

**PLANNING COMMISSION**  
**May 20, 2015**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, MAY 20, 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
- Bart Svoboda, Planning Director
- Stephanie Golon, County Planner
- 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 reviewed the evening's agenda suggesting that the Comprehensive Plan Work Session be moved to follow the two public hearings. It was agreed to amend the agenda to allow the work session to move forward.

**PUBLIC HEARINGS**

**AFD Program Renewal/Continuation**

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

Mr. Svoboda explained that the Agricultural-Forestal District is an overlay district located in the Agriculture and Conservation districts which is a voluntary program made available through the Office of the Commissioner of the Revenue to property owners who choose to participate. He stated that the program must be renewed according to the determined term and that this year is the year in which the program must be consider for renewal as it is currently a five (5) year term. He added that AFD program restricts the participating properties to certain uses which are listed in the district language. He stated that there is no tax benefit to property owners, noting that participating property owners would maintain land use taxation should the county decide to discontinue the land use taxation program.

Mr. Willer clarified that the program does not add a tax benefit but does protect a tax benefit.

Mr. Svoboda gave an overview of how the program operates through the Office of the Commissioner of the Revenue. He stated that all of the notifications were handled through the Commissioner's Office and reviewed the spreadsheet for participation as provided by the Commissioner. He explained that the AFD Advisory Committee had met and recommended that the districts be combined into two (2) districts instead of seven (7) so that the district acreage requirements could be met. He described the proposed two (2) districts as the area north of Route 33 (Rappahannock) and the area south of Route 33 (James) which would be named according to the watersheds in each area. He added that the AFD Advisory Committee also recommended that the renewal period remain at five (5) years and the proposed language be approved.

There was discussion regarding the voluntary program and the protection of land use taxation if participating in that program as well.

There was discussion regarding the benefits of participating in the AFD Program and the renewal process as overseen by the Office of the Commissioner of the Revenue.

Mrs. Young reviewed the proposed language and suggested that the item "f" reference to low intensity be stricken to be consistent with the previous language. She also suggested that "on site" be replaced with "in the district".

There was discussion regarding the suggested revisions.

Mr. Svoboda stated that the Planning Commission does not usually review County Code revisions but noted that the AFD Program is required to be reviewed by the AFD Advisory Committee, the Planning Commission, and the Board of Supervisors.

There was discussion regarding the agricultural uses within the districts and the determination of how the dividing line was established in regard to watersheds and Route 33. There was also discussion regarding the possibility and impacts of parcels being divided by the district lines. It was determined that Route 33 may be the better dividing line.

There was discussion regarding the responses from property owners and the options for participation when certain events occur, such as a death in the family. It was noted that a death would likely allow for the option to remove property at that time.

Mrs. Young stated that the uses and the restrictions are the crux of the issue. She asked if additional uses could be incorporated before the next five year review.

Mr. Svoboda stated that he was not sure but would look into that possibility, noting that the mandate is for five (5) years. He added that he agreed that some additional uses could be added or clarified within the language in the future.

There was discussion regarding the current exclusion of wineries and breweries and the continuity of regulations. There was also discussion regarding the reference for bona fide agriculture.

The Chairman opened the public hearing.

David Holtzman, Piedmont Environmental Council, addressed the Commission. He referred to the state code regarding the protection and preservation of agricultural and forestal lands, etc. He noted that some of the St. George district properties are likely critical environmental lands. He added that the state code also offers local Agriculture-Forestal districts as an alternative. He added that he was glad to hear that a solution has been found.

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

Mr. Willer explained that property owners who wished to participate are not being pushed out with the removal of districts but that the combination of districts for acreage requirements is to ensure that those who wish to participate may participate.

Mrs. Young stated that this is a voluntary program and asked if property owners could opt out before the next review period.

Mr. Svoboda explained that there are extenuating circumstances that allow removal prior to the next review period. He added that during the review period there is no fee to participants, noting that removal prior to the renewal period does require a fee and the public hearing process.

Mrs. Young suggested having a review period every four years instead of every five years.

There was discussion regarding this suggestion and the previously suggested revisions.

Mr. Schaff made a motion to recommend approval of the renewal of the AFD program with the language modifications as discussed being:

- The delineation of districts by using Route 33.
- In item 2, remove the term *low intensity*.
- In item 2, remove the term *on-site* and replace it with *in the district*.
- In contrast to the AFD Advisory Committee recommendation, the Planning Commission recommends that, in item 3, the next review period shall be four (4) years rather than five (5) years.

Mr. Morris seconded the motion.

The vote was taken.

AYE

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

NAY

Mr. McCloskey

The motion to recommend approval carried by a 4-1 vote.

**Bruce Shifflett requests a special use permit for a general store and five (5) lodging houses in addition to the existing residence on 3.97 acres which are zoned C-1, Conservation, located at Bull Yearling Road/Spotswood Trail and identified on County Tax Maps as 18-(A)-11B. (SUP#15-003)**

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

Mr. Svoboda reviewed the request. He described the location of the property, its shape and topography. He stated that the request is for a commercial use and will require a site plan prior to operation if the special use permit is approved. He reviewed the provided agency comments. He noted that there is an existing home on the property and a request for five additional lodging houses as well as a general store. He reviewed the access points to the property. He added that the Comprehensive Plan supports the request. He reviewed several suggestions for conditions as follows:

- a) The permit is limited to a general store and (5) lodging houses (cabins) only.
- b) No guests would reside in the lodging houses for more than 30 days in a 365 day period.
- c) The location of structures shall be in general accord with Exhibit A.

There was review and discussion regarding the access to the property, noting that there is one access from Route 33 and two accesses from Bull Yearling Road.

Bruce Shifflett, applicant, addressed the Commission. He stated that he owns and operates the cabins behind this property and has been asked several times to clean up this corner. He added that there was a general store there a long time ago and that it would meet a need for the cabin visitors. He stated that he does not currently have any cabins located on Route 33. He added that the store would also serve as a check-in area for guests and that the hours would be geared toward the needs of the guests. He stated that the location is about one mile from the Shenandoah National Park boundary and about 5 ½ miles to the Park entrance.

The Chairman opened the public hearing.

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

- Tina Deane: encouraged the Commission to forward the request to the Board of Supervisors; serves as the property manager and would like to see this approved; the store would also serve as a friendly face to contact in order to address any issues; hoping that there could be a visitor spot there as well where they could pick up a map, etc.; would like the google map entrance to look better.

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

Mr. Morris asked if the Commission should include any language regarding the existing residence being allowed.

Mr. Svoboda explained that it would be a by-right use and would not be prohibited.

Mr. McCloskey made a motion to approve SUP#15-003 with the following conditions:

- a) The permit is limited to a general store and (5) lodging houses (cabins) only.
- b) No guests would reside in the lodging houses for more than 30 days in a 365 day period.
- c) The location of structures shall be in general accord with Exhibit A.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

NAY

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

The motion to recommend approval of SUP#15-003 carried by a 5-0 vote.

## **OLD/NEW BUSINESS**

### Comprehensive Plan Work Session: E-911

Mr. Willer gave an overview of the Comprehensive Plan review process and introduced Melissa McDaniel with Emergency Services.

Ms. McDaniel explained that her responsibilities include the emergency communications center, emergency management, hazardous materials, and liaison to volunteer fire/rescue agencies, EMS Career Supervisor, and various

law enforcement aspects as well. She reviewed the goals for each discipline and several emergency plans. She continued to review the functions and needs of various aspects of emergency services. She provided statistics regarding emergency services calls which included crimes, fires, accidents, etc.

There was discussion regarding the trends of the reports, etc. Ms. McDaniel reviewed the call responses of the EMS agencies.

There was discussion regarding the provision of local data for emergency services.

Ms. McDaniel noted that a large concern for Rescue is the lack of volunteers in the county which is a national issue. She added that no one wants to see a volunteer agency shut down and added that the county needs to develop a strong recruitment and retention program. She stated that there are similar goals for Fire as well. She noted that good interagency communication is necessary. She reviewed the annual calls for the fire organizations. She noted that she expects the numbers to increase in 2015 and added that proactive fire prevention programs are needed. She advised that she had proposed a major project, the Emergency Vehicle Replacement Plan, which was taken to the Board of Supervisors during the budget process as a result of CIP requests. She explained that it did not pass this year but hopefully will next year, noting that the funding would be provided through the county.

Ms. McDaniel reviewed various tracking data relating to calls and responses to EMS requests, noting that there is a slow increase in demand on EMS in various areas such as equipment, staffing, etc. She stated that requests have been made to increase staffing but have been denied. She will presenting several needs to the Board of Supervisors in regard to the technology and 911 center upgrades are needed, noting that likely the largest need would be for the improvement of communication/radio equipment. She noted that the generator installations at Stanardsville Volunteer Fire Department and Ruckersville Volunteer Fire Department were recently completed. She stated that the county needs to ensure that EMS and its facilities and equipment is adequately serving the public. She added that there needs to be a sufficient number of law enforcement officers, fire, and rescue personnel, noting that a career personnel paid staff is anticipated due to needs in the future.

Mr. Willer clarified that many points are related to budgetary issues and the Capital Improvement Plan but have provided information to consider.

There was discussion relating to the area within the county that has the largest call volume, the estimated response times, and other demographic data.

Mr. McCloskey asked if Greene County relies on mutual aid.

Ms. McDaniel stated that mutual aid agreements are in place with surrounding counties and that mutual aid is needed about once or twice per week.

The Chairman opened the public work session.

Martha Ledford addressed the Commission. She stated that she is in the lodging business and described the increase in lodging facilities locating within the county. She stated that one of her concerns is with broadband availability in these areas so that visitors can contact Emergency Services if needed in addition to broadband availability for local citizens. She noted that tourists and residents would be benefited and need to have access to these services. She explained that in supporting the tourism industry the support and structures should also be in place to support the industry and the citizens as well.

There was discussion regarding the gaps in Emergency Communication Services in Greene County. It was noted that the 911 Center is on the verge of being able to accept text messages to the 911 Center.

Mr. McCloskey asked about grant availability for projects.

Ms. McDaniel stated that she is constantly looking for grant money to fund projects and added that she applies for as many as she can.

Mr. Willer publicly commended Ms. McDaniel for a job well done.

Alan Yost, Economic Development Director, addressed the Commission. He suggested that as upgrades are made to emergency communications and new towers are added that the potential for colocation and allowing broadband to collocate there in order to provide broadband service to these areas.

There was discussion regarding cell phone towers and collocation options.

Mr. Morris asked if a sub-station would increase volunteerism.

Ms. McDaniel stated that a sub-station could increase volunteerism in addition to incentives.

Mr. Morris thanked Ms. McDaniel for a good job and for services provided to him and his family in recent emergency situations.

There being no further comment, the Chairman closed the work session.

## **OLD/NEW BUSINESS**

Mr. Svoboda reminded the Commission that there will not be a Planning Commission meeting in June. He added that the public hearing for the proposed shooting range will likely be held in the high school Performing Arts Center due to the anticipated attendance. He explained that staff has been advised that there will likely be a large attendance as a result of the interest in this request. He added that arrangements are being made to address those needs.

Mr. Willer suggested an earlier start time if possible to allow time for comments.

Mr. Svoboda stated that he would look into the possibility of an earlier start time.

### **APPROVAL OF MINUTES**

Mr. Willer stated that the minutes are a quite extensive document and that staff should be thanked for the hard work that went in to producing that many pages of minutes.

Mr. Morris addressed Mrs. Alley commenting that she did a great job on the minutes, adding that he was told something was not in the minutes and that he was able to show that it was included. He added that she did a super job.

Mr. McCloskey made a motion to approve the April 15, 2015 minutes as presented.

Mr. Morris seconded the motion.

The minutes for the April 15, 2015 meeting were approved by a 5-0 vote.

### **OTHER PLANNING MATTERS**

#### Work Session: Ordinance Revision OR#15-001 Bed & Breakfasts/Tourist Lodging/Transient Lodging

Mr. Willer gave an overview of the process of a work session and asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the proposed language to address tourist lodging/transient lodging/bed & breakfasts. He explained that this is not a part of the agritourism revision. He reviewed the revision in a PowerPoint presentation. He reviewed the regulations in each district and the criteria for by-right uses and uses by special use permit. He also covered the proposed definitions.

There was discussion regarding the definition of tourist lodging, the number of events, temporary event zoning permit regulations,

Mr. McCloskey thanked staff for a great first attempt at the language.

The Chairman opened the public work session.

Martha Ledford addressed the Commission. She stated that the Commonwealth has made a common definition for the Commonwealth as to Bed and Breakfasts which states that the dwelling is owner occupied and that the rooms are within that dwelling. She added that in her personal experience, the yurt does not fall under this definition and that when referring to a bed and breakfast, the guests have an expectation of being provided a breakfast. She stated that because their

domicile is separate, a breakfast could not be provided under this definition. She added that in reviewing the proposed language, she found that the term is used in a blanket form as opposed to a specific one and suggested that the definition be reevaluated and possibly revised to align with the Department of Health definition.

There was discussion regarding the definition and the Department of Health.

Mr. Svoboda asked where the definition came from and asked Mrs. Ledford to provide it for consideration.

Mrs. Ledford agreed to provide the information and commented that it is awesome that outside agencies are included in meetings prior to special use permit applications and suggested including the different stakeholders for definition review as well.

Mr. Schaff stated that he has stayed in several Bed & Breakfasts and he could not recall the last time that the owners actually resided there. He added that service was premium and he could not imagine why that would be a regulation.

There was discussion regarding the definition, the owner residency requirement for bed and breakfasts, and the recent increase in transient lodging.

Alan Yost, Director of Tourism for Greene County, addressed the Commission. He stated that a consumer bed and breakfast may be different from the legal definition. He added that the transient lodging industry is vital to the area's economic development, noting that promoting tourism is important. He commended staff for the work that has been done adding that he understands that limitations must be in place for certain uses in certain areas. He added that it is important to protect our community and its citizens as well.

There was discussion regarding changing a use by permit to a by-right use and how it relates to neighbor input.

David Vanderveer addressed the Commission. He stated that he had lunch with Tammy Steiner, with the 911 center, and they spoke about call volume. He stated that he asked if the center had ever received calls from overnight guests, transient rentals, etc. and if they had ever had problems or concerns relating to the overnight guests, transient rentals, etc. He added that she stated that there had only been one call that she could recall regarding noise in the woods but that it was a bear. He stated that statistics show that per capita there are more calls resulting from residents than from transient rentals.

Mrs. Young suggested that item #14, churches and church cemeteries, be changed to a by-right use.

Mr. Svoboda stated that he would make a note but that the currently advertised information only relates to transient lodging, etc. and therefore, limits this revision

to those items as advertised.

Mrs. Young suggested not striking the language relating to parking regulations noted in Article 16-8-4.

There was discussion that this parking regulation would not be specific to tourist lodging, etc. and that it is the parking regulation for the county as a whole.

Mr. Vanderveer asked if the owner has to occupy a Bed & Breakfast.

Mr. Svoboda explained that the proposed revision does not require the owner to reside in the Bed & Breakfast. He noted that the Health Department may have a different definition.

There was discussion regarding the proposed definition for Bed & Breakfast and the referenced Health Department definition. There was also discussion relating to temporary events and the proposed regulations.

There was a review of the suggested revisions as discussed this evening.

There was discussion regarding options for the next review. It was determined to move the proposed revision to the public hearing process.

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

#### Town of Stanardsville Information

Mr. Svoboda stated that the Town Council has made a resolution to rezone property within the town limits. He added that this is a town initiated request in order to aid in the revitalization of the town. He explained that this would allow the property owner to continue to pay residential taxes while being zoned residential/commercial as long as the use remains residential. He noted that this request would likely be heard in July or September.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*

Secretary

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Planning Commission, Chairman

Date