

PLANNING COMMISSION
January 20, 2016

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, JANUARY 20, 2016, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were: Jay Willer, Chairman
 Victor Schaff, Vice-Chairman
 Frank Morris, Member
 John McCloskey, Member
 Dale Herring, Ex-Officio Member
 Bart Svoboda, Planning Director
 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 explained that there are currently four members as the Board of Supervisors has not appointed anyone to the vacant seat.

ELECTION OF OFFICERS/LIAISONS

Mr. Willer stated that the next item would be to hold the election for officers. He opened the floor for nominations.

Mr. Schaff nominated Mr. Willer for Chairman.

Mr. McCloskey seconded the motion.

Mr. Willer was elected Chairman by a 3-0 consensus vote with Mr. Willer abstaining.

Mr. Willer opened the floor for nominations for the Vice-Chairman seat.

Mr. McCloskey nominated Mr. Schaff for Vice-Chairman.

Mr. Morris seconded the nomination.

Mr. Schaff was elected Vice-Chairman by a 3-0 consensus vote with Mr. Schaff abstaining.

Mr. Willer stated that Mrs. Alley needs to be reappointed as Secretary.

Mr. Morris nominated Marsha Alley as Planning Commission Secretary.

Mr. McCloskey seconded the nomination.

Marsha Alley was reappointed as Secretary by a unanimous consensus vote.

Mr. Willer stated that liaisons need to be appointed for the Town of Stanardsville and the Economic Development Authority (EDA).

Mr. Willer stated that he would be pleased to continue to serve as the EDA liaison.

Mr. McCloskey volunteered to continue to serve as the Town of Stanardsville liaison.

Mr. Schaff made a motion to appoint Mr. Willer as the EDA liaison and Mr. McCloskey as the Town of Stanardsville liaison.

Mr. Morris seconded the motion.

Mr. Willer was appointed as the EDA Liaison and Mr. McCloskey was appointed as the Town of Stanardsville liaison by a unanimous consensus vote.

PUBLIC HEARINGS

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 language for the request to allow chickens in the R-1 zoning district. He reviewed previous suggestions to language relating to limiting the type and number of fowl. He stated that the currently proposed language is based on feedback provided from previous comments and suggestions from the Commission and the public.

The Chairman opened the public hearing.

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

- Keith Bourne: keeps a flock in the A-1 district; believes the revision would be a great change; supports urban agriculture; the revisions is worth the time that has been spent in review; suggested that the Commission may want to consider other localities regarding the limitation of slaughter to indoors only.

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

Mr. Willer reviewed his prepared comments regarding the following points:

- a sliding scale for the number of chickens based on lot size
- the revision being presented as a family type use and not a business
- a suggestion of two options for the use of lot size to determine the number of chickens allowed
- the establishment of setbacks from residential structures, occupied buildings, and water sources
- guidelines for storage and disposal of litter
- the proposal of enforcement by animal control

Mr. Morris stated that he liked the sliding scale for larger parcels. He added that the Virginia State Law refers to the minimum purchase of six chicks at a time.

Mr. Svoboda stated that he was not aware of that law and would look into that.

Mr. Morris asked if there were already regulations regarding the storage of litter.

Mr. Svoboda explained that the current regulations concerning litter storage are in regard to commercial operations only.

Mr. McCloskey suggested having setbacks for litter storage as well.

There was discussion regarding the storage of litter.

Mr. Schaff agreed with Mr. Willer's suggestion relating to a simpler plan for limiting the number of chickens.

Mr. Morris asked how the regulations would be enforced.

Mr. Svoboda stated that Mr. Willer has suggested that animal control be responsible but noted that if the language is in the zoning ordinance, then the Zoning Department would enforce the regulations.

Mr. Willer stated that staff had diligently provided language from other localities' ordinances which assigned the enforcement responsibility to the animal control office which was why he suggested the same idea. He added that he was not certain that the Planning Commission had the jurisdiction to assign duties to the animal control office.

Mr. Svoboda stated that he could address the enforcement issue with Emergency Service for review regarding animal control enforcement. He added that if animal control was assigned the responsibility then a county code revision would be needed as it governs the animal control issues.

There was discussion regarding who would be responsible for the enforcement of

the proposed regulations.

Mr. McCloskey agreed that he liked the simpler scale for limiting the number of chickens.

There was discussion as to the scale of the operation and the number of chickens that would be appropriate.

Mr. Schaff stated that Mr. Morris showed him the code language referring to the purchase of a minimum of six chicks at a time and suggested changing Mr. Willer's proposed limitation from 5-10 to 6-10.

Mr. Willer agreed that the change made sense.

Mr. Svoboda agreed that there should be continuity in regulation.

There was a brief discussion regarding the appropriate number of chickens allowed by-right.

Mr. Morris stated that if someone wanted more chickens, then they could request a special use permit.

Mr. Willer stated that the definition of fowl had been an issue in the past.

Mr. Svoboda stated that the proposed definition refers to domestic laying hens, includes any variety of egg-laying female chickens.

Mr. Willer suggested being more direct and to specifying what would not be allowed such as males, guineas, pea fowl, etc. He noted that it may create more ambiguity if something is not listed. He added that the staff definition would likely be fine.

Mr. Schaff and Mr. Morris agreed with definition as provided by staff.

Mr. Willer suggested more extensive setbacks than provided by staff. He stated that he included setbacks from the property line and a setback from a neighboring occupied building to create adequate separation from the neighbors.

Mr. Willer added that Mr. McCloskey suggested that a setback be added to address litter storage from a property line.

Mr. Morris stated that he was troubled by the suggested 25 ft. setback from the property line as a lot of the parcels in subdivisions have most of the tree lines across the rear of the property which could provide shade.

There was discussion relating to the setbacks and lot size issues.

Mr. Willer noted that every lot may not be designed for the keeping of chickens.

Mr. Morris stated that this would require animal control to enforce the number of chickens and the Zoning Department to enforce the setbacks.

Mr. Svoboda explained that if animal control became involved in enforcement then a county code revision must occur.

Mr. Schaff stated that he had envisioned his lot and some others he knew of and noted that the setback makes sense. He agreed that some lots may not be suitable for raising chickens.

There was discussion of the average lot sizes in subdivisions and how setbacks would affect the keeping of chickens there. There was additional discussion relating to the county code revision process if needed.

Mr. Schaff stated that he liked Mr. Willer's suggestions.

Mr. McCloskey stated that he liked the statement of intentions for family use.

Mr. Willer stated that he just wanted to make the point that the trigger had been for personal use.

Mr. Willer reviewed the litter storage suggestion.

Mr. Morris restated that he was unsure about the 25 ft. setback.

There was discussion relating to the proposed criteria and the idea that not every lot may be suitable. It was noted that some subdivisions are zoned A-1 and are not affected and that R-1 lots would only be affected. It was noted that the point was taken in regard to smaller lots. It was also noted that some Home Owners' Association may limit the activity as well.

Mr. Willer referred to Mr. Bourne's reference to slaughtering.

Mr. Schaff stated that it would likely occur seldom and may not need to be specified.

There was discussion relating to the need to address slaughtering.

Mr. Svoboda explained that without regulation, slaughtering could take place anywhere on the property. He added that these regulations are fairly new throughout the commonwealth. He noted that the topic is about allowing an agricultural use in a residential district.

Mr. Willer stated that he was content to leave that issue up to the families and their neighbors and added that if it becomes an issue it can be addressed at a later date. He thanked Mr. Bourne for his input on the topic.

Mr. Willer stated that a number of changes have been made to the language as provided by staff.

Mr. Morris stated that the Commission has almost gotten it complicated enough to require a permit.

There was discussion regarding motion possibilities and which suggestions should be used. The discussed changes that were as follows:

- Remove the sliding scale and substitute the limit of six to ten with the language regarding lot size
- Add the litter setback
- A maximum of six chickens on a half-acre parcel
- No more than ten chickens on a parcel larger than half-acre
- Strike yard regulations and insert proposed setbacks
- Include litter storage in setbacks

An inaudible suggestion was made from the floor and Mr. Willer acknowledged it.

There was discussion regarding the composting of litter for use as a garden fertilizer which would likely not be considered storage of litter.

Mr. Morris stated that he liked the language as provided by staff with the exception of the change from five to six chickens minimum. He added that the setbacks are currently in place for construction purposes.

Mr. Svoboda pointed out that construction cannot occur within a stream but that there is currently no setback from a stream as there is no stream buffer ordinance in place.

Mr. Morris stated he did not like the proposed 25 ft. setback from the property line, noting that the others are fine.

There was discussion relating to the current setbacks and the proposed setbacks. There was discussion as to making a motion to include the setback within the ultimate decision.

Mr. Schaff made a motion to include the setback of 25 ft. from the property line for coops and litter storage.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

Mr. McCloskey
Mr. Schaff

Mr. Willer

NAY

Mr. Morris

The motion to include the setback carried by a 3-1 vote.

Mr. Schaff made a motion to recommend approval OR#15-003 with the following revisions:

- Maximum of six (6) chickens on a parcel one-half acre or less in size
- Maximum of ten (10) chickens on a parcel more than one-half acre in size
- Strike the proposed yard regulations and replace them with the setback regulations as proposed by Mr. Willer
- Strike *either fertile or barren* in the definition
- Add setbacks of 50 feet from any neighboring occupied building
- Add setbacks of 25 feet from a well head
- Add setbacks of 50 feet from any stream, pond, lake, or waterway for enclosures and litter

Mr. Morris seconded the motion.

The vote was taken.

AYE

Mr. McCloskey
Mr. Morris
Mr. Schaff
Mr. Willer

NAY

The motion to recommend approval of OR#15-003 carried by a 4-0 vote.

Mr. Willer noted that the Commission did not address the animal control issue and would leave that up to the Board of Supervisors.

OLD/NEW BUSINESS

2016 Work Program

Mr. Svoboda reviewed the 2016 Work Program as to items that have been completed, items that are in progress, and other items to be considered. He noted that legal requirements are always a priority item.

Mr. Schaff stated that he was surprised to find proffer calculation at the lower end of the list.

There was general discussion as to how items are prioritized.

Mr. Willer stated that the BOS will formalize a work program for the Commission to follow.

Mr. Willer asked if there were any anticipated items from the Town of Stanardsville.

Mr. Svoboda stated that he had not met with the mayor yet but was not aware of anything at this time.

Comprehensive Plan Update

Mr. Willer stated that he had provided feedback to staff and Commission members for review. He offered a brief review of those comments. He encouraged the other members to provide comments for next month.

Mr. Svoboda agreed and encouraged everyone to provide feedback for collection and development.

There was discussion relating to the progress of the Comprehensive Plan revision and the upcoming schedule for review.

Mr. Schaff suggested collaborating with Mr. Yost at the EDA for up to date data.

Mr. Yost made an inaudible statement from his seat.

Mr. Willer stated that the by-laws need to be revisited specifically regarding the collection of minutes for public comment. He suggested it be included as an agenda item for next month.

Mr. Morris stated he had received feedback and that it seems that sharing minutes is likely the issue that generates the most complaints.

Mr. Schaff suggested discussing it tonight and not waiting until next month. He offered that everyone gets 3 minutes and that there would be no sharing.

Mr. Morris and Mr. McCloskey agreed.

Mr. Svoboda stated that staff will revise the by-laws and present them at next month's meeting for review and approval.

Everyone agreed.

Mr. Morris asked if a representative from Rapidan Service Authority had ever scheduled to attend a meeting to address water issues.

Mr. Svoboda stated that the request for their attendance has been made.

Mr. Morris stated that he would like for a representative to address the Commission to answer questions as they relate to water/sewer for the Comprehensive Plan review.

Mr. McCloskey agreed.

Mr. Willer noted that WW Associates would be present next month but may not be able to answer all the questions.

Mr. Svoboda stated that he could ask again or ask the RSA Board representatives as well if someone could attend a Commission meeting to address some issues.

Mr. Morris stated that he would appreciate that so that decisions can be made with the correct information.

APPROVAL OF MINUTES

Mr. Morris made a motion to approve the December 16, 2015 meeting minutes as presented.

Mr. Schaff seconded the motion.

The minutes for the December 16, 2015 meeting were approved by a 4-0 vote.

OTHER PLANNING MATTERS

Mr. Svoboda reminded the Commission of the Joint Meeting with the Board of Supervisors scheduled for Feb. 9th at 6:30 pm. He also reminded everyone to check their email for training opportunities and other communications.

Town of Stanardsville Information

Mr. McCloskey gave an update on the grant that is being sought by the Town. He added that Ford Avenue has been a topic of recent discussion.

Mr. Willer stated that he anticipates having a full Commission next month if the Board of Supervisors appoints a new member at their next meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman

2.17.2016

Date