

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

October 6, 2014

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, October 6, 2014 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen

Jesse Clark

Rick Cox

Chairperson Martha Hall

Clifton Jenkins

John Lewis

Joyce Pemberton

Patrick Weakland

The following members were absent:

Darnell Clayton

Cassandra Jackson

Also present:

Joseph Quesenberry, Planning and Zoning Administrator

T. Richard English, Code Compliance Officer

Mercedes Pierce, Planning Commission Secretary

Richard Allen

S. Allison

Ricky Fritz

John T. Powers

William Powers

Fred Wimberley

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Chairperson Martha Hall called the meeting to order at 7:00p.m. Jesse Clark gave the invocation and Chairperson Hall led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM SEPTEMBER 8, 2014 MEETING

Chairperson Hall requested “Mr. Downing” be replaced with “Mr. Russell” in the last paragraph on page 2 of the minutes. John Lewis made a motion to approve the minutes with the correction. Jesse Clark seconded the motion and they were approved unanimously.

PUBLIC HEARING – GREGORY ALLISON SPECIAL EXCEPTION (PRIVATE AIRSTRIP)

Chairperson Hall declared the opening of the Public Hearing.

Joseph Quesenberry read the public notice for this hearing, which stated:

Gregory R. Allison of 293 King Lane, has applied for a special exception in order to operate a private airstrip on property zoned Agricultural, General (A-1). The proposed airstrip is to be located on the aforementioned property at 293 Kings Lane, and is further identified as Parcel 27 on Tax Map 124.

He also informed everyone that the adjacent property owners were notified and the notice was advertised in the Northern Neck News for two weeks.

Mr. Quesenberry read his Staff Report, which stated he “recommends placing a limit on operation between the hours of 8am and 8pm each day.”

Patrick Weakland asked if other aircraft, besides those personally used by Mr. Allison, would be utilizing the airstrip. Gregory Allison replied stating his friends keep their aircraft (two ultralights) there.

Mr. Allison also stated the airstrip is not operated on a regular basis; it is solely used as a part of his hobby.

Richard Allen informed everyone he has an ultralight at Mr. Allison’s airstrip and they usually only fly on the weekends. They do not fly at night because the airstrip is not equipped for night flying and ultralights are not allowed to fly at night. He also stated Mr. Allison has offered his airstrip to the local radio control clubs to fly their model airplanes.

John Powers stated he is building an airplane at Mr. Allison’s place and would have to move elsewhere to construct and park his airplane if he was not able to do this there. Mr. Powers feels Mr. Allison is helping those who love aviation.

Fred Wimberley stated he is a commercial pilot and flight instructor and has known Mr. Allison for several years. It was his understanding that Mr. Allison's airstrip has been in operation for about twelve years and Mr. Allison has only been aware of one complaint. Mr. Wimberley believes there are about five operations on the airstrip each week and none at night. Mr. Wimberley requested the Planning Commission consider both sides of the situation.

Mr. Weakland asked Mr. Allison if he is building a RV-8 or 7 and Mr. Allison stated he is not.

Clifton Jenkins asked if a small airplane could land on the airstrip. Mr. Allison stated his airstrip is large enough for small airplanes to land and has had friends land their small airplanes on the airstrip, but this occurred about two years ago and is a rare occurrence. Mr. Allison described his airstrip as being a 2,000 ft. grass strip.

John Lewis asked Mr. Allison if he plans on paving the airstrip. Mr. Allison stated he never plans on paving the airstrip. Mr. Lewis also questioned the possibility of Mr. Allison running a business and charging for use of his airstrip. Mr. Allison stated the use of his airstrip will continue to be at no cost to others and solely used as a part of his hobby.

Joyce Pemberton asked if the County would allow other planes or just the ultralights to fly on the airstrip. Mr. Quesenberry stated the Zoning Ordinance does not specify the size of the aircraft, but a contingency could be placed under the Special Exception to specify what is allowed.

Mr. Weakland asked if the County received any telephone calls or letters of complaint regarding Mr. Allison's application for the Special Exception for his airstrip. Mr. Quesenberry replied stating he has not received anything of this nature since he advertised for the public hearing.

Chairperson Hall and Mr. Quesenberry clarified that the use of a private airstrip is permitted by use of a Special Exception in the Zoning Ordinance.

Mr. Lewis asked Mr. Allison if he has ever had any accidents on his property. Mr. Allison stated he has not.

Joyce Pemberton brought up the suggestion to limit the time of operating on the airstrip between 8am and 8pm. Mrs. Pemberton suggests using "daylight" since it gets dark by 8pm at certain times throughout the year. Chairperson Hall stated those flying the aircrafts and using the airstrip should know when they have enough light to fly. Mr. Allison stated that aviation rules allow for flying to occur an hour before civil daylight and dawn. Mr. Weakland stated the FAA states that flying can take place fifteen minutes after and before sun up and sun down. Mr. Allison agreed with Mr. Weakland's statement.

Jesse Clark asked Mr. Allison if he has a wind sock or any other device that indicates wind direction. Mr. Allison does have a wind sock.

Chairperson Hall closed the Public Hearing.

Mr. Weakland made a motion that Mr. Gregory Allison's request for Special Exception be approved. Jesse Clark seconded this motion and all were in favor.

FY 2016-2020 CAPITAL IMPROVEMENT PLAN – STAFF UPDATE, COMMITTEE FORMATION

Chairperson Hall brought up the discussion of the formation of an ad hoc committee and stated that Glenn Bowen, Rick Cox, and she served on the committee last year. Chairperson Hall reiterated from last month's meeting that Mr. Bowen and Mr. Cox do not mind serving on the committee again and John Lewis also volunteered to serve. As a result, Chairperson Hall stated she would like to appoint Mr. Bowen, Mr. Cox and Mr. Lewis to the ad hoc committee. She also stated she has no objections to serving another year, but the committee needs to meet very soon and she currently has family issues she has to deal with. Chairperson Hall asked the new committee members to get together after this meeting to set up a date and time to meet.

Rick Cox asked if the committee is to meet and then be prepared to bring back their recommendations to the next meeting. Chairperson Hall and Joseph Quesenberry both replied with a yes.

Mr. Quesenberry went over the objectives for the FY16-20 Capital Improvement Plan (CIP). He stated that school requests would go directly to the School Board, which was an administrative decision that both parties felt was a good alternative. There are two new additions-a request from Emergency Services for \$40,000 for the replacement of aging EMS vehicles for FY17-18 and a request from the Clerk of Circuit Court to have the roof repaired.

Patrick Weakland questioned why the School Board is allowed to bypass the Planning Commission and if they do bypass the Commission, is curious to know how the subcommittee will come up with a CIP if they do not know how much funding the School Board is going to request. Mr. Quesenberry stated he was informed that the School Board will have their own CIP and will have to present it to the Board of Supervisors. Mr. Weakland asked who made the decision for this change. Mr. Quesenberry informed Mr. Weakland that it was a mutual agreement between the County Administrator and Superintendent of the schools, but plans to look into the matter further and present his findings to the committee.

LIMITED FOOD SERVICE AND SALES AMENDMENT – CONCLUDING DISCUSSION

Joseph Quesenberry informed everyone that the term “secondary” was not defined within the Zoning Ordinance and its use was redundant since it is an accessory use. Mr. Quesenberry explained the updates he made to the section and read the new section aloud.

Chairperson Hall informed Mr. Quesenberry he did a nice job on tying everything together.

Rick Cox asked how the amount of the bond would be determined. Mr. Quesenberry stated he was unsure at this time. Mr. Cox believes there should be some methodology to figuring out the bond amount. Mr. Quesenberry informed Mr. Cox that he wanted to get the language approved first and then work on constructing the administrative form and he is open for suggestions.

Mr. Cox questioned the purpose/goal of the bond. Mr. Quesenberry stated he researched previous language in approved Special Exceptions and simply added that language to this section. Patrick Weakland shared his experience of being required to have insurance for a booth at a local fair.

Chairperson Hall asked Mr. Quesenberry to explore the surety bond idea and suggested either taking it out entirely or getting more specific about what a surety bond is in this context and why it is being required.

Glenn Bowen asked if it would be clearer to say, “Evidence must be provided...” rather than “Assurance must be provided...”

Chairperson Hall suggested holding off on the public hearing until December and continue this discussion at next month’s meeting after Mr. Quesenberry presents the Commission with answers to their questions.

Joyce Pemberton and Mr. Quesenberry discussed the inclusion of a bond in this section. Mr. Quesenberry felt the surety bond would be an additional safeguard. Chairperson Hall suggested continuing the discussion at the next meeting.

Mr. Quesenberry asked if the Commission would like him to replace the word “assurance” with “evidence.” It was recommended he change the wording to “evidence.”

Mr. Cox informed Mr. Quesenberry that the word “secondary” in the second sentence from the bottom in this section needs to be changed to “accessory.”

FEE SCHEDULE REVISION – DISCUSSION (MR. RICHARD ENGLISH, CODE COMPLIANCE OFFICER)

T. Richard English informed everyone that the changes to the fee schedule revert back to stormwater. Stormwater is the reason behind Mr. English revisiting the structure of the fee schedule.

Mr. English presented the changes he made to the fee schedule. They are as follows:

1. Regarding Land-Disturbing Permits associated with the construction of a **Single Family Dwelling (SFD)**:
 - a. The **maximum** amount of land-disturbance allowed being covered by an Agreement-In-Lieu-of-a-Plan for Erosion and Sediment Control (E&SC) has been increased from 0.5 acre to 1 acre.
 - b. The fee has been increased from \$50 to \$75. (Permit valid for one year from date of issuance.)
 - c. A one year permit extension fee of \$50 is required until project completion.
2. Regarding Land-Disturbing Permits associated with **all development activities**, except SFD projects, with **less than 1 acre** of land-disturbance:
 - a. E&SC Plan Fee has increased from \$100 + \$50 per each additional acre of land-disturbance to an even “across-the-board” figure of \$0.005 per square foot (SF) of land-disturbance with the minimum fee being \$100. (Permit valid for one year from date of issuance.)
 - b. An E&SC Plan Modification Review Fee of 10% the original plan fee will be charged to review revisions of an already approved E&SC Plan. Any additional land-disturbance required because of the revisions will be charged \$0.005 per additional SF of land-disturbance.
 - c. A one year permit extension fee of 15% the original permit fee, with the minimum fee being \$50, required until project completion.
3. Regarding SWM Plan Review and Permits associated with all development activities, **except SFD** projects, with **less than 1 acre** of land-disturbance and located **outside** of a Common Plan of Development (CPOD):
 - a. The existing fee of \$187.50 + \$0.0025 per SF of land-disturbance, which is the staff estimated 75% of the existing MSP review fee, has been reduced to the State set/regulated fee schedule of \$290 for all of these projects that have been defined as Chesapeake Bay Act Land-Disturbing Activities.
 - b. The State set/regulated fee schedule requires a Plan Modification Review Fee of \$20 to be charged to applicants that wish to revise an already approved SWM Plan.
 - c. The State set/regulated fee schedule requires a one year permit extension fee of \$50 to be charged until project completion.

4. Regarding SWM plan review and permits associated with all development activities, **including** SFD projects, with land-disturbance equal to or greater than 2,500 SF and located **inside** a CPOD:
 - a. The applicant must refer to the State set/regulated fee schedule (attached) to determine the appropriate SMW permit fee, plan modification fee and/or annual maintenance/renewal fee.
5. Regarding SWM plan review and permits associated with all development activities, **including** SFD projects, with land-disturbance equal to or greater than 1 acre:
 - a. The applicant must refer to the State set/regulated fee schedule to determine the appropriate SMW permit fee, plan modification fee and/or annual maintenance/renewal fee.
6. Regarding Zoning Permits associated with structures that require less than 2,500 SF of land-disturbance:
 - a. The existing zoning permit fee of \$30 per plan of development has been increased to \$30 per structure or addition thereto. (Permit valid for one year from date of issuance.)
 - b. A zoning review required for modification to a plan of development is \$5 per modified structure requiring additional zoning review.
 - c. A one-time, one year permit extension request fee of 15% the original permit fee, with the minimum fee being \$15 will be required. (Request must be made prior to expiration of original permits.)
7. Regarding Zoning Permits associated with SFD and associated accessory structures:
 - a. The existing zoning permit fee of \$30 per plan of development has been increased to \$30 per structure or addition thereto. (Permit valid for one year from date of issuance.)
 - b. A zoning review required for modification to a SFD plan of development will be exempt.
 - c. A one-time, one year permit extension request fee of 15% the original permit fee, with the minimum fee being \$15 will be required. (Request must be made prior to expiration of original permits.)
8. Regarding Zoning Permits associated with a Major Site Plan (MSP) Review:
 - a. The existing fee of \$50.00 + \$0.0075 per SF of land-disturbance, which is the staff estimated 25% of the existing MSP review fee, has been revised to be \$130 per acre or portion thereof of development.
 - b. A zoning review required for modification of a MSP will be 10% the original MSP review fee + \$0.0025 per SF of additional land-disturbance, with the minimum fee being \$20.
 - c. A one-time, one year permit extension request fee of 15% the original permit fee, with the minimum fee being \$15 will be required. (Request must be made prior to expiration of original permits.)

9. Regarding Zoning Permits associated with Chesapeake Bay Act Landscaping (CBAL) Plans:
 - a. The existing fee for SFD CBAL Plans is \$50 and for all other developments requiring a CBAL Plans the fee is \$100 for the first acre of buffer establishment + \$50 per each additional acre or portion thereof of buffer establishment. The proposed fee is an even “across-the-board” fee of \$50 per acre or portion thereof of buffer establishment.
 - b. A zoning review required for modification of a CBAL plan will be 10% the original CBAL plan review fee, with the minimum fee being \$15.
 - c. A one year permit extension request fee of 20% the original permit CBAL fee will be required until completion of the project.

10. Regarding Zoning Permits associated with Home Occupation Accessory Use Permits:
 - a. The current fee schedule does not require a fee for conducting this type of business. A new fee of \$30.00 + \$7.00 per adjoining property owner (APO) has been created to cover costs incurred by the County (staff review, processing applications, advertising, etc.) which is currently going unaccounted for.
 - b. A request for modification of the permit conditions associated with an Accessory Use Permit must go through the application again.
 - c. At the Land Use Administrator’s decision an Accessory Use Permit may be required to reapply on an annual basis for permit extension to ensure that permit conditions are being appropriately addressed.

11. Regarding Boundary Line Adjustment (BLA) Plat Review and Approval:
 - a. Review and approval of modifications to an already approved BLA Plat will be subject to a \$30 fee.

12. Regarding Family Subdivision and Minor Subdivision (< 5 lots):
 - a. Review and approval of minor modifications to an already approved Family or Minor Subdivision Plat will be subject to a \$50 fee.

Mr. English informed everyone that the revised fee schedule cannot be implemented as soon as it is approved because the County’s IT Director, Chris Jett, will need to update the permitting program first. Mr. English stated he would like to have everything in place by January 1, 2015.

Glenn Bowen stated it sounded like Mr. English had a formula for the way he developed the new pricing on the fee schedule and thought this was a good idea. He asked Mr. English if he planned on documenting the formula as evidence when he goes back to review the schedule in the future. Mr. English replied with a yes.

Mr. Bowen asked if Richmond County’s fee schedule is in line with that of surrounding counties. Mr. English stated he was only able to find one other county’s fee schedule online and that was for Westmoreland County and their fee schedule was very different and not easy to compare.

Rick Cox asked if a public hearing was needed. Joseph Quesenberry stated that in past years the matter went directly to the Board of Supervisors; however, they would like a recommendation from the Planning Commission. Mr. Quesenberry felt a public hearing was unnecessary in this case.

Jesse Clark made a motion to recommend the proposed fee schedule to the Board of Supervisors. John Lewis seconded this motion. The motion carried with a 7-0 vote (*Glenn Bowen – yay; Jesse Clark – yay; Rick Cox – yay; Chairperson Martha Hall – yay; Clifton Jenkins – yay; John Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – abstain*).

Mr. Weakland explained that he abstained his vote because if he voted “nay” the fee to build his farm barn would be less and if he voted “yay,” the fee would increase.

Joyce Pemberton brought up the CIP again and stated she felt the Planning Commission originally misinterpreted the change being done with the schools’ requests. Mr. Cox suggested letting the committee work on the CIP and then bring it back more information to the Planning Commission.

STAFF UPDATE – ANIMAL CONTROL AND CARE ORDINANCE

Joseph Quesenberry stated the County currently has many stand alone ordinances, so he is in the process of trying to put them altogether into one ordinance. Mr. Quesenberry explained that about 80% of the ordinance is state code, 15% is based off other localities and 5% came from the Zoning Ordinance. He informed the Planning Commission that he already has a few revisions that need to be made to the ordinance and just wanted to let the Commission see what he has been working on.

Chairperson Hall asked Mr. Quesenberry if the ordinance provided to the Commissioners was the final form. Mr. Quesenberry replied stating that is not the final draft.

Patrick Weakland shared his concern that many citizens, especially deer hunters, will object to approving the ordinance after reading Section 5 – Prohibition of animals to trespass. Mr. Quesenberry stated that this section came directly from state code, but forgot to update it to fit hunters. Rick Cox stated this was a de facto leash law.

Clifton Jenkins stated he was not fond of the way “dangerous dog” was defined in the definitions section. Mr. Quesenberry informed the Commission that he used the state’s definitions and therefore can only add to the definitions.

Rick Cox also stated he has an issue with the definition of “dangerous dog.” Mr. Cox added there is no reference to livestock and Mr. Quesenberry informed him it could be added to the definition.

Chairperson Hall and Mr. Cox discussed the difference between a “dangerous dog” and a “vicious dog.”

Glenn Bowen provided a scenario-you letting your dog outside at your doorstep and your dog finding another dog that came from about two miles away and the other dog challenging your dog and your dog retaliating and killing the other dog. Mr. Bowen questioned if “your dog” would be classified as a vicious dog and stated that according to the definitions in the ordinance, it would be considered a vicious dog.

John Lewis reiterated that hunters will not like Section 5 of the ordinance and there needs to be something in the ordinance that will prohibit the hunters from intentionally releasing their dogs and allowing them to roam across properties they are not allowed on. Mr. Quesenberry stated he plans on updating Section 5 with state wording regarding hunters and their dogs.

Jesse Clark stated he concurs with the comments made regarding Section 5 of the ordinance and thinks it should be relevant to not just hunting dogs, but all dogs in general.

Mr. Bowen stated he can see perspectives from both sides regarding Section 5. Chairperson Hall stated she is a landowner, does not appreciate when hunting dogs run on her property and does not give permission, but they still come onto her property, which she feels violates her rights as a property owner.

Mr. Weakland asked that the Planning Commission bear in mind that hunters can legally go onto a property to gather their dogs, but cannot carry their guns or drive on the property. Mr. Lewis begged to differ as he felt hunters had to ask the property owner for permission to go onto their property.

Chairperson Hall informed Mr. Quesenberry that she appreciated the work he is done on this ordinance, especially for the sake of animals and humans being properly protected.

OTHER BUSINESS

Joseph Quesenberry informed the Planning Commission of an upcoming Land Use Administrator conference on October 12-14th located in Short Pump and being held by Virginia Tech. Mr. Quesenberry stated the County is allowed to register two more individuals at no cost.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chairperson Hall adjourned the meeting at 8:16p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary