

PLANNING COMMISSION
April 15, 2015

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, APRIL 15, 2015, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Jay Willer, Chairman
- Victor Schaff, Vice-Chairman
- Frank Morris, Member
- Eva Young, Member
- John McCloskey, Member
- Davis Lamb, Ex-Officio Member
- Bart Svoboda, Planning Director
- Shawn Leake, Zoning Officer
- Marsha Alley, Secretary

CALL TO ORDER

The Chairman called the meeting to order.

DETERMINATION OF QUORUM

The Chairman took a roll call vote to determine a quorum. He encouraged those who wish to speak for any public hearing to sign in on the appropriate sheets. He also thanked Mr. Schaff for overseeing the meeting last month due to his absence.

PUBLIC HEARINGS

APEX, LLC/Larry & Barbara Hall request an amendment to an existing special use permit (SUP#14-006) to amend the conditions for a recycling center on approximately 5.0 acres of a 23.08 acre tract which is zoned A-1, Agriculture, located on Seminole Trail/StoneRidge Drive North and identified on County Tax Maps as 60-(A)-20. (SUP#15-004)

Mr. Willer 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 the existing conditions. He explained that the applicant wishes to amend the current conditions in place for their special use permit (SUP#14-006) which was approved on May 27, 2014. He reviewed the history of the previous approval. He noted that the applicant is requesting to modify conditions b and f, adding that staff would suggest removing item c as well as it has been satisfied. He reviewed the specifics for approval and explained the timeline referred to in condition b suggesting that a specific date be used as opposed to a timeframe in order to clarify the timeframe. He stated that consideration should be made in regard to condition f, which applies

to screening, in order for it to be a reasonable expectation of tree growth. He noted that with a two-year timetable, there is no reasonable expectation that trees will reach maturity in the two years. He reviewed the options for amending the conditions noting that staff would make no recommendation as the use is approved and the conditions are the topic at hand. He offered that given the suggested removal of the screening condition, the Commission may want to consider that a bond be posted to assure reclamation in order to restore the site if the applicant does not do it themselves. He explained how the bond process would work if the bond needed to be used to restore the property. He noted that the condition likely was just overlooked after the use became a temporary use. He noted that the bond is not a recommendation but a consideration for restoration of the site. He added that the locality has not had to pull a bond for the last eleven years as applicants have done what they were supposed to do. He stated that condition c has been met and that staff does suggest the removal of condition c as it is no longer applicable. He reiterated that no issues have changed from the original approval and that the amendment of conditions is the request. He reviewed the Comprehensive Plan goals for the area.

Mr. McCloskey asked if the applicant is in good standing with the Zoning Department.

Mr. Svoboda stated that there are no active violations in place at this time.

Mr. Willer asked how a bond amount is determined.

Mr. Svoboda explained that the Erosion & Sediment Control Administrator would be involved in that process and that the amount would depend on the work that would need to be done.

There was discussion regarding the possible bond amount, how the amount is determined, the applicable E & S regulations that would apply, and the use of the property should the operation no longer exist.

Brent Hall, applicant, addressed the Commission. He stated that they have been working with the Planning Department over the course of the past year. He stated that he had been lied to and has lost his trust in them. He noted that he received the approval letter in February 2015 and would like to see his two years begin from that date. He added that they are actively removing the operation from the site to Albemarle County. He stated that condition c should never have been placed on the permit. He added that the biggest issue is the landscaping condition, noting that the property has 15' trees in place and that a berm is being required with 6' trees to be planted. He explained the impacts of what that would result in during the rain. He reviewed their expectation for the property until it reverts to Agricultural zoning after the time period expires. He discussed the stormwater issues, the reclamation issues, and his agreement to maintain the site and the existing bond.

Mr. Schaff asked what the county tax revenue has been for the operation.

Mr. Hall stated that it would likely be the business license and business taxation.

Mr. Willer asked if business was operating on site between May 27, 2014 and February 25, 2015.

Mr. Hall stated that they were in limited operation as they had been told that they could continue to work and that when they continued to work, they were told that they were in violation of working without a signed permit.

Mr. Schaff stated that he was curious as to why the applicant waited until February 2015 to index the special use permit approval letter as is instructed in the letter.

Mr. Hall stated that he did not understand that it was the applicant's responsibility to record the letter and that once he was made aware of it, he did take the letter to be recorded.

Mr. Schaff pointed out that the instructions were listed in the approval letter.

Mr. Hall stated that he did not receive the letter and added that he did not know that it was the applicant's responsibility to record the special use permit.

Mr. Willer stated that even with the confusion of the recording of the letter, the business was still in operation.

Mr. Hall stated that he was told to continue to work and that when he continued to work, he received a letter. He stated that he spoke with Mr. Svoboda asked about appealing it and that Mr. Svoboda stated that it was best not to appeal it as it would go to the BZA and would be out of his hands. Mr. Hall stated that the issue was left as being a part of the record. He added that he began to receive additional letters and that they stopped working. He stated that work began after a meeting where he was told that he could work. He added that a court date was set and that it was discovered that there can be no violations of something that had not been recorded. He noted that he was told again that he could work adding that John Barkley sent an email saying that he could work but that he decided that he was not going to work until everything was finished. He added that it was a really bad situation.

Mr. Willer asked if business has been able to operate since February 25th and these items were cleared up.

Mr. Hall stated that he would like February 25th to be the start date of the two year period due to all of the confusion.

The Chairman opened the public hearing.

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

Mr. Willer restated the issues to be addressed.

Mr. Willer reviewed the history of the special use permit noting that the Commission previously denied the request. He stated that now the conditions are the request to be considered.

There was discussion as to the start date of the special use permit.

Mr. Schaff stated that he attended the Board meeting and remembered the applicant being adamant that the pile could be removed in those two years, adding that they started prior to receiving the special use permit. He stated that he does not know if it can be done in that amount of time, noting that materials go in and out. He added that two years should be enough time.

Mr. Willer clarified the reference to the two year period from the originally approved date.

Mr. McCloskey stated that he was a little concerned because the pile was growing and it was an agricultural use and the applicant claimed that it was fill or being used as filled but it appeared that the intent was to be a recycling business which is why he did not recommend it for approval the first time through. He added that Mr. Svoboda's explanation of the special use, or commercial use, being cleaned up or remediated prior to the use reverting to an agricultural use adding that the applicant feels that if once he stops the material left on the pile could be considered an agricultural use.

Mrs. Young reminded Mr. McCloskey that the discussion at the moment was about the date.

Mr. McCloskey stated that he was explaining the reasons why he does not feel like there should be a two-year extension at this time, noting that he was not comfortable with what he was hearing. He added that he would consider adding six months but not starting over at two years again. He noted that it appeared to him that the pile had grown during the time when it was not supposed to be in business.

Mrs. Young asked Mr. McCloskey to explain as she did not understand.

Mr. McCloskey stated that he was not in favor of granting the start of the two year time period from this date, adding that the applicant has the year that is left and that he would consider adding another six months.

Mrs. Young stated that it sounds like there has been a lot of confusion. She added that the Commission had received some of the correspondence but that she was not sure if it was all of it. She asked Mr. Hall what type of responses he received and if he felt like his questions were being answered by the Planning office.

Mr. Hall stated that he did not feel like his questions were answered and that sometimes he never got an answer. He stated that he began asking the question about the landscaping back in November, adding that after calling, he began emailing eight or ten times with no response from Mr. Svoboda. He added that Mr. Svoboda's comment to that in a later meeting with John Barkley was that he had tried to call ten times. He added that he could pull phone records and the Commission could pull phone records to prove that this was untrue. He noted that he felt like they were intentionally delayed in order to eat into the time frame. He stated that he believes the pile can be crushed in that amount of time but that it may not be sold and removed, noting that they may want to use it somewhere else. He added that he asked Mr. Svoboda what would happen if some gravel is left crushed with no equipment on site in order to use on the StoneRidge Drive extension. He stated that Mr. Svoboda's response was that he would find them in violation for every day the stone is left on site. He stated that this gave him no option other than to come before the Commission. He added that he wants to be out of there as soon as they can as they have another site and are moving to it, noting that it is a shame. He stated that he is simply asking for the time to begin the date of the signed permit from Mr. Svoboda's office. He added that he had to get firm about it. He described the process of being told to work and then not to work and then they stopped. He added that things changed between August and January, such as Health Department requirements regarding portajohns and septic fields.

Mr. Willer stated that in the interest of time he wanted to stay focused on the facts before the Commission.

Mr. Morris stated that the facts before the Commission are in the packet. He added that stopping a business from working to decide about a portajohn is not. He stated that this man owns, and his father owns, a lot of property that is commercial property and you are not. He explained that he could speak from firsthand as a builder that he works with Albemarle County, noting that this man is getting ready to relocate all these businesses to Albemarle County and we are sitting here wanting to argue and pick with him over details and that all this stuff that he's trying to explain to you was steps that is holding the process up. He stated that he has talked to a number of people in this county that like the idea of getting crushed stuff for their driveway to save money to pour a concrete pad to help save money from Luck Stone and that all we are sitting up here wanting to run the business to Albemarle. He added that we are not hearing what is going on here and the taxpayers need to start hearing this.

Mr. Schaff stated that he was glad the Mr. Morris mentioned the tax payers. He stated that the Comprehensive Plan encourages economic development in order to take the tax burden off of the personal property owners with businesses that generate tax revenue. He added that this operation is not generating off-setting tax revenue, noting that it is generating a property tax and a business license fee. He noted that in order for the economic development goals to make sense, the operation needs to generate tax revenue and it is not. He added that it is just

something to be considered.

Mrs. Young stated that it is a temporary use that is supplying a product that we need.

Mr. Morris pointed out that there are dump trucks fueling up at the truck stop, and truck drivers eating at restaurants.

Mr. Schaff stated that trucks are not coming in and out.

Mr. Morris stated that if he is allowed to work that is what he is saying.

Mrs. Young stated that a lot of the comments about him allegedly working outside of the bounds were not in the packets and were not facts.

Mr. McCloskey asked if another two years would allow enough time to remove the entire pile.

Mr. Hall stated that it would be but explained that he is not asking for another two years but only the eight months from May to February. He explained that he believes that for what they went through, such as stopping work, for defaming their name, for slander against them, and on and on, it is not an unreasonable request. He noted that it is not an extension, noting that he did not believe the Board of Supervisors thought there would be this much trouble with the Planning Department.

Mr. McCloskey stated that he did not want to lay any blame on either side but noted that there did seem to be some confusion and a delay. He added that he could support the request if the pile was to be removed within that time period as indicated in the special use permit.

Mr. Hall stated that it would have to be removed to avoid being found in violation, noting that he understands that and is okay with that because the pile will be gone. He stated that he would not return asking for more time and added that he did not see the need for a reclamation bond because it would be for the pile and if that were the case it would be one thing. He pointed out that the Planning Department wants the bond to include that grass be in place, but as soon as the pile is gone, it will be filled with dirt and then put grass on it, noting that adding grass and then covering it with dirt would be a waste of money.

Mr. Willer addressed the bond language possibilities, pointing out that it could revert to agricultural use once all the piles are gone.

Mr. Hall asked why place a bond on it if he could be found in violation if the pile is not removed.

Mr. Willer stated that he had a legitimate question, noting that the seeding does not have to be a reclamation requirement, as it could simply be the removal of all

of the product from the property.

Mr. Hall pointed out that he would have to do that any way or he would be found in violation.

Mr. Schaff stated that one would assume that the property is likely to be rezoned to commercial in the future.

Mr. Hall stated that it will not happen until things change in Greene County. He added that they will focus on the properties owned in Albemarle County as they have an easier process where the rules do not change every day. He added that they are not looking to rezone anything until something changes. He noted that they do pay quite a bit of taxes in Greene County.

Mr. Morris agreed that they pay a pile of taxes.

Mr. Schaff explained that his earlier reference had been in regard to business taxes not the land taxes.

Mr. Willer focused on condition b regarding the time for expiration. He reviewed the current condition and the options that are available.

Mrs. Young made a motion stating that she was fine with the February 25, 2017 expiration date that reclaims the eight months that Mr. Hall was not able to operate during his two years.

Mr. Morris seconded the motion.

There was discussion regarding having motions for each change and an overall motion for the request. It was determined that motions and votes would be made for each condition amendment and for an overall decision.

Mr. Willer restated the motion that the expiration date will be February 25, 2017. He noted, not as a part of the motion language, that at that point all material will be removed and machinery and material will be gone by February 25, 2017.

The vote was taken.

AYE

Mr. Morris

Mr. McCloskey

Mrs. Young

Mr. Willer

NAY

Mr. Schaff

The vote for the first change was approved by a 4-1 vote.

Mr. Willer reminded the Commission that when this was previously heard, there

was no idea that there would be a time limit.

There was discussion regarding condition f regarding the landscaping condition.

Mr. Schaff stated that it does not seem to make sense to plant the trees as it is a lot of expense and would likely not make a difference for a two-year timeframe.

Mr. McCloskey asked if there were other screenings options other than the trees.

Mr. Svoboda stated that there are likely not any other options, noting that any other option would be as bad as the idea of the trees. He explained that any permanent screening would not likely be appropriate given that it is a temporary issue. He noted that if there is concern that the rock pile would remain after the two year period, you have to decide if the applicant will do what they are supposed to do, because all applicants do what they are supposed to do, or if there is a motivation such as a bond. He added that bonds are often used in site plan requirements to assure that items get done. He stated that this would be a decision for the Planning Commission and the Board of Supervisors as it is not required in the ordinance for this to be bonded.

There was discussion regarding condition "h" for better understanding of hours of operation and discussion regarding the bonding process and cost to the applicant for a bond, both upfront costs and possible interest loss. There was additional discussion regarding the removal and disposal of the stone and the costs of zoning violation fees that could apply.

Mr. Hall stated that if the stone had to be removed, it would likely be crushed and/or covered with dirt, noting that it would just be a shame to not be able to use the resource.

There was discussion regarding the disposal of stone and concrete materials and the regulations that apply.

Mr. Hall added that a large portion of the pile has been removed and another being used at another one of their sites adding that there is not going to be a problem with it and that there will not be any left there. He added that there is just a lack of trust between the two of us.

Mr. Willer stated that there is a question of trust noting that if there is still product on the ground after two years, then the county is faced with a potentially unsightly pile abandoned in place on your land and that the county treasury or county taxpayers will be liable to solve the problem.

Mr. Hall stated that the bonds that are needed have been posted adding that it is above and beyond what other people have to do. He asked if they would be a little offended if you have to pay extra bond and extra stuff that other people don't have to do. He stated that his biggest issue is that everybody sees it differently, if the pile is gone, some will be pleased and others would see it differently. He

restated his lack of trust.

Mr. Willer reviewed the issues at hand regarding the landscaping requirement, and a possible new bonding requirement.

Mr. McCloskey asked if there would be separate motions.

Mrs. Young agreed that there should be separate motions to avoid any confusion.

Mr. Schaff made a motion to eliminate condition "f" from the original special use permit conditions.

Mrs. Young seconded the motion.

The vote was taken.

AYE

NAY

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

There was discussion regarding adding a measure to require a bond.

Mr. Morris made a motion to not add a bonding requirement as a condition.

Mrs. Young seconded the motion.

The vote was taken.

AYE

NAY

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

There was discussion regarding the removal of condition "c" as it has been met and is no longer applicable. It was determined that no action needs to be taken on condition "c".

Mr. Willer made a motion to approve SUP#15-004 with the two (2) proposed changes to the existing conditions of SUP#14-006.

Mrs. Young seconded the motion.

The vote was taken.

AYE

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

NAY

The motion to recommend approval of SUP#15-004 carried by a 5-0 vote.

Greene County Zoning Ordinance Revision: Revise Article 5 Residential District, R-1, and Article 22 Definitions and all applicable references to provide for the keeping of a limited number of fowl in the R-1 zoning district. (OR#15-003)

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

Mr. Svoboda reviewed the request explaining that this portion has been removed from the agritourism revision at the request of the Commission. He stated that several inquiries have been received regarding the keeping of fowl in the R-1, Residential, district. He added that in limiting the number of fowl, roosters have been restricted in the R-1 zoning district. He reviewed the proposed language and requirements, noting that the Agricultural and Conservation districts are not affected. He noted that a rooster is not needed for a chicken to lay eggs, only to have more chicks.

Mrs. Young clarified that currently the number of fowl is not limited to ten.

Mr. Willer and Mr. Svoboda pointed out that the current number allowed is zero.

Mrs. Young stated that the current limit is zero and asked why ten is the proposed limit as opposed to fifteen or twenty.

Mr. Svoboda explained that the lot size was considered and regulations from similar localities were used as a resource and that ten was an average. He explained that several citizens had shown an interest in being self-sufficient regarding having eggs for their families, selling a few but not having an egg business, etc. He added that the number could be lessened but an increase would require re-advertisement.

Mr. Schaff pointed out that four chickens can provide enough eggs for two families of four for a week.

Mr. Svoboda stated that the limit of ten was merely a starting point and can be reduced, but noted that if the limit is increased, the revision would need to be re-advertised. He added that Mr. Schaff could probably tell you how many chickens you do not want to have because you would have so many eggs.

Mrs. Young asked why a limit needs to be in place and how would it be regulated. She added that if they can have fowl, they can have fowl and that they would be foolish to have too many.

Mr. Willer stated that there needs to be some consideration of the neighbors which may be the origin of why other localities have a limit.

There was discussion regarding the number of fowl to be allowed.

Mr. Morris asked if a chicken house would need to meet setbacks.

Mr. Svoboda stated that there would be no special regulations for a chicken house and that it would be treated like an accessory use.

The Chairman opened the public hearing.

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

- David Holtzman: Piedmont Environmental Council; supports the revision, noting a growing interest in the keeping of fowl; suggests that the special use permit requirement in Residential districts be stricken.
- Martha Ledford: has fowl of various types; suggests revising the proposed language to allow chickens only, as other fowl, such as guineas, geese, etc. can be used as guard animals and can be noisy; suggests that if you allow all fowl, it could be quite foul.

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

Mr. Willer asked what the nature of the complaints have been from residents in the R-1 districts regarding people who are already keeping fowl of some kind

Mr. Svoboda stated that majority of complaints are regarding noise and the free range of the chickens on to other property, noting that there has been one about fighting roosters. He added that the revision is to address this issue for both parties so that those who would like to keep fowl could keep them with some limitations in order to meet the needs of the neighbors as well. He explained that the proposed language referring to fowl is intentionally open now so that it can be restricted if the Commission chooses because if the request is advertised specifically it cannot be expanded. He noted that Mrs. Young alluded to a sliding scale based on acreage as to the number of fowl being kept. He stated that it is the Commission's pleasure.

Mr. Willer stated that he has had experience with poultry and appreciated Mrs. Ledford's comments.

Mr. McCloskey asked about the special use permit language in R-1.

Mr. Svoboda stated that the inclusion of that language was an oversight and that it would be removed unless the Commission chooses to allow more than ten fowl by special use permit which could be an option. He noted that there are some R-1 parcels that are larger in acreage.

Mr. Willer stated that it would depend on the nature of what goal might be encouraged for the area. He raised the issue about the concentration of waste on the property being an environmental issue. He wondered if the Commission should address where the pens would be placed.

Mr. Svoboda corrected the setback statement from earlier noting that the chicken house would not be required to meet setbacks as it would be treated like a dog house.

There was discussion regarding setbacks, enclosures, fencing, etc.

Mrs. Ledford requested to comment.

Mr. Willer allowed it.

Mrs. Ledford wondered if the owners should be referred to the Extension agency as a resource.

Mr. Willer stated that he was unsure how to establish that reference in an ordinance revision but noted that it is a good thought.

Mr. Willer reviewed the language and suggested that if no other restrictions are added, the reference to a maximum of ten fowl and no roosters be moved to a paragraph by itself.

Mr. Svoboda stated that staff can research items deemed appropriate by the Commission.

Mrs. Young asked about the restrictions on keeping roosters.

Mr. Willer stated that he personally was all for restricting the keeping of roosters as that is a question for protecting the neighbor.

Mr. Morris agreed in reference to smaller parcels but wondered if that could be allowed on larger parcels.

Mr. Schaff suggested offering the special use permit option in cases of that nature.

Mr. Svoboda stated that there are a lot of questions and suggested that staff look at the larger parcels as they relate to a special use permit either by a guide or as language. He also noted that the type of fowl could be considered as well if the Commission chooses.

Davis Lamb asked to comment.

Mr. Willer allowed it.

Mr. Lamb stated that emus would also be considered fowl and that they will attack dogs.

Mr. Willer stated that he would like to see a sliding scale based on the size of the property that would limit the number of fowl being kept as opposed to the necessity of a special use permit due to the cost to the family.

Mrs. Young stated that the expense is the reason that she mentioned the issue of keeping roosters, noting that the special use permit would be expensive on the applicant.

There was discussion regarding the special use permit option and what details would apply to require a special use permit such as acreages, number of fowl, nature of the keeping of the fowl, etc.

Mr. Svoboda suggested that staff re-write the language with all of the provided input.

Mr. Morris stated that it sounds like this issue should be put off for a while.

Mr. Svoboda agreed that an indefinite deferral would be the best idea at this point as there are quite a few cases on schedule and there are no chicken inquiries pending at this time. He reviewed the language suggestions received throughout the meeting, the request for information from the Extension Office, a special use permit process for expanded requests, considerations for environmental impacts, setbacks, etc.

Mr. Morris stated that he believes that some real estate agents market some of the larger residential lots as farmettes and purchasers are getting the wrong impression.

Mr. Schaff made a motion to indefinitely defer OR#15-003 in order to address the discussed suggestions.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

NAY

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

The motion to indefinitely defer OR#15-003 carried by a 5-0 vote.

There was a five-minute recess.

Greene County Zoning Ordinance Revision: Revise Article 16-2: Special Use Permits, and all applicable references, to amend language and regulations applicable to the special use permit process and approval. (OR#15-002)

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

Mr. Svoboda stated that he would refer to the red marked up copy in the packet.

Mr. Schaff stated that he did not receive one in his packet.

Other members noted that the red copy came later in a separate envelope.

Mr. Schaff apologized that he had been out of town and did not see it. He was provided with a red marked up copy.

Mr. Svoboda explained that the revision is a result of a number of Special Use Permits having not been recorded over the years, noting that only about twenty have been recorded. He explained that recordation is not required by state code and that it has nothing to do with the earlier special use permit or any other, noting that this has been discussed for a while and scheduled prior to any recent special use permit requests. He reviewed language mark-ups which were reviewed by the County Attorney and the Deputy County Attorney. He explained that originally the revision was to remove the recordation requirement but found that clarification of the process was needed as well so a re-write was necessary. He reviewed the proposed language and process clarification.

There was discussion regarding nonconforming uses and existing special use permits language.

There was discussion regarding vested rights language and the way it is written.

Mr. Svoboda stated that this reference speaks code language and not general process language.

Mrs. Young asked if it could be translated for the real person who will use it.

Mr. Svoboda stated that he could ask but that the county attorneys prefer it written this way.

Mrs. Young stated that it is not consistent with the rest of the ordinance which is more layperson friendly.

Mr. Svoboda stated that vesting language is attorney language which is why it is written this way as this is how attorneys, judges, and case law refers to vesting. He agreed that the vested rights statutes are very complicated.

Mrs. Young stated that the first page states that the revision intends to provide language that is more concise and easier to understand, noting that this paragraph does not fit in to that goal.

Mr. Svoboda stated that the particular paragraph may not but the rest does. He offered to try an change it but stated that staff is going by advice of legal counsel on that.

Mr. Morris stated that with Mr. Schaff just receiving the information and with himself not really having time to go through it that he would prefer to defer it in order to have time to review it.

Mr. Svoboda stated that staff is in no rush, noting that the only thing is that any Special Use Permits that are granted between now and when this is completed must be recorded in the Clerk's Office in order to be valid.

Mrs. Young stated that it has been that way though.

Mr. Svoboda agreed.

Mr. Morris asked if that is included on the application.

Mr. Svoboda stated that it is not on the application but that it is in the ordinance and it is written in the letter that the applicant receives.

Mr. Morris stated that he has been on both sides of several special use permits and he did not know that either.

Mr. Svoboda stated that it is included in the ordinance, adding that it is like setbacks being included in the approval but not on the application and that you have to read all of the information to know what the instructions are.

Mr. Svoboda stated that he had no objection to the deferral and gave a brief history and examples regarding the language and how special use permits are reviewed to consider both the applicant and the impacts neighbors. He also addressed how existing special use permits would be affected by the proposed

revision.

Mr. Schaff stated that it makes sense.

Mr. Svoboda reviewed the proposed language both with and without mark-ups.

Mr. Svoboda stated that the revocation part is new as well.

Mrs. Young read the revocation language and asked how that would affect a situation similar to the earlier special use permit.

Mr. Svoboda explained that he is only aware of one revocation in his career and noted that it was not in Greene County. He added that in that case the special use permit was revoked due to willful noncompliance. He explained the process.

There was discussion regarding the revocation process and the provided language which mimics the state code language. There was also discussion regarding the state code requirement for notifications which refers to the giving of notice, not the receiving of notice. There was additional discussion regarding the cost of certified mail which would result in raising fees to cover the cost of letters, the cost of advertising, payment of Commission members and staff, etc.

Mr. Willer pointed out that 16-2.1 is missing item "e". He noted that section 16-2-2, at the bottom of the page, does not offer a deferral option for the Planning Commission and asked is that was an oversight.

Mr. Svoboda explained that the Commission is a recommending body and that it may defer its own decision but would not recommend deferral to the Board of Supervisors.

Mr. Willer stated that 16-2-3 item "a" says that the use is not intended to change the character, etc. but noted that a special use permit does change the character of the community, etc. He suggested revise is to read that *the character of the neighborhood shall be considered*. He added that 16-2-3 item "c" regarding impairing the value of property, noting that there is no way to determine that and suggested using *consider* again there.

Mr. McCloskey asked if there is a legal claim regarding that statement.

Mr. Svoboda stated that it might be possible but that a special use permit approval is a legislative act and would be up to the Board of Supervisors to deem whether it is appropriate or not.

Mr. Willer stated that 16-2-4 "e" allows the placement of timelines on vesting of special use permits which is a wonderful addition.

Mr. Svoboda explained that if a condition appears to be added for every

approval, then it is likely to eventually become a part of the ordinance instead of a condition.

Mrs. Young suggested that, in 16-2-3 item “d” regarding due consideration to property trends, staff strike the language referring to requirements for transportation, schools, parks, etc. as these may not all be available. She suggested striking the language regarding *encouraging the most appropriate use of the land* as it is a little over bearing.

There was discussion regarding public costs relating to the discussed language.

Mr. Svoboda reviewed other language, requirements, etc. and some formatting options for the provided suggestions.

Mr. Willer stated that in the last line of 16-2-7, Board of Supervisors appears to be duplicated.

The Chairman opened the public hearing.

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

There was discussion regarding the options for a motion and timing for citizen generated applications.

Mr. Svoboda suggested to indefinitely defer the application in order to proceed with recent citizen generated applications. He suggested that a public hearing be held again if it is indefinitely deferred.

There was discussion regarding deferral options.

Mr. Schaff made a motion to indefinitely defer OR#15-002 in order to address the discussed suggestions and allow for more time to review.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

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

NAY

The motion to indefinitely defer OR#15-002 carried by a 5-0 vote.

OLD/NEW BUSINESS

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

Mr. Svoboda stated that the public hearing has been held and revisions have been made as requested at the public hearing. He reviewed the changes made as requested by the Commission. He noted recent correspondence was placed at the Commission seat and reviewed some of the suggestions included on the Harrington letter as they relate to events and vehicle trips. He reviewed the revised language as recommended by the Commission.

There was discussion regarding the determination of an event and the consideration of the number of days that would constitute an event. It was noted that a possible revision needed to address these points. There was a suggestion to remove the three (3) day limit for agricultural operation event.

Mr. McCloskey suggested removing the Zoning Certification column and adjusting the numbers to the by-right column.

Mr. Schaff pointed out that at some point public safety and large numbers needs to be considered.

There was discussion regarding how the review would apply to each event depending on the number, etc.

Mr. Morris asked about the liability issue.

Mr. Svoboda stated that the county has no liability, noting that the liability would be on the applicant based on the review by outside agencies.

There was discussion regarding revising the agricultural operations chart.

Mr. Schaff stated that he was okay with the chart as it is.

Mr. Willer agreed.

Mr. McCloskey stated that he was still concerned with being restrictive.

Mrs. Young stated that the vehicle trips appear to be too restrictive.

Mr. Svoboda clarified the calculation and the difference between farm tours and agricultural events.

Mr. Morris asked if there were any VDOT comments.

Mr. Svoboda reviewed the VDOT entrance standards and how they apply in these situations. He added that they calculate in and out as 1 vehicle trip.

There was discussion regarding the VDOT comments and standards.

Mr. Willer clarified that the current numbers are in parallel with VDOT.

Mr. Svoboda agreed and explained when the thresholds are activated.

Mr. McCloskey asked what is not included in regard to events.

Mr. Svoboda explained that the revision is regarding a bona fide agricultural use property not in regard to agricultural zoned property.

There was discussion offering suggestions, numbers, uses, restrictions, etc. It was noted that staff is open to having revisions suggested by the Commission.

Mr. Willer stated that he is comfortable with where things are at the moment. He compared wineries and farm events. He noted that he would be willing to be a little more restrictive on the agricultural operations than with the wineries and breweries.

There was discussion regarding the regulation of these issues and the careful consideration in the language regulations. There was also discussion regarding what the county desires for the county.

Mr. Svoboda stated that it is the Commission's decision as to what is forwarded to the Board of Supervisors.

Mr. Morris made a motion to increase the vehicle trips to 200 in accordance with VDOT.

There was clarification regarding where the change needs to occur within the chart.

Mr. Willer stated that Mr. Morris has made a motion to change the first two columns of the chart to 200 vehicle trips per day.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

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

NAY

Mr. Willer stating his concern for
VDOT issues.

The motion carried by a 4-1 vote.

Mr. McCloskey made a motion to change the number of farm tours to 24 in by-right and greater than 24 in zoning certifications.

Mr. Morris seconded the motion.

The vote was taken.

AYE

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

NAY

The motion carried by a 5-0 vote.

Mr. McCloskey made a motion to revise the definition of agricultural operation event by striking the reference to up to three (3) consecutive days.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

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

NAY

The motion carried by a 5-0 vote.

Mr. Willer reviewed the definitions noting that there is no reference as to who makes the determinations. He suggested adding a reference to the Zoning Administrator's determination. He referred to 16-21.1(a)7 regarding private gatherings being allowed, noting that it can be stricken as it is offensive to

include it in the language, suggesting that it also be stricken in breweries. He suggested that the footnotes in Table 16A could also be revised to address private events or could be stricken from both wineries and breweries.

Mr. Willer made a motion to strike the language as discussed.

Mrs. Young seconded the motion.

The vote was taken.

AYE

NAY

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

The motion carried by a 5-0 vote.

Mr. Willer made a motion to revise item 2, referring to the purpose of a zoning certification, in order to replace *verify* with *limit*, with the same revision being applied in regard to breweries as well.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

NAY

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

The motion carried by a 5-0 vote.

Mr. Morris asked if submitted tax forms would become public record.

Mr. Svoboda stated that they would.

Mr. Morris asked if we really want all of that information.

Mr. Willer stated that the applicant does not have to submit all of it but just whichever documents that they choose.

Mr. Svoboda explained that it does not have to be specifically tax records but can be something that offers the equivalent information. He added that he expects legislative changes as localities adopt the revisions. He noted that the entire

ordinance is a living, breathing, moving document.

Mr. Willer stated that staff has a good record of the amendments.

There was discussion regarding a motion.

Mr. Schaff made a motion to recommend adoption of the rest of the ordinance revision OR#14-010 as submitted.

Mrs. Young seconded the motion.

There was discussion on the motion relating to changes that were voted on previously.

Mr. Willer made a motion to recommend approval of OR#14-010 as amended tonight.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

NAY

Mr. McCloskey

Mrs. Young

Mr. Morris

Mr. Schaff

Mr. Willer

The motion to approve OR#14-010 carried by a 5-0 vote.

APPROVAL OF MINUTES

Mr. Young made a motion to approve the March 18, 2015 minutes as presented.

Mr. Schaff seconded the motion.

The minutes for the March 18, 2015 meeting were approved by a 4-0 vote with Mr. Willer abstaining as he was not in attendance for the March meeting.

OTHER PLANNING MATTERS

Comprehensive Plan Work Session: Town of Stanardsville

Mr. Svoboda stated that the work session has been postponed as the mayor was unable to attend.

Town of Stanardsville Information

Mr. Svoboda stated that the Town Council did not make a resolution so the rezoning request has not been scheduled.

Mr. Svoboda reviewed next month's agenda which includes the AFD Program Continuation/Renewal and a Special Use Permit in addition to the Comprehensive Plan Work Session for E-911 and a possible work session for the proposed revision regarding Tourist/Transient Lodging.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley

Secretary

Planning Commission, Chairman

Date