

**PLANNING COMMISSION**  
**March 18, 2015**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, MARCH 18, 2015, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:           Victor Schaff, Vice-Chairman  
  Frank Morris, Member  
  Eva Young, Member  
  John McCloskey, Member  
  Davis Lamb, Ex-Officio Member  
  Bart Svoboda, Planning Director  
  Stephanie Golon, County Planner  
  Shawn Leake, Zoning Officer  
  Marsha Alley, Secretary

**CALL TO ORDER**

The Vice-Chairman called the meeting to order.

**DETERMINATION OF QUORUM**

The Vice-Chairman took a roll call vote to determine a quorum.

The Vice-Chairman suggested amending the agenda to move the Comprehensive Plan Work Session forward.

Mrs. Young made a motion to amend the agenda moving the work session as the first item on the agenda.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

Mr. McCloskey  
Mrs. Young  
Mr. Morris  
Mr. Schaff

NAY

The motion to amend the agenda passed by a 4-0 vote.

**Work Session for Comprehensive Plan Revision:**

The Vice-Chairman opened the public work session.

John Halley, Jefferson-Madison Regional Library, addressed the Commission. He thanked the Commission for moving the library topic to the front of the

agenda. He introduced Ginny Reese, the local branch manager. He distributed a hand-out and gave an overview of services provided by the JMRL and available programs. He reviewed library usage statistics. He reviewed the hours of operation for the library, noting that they would like to increase the hours of operation. He reviewed some other immediate needs, such as carpeting and some long-term needs, such as a Ruckersville branch.

There was discussion regarding funding, noting that operation is from local tax dollars from the region and that books are funded by the state. He added that various equipment needs are met through overdue book fines.

There was discussion regarding library usage from book check-out to programs to computer usage.

There being no further comment, the public work session was closed.

Mr. Schaff thanked Mr. Halley for his comments.

## **PUBLIC HEARINGS**

**Ellis Lyle Durrer/Ellis & Virginia Durrer request a special use permit for an Outdoor Shooting Range on approximately 2.0 acres of a 105.37 acre tract which is zoned A-1, Agriculture, located near 15337 Spotswood Trail and identified on County Tax Maps as 61-(A)-6. (SUP#15-001)**

Mr. Svoboda announced that the applicant has requested an indefinite deferral as it has been found that the property is located within the Agricultural-Forestal District (AFD). He explained that properties within the AFD are prohibited from special use permit uses; therefore, the property must be removed from the AFD prior to moving forward at this time. He added that the AFD renewal is scheduled for this spring and the special use permit will likely move forward after that has been completed.

The deferral was accepted by the Commission.

**Rob & Carmen Lynch/Alan Ward/Norma Caron request a special use permit for a Bed & Breakfast/Cabins/Lodge which may be used to host public events on 13.94 acres which are zoned C-1, Conservation, located at 3526 Mutton Hollow Road and identified on County Tax Maps as 18-(A)-29. (SUP#15-002)**

Mr. Schaff read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request presenting a PowerPoint presentation which included plats, sketches, aerial photos, and a concept plan. He reviewed the request for a single family dwelling, bed & breakfast, and six (6) additional lodging houses. He noted that agencies have commented and comments are included in the packet, noting that regulations must be met for each. He added

that the Comprehensive Plan designates the area as rural and supports the application. He stated that staff recommends approval with the following conditions:

- a) The permit is limited to one (1) Bed & Breakfast and six (6) lodging houses (cabins).
- b) No guests would reside in the bed and breakfast or lodging houses for more than 30 days in a 365 day period.
- c) The events shall be restricted to a maximum of 100 guests and will be held between the hours of 7:00 am to 12 midnight.
- d) Site Plan approval is required prior to the construction of the additional lodging houses (cabins). This condition excludes the construction of the proposed single-family dwelling (item 7 shown on Exhibit A).
- e) The location of structures shall be in general accord with Exhibit A.

Mr. McCloskey asked about the restriction for 100 guests as it might relate to Agritourism regulations.

There was discussion regarding existing special use permit conditions and how they would relate to a bona fide farm use, production, or experience.

Rob Lynch, applicant, addressed the Commission. He explained that he and his wife have moved into a dwelling that has been used as a vacation rental. He stated that he would like to build a residence and use the existing home as a tourist rental office, with the potential to construct five additional cabins. He clarified that the parcel would include their single family dwelling and six (6) additional cabins. He gave a description of their location, noting that it is perfect to support the eco-tourism in Greene County. He added that they are of the opinion that this type of lodging is needed. He asked for support for his project.

Mr. Morris asked if weddings or parties are anticipated.

Mr. Lynch stated that some small events are planned with a limit of 100, noting that they would like to possibly have a lavender event, a pumpkin patch, or similar types of events to include weddings.

Mr. McCloskey asked about septic needs.

Mr. Lynch stated that the septic needs would be installed at the construction of each cabin, noting that drain field and cabin positioning will be key in maintaining the character of the properties. He noted that the construction process will be slow in order to assure that it will be appealing and maintain the character of the property.

Mr. Morris asked if there are any problems with the suggested conditions and what the county could do to help businesses. He also asked why a restriction of 100 is suggested, wondering if that is a code requirement or a recommendation.

Mr. Svoboda stated that the number was determined after discussions were held

with VDOT in order to make sure that the site improvement thresholds would be met for the number of cabins and the possibility of holding events.

Mr. Lynch stated that he appreciated the county's support and added that they felt like 100 would be adequate for most things given the size of the site, noting that if they felt like they were moving beyond that, they would come back to request an amendment.

The Vice-Chairman opened the public hearing.

Mr. Schaff stated that there were no signatures on the sign-up sheet but noted that an adjoining property owner did send an email today and asked Mr. Svoboda to address those concerns.

Mr. Svoboda stated that he did not speak directly with the gentleman who sent the email. He added that most of his concerns were addressed previously during this meeting. He noted that noise was listed as a concern as well and that it has been addressed in the past through hours of operation.

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

Mrs. Young made a motion to recommend approval of SUP#15-002 with the following conditions:

- a) The permit is limited to one (1) Bed & Breakfast and six (6) lodging houses (cabins).
- b) No guests would reside in the bed and breakfast or lodging houses for more than 30 days in a 365 day period.
- c) The events shall be restricted to a maximum of 100 guests and will be held between the hours of 7:00 am to 12 midnight EST.
- d) Site Plan approval is required prior to the construction of the additional lodging houses (cabins). This condition excludes the construction of the proposed single-family dwelling (item 7 shown on Exhibit A).
- e) The location of structures shall be in general accord with Exhibit A.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

Mr. Morris  
Mr. McCloskey  
Mrs. Young  
Mr. Schaff

NAY

The motion to recommend approval of SUP#15-002 carried by a 4-0 vote.

**Greene County Zoning Ordinance Revision: Revise Articles 3-Conservation (C-1), 4-Agricultural (A-1), 5-Residential (R-1), 6-Residential (R-2), 16-General Provisions, 22-Definitions and all applicable references, to define Winery/Brewery/Agritourism and various other agriculture-related definitions and to include Winery/Brewery/Agritourism and various other agriculture-related uses as uses permitted by-right or by special use permit in the C-1, A-1, R-1, and R-2 zoning districts. (OR#14-010)**

Mr. Schaff read the request and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the proposed revision which is a result of a change in state legislation. He reviewed the language as revised as a result of the work session, noting that some thresholds have been raised in order to meet the needs of the county. He reviewed the revision being needed for bona fide agricultural uses and properties, not properties simply zoned as agricultural. He noted that the restriction regarding events had been increased.

It was noted that there is still a belief by members of the Commission that events do not need to be restricted.

Mr. Svoboda reviewed the traffic numbers as they relate to commercial entrance standards.

There was discussion regarding the traffic numbers relating to vehicle trips per day.

Mr. Svoboda reviewed the farm tour thresholds, definitions, and personal overnight guests. He added that allowing chickens in residential districts has been removed to be a separate revision as requested by the Planning Commission. He reviewed the chart of agricultural operations.

There was discussion regarding the agricultural operations chart relating to the number of events and traffic numbers.

Mr. Svoboda stated that the ordinance is a living, breathing document that must be updated as the county develops. He explained the differences in review for by-right uses, zoning clearances, and special use permit requests.

There was discussion regarding the attendance restrictions as they relate to the vehicle trips per day. Staff offered to revisit the number of guests in each vehicle with the local VDOT representative.

There was continued discussion regarding the processes for zoning clearances versus special use permits.

Mr. Morris asked if any wineries have provided feedback and asked if letters were sent to the wineries as he requested.

Mr. Svoboda stated that the only winery feedback was provided by the gentleman during the work session.

Mr. Morris asked if a letter was sent to all the wineries to tell them about tonight's meeting and ask for their input.

Mr. Svoboda stated that it was advertised as normally done.

Mr. Morris reminded staff that during his last meeting, he requested that a letter be sent to the wineries to have their input.

Mr. Svoboda stated that he did not believe that was done as it seems that it is something that was missed.

Mr. Morris asked the Commission if they heard him ask that a letter be sent at the last meeting.

Mrs. Young agreed that she heard Mr. Morris make that request.

Mr. Morris stated that it should be in the minutes.

Mr. Svoboda stated that he would check it. He offered deferral of the revision and wait for feedback.

Mrs. Golon stated that it was an oversight.

Mr. Schaff stated that the number of events remains to be an issue, noting that an ordinance revision is a work in progress.

Mr. Svoboda stated that, with Mr. Morris' comments, he would recommend looking at the thresholds with VDOT again, noting that the public hearing has been held and action may be deferred. He added that letters can be sent to request input from the wineries. He stated that this would be his recommendation noting that the Commission may choose to send it on with the stipulation that staff send the letter to the wineries.

Mrs. Golon raised a point that if staff sends a letter to the wineries, shouldn't a letter be sent to the farmers. She explained that she did not understand why the wineries are being singled out for this purpose.

Mr. Morris asked if the county does not worry about the businesses in the county.

Mrs. Golon stated that she was not arguing about the issue but merely stating that if the letter is sent to the wineries why would it not be sent to the farmers.

Mr. Morris stated that this is a hot winery topic.

Mrs. Golon stated that it is a hot agritourism topic.

Mr. Morris suggested sending it to the farmers.

Mrs. Golon stated that the issue has been advertised in the local newspaper as is the policy.

Mr. Svoboda stated that if the Commission wants a letter sent, a letter will be sent keeping in mind it is outside of normal procedure. He explained that Mrs. Golon is stating that we would be treating a group of individuals within the county different from the others. He added that the question would be, how is the determination made as to who is a farmer and who is not, would it be based on their zoning, tax records, etc.

Mr. Morris stated that he requested the letter for the wineries because they hold weddings and have traffic counts.

Mr. Svoboda stated that it was an oversight and that he is willing to send the letter to the wineries. He added that questions will arise as to why everyone else did not get notices. He noted that all businesses do not receive individual letters when revisions are proposed for the business districts and that everyone in the residential districts does not receive letters when considering adding chickens as a use in those districts as opposed to meeting the state code standard. He stated that questions will arise and suggested that the Commission be ready to field those questions.

Mr. Schaff stated that he understands the point and that is likely the reason the law requires posting signs in the event that someone may be missed.

Mrs. Young stated that there was input from a winery at the January meeting noting that wineries and breweries are very different, which is one of the reasons that Mr. Morris wanted the letter sent. She added that they just wanted to hear more input.

Mr. Svoboda stated that staff will request information from the wineries as preferred by the Commission.

There was discussion regarding the definition of *event* and the need for defining *event* as it may be a changing or moving target.

Mr. Svoboda stated that the revision is written so that enforcement needs can be met and guidelines can be specific. He added that if the Commission prefers that everything be allowed by-right, then that can be done. He noted that these specifics need to be in place from an enforcement perspective. He reviewed state code language addressing uses that are customary and/or incidental and other pending legislative bills.

Mrs. Young referred to bills mentioned in the information packets as they relate to agricultural operations and the limited local regulation of breweries. She

agreed with Mr. Morris in that she would also like to hear more information from the wineries.

Mr. Svoboda stated that input would be requested. He asked for clarification as to who should be contacted.

Mrs. Young stated that just wineries would need to be contacted.

Mr. Morris stated that he was good with that.

Mr. Svoboda reviewed the language and the uses chart relating to farm wineries and farm breweries.

Mr. McCloskey asked how existing establishments would be affected.

Mr. Svoboda explained that if an existing use currently has outdoor music and is vested, then they may be exempt from new requirements. He added that new establishments may be conditioned to limit outdoor amplified music.

There was discussion regarding breweries. It was determined that there are currently no breweries in the county.

Mr. McCloskey stated that he has a better understanding of an event after hearing the explanation during the earlier discussion.

There was continued discussion regarding the procedural options for holding the public hearing and allowing input from wineries.

Mr. Svoboda urged the Commission to provide numbers that they would like to see used as the vehicle trips per day that would be consider most appropriate.

The Chairman opened the public hearing.

The following citizens addressed the Commission voicing their comments and concerns:

- Whit Ledford: asked how the county identifies a farming operation; asked if there is a calculation that makes that determination; noted that he is a small home farmer who now does lodging, noting that the lodging produces more revenue

Mrs. Golon explained that there is no calculation used but several items that may be used to determine that a parcel is a farm.

There was discussion regarding the growth of agritourism in respect to the lodging aspect.

Mr. Svoboda explained that the legislation relates to production agriculture, noting that this is different from tourist lodging. He noted that the Ledford



property is approved under a special use permit.

- Martha Ledford: stated that they have a bifurcated LLC, one for the lodging and one for the farming; noted that there is a Special Use Permit in place for the lodging aspects; question regarding the definition of farm tour and why it is limited to two farms; noted that the county farmer's market currently includes vendors from outside of the county and does not understand why outside vendors would not be allowed.
- Scott Winslow: read a prepared statement; understand that the task is being addressed to establish an ordinance to bring the county into compliance with the state code; reviewed two points: 1) to protect agritourism activities and agricultural operations from local regulations in the absence of substantial impacts on the public welfare and 2) any regulation that the locality establishes must be based on health, safety, or public welfare; reviewed restrictions that may be too restrictive; suggested a number three or four times that proposed number of events; reviewed vehicle trips per day and the definitions used; questioned the ability to monitor and enforce vehicle trips per day; suggested no restrictions at all; reviewed amplified music; summarized that one of the main purposes of the new law is to give the farmer more latitude in the use of his land and to help the farmer make ends meet with reduced local regulations; suggested that the final ordinance should be held to this standard.
- David Holtzman: Land Use Officer for Piedmont Environmental Council; believes the proposal is a good start noting that you just have to see how it works out for now; changes are needed; need to implement reasonable regulations to expand farmers rights and still protect their neighbors; may not go far enough to allow flexibility for farmers; reviewed farm stands and what a *local products* would be; stated that instead of revising the ordinance, Rockingham County passed a resolution to interpret the ordinance in a specific way, such as to be considered an agritourism/agriculture operation, you should be growing and or selling your own products or those of your neighbors; appears that agritourism is being prioritized as the way for farmers to stay on their land, but agriculture itself ought to be the priority; reviewed the setback language for what he described as high intensity agriculture.

There was discussion regarding the options of continuing the public hearing, closing the public hearing, calling in specific groups for more information, and deferral.

There being no further public comment, the public hearing was closed, noting that supplemental input would be allowed from the parties who will be receiving the letter for feedback.

There was discussion regarding option for motions.

Mr. McCloskey made a motion to defer action on OR#14-010 until the April 15, 2015 meeting.

Mr. Morris seconded the motion.

The vote was taken.

AYE

Mr. McCloskey  
Ms. Young  
Mr. Morris  
Mr. Schaff

NAY

The motion to defer action on OR#14-010 carried by a 4-0 vote.

**OLD/NEW BUSINESS**  
**2015 Work Program Discussion**

Mr. Svoboda reviewed the revised work program for 2015. He noted that some similar items have been combined. He added that code requirements are listed first and other items fall in place behind them.

It was determined that the work program may be forwarded to the County Administrator and the Board of Supervisors for direction.

**APPROVAL OF MINUTES**

Mr. McCloskey made a motion to approve the February 18, 2015 minutes as presented.

Mrs. Young seconded the motion.

The minutes for the February 18, 2015 meeting were approved by a 3-0 vote with Mr. Schaff abstaining as he was not in attendance for the February meeting.

**OTHER PLANNING MATTERS**

Town of Stanardsville Information

Mr. Svoboda stated that the town is looking into rezoning several parcels along Main Street, noting that it may come before the Commission in May.

Mr. Svoboda reviewed next month's agenda, noting that the revision for Bed & Breakfasts/Tourist Lodging/Transient Lodging may be moved due to the heavy schedule for the month. He added that the Fowl in Residential areas and Special Use Permit language revisions will likely stay on the agenda.

Mr. McCloskey announced that the town is working on a town seal and is discussing landscaping in the town. He noted that there was discussion

regarding a festival to be tentatively held in September. He added that there was discussion regarding snow removal and the bump-outs in the street. He stated that the town is moving forward with Phase 2 of the VDOT grant for streetscapes as well.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*

Secretary

---

Planning Commission, Chairman

Date