

PLANNING COMMISSION
June 20, 2018

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, JUNE 20, 2018, AT 6:30 PM IN THE COUNTY MEETING ROOM.

Members present were: Jay Willer, Chairman
William Saunders, III, Vice-Chairman
Steve Kruskamp, Jr., Member

Members absent were: John McCloskey, Member
Ron Williams, Member

Staff present were: Dale Herring, Ex-Officio Member
Stephanie Golon, County Planner
Shawn Leake, Zoning Officer
Marsha Alley, Secretary

CALL TO ORDER

The Chairman called the meeting to order.

DETERMINATION OF QUORUM

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

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

Mr. Willer led the group in the Pledge of Allegiance and a Moment of Silence.

PUBLIC HEARINGS

Greene County Zoning Ordinance Revision: Revise Article 17 - Provisions for Appeal and all applicable references to be in accordance with recent Code of Virginia legislative amendments. (OR#18-003)

Mr. Willer read the request and asked for a report.

Mrs. Golon addressed the Commission. She stated that the in 2015, the Virginia Code was amended to provide additional criteria to the Board of Zoning Appeals when considering an application for a variance. She added that the proposed ordinance revision will update the Greene County Zoning Ordinance to reflect those changes provided by the Virginia Code, noting that several other items were updated in Article 17 that pertained to appeal applications that will align the ordinance with the current Virginia Code. She explained that there are also some references to the *Planning Director* that were amended to read *Zoning Administrator*. She reviewed the variance language and the criteria for approval.

Mr. Saunders noted that the stricken language was the previous Code language.

Mrs. Golon stated that it was the previous language.

Mr. Willer began to read the criteria for the approval of a variance.

There was discussion regarding the variance criteria and the various references, including Greg Kamptner's reference book and case law to support the criteria of "good faith".

Mr. Saunders continued to read the remaining criteria for variance approval.

There was discussion regarding uses that could not be allowed by a variance when the use is not an allowable use.

Mr. Willer noted that there are factors not to be considered for variance approval as well. There was review of those factors.

The Commission reviewed the proposed revisions.

The Chairman opened the public hearing.

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

Mr. Saunders made a motion to recommend approval of ordinance revision OR#18-003 to amend Article 17 as submitted.

Mr. Kruskamp seconded the motion.

The vote was taken.

AYE

Mr. Kruskamp

Mr. Saunders

Mr. Willer

NAY

ABSTAIN

The motion to recommend approval of OR#18-003 carried by a 3-0 vote.

OLD/NEW BUSINESS

Mrs. Golon announced that the Ruckersville Area Plan was approved by the Board of Supervisors earlier this month. She noted that the next step is to have volunteers to serve on the Ruckersville Advisory Council.

There was discussion regarding the importance and benefit of having citizen involvement on this council and the process.

Mrs. Golon stated that Virginia APA holds an annual summit during the summer

and encouraged any Commissioners interested in attending to notify the office.

APPROVAL OF MINUTES

Mr. Saunders made a motion to approve the May 16, 2018 meeting minutes as presented.

Mr. Kruskamp seconded the motion.

The minutes for the May 16, 2018 meeting were approved by a 3-0 vote.

OTHER PLANNING MATTERS

Public Work Session

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 and opened the public work session.

There were no public comments.

Mrs. Golon stated that the Planning Commission had previously held a work session and provided direction for staff to gain additional information on the topic. She noted that the additional information has been gathered and provided. She stated that the duties of Animal Control are covered in the County Code and pointed out that the goal of the Zoning Ordinance is to direct the Zoning Department in the uses allowed as they relate to Animal Kennels. She reviewed the current and proposed language. She noted that currently, an Animal Kennel requires that the kennel contain ten dogs and that the revision would allow for fewer dogs, which is what generated the ordinance revision. She reviewed the proposed changes to the language, noting that Animal Shelter is not currently defined in the ordinance.

There was a brief review of ordinances from surrounding localities addressing this issue.

Mr. Saunders stated that it is good to note that there is no reference to the number of litters, etc. as found in the ordinances of some other localities.

There was discussion noting that there is no inclusion of personal pets in the proposed revisions.

Mr. Willer stated that unintentional litters may affect the number of animals and should likely be addressed in setting limits.

There was discussion regarding the reference to a home litter versus a litter bred for commercial purposes. There was also discussion regarding when an animal

is considered an adult animal.

Mr. Kruskamp stated that the ordinances from Orange County and Culpeper County address the issue rather well. He suggested that similar language could be effective.

Mr. Saunders reviewed the definition, noting the reference to the purpose of the keeping of animals.

Mrs. Golon repeated the Commission's suggestions regarding the restrictions of the number of litters, the age of the animals, and the home litters; noting that if the limits are exceeded, then the uses would become a commercial use.

There was discussion related to the enforcement issues that accompany the noted restrictions, such as the age of an animal.

Mrs. Golon reminded the Commission that the ordinance needs to be enforceable.

Mr. Leake stated that he would not be able to tell the age of a puppy. He added that the age limit restriction may likely be difficult to enforce.

There was discussion regarding how a violation is reported, how it is investigated, and how a determination is made.

Mr. Kruskamp stated that the purpose of the revision may likely be to provide more clarity to those who are interested in operating in accordance with the ordinance.

Mr. Saunders stated that the definitions identify the rules of the use, noting that a complaint process is never easy.

Mr. Leake stated in his ten years with the county, there have been three complaints and only one of those complaints was valid. He explained that the citizen did not have enough dogs to constitute a kennel because he only had four dogs and the current ordinance requires ten dogs for a kennel; noting that this is one reason for the proposed revision.

Mr. Saunders stated that the proposed language actually relaxes the regulation to allow for a smaller kennel.

There was discussion regarding the proposed language versus the current language regarding animal kennels and the number of animals allowed and the zoning districts that would be included.

Mr. Leake stated that there have been various calls regarding how to open a doggie daycare center and boarding centers which are currently not allowed in the ordinance. He noted that these questions resulted in this proposed

ordinance revision.

Mrs. Golon stated that the goal for tonight is to gather information. She noted that she has heard three items from this discussion which will be included or addressed in the next staff report and draft language.

Mr. Willer asked if the uses would be allowed outside of the C-1, B-2, and A-1 zoning districts either by-right or by special use permit, either currently or as proposed.

Mrs. Golon stated that an Animal Kennel would be allowed by-right in the A-1, C-1, and B-2 zoning districts.

Mr. Willer asked if the uses would be allowed in the R-1 zoning district either now or as proposed.

Mr. Leake stated that it could be added to the R-1 zoning district if the Commission wanted to do that.

Mr. Willer stated that he was not suggesting including the R-1 zoning district but was just being clear on where the use would be allowed.

Mr. Saunders reviewed the references to *establishment* being commercial, *place* being animal kennel, and *shelter* as a facility. He noted that the wording is clear except for the number. He suggested that Animal Kennel read *less than five* and Commercial Kennel read *more than five* while keeping the same wording within the definition. He added that there will be an opportunity for public comment at the public hearing. He stated that this proposal is presented much clearer than last time due to the matrix which provides more clarity.

There was discussion regarding the inclusion of the age of the animal, etc. of situations that would not apply and including a list of exclusions.

Mr. Leake restated that the reference to the number of litters would be difficult to enforce.

There was discussion regarding the enforcement issues that may accompany some of the suggested restrictions.

Mrs. Golon stated that she would revise the language as discussed in reference to definitions, exclusions, etc.

There was discussion relating to hunting dogs and whether there should be an exclusion for them and whether or not they are bred commercially. There was also discussion regarding personal animals and commercial kennels.

Mr. Willer asked if a commercial kennel would require a business license, kennel license, etc.

Mrs. Golon stated that those types of licenses would be overseen by the Commissioner of the Revenue and the Treasurer's Office, not the Zoning Department. She reminded that the Zoning Officer would only address the issues arriving from the uses as listed in the Zoning Ordinance.

There was discussion regarding the next step in moving the revision forwarded.

Mr. Willer suggested using "fewer than" as opposed to "less than" in reference to the kennel definitions.

There was discussion regarding the zoning districts that should be included in this revision.

It was noted that the revision should not apply to the R-1 district.

Mr. Willer closed the public work session.

Town of Stanardsville Information

Mrs. Golon stated that the Town Market Project site development plan has been submitted and is under review.

Next Month's Agenda

Mr. Willer stated that the agenda notes that there are no public hearings scheduled for July and asked if the Animal Kennel revision would be scheduled for July.

There was discussion regarding whether to schedule Animal Kennels for July or August. It was determined that Animal Kennels would be scheduled for public hearing in August.

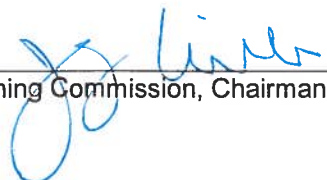
Mr. Willer reminded everyone of the Stanardsville July 4th Festivities.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman

8/15/18

Date