Mr. Svoboda stated that the uses would not be considered in residentially zoned areas because of the proximity of houses. He restated that these proposed revisions do not apply to privately owned animals and has nothing to do with kennel tags. He noted that in the commercial kennel definition, the limit of ten was changed to five and the reference to compensation.

Mr. Saunders noted that the reference to compensation actually distinguishes the commercial use. He asked if the animal noise ordinance would apply to commercial kennels.

Mr. Svoboda stated that if a special use permit was approved for a commercial kennel, then conditions may be added to address noise.

Mr. Saunders questioned the language of the county code relating to commercial kennels as it relates to a possible exemption of noise from commercial kennels.

Mr. Svoboda stated that he was not as familiar with the county code and would follow up on that.

Mr. Saunders stated that one of the main points may be the number of animals being reduced from ten to five, noting that it is not actually being restrictive but allowing for a business license for five animals instead of ten. He added that the Code of Virginia defines kennels a little differently, noting that hunting is included as well as various other services offered. He added that the Code of Virginia states that counties have the authority to regulate kennels without being more restrictive than the state law, pointing out that what he reads in the proposed revision intends to actually make things easier.

Mr. Svoboda agreed that the intent is to be less restrictive than the state law.

Mr. Saunders stated that there is no intent to create a fee generation project.

Mr. Svoboda added that the proposed revision will be less restrictive than the current zoning ordinance.

There was discussion regarding the noise concerns having to do with commercial kennels. It was noted that conditions could be placed during the special use permit process to address noise. There was additional discussion regarding management issues for commercial kennels as they relate to inspections, etc., noting that those items are addressed by the state and not the county.

Mr. Willer offered an overview of the special use permit process as it may relate to these types of requests, noting that it allows for flexibility but also for conditions to be placed to address other concerns.

Mr. Svoboda stated that in the past the concern has been the number of dogs.

Mr. Saunders pointed out that other localities have also set a number for a maximum number of dogs in addition to a minimum. He added that it is not the intent of the revision to do that. He stated that there is no set number of animals per acre and that special use permits would be reviewed on a case by case basis and only for commercial purposes. He added that personal property does not apply.

Mr. Svoboda agreed.

Mr. Morris asked if a person has five dogs and they are breeding them and selling them, do they have to get a special use permit.

Mr. Svoboda stated that they do if they are operating a business.

Mr. Morris used hunting dogs as an example and asked if he had a hunting dog that he paid a lot of money for and he breeds her and she has nine puppies and he wants to sell them, who will determine if that is a business purpose or a hobby under these definitions.

Mr. Saunders stated that it would depend on if it is an ongoing business factor.

Mr. Svoboda stated that a similar example would be buying a car and then selling it in your driveway would not make you an auto dealer. He added that advertising and having a web site would likely indicate that it is a business.

Mr. Morris stated that if you sell a certain number of cars per year, then you become a business.

Mr. Svoboda stated that it does not apply under zoning regulations.

Mr. Morris stated that it matters under DMV (Division of Motor Vehicles).

Mr. Svoboda stated that this revision is about the county ordinance and only applies to zoning regulations, noting that DMV enforces DMV regulations.

Mr. Morris asked how this would be regulated.

Mr. Svoboda stated that it would be regulated in the same way that other uses are regulated.

Mr. Saunders stated that a streamlined process needs to be in place to allow people to start a commercial venture without being restrictive to non-commercial kennels.

Mr. Svoboda stated that home occupations would be a good example of how the process would work. He explained that a home occupation allows for people to start a small business with some criteria that must be met and that as the business grows and begins to meet the criteria of a larger business possibly in an accessory structure outside of the home, a special use permit for a home business must be obtained. He added that this allows a starting point and a growing opportunity.

Mr. Saunders stated that in applying for a business license there is a commitment to an ongoing business operation and asked if language could be included to allow for the occasional breeding of hunting dogs and privately-owned animals in order to differentiate between a private dog owner and someone who is breeding animals as a business.

Mr. Svoboda offered an auto sales example noting that a dealer's license determines the ability for auto sales to occur on a property and that a business license could determine the operation of a commercial kennel as opposed to the number of animals, noting that a business license could be the burden of proof.

Mr. Saunders stated that his focus in this discussion is more about the hunting dogs, not other animals.

Mr. Morris stated that he wants the language to be more understandable so that there is not a need for monitoring the number of dogs that someone is selling per year which makes him a business owner. He added that the language needs to be clear so that there is not a situation of one getting by with it and one not. He noted that better definitions are needed, adding that he went to Mike Chandler's class and that he does not understand a lot of it because it is up to interpretation.

Mr. Svoboda asked if Mr. Morris had some suggestions for language revision.

Mr. Morris stated that he thought the whole revision needed to be rewritten so that it can be cleared up.

Mr. Svoboda asked if he was comfortable with the way the ordinance is written now.

Mr. Morris stated that he was not comfortable with it.

Mr. Saunders agreed that there is some rewording and streamlining needed for the existing ordinance. He added that there are likely a lot of people who are waiting to speak in regard to this revision. He noted that since there is not a full Commission present tonight, the revision may need some work.

Mr. Willer stated that he was just about to get to that. He pointed out that there are citizens signed up to speak on this topic. He added that some other issues may come up to clarify some things and reminded everyone that there is always the option to defer the decision until later.

Mr. Svoboda added that there is an option to defer to allow for a work session with the public or stakeholders as well.

Mr. Willer agreed.

The Chairman opened the public hearing. He offered guidelines for the speakers. He asked that comments be limited to three minutes so that everyone could have the opportunity to speak and noted that they have heard the Commission discussion and could build on those comments as well as offer other suggestions. He stated that questions could be asked of the Commission but that since it is not an open dialogue, those questions may not be immediately answered.

The following citizens addressed the Commission voicing comments and concerns as noted:

- Keith Bourne: thanked the Commission for the opportunity to speak; asked that the revision not be approved as written as the definition is too broad and the ordinance is not appropriate for properties zoned C and A; it is further erosion of our property rights and our freedom; freedom is more important than protection from barking dogs or a kitty in the flower bed; cannot continue to sacrifice our property rights and our freedoms little by little just for our comfort; ask that the revision not be approved as written but agree that the ordinance needs to be cleaned up.
- Jeremy Taylor: agreed with what he said; just need to figure something out about hunting dogs; does not know how broad the definition is or how many dogs would mean a commercial kennel in Virginia; offered example of his dogs that may breed three times a year and he would need to have a way to get rid of them; agreed that the definition needs to be cleared up to be more narrowly defined; agreed that something needs to change but that it needs to be more defined before it is approved.
- Aaron Moyer: lives in R-1, residential neighborhood near Quinque; has no dogs or cats nor does he plan to; the revision has no impact on him but understands the potentially negative impact it may have on others so he

emphatically opposes it as currently written; encroachment on property rights; what problems have been reported, how many were there, and in what areas of the county did they occur; what is the impact on those who meet current requirements but not the new requirements, would them be grandfathered.

- Josh Taylor: spoke from his seat; his questions have already been addressed.
- Mike Gregory: biggest concern is the broad definition, mainly hunting dogs; believes that Mr. Morris was referring to puppy mills when people have dogs to just continually breed, that needs to be looked at as far as commercial; regarding hunting dogs, people who are breeding their hunting dogs to sell to friends, family, etc. should be left alone; believes the whole thing is actually about puppy mills where people are using it as a business, that is something that is hidden and animal control probably looks into that more; has had hunting dogs for over twenty years and does not know anyone who continuously breeds in order just to sell puppies; believes a lot of people are here to be able to keep their hunting dogs; we take care of the hunting dogs because if they are not cared for, they do not perform well; believes the biggest concern is that hunting dogs are left alone.
- Ed Yensho: thanked the Commission for the opportunity to speak; last August, Chairman of the Board Martin directed the Commission on five points, one of which is being discussed now; in the first whereas, Mr. Martin directed that everything be in compliance with Virginia Code; he read the definition of *commercial dog breeder* in Section 32-6500 of the Virginia Code; stated that Greene County by its charter does not have the authority to define commercial kennels; stated that there is a big problem under this definition; another problem, Mr. Svoboda assured that hunting dogs are not included but was not assuring to him because if it is not seen or read and understood, it needs to be clear what is excluded and what is not; his observation over the last several years has been that both the Planning Commission and the Board of Supervisors is getting heavy-handed and the county is the about smallest level of government that we have and that it should be a breeding ground for experimentation, not restriction and heavy-handedness; cautioned the Commission to relook at the way things are being done in the county and not driving businesses away and not causing people to stop their experiment in making money and bringing businesses to the county.
- Cleveland Gibson: referred to the selling of puppies as a business; stated that you have to sell three or more cars per year to be a dealer in Virginia; under Virginia dog hunting lines for having kennel licenses, some counties try to charge you for a certain amount of dogs; under Virginia hunting laws that is not the case; just found out yesterday about this meeting about the dogs, a lot of people did not know about it; asked why the community did not know about this meeting; if you have dogs and one has puppies, it is better to sell them or give them away than to not be able to take care of them; do not consider that a business, not making a living off of selling puppies; when there is a meeting about dogs in the county, everyone in

the community needs to know about it, maybe by a newsletter or something; agree with Mr. Morris that this needs to be clearer so we can understand it a little better.

- Nancy Rodland: happy to be here and appreciates exercising her right to speak; here to question bullet point number 4 of the resolution of intent signed by William Martin on August 23, 2016; she read the bullet; concern lies in the words *potential* and *conflicted*; what was the trigger leading to identifying the need to change the existing definitions; something usually happens to warrant change to something that is working just fine; live in a community of agriculture, animal raising, and take pride in land and animal ownership with the least amount of government as possible; believe restricting animals to the proposed numbers actually reduces personal property rights and what we deem as our pursuit of happiness; how does the Board define the number of animals to allow; believe that the Board needs to consider what the people know, expect, and appreciate for their own well-being; opposes the change as written, clarity speaks volumes.

There being no further public comment, the public hearing was closed.

Mr. Willer addressed the reference to advertising the meetings. He explained that the county is required by law to advertise the public meeting and the advertising is listed in the Greene County Record, in addition to the web site which is not required by law. He stated that there is a process that must be followed specifically for the advertisement of public meetings. He added that there is not intent to hide what is being done and that input is welcomed and encouraged.

Mr. Saunders stated that it is great to have this many people to offer input and that the good thing is that the word did get out and people attended to offer feedback. He added that it is time to just slow down and take a look at the issue.

Mr. Morris stated that a public workshop should be held and that the county needs to be better about the advertising. He added that additional money could be spent to place the ad on the front page of the paper, noting that the county needs to be better about notifying people. He asked Mr. Svoboda what the cost would be to apply for a special use permit.

Mr. Svoboda stated that the cost would be \$500. He added that the special use permit would run with the land.

There was discussion about special use permits being approved for perpetuity whereas business licenses, etc. are not.

Mr. Saunders asked how many commercial kennels are operating in the county.

Mr. Svoboda stated that he did not know if there are any registered commercial kennels as defined in the ordinance. He noted that compliance was not a factor in this ordinance revision.

Mr. Saunders stated that he believed the intent was good to clean up the ordinance and remove some of the restrictive language.

Mr. Svoboda noted that the revision was generated by citizens who had inquired about have kennels with less than ten dogs or less than five dogs, adding that the current ordinance does not allow it. He pointed out that the current ordinance states that having hunting dogs would qualify as a commercial kennel.

Mr. Saunders agreed and noted that the reference is not wanted.

Mr. Svoboda stated that he would agree that this proposed revision should likely be deferred indefinitely as it sounds like there is a lot of work to do to assure that it in compliance with state code language and definitions as necessary. He suggested that a work session may be helpful to allow discussion relating to the proposed revision, noting that the current ordinance will remain in effect.

Mr. Morris asked if there were comments from the Sheriff's Department or dog warden or Animal Control.

Mr. Svoboda stated that there were no comments.

Mr. Willer asked if those agencies were asked for comments and did not provide them.

Mr. Svoboda stated that they were asked for comments and did not respond.

Mr. Saunders asked if the number of five dogs was taken from the state definition which alludes to a business. He noted that the distinction of hunting and the hunting culture needs to be allowed.

Mr. Svoboda agreed that the hunting dogs would be considered more of an accessory issue and not a commercial use.

Mr. Willer added that is often difficult to define when an activity becomes a business.

Mr. Svoboda stated that the revision does not address tax law or licensing, adding that it is about uses and how they impact the area. He noted that having public input is very useful. He added that he liked Mr. Morris' suggestion for having a work session and encouraged everyone to spread the word that this topic is being discussed. He stated that the work sessions are often discussions between only the Commission and staff which provides a good starting point.

Mr. Willer pointed out that if a business is desired, it can be allowed as long as the regulations are followed.

Mr. Svoboda clarified that the definitions that are used do not determine how the

Commissioner of the Revenue or the Treasurer handles taxes or licensing. He added that this is a zoning issue which addresses the activities on a parcel that may or may not change the character or effect of the neighborhood. He noted that the regulation is not meant to be to the extreme and also not meant to apply as a one-time issue.

Mr. Willer referred to the resolution from the Board of Supervisors which was noted in earlier comments. He stated that it is signed by Mr. Martin who was Chairman at that time but that it is a commitment from the entire Board of Supervisors directing staff to focus on the bulleted items for ordinance clarifications. He noted that this revision has been a direction from the Board of Supervisors.

Mr. Willer stated that Mr. Svoboda had referenced an indefinite deferral which would mean that there would be no specific date decided tonight noting that the Commission is not walking away from the continued review of the revision. He stated that the public comment is needed and very appreciated.

Mr. Svoboda agreed stating that it is a complicated issue and that staff wants to be sure to get it right. He added that an indefinite deferral would allow staff enough time to gain more public feedback and compile the information. He reminded everyone that when the information has been gathered, the ordinance revision will be readvertised for another public hearing in accordance with the requirements of the Code of Virginia.

Mr. Morris asked if the discussion would be brought forward as a work session if the item is deferred tonight.

Mr. Svoboda agreed that it was his understanding.

Mr. Willer stated that it would be the choice of the Commission noting that he believed that everyone was in agreement for a work session which would lead to another public hearing to address the new language.

Mr. Svoboda stated that staff would try to provide a breakdown of language from the state code, the proposed ordinance, and comments that are being provided. He added that the process would take everything into consideration with the possibility of holding an additional work session if needed. He noted that the current ordinance is not where it should be.

Mr. Willer asked if staff is comfortable with the not very well-defined guidance, noting that the Commission may not be ready to provide that as of yet.

Mr. Morris stated that he did not believe that could be determined until a work session is held.

Mr. Svoboda agreed with Mr. Morris.

Mr. Saunders agreed and noted that more time for additional public input is needed.

Mr. Morris agreed.

Mr. Svoboda stated that staff would research the state code references mentioned tonight as well.

Mr. Morris stated that some hunting references may be protected under the new farm bill.

Mr. Svoboda stated that it would depend noting that it is not a blanket protection. He noted that it is likely that information may not be compiled until the end of the summer.

Mr. Willer reminded everyone that there is no meeting next month.

Mr. Svoboda stated that staff may try to find some comparison information from other localities that may be similar to Greene County. He added that staff will do research and the request will be scheduled some time in the future.

Mr. Morris made a motion to indefinitely defer ordinance revision (OR#17-002) to a later date to allow for a work shop.

Mr. Saunders suggested an addition to the motion to list the research items to be completed.

There was discussion regarding the items that need to be included in the research and the ideas that need to be included as well.

Ed Yensho stated that he had a point of order if it would be permitted in this venue.

Mr. Willer stated that he suspected a point of order is always permitted and allowed him to speak.

Mr. Yensho stated that he had a communication from Sheriff Smith that the zoning administrator did not contact Animal Control for an opinion on this issue. He asked that this point be made a part of the public record.

Mr. Willer thanked him for his comments.

Mr. Saunders asked if that could be added to the list of items for deferral.

Mr. Svoboda stated that staff will make sure that the Animal Control Officers and the Sheriff are notified of the work session and any prior opinions to that.

Mr. Willer noted that Mr. Saunders was in the middle of amending the motion on the floor.

Mr. Morris requested that an Animal Control Officer be invited to the work session so that he can interpret these laws since they will be enforcing them.

Mr. Svoboda clarified that Animal Control does not enforce the zoning ordinance.

Mr. Morris asked if someone is found in violation would their dogs be taken.

Mr. Svoboda stated that the zoning ordinance does not require that. He stated that maybe an information session should be a part of the work session to differentiate that Animal Control laws are under the Code of Virginia and enforced by Animal Control and that zoning regulations are specific to the locality and enforced by the Zoning Administrator. He stated that nothing in this regulation that even remotely suggests that the county would confiscate a dog. He added that in order to be clear, as part of the work session, the appropriate county staff will be in attendance and that the Sheriff and Animal Control will be invited and that it would be up to them whether or not they attend and that the public would be invited for input as well. He noted that a change to the County Code is not a conversation that the Planning Commission has the authority to have as it does not regulate that portion of the County Code. He suggested that there may be at least two work session before there is an attempt to bring this regulation forward for another public hearing to make sure that everyone is informed since there seems to be a combination of lore of what happens in Greene is what the laws says and then there is what the law says and then there is what the zoning law says, pointing out that zoning is a law just like any other law on the books. He stated that we want to make sure that we are educating the public and ourselves regarding what the code says and how to deal with it.

Mr. Willer reminded the Commission that there is a motion on the floor and that Mr. Saunders had suggested amending the motion. He asked the Commission if the staff had sufficient guidance or if additional items should be listed.

Mr. Svoboda stated that he had noted that staff should address the following:

- Check with other counties
- Solicit input for topics for discussion at the work session
- Contact Sheriff Smith and Animal Control to invite them to the work session
- Compare state code, zoning ordinance, and options as discussed tonight

He stated that the work session is about having a discussion and looking at options about what is appropriate for citizens in Greene County.

Mr. Saunders asked about the format of the two work sessions.

Mr. Svoboda suggested that the first session would likely be a good brainstorming session to gain input as to what the ordinance should say and then trying to develop a consensus of what should be included. He added that the

second session would allow review of the information from the previous session to be sure that all concerns had been addressed. He stated that it would allow a vetting process for the revision, noting that we do not want to put something forward that does not work.

Mr. Saunders asked Mr. Morris if he was happy with the list.

Mr. Morris stated that he was happy with his motion that was on there.

Mr. Saunders seconded the motion and apologized for the delay.

Mr. Willer stated that it was a helpful discussion. He stated that it was moved and seconded to defer this item indefinitely with some guidance to staff regarding how to proceed.

The vote was taken.

AYE

Mr. Morris
Mr. Saunders
Mr. Willer

NAY

The motion to indefinitely defer OR#17-002 carried by a 3-0 vote.

OLD/NEW BUSINESS

Mr. Svoboda stated that the work session will be scheduled for some time in the future and added that there is no meeting scheduled for next month. He noted that there are some pre-application meetings coming up in the next few weeks. He stated that there will be a rezoning request in July. He reminded everyone that the Board budget meeting is coming up. He stated that the Town is reviewing their Comprehensive Plan in June.

Mr. Morris asked about the other items on the list.

Mr. Svoboda stated that staff will consult the schedule and will see if this deferral will modify that in any way. He added that new legislation will go into effect in July and state mandates may need to be addressed first.

Mr. Willer announced that there is some state level training available in June.

There was discussion regarding the upcoming training opportunity in Richmond relating to legal topics.

APPROVAL OF MINUTES

Mr. Willer offered several comments relating to the Town Comprehensive Plan discussion shown on page 4. He recalled that it was decided that the Town

Council be made aware of the water/sewer infrastructure issue and that they could determine the language to be used. Additionally, he suggested that *suggested by Mr. Willer* be added to Mr. Saunders motion in order to offer a clearer recommendation.

Mr. Willer made a motion to approve the April 19, 2017 meeting minutes with the two changes as suggested by Mr. Willer to clarify the recommendation to the council and the two adjustments in language.

Mr. Morris seconded the motion.

The minutes for the April 19, 2017 meeting were approved by a 3-0 vote with the changes as suggested by Mr. Willer.

OTHER PLANNING MATTERS


Mr. Willer noted that the upcoming agenda and the Town of Stanardsville business was covered previously under Old/New Business.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman

7.19.17
Date