

PLANNING COMMISSION
May 18, 2016

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, MAY 18, 2016, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Members present: Jay Willer, Chairman
 Victor Schaff, Vice-Chairman
 Frank Morris, Member
 John McCloskey, Member
 William Saunders, III, Member

Staff present: Dale Herring, Ex-Officio Member
 Bart Svoboda, Planning Director
 Stephanie Golon, Planner
 Shawn Leake, Zoning Officer
 Marsha Alley, Secretary

CALL TO ORDER

The Chairman called the meeting to order. He gave instructions to attendees regarding the sign-up sheets for each public hearing.

DETERMINATION OF QUORUM

The Chairman asked each member to state their name for the record to determine a quorum.

PUBLIC HEARINGS

Ronald Snoddy requests an amendment to an existing special use permit (SUP#14-009) in order to revise the approved conditions for a home business for auto restoration on a 2.27 acre tract zoned R-1, Residential, located on Matthew Mill Road and identified on County Tax Maps as 66D-(3)-X. (SUP#16-002)

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

Mr. Svoboda reviewed the request. He stated that the request is for an amendment to the special use permit that was approved in 2014. He reviewed the conditions for approval for the 2014 special use permit. He explained that the applicant would like to amend the conditions associated with approval. He presented information on a PowerPoint presentation which included aerial photos, maps, drawings, Code of Virginia language and legislation, agency comments, etc. He noted that the Comprehensive Plan designates the parcel as rural. He added that staff has provided some suggested conditions for approval as follows:

- a. The Home Business shall be located in the structures A & B shown on Exhibit A.
- b. To ensure the character of the neighborhood, the paint booth and blower shall only be operated Monday-Friday between the hours of 10:00 am - 2:00pm.
- c. Outdoor storage is prohibited.
- d. To ensure that the septic system is adequately sized and functioning properly for the home business, a system review by a Professional Engineer or Onsite Soil Consultant shall be approved by the Virginia Department of Health prior to the proposed commercial use.
- e. To ensure the harmony of the neighborhood, the addition of any accessory structure associated with the home business shall warrant the approval of a site plan in accordance with the zoning ordinance.

Mr. Svoboda stated that the original approval required that the use occur within a proposed new building which has not been constructed. He added that the applicant is requesting to operate within the existing buildings with the possibility of adding some storage buildings.

Ronald Snoddy addressed the Commission. He explained that he had planned on constructing the 60' x 100' building in the front of the lot but decided to utilize the existing buildings.

Mr. Schaff asked Mr. Snoddy if the buildings that are currently being used where present at the time of the special use permit request in 2014.

Mr. Snoddy stated that the buildings were on the property at that time.

Mr. Schaff stated that he was curious as to why the existing buildings were not considered for use during the 2014 special use permit request.

Mr. Snoddy stated that he thought they were included in the 2014 request but noted that they were not.

Mr. Willer asked for a description of the nature of the business.

Mr. Snoddy explained that his business is automobile restoration involving older cars which consists of mostly muscle cars.

Mr. Willer asked if the business is currently in operation on site under the existing special use permit and if there are any employees.

Mr. Snoddy stated that he is currently in operation and that he has two employees.

Mr. Schaff asked how many restorations are performed per year.

Mr. Snoddy stated that he usually restored about 8-10 cars per year depending on the specific needs of the vehicle and parts availability.

Mr. McCloskey asked if the storage of chemicals has increased with the special use permit approval.

Mr. Snoddy stated that storage had not increased, noting that new containers, paint, etc. are secured.

Mr. Saunders asked if the originally requested 60' x 100' building was proposed to isolate the business in one area.

Mr. Snoddy agreed stating that he was trying to get the bulk of the business activity in that building.

Mr. Saunders stated that currently the business is distributed among the existing buildings.

Mr. Snoddy agreed.

Mr. Saunders stated that he understood that the neighbors had contacted Mr. Snoddy regarding the business.

Mr. Snoddy explained that they had not contacted him but that he had spoken with a couple of them on Monday night. He noted that one of them is pretty upset about it and that the other two had no problems with it. He noted that he spoke with three neighbors on the list.

Mr. Saunders asked if Mr. Snoddy if he is willing to speak with neighbors.

Mr. Snoddy stated that he is willing to speak with the neighbors adding that he does not want to be a bad neighbor.

Mr. McCloskey noted the suggested condition from staff regarding the operation of the paint booth and asked what hours the paint booth is currently in operation.

Mr. Snoddy stated that the paint booth is not operated very late. He added that the employees work from 7 am to 4 pm. He added that he would like to have it from 10 am to 4 pm if possible instead of 10 am to 2 pm as suggested in the condition. He added that an hour would be lost during lunch under the suggested condition. He noted that the booth is not for long periods of time unless the entire car is being painted. He added that usually cars are painted in pieces and the paint booth blower is not on for as long.

Mr. McCloskey asked if there is any type of control relating to what comes out of the booth.

Mr. Snoddy stated that a filter is in place and that he has the spec sheets on the

filter. He added that he believes that the noise from the fan is one of the problems and that he could do some things to quiet that some. He added that there may be some fumes as well.

The Chairman opened the public hearing.

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

- Michael Creyaufmiller: described himself as a sales and service person for paint booths; is available to answer questions about paint booth.
- Skip Forbes: adjoining property owner; pointed out that the definition of home business prohibits noise and odor; the business in operation is resulting in noise from blower and odor; a zoning letter states that the business was supposed to cease operation but the business continued to operate; used a downloaded app to measure the noise from his front porch and found that the average was 69 Db; noted that OSHA standards require hearing protection for any noise over 80 Db; smell and odor limit time outdoors; the limitation of blower operation to 10 am to 2 pm may benefit those who are not at home but does not benefit those who are home all day; noise can be heard inside his home; concerned for the impact on property values; during VRT (Virginia Race Tire, Inc.) shut down, the surrounding area was quiet and chemical odor free; hopes the county will recognize the impact the VRT has on surrounding homes.
- Michael DuBil: lives on Ashley Lane; understands that the request is an amendment to the approval from 2014; the 2014 approval requires a six-thousand square foot building to be located to the front of his property which was never built; the operation is located within an addition to an existing building which is nearer to the houses; how could this permit be amended when he is operating in violation of the confines of the original permit; it appears to be a request to extend the violation; please take a look at both permit requests before making your decision.
- Alex Arsenovic: stated that he signed the incorrect sheet.

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

Ronald Snoddy stated that there is noise from the fan and that he is willing to address the noise issue. He added that there should not be fumes as the system uses filters and that they are changed often.

Mr. McCloskey asked about the building expansion.

Mr. Snoddy stated that the expansion refers to the installation of the mechanical equipment. He added that the equipment can be placed outside but that it was installed inside an insulated building in order to reduce the noise. He added that his wife has a beauty shop located less than ten feet away from it and that the noise can barely be heard inside. He noted that the exhaust stack is located on the other side of the roof and that may be the difference in sound. He added that from the ground to the top of the stack is about 35 feet. He stated that Mike

Creyaufmiller could answer any paint booth related questions.

Mr. Saunders asked if building permits were issued for the existing buildings or modifications to them.

Mr. Snoddy stated that one building has been there since 2004 and that one was built in the late seventies or early eighties and was added on to in 1988 or 1989.

Mr. Saunders asked if building permits were obtained for each construction.

Mr. Snoddy stated that they were.

Mr. Schaff asked how many hours the fan runs per week.

Mr. Snoddy stated that it depends on the parts that are being painted as to how long the fan may run. He noted that it runs while painting and then a little longer to allow fumes to clear. He added that he has records that would show specific times.

Mr. McCloskey asked Mr. Snoddy if he was regulated for the paint booth.

Mr. Snoddy stated that it is a factory designed and approved booth with a fire system in it. He described the filtration process.

Mr. Willer asked Mr. Svoboda if the 2014 approval required the construction of the proposed building to house the business.

Mr. Svoboda agreed.

Mr. Willer noted that the business is in operation and the proposed building has never been built. He added that the Commission is now being asked to approve the business where it has been operating at least since 2014 maybe longer.

Mr. Svoboda agreed.

Mr. Willer stated that this makes the location of the business closer to the neighbors than if the proposed building had been built.

Mr. Svoboda agreed and described the topography of the parcel.

Mr. Morris stated that he remembered that the original request was for Mr. Snoddy to be able to work on his own vehicles.

Mr. Svoboda stated that he believed that was what the applicant had stated.

Mr. Morris stated that at that time, because Mr. Snoddy was working on his personal vehicles, the county could not regulate that use.

Mr. Svoboda agreed and stated that the county does not regulate for personal or hobby use, adding that the county only regulates the business use.

Mr. Morris stated that he remembered that as well.

Mr. Saunders asked if the department has been involved in any type of regulation or calls since the business has been operating.

Mr. Svoboda stated that the department has issued a notice of violation, noting that the appeal period for that notice will expire in the next few days. He added that Mr. Snoddy will have to appeal the notice or the determination will stand.

Mr. Saunders asked what the violation was concerning.

Mr. Svoboda explained that it is a violation of the special use permit conditions by operating the business in a location not approved by the special use permit.

Mr. Saunders stated that it could include the larger building which was not built. He reviewed the definition of Home Business. He stated that it sounded like the original plan had been to incorporate the business into one building with less notice by the neighbors. He asked it that was fair to say.

Mr. Svoboda agreed but added that the question would best be answered by the applicant.

Mr. Saunders agreed and noted that since that condition was not met, the Commission is faced with a situation.

Mr. Willer asked Mr. Snoddy if he would like to comment.

Mr. Snoddy stated that the comments were pretty much accurate.

Mr. McCloskey asked if the building expansion for the mechanical equipment went through the permitting process.

Mr. Svoboda explained that a permit was issued for the installation of a paint booth but added that there was no zoning review performed. He explained that there was no review relating to the issuance of that permit that would verify compliance with the special use permit which resulted in the issuance of the violation letter. He added that there was no determination made by the zoning administrator on that permit indicating that it was appropriate to be issued.

Mr. Saunders stated that it appears that the biggest problem is condition "a" of the approved 2014 special use permit relating to the proposed building that was not constructed.

Mr. Svoboda agreed.

Mr. Willer stated that the request is to now approve what has been done as opposed to what the original special use permit was for.

Mr. Svoboda agreed, noting that he believed the applicant is attempting to bring the use into compliance by amending the approved conditions.

Mr. Morris asked if the request is approved with the suggested conditions, would those conditions apply to the applicant's personal use as well.

Mr. Svoboda stated that the special use permit conditions would apply to the business, noting that if a business operates there, then the county would expect that the rules for the business would be followed.

There was discussion regarding the suggested conditions for approval as they relate to the approved conditions from 2014 and the operation of the business.

Mr. Snoddy stated that he has no intention of building a 60 ft. x 100 ft. building noting that it would be somewhat smaller, possible 30 ft. x 40 ft. or 40 ft. x 40 ft.

Mr. Willer reminded everyone that the special use permit approval runs with the parcel and that the conditions would apply to a new property owner if that were to change.

Mr. Snoddy stated that the condition could be removed.

There was continued discussion related to condition "a" of the approval of the 2014 special use permit.

Mr. McCloskey stated that he had supported approval of the 2014 special use permit with the conditions. He added that he understands the cost of constructing the building and starting a business but noted that the applicant is externalizing those costs to the neighbors who are paying the price in dealing with the sound and odor, noting that those are subjective issues. He added that the proposed building had been located in an area that had screening, etc.

Mr. Saunders asked if the county inspection process included visiting the site to measure particulates and things of that nature.

Mr. Svoboda stated that it could but that a consultant would need to be hired to perform that type of inspection. He added that he was not familiar with EPA (Environmental Protection Agency) or DEQ (Department of Environmental Quality) regulations or reporting process.

Mr. Saunders suggested that those types of items would have to be performed by Mr. Snoddy voluntarily in effort to get along with his neighbors.

Mr. Svoboda agreed.

There was discussion relating to the possibility of adding a condition to limit decibels and how that would be monitored, etc.

Mr. Saunders suggested that the neighbors need to talk.

Mr. Schaff stated that the Commission is charged with land use and not neighbors getting along.

Mr. Saunders agreed and noted that in an ideal world there would not be this issue.

Mr. Willer stated that this is not an ideal world.

Mr. Willer asked Mr. Creyaufmiller if the paints and materials being used have hazardous emissions or if it is just a bad smell.

Mr. Creyaufmiller stated that health hazards have been reported with direct contact. He added that the painters wear respirators while spraying the product. He explained that the particulate is captured in the filtration process. He compared the emission to hairspray, in that, when hairspray is sprayed it just evaporates into the air and disappears. He stated that there is no hazard as the stacks are placed straight up in order to blow straight up to catch prevailing winds to disperse any odor or particulate that may escape into the atmosphere before it comes to the ground.

Mr. Willer asked if the smell that the neighbors are experiencing is related to a health hazard.

Mr. Creyaufmiller stated that it could likely be compared to pumping gas at the gas station.

Mr. Willer noted that it is a health hazard.

There was discussion regarding the location of the building and the effectiveness of the stacks in the location approved in 2014.

Mr. McCloskey asked what compounds would be present in the emissions.

Mr. Creyaufmiller stated that there could be acetone adding that they are items that are found in the hardware store. He added that there would be nothing hazardous that would require licensing to purchase. He noted that the volatile organic compounds (VOC) are usually low in the paints and primers that are being used.

Mr. McCloskey asked if these types of paint booth operations are regulated by any agency.

Mr. Creyaufmiller stated that the EPA regulates the filtration media that are used.

He added that he provides the filters used by Mr. Snoddy and that they are EPA certified and that test data is available showing that the criteria has been met based on the UL testing.

Mr. Willer suggested that the Commission may be getting too deep into the science noting that the neighbors are smelling something whether it is hazardous or not. He added that there is obviously an impact on the neighbors based on that testimony.

Mr. Crefaufmiller stated that he has been at the shop when painting is underway and that he has never smelled anything. He added that he has worked in paint booths for about thirty years and that he was at a paint shop today that performs collision work. He stated that there are three paint booths in operation all the time at that shop and that there is no odor. He added that he has never had a complaint about an odor from a paint booth.

Mr. Willer stated that they have likely not been located in a residential area.

Mr. Creyaufmiller disagreed.

Mr. Willer stated there is a difference that is trying to be worked through.

Mr. Schaff stated that the original special use permit appeared to address some of the issues concerning the neighbors at this time. He added that he did not recall a lot of neighbor comments at that time. He added that if the Commission studies an issue and recommends approval, then it should be operated as approved. He added that there are many approvals that are disregarded and that he applauds Mr. Snoddy for trying to fix the problem, noting that the problem should have been fixed originally.

Mr. McCloskey stated that he agreed with Mr. Schaff. He added that it should have been built as approved but it continued to operate in this nature.

Mr. Schaff stated that other applicants have come to amend their original approvals because they do not want to adhere to the original conditions. He added that he does not believe that it is wise for the Commission to set the precedent of changing conditions because applicants do not want to adhere to them.

Mr. Saunders stated that the Commission is presented with a gap of what was intended and what exists.

Mr. Willer added that it is what is approved and the actual practice.

Mr. Morris stated that the original special use permit had no time limits on the blower and it placed the building in a lower site on the property resulting in more smell. He added that the first approval would place more impacts on the neighbors as Mr. Snoddy could operate two shifts if he chose.

Mr. Schaff made a motion to recommend denial of special use permit application SUP#16-002 due to the fact that if the original special use permit conditions from 2014 had been followed, then the issues that are present today would likely not exist.

Mr. McCloskey seconded the motion.

The vote was taken.

AYE

Mr. Saunders
Mr. McCloskey

Mr. Schaff
Mr. Willer

NAY

Mr. Morris

The motion to recommend denial of SUP#16-002 carried by a 4-1 vote.

The Chairman explained the job of the Commission is to make recommendations to the Board of Supervisors who will then make the final decision at another public hearing.

Greene County Zoning Ordinance Revision: Revise Article 3-Conservation (C-1), Article 4-Agricultural (A-1) to include Bed and Breakfasts, Tourist Lodging, and Transient Lodging and related uses as uses permitted by-right or by special use permit in the C-1 and A-1 zoning districts, and revise Article 16-19-Temporary Events and Article 22-Definitions and all applicable references to define Bed and Breakfasts, Tourist Lodging, and Transient Lodging and related terms. (OR#15-001)

Mr. Willer read the request and asked Mr. Svoboda for a report. He reminded anyone who wanted to speak to sign up on the sheet.

Mr. Svoboda reviewed the history of the request and the progress of the review noting dates for work sessions and public hearings. He reviewed the language provided in the packet noting that the use would be allowed by right in the A-1 and C-1 zoning districts only, would be limited to five (5) guest rooms contained within the primary structure, no more than four temporary events per year in accordance with Article 16-19, and the allowance of one (1) single family dwelling per parcel excluding the regulations set forth in Article 16-1. He added that in order to exceed any of these by right uses, a special use permit must be obtained. He reviewed the definitions of the uses and the allowance for providing dining for meetings and guests staying at the lodge. He noted that the structure does not have to be the primary residence. He summarized that the use would be for tourist lodging that could be owner occupied or not, for thirty (30) consecutive days, and a limit of five (5) guest rooms.

There was discussion relating to the definition and the included classes of lodging within the definition. There was additional discussion related to the use of single family dwellings as rentals and the need for a special use permit to exceed the regulations.

Mr. Svoboda stated that Mr. Willer had submitted several suggested revisions earlier today.

Mr. Willer reviewed the suggestions that he submitted. He explained that there could be a set of criteria that would allow tourist lodging as a by right use.

Mr. Willer reviewed the public hearing process and time limitations for those in attendance.

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

- Keith Bourne: Property owner and Greene County resident; stated that there is already an ordinance in place to address transient lodging which requires a special use permit which seems appropriate; noted that there are some neighborhoods that are zoned A-1 and stated that the use is not appropriate in neighborhoods; as the revision is proposed, it does not protect the harmony of neighborhoods; request that the Commission not accept these changes.
- Shelia Lamb: Lifelong resident of Greene County and property owner in Riverdale subdivision; opposes the change because she believes that the ordinance revision would deteriorate the lifestyle of the families living in subdivisions and would be detrimental to our family being while at home.
- Robin Marston: Riverdale homeowner; opposes any change to the ordinance.
- J.T. Williams: Riverdale resident; opposes any changes to the ordinance.
- Hildegard Moll; Riverdale property owner; votes in a negative fashion as she does not agree with the revision; wants to have Riverdale remain as a family neighborhood; would appreciate that the covenants would be honored.
- Gail Berry: Riverdale property owner; believes that the county should enforce ordinances as they are and does not want them changed; protect the communities regardless of the number of lots; believes that residents should not have to deal with transient lodging within our communities.
- Janet Pitt: Riverdale resident; opposed to any change of the ordinance; would like to see the ordinance enforced as it is; surprised that you would want to give up the right to regulate this issue; we do not want our subdivisions threatened.
- Diane Kempf: resident of the Riverdale neighborhood; noted that the covenants do not allow businesses and allow only one family per lot; added that this issue has been violated for the last two years and that a special use should not be approved; rules have been broken; opposes the changes.

- Irv Kempf: Riverdale resident; is against the proposed zoning changes; does not want outdoor events that would be noisy four times per year; imagines that a person could continue to purchase lots in order to expand the operation within the neighborhood; concerned for property values; would like to see existing covenants enforced.
- Vickie Hartley: Greene County resident; concerned for the welfare of her daughter with strangers coming in the neighborhood; concerned about the resale of the property; does not approve of the revision.
- Paul Harrington: resident of Greene County; supports the revision; people have a vendetta against one land owner; reviewed the Virginia Supreme Court ruling on this issue; permanent residences bring more impacts than transient lodging; exclusionary rules should not be used.
- William Sypaer: Greene County resident; notes that the revision affects the entire county and that the criticisms are vague; added that the county desperately needs revenue and strongly supports the proposed change.
- Phil Jaderborg: Business owner in the county; revenue would be beneficial for the county; the impact does not have to be negative; made comparisons to the Outer Banks relating to impacts; noted that comments appear to be against one particular individual.
- Patrick Moctezuma: Greene County resident; noted that the existing ordinance is not in conformance with upcoming legislation; it is necessary that changes be made; supports the revisions as presented; negative impacts do not exist; reminded that the policy of the entire county should not be set by one neighborhood; the County of Greene is not in the business of enforcing covenants and restrictions of residential developments; encourage the Commission to support an industry that is complimentary to agritourism; encouraged the Commission to support and recommend these changes.
- Buck Shifflett: lifelong resident of Greene County; supports the revision; subdivisions must do their own policing of their covenants; go with the flow of the state.
- Tina Deane: representative of Lydia Mountain Lodging; in the business of transient lodging; serves on the county Tourism Board; this is the wave of the future and the state is taking that direction; there is an incorrect assumption of transient people being harmful; the industry will dump money into the county; gave a description of Lydia Mountain operation; have over 200 people stay per weekend and have very little problems.

Mr. Schaff stated that he had not heard any number until this point. He clarified that Mrs. Deane had mentioned 200 guests per weekend and asked what the tax revenue would be for that amount.

Mrs. Deane stated that the number is over 200 guests per weekend and estimated that in an average month over \$4000 of tax revenue is collected from lodging. She added that they have a big voice in the county relating to lodging and that it is important to them. She added that they try to work with the county and do what is necessary. She stated that they have other properties as well

and have not had any problems.

- Sarah Lanzman: County landowner; supports the revision which will be enacted through the state anyway; not about one particular set of covenants; there appears to be a vendetta and does not know what it is about; has used Airbnb and had a wonderful experience; why not have people come here and spend their money in the county.
- Chuck Swinney: owns four (4) cabins in Dyke; estimated having 50-100 people per month with the collection of about \$2000-\$3000 per month in tax revenue; believe the new ordinance will help the tourism industry in the county.
- David Vanderveer: Riverdale resident; receives calls on a regular basis relating to noise, ATVs, gunshots; in 15 years of being the President of Riverdale, he has not gotten a call relating to overnight guests in Riverdale; read a memo from Melissa McDaniel, Manager of Emergency Services; notes that the memo states that since April 2009, Ms. McDaniel could not locate any calls relating to major crimes at Bed & Breakfasts; added that she gets approximately 200 to 2,000 calls per day of various types but they seem to be related to permanent residents; does not see a problem; pointed out that there are less impacts; notes that Orange County has already approved these regulations as have other neighboring localities; need to address the issue so that the county can benefit instead of losing the business to surrounding localities; added that Bill Martin asked him what other localities are doing to address the issue.

Mr. Willer informed Mr. Vanderveer that information from other localities has been included in the information packet.

Mr. Morris asked Mr. Vanderveer if the Board of Supervisors Chairman asked him what other localities were doing relating to this issue.

Mr. Vanderveer stated that Mr. Martin had asked him what other localities are doing noting that he wanted to have something to go by because it seemed like we did not know what to do. He added that it is happening around us and that the Charlottesville area is the third largest wedding venue in the country right now. He added that there is a petition signed by 160 people that was previously submitted.

- Iliya Arsenovic: Riverdale property owner; in favor of the proposed revision; reviewed legislation from the state; noted that the original proposal was reasonable; expects that property values would increase; suggested that the Riverdale residents work together and that the county should move forward instead of delaying this revision as a result of their emotion; views Mr. Willer's suggestion of twenty acres is a closet attempt to protect subdivisions; urged the Commission to pass the proposed revision; tourists only come to places that are nice and the businesses would be self-policing.

- Alex Arsenovic: property owner and business owner in Greene County; the voices against the ordinance represent a narrow perspective of the county and believes that passing the ordinance is the right thing to do for the county as a whole.
- Gail Breeden: opposed to the revision; suggested that if the revision is passed, then it should be opened up to all subdivisions; opposed to it in Riverdale.

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

Mr. Willer stated that the task tonight is not to bar or support specific tourist lodging but to determine what would be allowed by right and by special use permit. He added that the revision is not directed to a specific neighborhood or a specific owner.

Mr. Morris stated that he has spoken with several owners of conservation land in the county and that they are against the revision. He noted that a gentleman mentioned the Outer Banks and impacts, adding that the ocean is the tourist draw and that houses are not built in the middle of the ocean. He reminded everyone that the county held several discussions regarding a cell phone tower against the mountain, noting that the Blue Ridge Mountains need to be protected as the local tourist draw. He stated that he is in favor of leaving the ordinance as it is, requiring a special use permit for these types of uses. He gave several examples of successful local bed and breakfasts. He stated that he was in favor of leaving the ordinance as it is and opposed the revision.

Mr. McCloskey asked what the objection was for the conservation easement owners.

Mr. Morris explained that they do not want the mountains to be torn apart. He offered other concerns relating to land divisions nearby and noted that our mountains do for us what the oceans do for the Outer Banks.

Mr. McCloskey stated that he believes that the transient lodging is promoting tourism which promotes the preservation of the mountains. He added that he does not believe that the economic gain is so great that conservation land owners would be developing the property for bed and breakfasts. He recalled that during the Joint Meeting with the Board of Supervisors, the county attorney advised that the county is not regulating subdivision covenants. He stated that he does not believe that it is within the county's jurisdiction to regulate covenants. He added that he liked what staff has proposed, noting that he would like more but was satisfied with what is presented.

Mr. Schaff agreed with Mr. McCloskey regarding the county attorney's comments adding that it was explained that anyone can file suit through the Commonwealth's Attorney that their covenants be upheld. He noted that the Commission is charged with land use issues not with the enforcement of covenants. He added that hearing that information was a big thing for him

because he believes that the subdivisions need to be protected so as not to have a change in character. He restated that anyone can file suit through the Commonwealth's Attorney to uphold their covenants, even without a homeowner's association.

Mr. Morris stated that allowing this on a 20 acre or more parcel, for example, would result in more costs for clearing, drain fields, roads, etc. given the elevations. He added that his opinion is that the ordinance should be left as it is, requiring a special use permit.

Mr. Schaff noted that the state is taking localities to this point.

Mr. Willer stated that several speakers had mentioned the state decision in this regard and added that the county's primary responsibility is to address the county needs which may be overridden by the state. He explained that the Commission has a responsibility to manage the county in what they determine is a rational way. He added that he agreed with the comments relating to covenants. He stated that this issue is not about a specific subdivision and that it is not about covenants. He added that state law addresses covenants. He stated that the question is about the county's responsibility to monitor this issue and to determine if it should be a by right use or a use by special use permit. He offered a general history of approvals for bed and breakfasts within the county with one having been denied which speaks to some record of the county being in support of these types of establishments noting that conditions may be required because of the nature of the location or simply not approve the request. He noted that the line must be determined as to the use being allowed by right or by special use permit.

There was discussion relating to motion options such as deferral, approval, approval with revisions, or denial.

Mr. McCloskey made a motion to recommend approval of ordinance revision OR#15-001 as submitted.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

Mr. Schaff
Mr. McCloskey
Mr. Saunders

NAY

Mr. Morris

Mr. Willer

The motion to recommend approval of OR#15-001 carried by a 3-2 vote.

There was a five-minute recess.

Comprehensive Plan Revision

Mr. Willer introduced the public hearing item and asked Mr. Svoboda for a report.

Mr. Svoboda gave a brief history of the Comprehensive Plan revision process since it began in June 2014. He stated that several public work sessions were held over 14 months in order to allow agencies the opportunity to provide input. He added that efforts have been made to include public feedback noting that some minor items are not exactly complete but are very close. He added that staff is looking for any changes that need to be made to be incorporated into a final draft.

There was discussion relating to the information provided by the Sheriff's Office and the anticipated information to be submitted by the schools.

Mr. Schaff gave a brief overview of the school needs. He stated that a public meeting was held regarding the facilities. He noted that the school system is not out of actual classroom space but is out of overall space.

Mr. Morris asked if there was any feedback relating to water.

Mr. Schaff stated that the water issue was not discussed.

Mr. Willer stated that he would like to go over the document once more himself because he has found some unhelpful and confusing areas within the document that may need revision. He thanked Mrs. Golon for her hard work during this review.

Mr. McCloskey stated that he views the revision as a freshening up of the current Comprehensive Plan without a full overhaul.

Mr. Svoboda agreed that no substantive changes have been made and noted that some of the citizens that were previously involved in the revision process had made inquiries as to what types of details would be changing and that those citizens did not find that substantive changes were being made. He noted that state law requires that the Comprehensive Plan be updated every five (5) years but that specific sections can be updated as needed.

There was discussion regarding some items, such as broadband services, that may instigate a more specific revision.

The Chairman opened the public hearing.

The following citizen addressed the Commission voicing comments and concerns as noted:

- Roy Dye: spoke on behalf of STAR (Stanardsville Area Revitalization) and the Town of Stanardsville; noted that the Town and County

Comprehensive Plans should be consistent as it aids in the grant application process; would like to see more specificity on some items, such as the farmers market; suggested that the transportation section for the Town of Stanardsville should have an updated photo since improvements have been made in the town.

Mr. Willer asked Mr. Dye to provide a list of the suggested specific items to the Planning Department.

Mr. Dye stated that he would provide that information.

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

There was discussion regarding the options for approval given that there may be some slight changes relating to specific sections and updated photos. There was also discussion relating the timeline for suggested changes to be submitted to the Planning Department.

Mr. Svoboda stated that any additional information must be provided to the Planning Department before June 3, 2016.

Mr. Morris made a motion to approve the Comprehensive Plan anticipating some minor amendments.

Mr. Willer stated that he may need longer than June 3rd to provide comments.

There was further discussion regarding the timeline for comments being provided and the next meeting date to make a decision.

Mr. Saunders seconded the motion made by Mr. Morris.

The vote was taken.

AYE

Mr. Morris

Mr. Saunders

NAY

Mr. Schaff

Mr. McCloskey

Mr. Willer

The motion to recommend approval of the Comprehensive Plan failed by a 2-3 vote.

There was discussion regarding the additional review and feedback from the Commissioners and options relating to how to move forward with approval. It was noted that the public will have an opportunity to provide input and the Board of Supervisors public hearing as well.

It was determined that the Commission would provide their feedback which would consist of minor changes for clean-up and not information taking on a different direction than what has been reviewed. The deadline for submitting those changes to the Planning Department is June 10, 2016. There was discussion regarding deferral.

Mr. McCloskey made a motion to postpone the deciding motion relating to the Comprehensive Plan to the July 20th meeting allowing the Commission and the public to submit feedback to the Planning Department by June 10th.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

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

NAY

The motion to defer the final decision of the Comprehensive Plan carried by a unanimous vote.

OLD/NEW BUSINESS

Mr. Svoboda stated that there are no applications to be heard in July, noting that a special use permit amendment is anticipated for August. He added that staff will refer to the work program for next item to be reviewed as directed by the Board of Supervisors. He stated that the Comprehensive Plan will be the only item for review in July. He reminded everyone that there is no meeting scheduled for June.

APPROVAL OF MINUTES

Mr. Morris made a motion to approve the April 20, 2016 meeting minutes as presented.

Mr. McCloskey seconded the motion.

The minutes for the April 20, 2016 meeting were approved by a 4-0 vote with Mr. Schaff abstaining as he was not present at that meeting.

OTHER PLANNING MATTERS

Next Month's Agenda

Mr. Svoboda noted that this information was discussed under Old/New Business.

Town of Stanardsville Information

Mr. McCloskey gave an update regarding the Town of Stanardsville grant

submittal, noting that there was positive feedback. He added that the William Mills House project is moving forward. He noted that Jim Lawson made a presentation relating to the placement of a memorial for the displaced citizens from the Shenandoah National Park and that the Town passed a motion to move forward with that project as well.

Alan Yost noted that the memorial would be included on the Master Plan for the amphitheater area.

Roy Dye offered details relating to the history that the memorial will represent. He added that the Town is also being considered for an additional grant through VDOT relating to sidewalks, etc.

Mr. Morris stated that he would like for the Planning Commission to open meetings with a prayer if possible.

Mr. Willer stated that he was unsure of the state law regarding prayers at public meetings.

Mr. Morris stated that he noticed that a lot of counties are doing that now.

Mr. Svoboda suggested having input from the county attorney and added that the Board of Supervisors currently opens their meetings with The Pledge of Allegiance and a moment of silence.

Mr. Willer agreed noting that some people may pray and others may not.

Mr. Svoboda stated that it could certainly be evaluated and suggested that the Planning Commission Chairman discuss it with the Board of Supervisors Chairman.

Mr. Willer stated that he would like to have some guidance from the county attorney due to the legal nature.

Mr. Svoboda stated that he would contact the county attorney regarding the request.

Mr. Morris asked if a meeting would be scheduled with the county attorney.

Mr. Svoboda stated that he would contact the county attorney and get his advice on the issue and proceed from there.

Mr. Schaff stated that he likes beginning the meeting at 6:30 pm and suggested that the start time be changed to 6:30 pm if that worked for everyone.

Mr. Svoboda stated that 7:30 pm had been the traditional start time but that the bylaws could be revised to 6:30 pm if the Commission agreed.

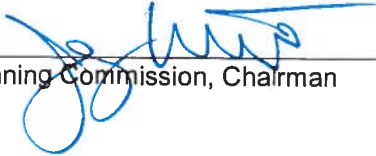
There was a brief discussion relating to start time options. It was determined that the bylaws would be reviewed to consider the possible change to the meeting start time.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary



Planning Commission, Chairman

7.20.16

Date