

PLANNING COMMISSION
March 21, 2007

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, MARCH 21, 2007, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were:

- Graydon Lamb, Chairman
- Davis Lamb, Vice-Chairman
- Jim Davis, Member
- Phyllis Woodfolk, Member
- Michael Skeens, Member
- Mickey Cox, Ex-officio Member
- Bart Svoboda, Zoning Administrator
- Marsha Alley, Secretary

Mr. Lamb called the meeting to order. He stated that there would be three public hearings tonight and asked that those who wished to speak sign up on the appropriate sheet.

PUBLIC HEARINGS

John & Carol Merrill, Jr. request to have 307.42 acres, identified on County Tax Maps as 19-(A)-45, 19-(3)-A, 13-(A)-31, 32, & 33, which are zoned A-1, Agriculture, and located on Teel Mountain Road, removed from the South River Agricultural and Forestal District (AFD). (AFD#07-001)

Graydon Lamb read the request and asked Mr. Svoboda for a report.

Mr. Svoboda explained that the request is to withdraw the property from the South River AFD. He presented information including an aerial photo and maps. He added that the AFD Committee had been unable to meet tonight but explained that the Planning Commission could still make a recommendation tonight. He explained that both bodies must hear the request prior to the Board of Supervisors but in no particular order. He stated that the property may be withdrawn from the AFD with reasonable cause and added that the applicant was present to answer any questions.

George McCallum, attorney, addressed the Commission representing the Merrills. He stated that he had previously represented George Haney in his AFD withdrawal request. He explained that the Merrills came to him for advice and he suggested that they withdraw from the AFD so that they could pursue other opportunities. He noted that several properties had been withdrawn recently.

Graydon Lamb opened the public hearing.

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

Davis Lamb asked what the plan would be for this property once removed.

Mr. McCallum stated that without committing to a particular plan, he could say that the property would be enhanced.

Davis Lamb asked if the plan would be to develop the property.

Mr. McCallum stated that there were no plans to develop the property at this time.

Ms. Woodfolk asked what the good and reasonable cause would be to grant the request for withdrawal.

Graydon Lamb pointed out that the previous requests have been based on medical reasons.

Mr. Davis stated that it was his understanding that good and reasonable cause was left to the interpretation of the individual.

There was discussion regarding good and reasonable cause.

Mr. Skeens asked if other requests had been based on medical reasons.

Mr. Svoboda stated that some had been but not all of them.

There was continued discussion regarding good and reasonable cause.

Mr. McCallum explained that the Vincel request had not been based on medical reasons but on property marketability. He noted that the property is more marketable when removed from the AFD as divisions are an issue when the property is tied up in the AFD. He asked that the Planning Commission recommend approval of the request.

Mr. Skeens stated that he would like to know what the options are before releasing the property from the AFD.

Mr. Davis agreed.

Ms. Woodfolk stated that she understood the explanation but that for her it would not be reasonable cause.

Davis Lamb stated that participating in the AFD is a voluntary action and that it does tie the hands of the property owner.

Jim Davis made a motion to recommend denial of AFD#07-001.

Phyllis Woodfolk seconded the motion.

John Merrill asked to address the Commission before the vote was taken.

Graydon Lamb allowed him to speak.

Mr. Merrill stated that the property will come out of the AFD in 2010 anyway. He added that if he was forced to wait, 68 divisions could go into play and that he would make a decision at that time. He stated that he would not make promises as to what he was willing to do regarding open space because the IRS would not consider that a gift if guaranteed in public meeting. He added that it is not his intent to subdivide the property. He pointed out that if they have to stay in the AFD now that he did not think the county would benefit.

Graydon Lamb thanked Mr. Merrill for his comments.

The vote was taken.

AYE

Jim Davis

Mike Skeens
Phyllis Woodfolk
Graydon Lamb

NAY

Davis Lamb

The motion to recommend denial of AFD#07-001 carried by a 4-1 vote.

ORDINANCE REVISIONS

OR#07-001 Article 19 E & S Revision

OR#07-002 Manufactured Homes

OR#07-003 Subdivision Ordinance Section 3, Preliminary Plans

Mr. Lamb asked Mr. Svoboda to review and clarify the above ordinance revisions.

Mr. Svoboda reviewed staff reports for the revisions.

There was discussion regarding all of the revisions. Information for these revisions is as follows:

OR#07-001 Article 19 E & S Revision

19-5-15 Slopes in excess of ten (10) percent, and **D**evelopments disturbing over ~~twenty~~ **ten** thousand (20**10**,000) square feet of land, shall be required to obtain a land disturbing permit. ~~be treated in a manner necessary to~~

~~prevent soil erosion and excessive runoff. Where an erosion and sedimentation control permit is required, The necessary Erosion and Sediment Control, and Stormwater Management Plans and data shall be submitted, reviewed and approved by the Greene County Erosion and Sediment Program Administrator prior to the issuance of a land disturbing permit and final approval of the site development plan.~~

OR#07-002 Manufactured Homes

3-1 USE REGULATIONS

In Conservation District C-1, structures shall meet the minimum lot area, setback, yard, and frontage requirements of this Ordinance. ~~Mobile or manufactured homes must conform to the provisions of Section 16-5 of this Ordinance.~~ Structures to be erected or land to be used shall be for the following uses:

3-1-1 Uses Permitted by Right

- .1 Single family detached dwelling.(Amended 10/30/01)
- .2 Conservation and preservation areas.
- .3 Low intensity agriculture, as defined.
- .4 Processing, storage, and sale of low intensity agricultural products produced on-site.
- .5 Public utilities: poles, lines, transformers, and related and/or similar facilities including public water and sewer transmission lines, treatment facilities, and pumping stations; electrical power substations; oil and gas transmission lines and pumping stations; microwave and radio-wave transmission and relay towers and substations; unmanned telephone exchange centers; telephone booths. (Revised 1/11/05)
- .6 Home occupations, as defined.
- .7 Extraction of natural resources for household use only.
- .8 Timbering, consistent with Best Management Practices as established by the State Forester.
- .9 Accessory uses or structures, as defined.
- .10 Public facility. (Revised 1/11/05)
- .11 Public recreation areas including parks, playgrounds and campgrounds. (Revised 1/11/05)
- .12 Public schools. (Revised 1/11/05)
- .13 Residential Accessory Structure—768 square feet or less (Revised 8/18/05)
- .14 **Mobile or Manufactured Home, as defined (Revised x/xx/07)**

3-1-2 Uses Permitted by Special Use Permit

- .1 Country inns, bed and breakfast, and similar establishments.
- .2 Lodges, as defined, where the maximum tenancy is thirty (30) days.
- .3 Outdoor shooting preserves, shooting ranges and sporting clays.
- .4 Private recreation areas including parks, playgrounds and campgrounds. (Revised 1/11/05)
- .5 Fish hatcheries.

- .6 Sawmills and planing mills.
- .7 Reserved. (Revised 1/11/05)
- .8 General stores, as defined.
- .9 Antique, craft and gift shops.
- .10 Wayside stands, as defined.
- .11 Reserved. (Revised 1/11/05)
- .12 Two-family dwelling units.
- .13 Ground disturbing exploratory activities.
- .14 Churches and church cemeteries.
- .15 Conference centers.
- .16 Extraction of natural resources for commercial use.
- .17 Stables, horseback riding and equestrian facilities.
- .18 Private schools. (Revised 1/11/05)
- .19 Telecommunication antennas and towers, subject to the conditions in Article 21. (Revised 1/11/05)
- .20 Mulch production facility. (Revised 1/11/05)
- .21 Group home or home for developmentally disabled persons (per Code of Virginia.) (Revised 1/11/05)
- .22 Residential Accessory Structure—greater than 768 square feet (Revised 8/18/05)
- .23 **Mobile or manufactured home hardships- Shall conform to the provisions of Section 16-5 of this Ordinance (Revised x/xx/07)**

4-1 USE REGULATIONS

In Agricultural District A-1, structures to be erected or land to be used shall be for the following uses, each main structure shall meet the minimum lot area, setback, frontage and yard requirements of this ordinance. ~~Mobile or manufactured homes must in all cases conform to the provisions of Section 16-5 of this Ordinance.~~ Structures to be erected or land to be used shall be for the following uses:

22-82 MANUFACTURED HOME: ~~A structure manufactured after July 1, 1976, subject to federal regulation, which is transportable in one or more sections; is 8 body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (Source: Virginia Industrialized Building and Mobile Home Safety Regulations—1984) No mobile home or manufactured home which was originally built as a single or multi-family dwelling unit as defined herein shall be used as a storage or other out-building or for housing livestock or other animals, it being the intent of this ordinance that such mobile home or manufactured home be used solely for the purpose of human habitation or occupation.~~
A factory-built, single family structure that meets the Federal

Manufactured Home construction and Safety Standards Act (42 U.S.C. Sec. 5401) (Source: Moskowitz, Harvey S. and Carl G. Lindbloom. 2004. *The Latest Illustrated Book of Development Definitions*. P. 237.

~~**22-82.3 MOBILE HOME:** A structure manufactured before June 30, 1976, not subject to Federal regulations which is transportable in one or more sections; is 8 body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. (Source: Virginia Industrialized Building and Mobile Home Safety Regulations – 1984) No mobile home or manufactured home which was originally built as a single or multi-family dwelling unit as defined herein shall be used as a storage or other out building or for housing livestock or other animals, it being the intent of this ordinance that such mobile home or manufactured home be used solely for the purpose of human habitation or occupation.~~
A residential dwelling that was fabricated in an off-site manufacturing facility designed to be a permanent residence and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards. Source: Moskowitz, Harvey S. and Carl G. Lindbloom. 2004. *The Latest Illustrated Book of Development Definitions*. P. 248.

OR#07-003 Subdivision Ordinance Section 3, Preliminary Plans

2-2-40.Subdivision: The act or process of subdividing as herein defined.

2-2-40.1 Subdivision, Major: divisions that create 5 lots or more.

2-2-40.2 Subdivision, Minor: Those subdivisions listed in Paragraphs 5-2, 5-3, and 5-4 and subdivisions that create 4 lots or less.

3-1. Preliminary Plan Submission

3-1-1. Ten (10) black line or blue line copies of the preliminary plan, and all required supplementary data, for all proposed subdivisions shall be submitted by the subdivider to the Department of Planning and Community Development at least ~~thirty (30) days~~ **sixty (60) days** prior to the regularly scheduled meeting of the Planning Commission at which action thereon is desired. ~~No plan shall be scheduled for Planning Commission review before all of the conditions listed in Section 3-2 are met including the submission of all reports (VDOT, Soil and Water Conservation District, Health Department, RSA) to the Planning Department. (Amended 5/23/95)~~

3-1-2. If the preliminary plan submission complies with ~~Section 3-3~~ of this Ordinance, the Zoning Administrator shall stamp one print for

~~review of the Highway Engineer, Health Official, and Soil and Water Conservation District, then return to the subdivider for submission to these agencies.~~

The preliminary plan shall be submitted to the Department of Planning and Community Development, where it shall be sent to necessary plan reviewing agents. The plan reviewing agents shall send comments back to the Department of Planning and Community Development.

~~3-1-3. The order of submission to these reviewing agents shall be as follows:~~

~~3-1-3.1. Highway Engineer~~

~~3-1-3.2. Health Official~~

~~3-1-3.3. Soil and Water Conservation District Official~~

Subdivisions that include private roads and create five (5) lots or more and subdivisions that include public roads and create fifty (50) lots or more must be reviewed by the Planning Commission prior to final approval. (Revised 7/25/06)

~~3-1-4. Certain subdivisions exempt from Planning Commission review~~

3-1-4. Family divisions, single lot exemptions, boundary line adjustments, agricultural partitions, and/or divisions of a single lot may be reviewed and approved administratively by the Subdivision Agent. Subdivisions that include private roads and create five (5) lots or more and subdivisions that include public roads and create fifty (50) lots or more must be reviewed by the Planning Commission prior to final approval. (Revised 7/25/06)

3-2-4. The preliminary plan shall be accompanied by the following supplementary data:

3-2-4.1. A plan for minimizing erosion and sedimentation in accordance with the erosion and sedimentation control standards as set forth by the Erosion and Sedimentation Control Handbook and approved by the Erosion and Sediment Program Administrator by the Soil and Water Conservation District.

3-2-4.2. In the case of subdivision plans to be developed in stages or sections over a period of time, a map delineating each stage or section of the proposed subdivision consecutively numbered so as to illustrate phasing of development. (Review this)

3-2-4.3. Certification of water supply systems.

3-2-4.3.1. Public. When water service to the proposed subdivision is to be provided by an existing public system, ~~the developer shall submit~~ a letter from the agency, authority, or utility which states that it can adequately serve the proposed subdivision **shall be submitted.**

3-2-4.3.2. Centralized. When water service to the proposed subdivision is to be a centralized water system, ~~the developer shall submit~~ a letter from the Health Department which evaluates the proposed system in relation to the State's minimum requirements **shall be submitted.**

3-2-4.4.1. Public. When sewage disposal service to a proposed subdivision is to be provided by an existing public system, ~~the developer shall submit~~ a letter from the agency, authority, or utility stating that it can adequately serve the proposed subdivision **shall be submitted.**

3-2-4.4.2. Centralized. When the subdivision is to be served by a centralized sewage disposal system, ~~the developer shall submit~~ a letter from the Virginia State Water Control Board which evaluates the proposed system in relation to the State's minimum requirements **shall be submitted.**

3-2-4.4.3. On-lot. When sewage disposal service for the proposed subdivision is to be by individual on-lot sewage disposal systems, ~~the developer shall submit~~ a letter from the Greene County Health Department which reports the Department's findings as to the feasibility of using on-lot sewage disposal systems **shall be submitted.** (Amended 5/23/05)

3-3. Preliminary Plan Review

In order for ~~a subdivider~~ **the applicant** to successfully secure preliminary plan approval, the following steps and procedures must be completed.

3-3-1.2. Having made this determination, the Zoning Administrator shall advise the **applicant** ~~subdivider~~ of the degree to which the submission is complete and either returns the maps and materials for further work ~~or affix a stamp on one copy of the preliminary plan map to be circulated by the subdivider to all necessary agencies.~~ **or send a copy of the preliminary**

plan to the necessary agencies for comment.

- 3-3-2. Written comments **and approval** by the Highway Engineer shall constitute analysis of any proposed roads for compliance with Virginia Department of Transportation design standards and all alignments and relationships of proposed streets to the existing road network.
- 3-3-3. Written comments **and approval** by the Health Official shall require review of the following information before approval can be given:
- 3-3-4. Written comments **and approval** by the ~~Soil and Water Conservation District Official~~ **Erosion and Sediment Program Administrator** shall be made of the proposed Erosion and Sediment Control Plan in cases where the proposed subdivision has not been exempted from such regulations.
- 3-3-5. Review of the preliminary plan by the Planning Commission **or agent** shall proceed as follows:
 - 3-3-5.1. When a preliminary plan has been **submitted resubmitted** to the Department of Planning and Community Development ~~with~~ **and** the required agency approvals **have been received by the Department of Planning and Community Development**, such plan, except those plans exempted from standard procedures as provided for in Section 5, shall be placed on the agenda of the Planning Commission **or agent** for review ~~at its next regular monthly meeting provided that said submission has occurred no less than sixteen (16) calendar days prior to such regular meeting.~~
 - 3-3-5.2. The Planning Commission **or agent** shall review the preliminary plan to determine its conformance with the standards contained in this Ordinance and other applicable regulations and shall require or recommend such changes or modifications as it deems necessary.
 - 3-3-5.3. No decision shall be made by the Planning Commission **or agent** with respect to a preliminary plan until this body has received and considered the written report and approval of the Highway Engineer, the Health Official, and ~~Soil and Water Conservation~~

~~District Official~~ **Erosion and Sediment Program Administrator**. In all cases, the Planning Commission **or agent** must act within sixty (60) days after receipt of the preliminary plan from the **applicant** ~~subdivider~~ unless said applicant requests further delay.
(Amended 5/23/95)

- 3-3-5.4. During review of the preliminary plan, the Planning Commission **or agent** shall consider the written report of the Department of Planning and Community Development when making its decision.
- 3-3-5.5. Within ten (10) days after the meeting at which the preliminary plan is reviewed by the Planning Commission **or agent**, the action taken by the Commission **or agent** in recommending approval or denial of the preliminary plan, together with the findings and reasons upon which the action is based, shall be given in writing to the **applicant** ~~subdivider~~ or his agent.

Jim Davis made a motion to recommend approval of OR#07-001, OR#07-002, and OR#07-003 as presented.

Davis Lamb seconded the motion.

The vote was taken.

AYE

Mike Skeens
Phyllis Woodfolk
Davis Lamb
Jim Davis
Graydon Lamb

NAY

The motion to recommend approval of OR#07-001, OR#07-002, and OR#07-003 carried by a 5-0 vote.

CAPITAL IMPROVEMENT PLAN (CIP)

Graydon Lamb asked Mr. Svoboda to review the CIP.

Mr. Svoboda stated that there were not a lot of changes but more updates to the CIP. He stated that Public Safety, Building & Grounds, Parks & Recreation, School System, and Transportation had listed some additions and/or updates which may have moved previously listed projects either forward or later.

Mr. Lamb opened the public hearing.

Carl Schmitt addressed the Commission and stated that he could not make many comments because he had only just reviewed the information tonight. He added that the CIP is supposed to cover all agencies of the county and that all agencies had not responded. He added that he was not comfortable that this plan is viable as all agencies have not responded. He suggested a public work session because this is an important document on which to base the cash proffer system.

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

Davis Lamb asked what inflation figures were used.

Mr. Svoboda stated that 10% was the figure used.

There was discussion regarding the CIP, inflation, and agency response or the lack thereof.

There was discussion of proffer calculation and possible renovations in areas and the associated costs. The Commission completed their review and prioritization of the CIP. The changes are as follows:

- Security in the Schools Priority moved to 1 Target 2008-09
- Restroom at the Park Priority moved to 2
- New Recreation Building Target 2015-16
- VDOT to provide information for Transportation issues

Mr. Skeens asked if copies of the CIP would be made available to the public.

Mr. Svoboda stated that they would be available although it had not been completed when Mr. Schmitt came by the office.

Andrea Wilkinson suggested that the CIP be posted on the web site.

Mr. Skeens made a motion to recommend approval of the CIP with the discussed changes and the information to be provided by VDOT.

Davis Lamb seconded the motion.

AYE

Jim Davis
Davis Lamb
Phyllis Woodfolk
Mike Skeens
Graydon Lamb

NAY

The motion to recommend approval of the CIP carried by a 5-0 vote.

OLD/NEW BUSINESS

Andrea Wilkinson asked in conjunction with the AFD request whether or not the creation of a conservation easement would be considered a division. She also informed the Commission that the TJPDC grant passed from the first to the second phase. She added that support letters from the community are needed and that several organizations had committed to send letters.

Mr. Svoboda informed the Commission that the Accessory Apartment proposal would go to the Board of Supervisors on March 27th.

Mr. Svoboda explained that there would be a Special Use Permit request, a Rezoning Request, and two Ordinance Revisions on next month's agenda.

Mr. Svoboda stated that there would be a one-day Graduate Seminar held in Charlottesville soon and that anyone interested in attending should let him know.

APPROVAL OF MINUTES

The minutes for the February 21, 2007 meeting were unanimously approved as submitted.

OTHER PLANNING MATTERS

Mr. Svoboda stated that the Planning/Zoning office and the Inspections office would be holding a staff meeting to review the application process and methods to streamline that process in order to provide better customer service.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary