

Patrick County Planning Commission

Meeting of July 17, 2006

Present: Leon Holt, Chairman; Johnny Marion, Vice Chairman; Ed Anthony; Jimmy Phillips; and Jonathan Large

Also Present: Michael Burnette, Assistant County Administrator; Eric H. Monday, County Attorney; Lisa Sheppard, Administrative Assistant; Nancy Lindsey, The Enterprise; and Scott Eutsler

Absent: None

A meeting of the Patrick County Planning Commission was held on July 17, 2006 at 7:00 PM in the Second Floor Conference Room of the Patrick County Veterans' Memorial Building.

Mr. Leon Holt called the meeting to order and asked for a moment of silence. The agenda was presented for approval. Mr. Ed Anthony made the motion and was seconded by Mr. Johnny Marion to approve the agenda. Minutes of the June 19, 2006 meeting were presented for approval. Mr. Anthony made the motion and was seconded by Mr. Marion to approve the minutes as presented.

Voting Aye: All
Voting Nay: None

PROPOSED COUNTY LAND USE ORDINANCE

Mr. Holt turned the meeting over to Mr. Eric Monday, County Attorney, to address the questions presented at the meeting on June 19th. With regards to the question of a generic zoning document, Mr. Monday explained that zoning documents are based on an individual county's needs. He recommended that the members begin with the concept that everything will be permitted unless it is specifically prohibited; therefore, the members need to consider the conditions which would be prohibited.

Mr. Holt suggested that the members set up several categories in order to cover all the parcels of land in the county. He stated that the categories should be descriptive but not restrictive.

Mr. Monday stated that the Supreme Court of Virginia has changed the way it views local zoning in that it now tends to defer decisions to local government, as long as the local ordinance takes into account the best interests of the public, current land use patterns, population density, transportation needs, and quality of life. Mr. Monday did not recommend creating a highly restrictive ordinance. The members agreed with the suggestion of Mr. Holt that the commission should be conservative while protecting the best interests of the county.

Mr. Monday referred to the maps in the comprehensive plan and stated that these maps could be updated and used as a starting point for the designation of categories. He stated that the current uses of land in Patrick County would be “grandfathered” into any zoning ordinance that the county would adopt.

Mr. Monday addressed the issue of forming a board of zoning appeals. While it is not required, he recommended the formation of a board of zoning appeals to address requests for special use permits and variances. However, the board of supervisors would be required to decide rezoning requests.

He stated to the members that the comprehensive plan must be updated, according to the Supreme Court, prior to the adoption of any zoning ordinance. However, any restrictions that are county-wide, such as the current height restriction, are permissible.

Mr. Monday reviewed with the members the contents of a letter from Janet Rorrer, Commissioner of Revenue, wherein the difference between land use assessment and land use planning was discussed. Land use assessment is a tax issue and would result in a substantial reduction in tax revenues. Mr. Holt recommended that Mr. Monday forward a letter to Mrs. Rorrer clarifying that the commission has been instructed to define the “use of land” and not land use assessment as a tax issue.

The members of the commission requested Mr. Monday to gather information from three different areas with least restrictive zoning ordinances for review. Mr. Monday stated that he would contact the county attorney for each area and discuss any concerns that have arisen regarding their ordinance.

Mr. Jonathan Large stated that the citizens were concerned that zoning would change the current use of their land. Mr. Monday restated that any zoning ordinance would “grandfather in” the current use of land and would only pertain to any future development.

Mr. Michael Burnette stated that the long-term task of the commission is to use the directions of the Board of Supervisors to form an ordinance and create a board of zoning appeals to decide on the issues of variances.

COMPREHENSIVE PLAN

Mr. Burnette stated that the representatives from the West Piedmont Planning District Commission had a scheduling conflict and were unable to attend this meeting; however, they will attend the August meeting. Currently, they are working on the first two chapters of the Comprehensive Plan.

OTHER BUSINESS

Mr. Holt discussed with the members the need to increase the number of meetings due to the present volume of business. Unless otherwise directed, the members will begin meeting on

the first Thursday and third Monday of each month. However, due to scheduling conflicts, the next meeting of the Planning Commission will be Thursday, August 10th.

Mr. Holt read a letter of resignation from Smith River representative Cleve Lawson. Mr. Lawson, whose occupation is as a land surveyor, is resigning due to a potential conflict of interest. Mr. Holt stated that he viewed Mr. Lawson's resignation as a tremendous loss as he has made great contributions to the commission.

Mr. Holt addressed Mr. Scott Eutsler and asked for any questions or comments that he might have for the commission. Mr. Eutsler stated that he was looking forward to seeing what direction the commission would recommend with regards to the current height restriction ordinance. Mr. Holt said that he would welcome any information or comments on the subject. Mr. Eutsler mentioned that he has copies of ordinances from other states regarding windmills, but due to the uniqueness of the windmill issue, there are no existing ordinances in the State of Virginia.

Mr. Holt welcomed Mr. Jimmy Phillips, from the Blue Ridge District, as the newest member of the commission.

With no further business to discuss, on motion by Mr. Johnny Marion and seconded by Mr. Jimmy Phillips, the meeting was adjourned.

Chairman

Date