Albemarle County Planning Commission
June 11, 2013

The Albemarle County Planning Commission held a public hearing on Tuesday, June 11, 2013, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Ed Smith, Richard Randolph, Don Franco, Calvin Morris, Chair; and Russell (Mac) Lafferty, Vice Chair. Absent were Bruce Dotson and Thomas Loach. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Amelia McCulley, Director of Zoning/Zoning Administrator; Rebecca Ragsdale, Senior Planner; Amanda Burbage, Senior Planner; Sharon Taylor, Clerk to Planning Commission; Wayne Cilimberg, Director of Planning; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Morris invited comment from the public on other matters not listed on the agenda.

Neil Williamson, with the Free Enterprise Quorum, spoke regarding Mr. Randolph's offer to fill the vacant Scottsville District seat on the Board of Supervisors and stressed the importance of keeping that initiative separate from his Planning Commission work.

There being no further comments, the meeting moved to the next item.

Review of Board of Supervisors Meeting - June 5, 2013

Mr. Cilimberg reviewed the Board's June 5, 2013 meeting actions.

Work Sessions:

a. **ZTA-2013-00004 Family Day Homes** - Review and discussion of proposed zoning ordinance changes to family day home regulations. Proposed changes include an increase in the number of children family day homes may care for by-right instead of by special use permit, revision of the family day home definition in Section 3.1, and revision of the supplemental regulations in Section 5.1.06. (Rebecca Ragsdale)

Ms. Ragsdale presented a PowerPoint presentation to review the proposed zoning text amendment for family day homes to cover the following:

- Background

- Existing Regulations
- Staff Recommendations and Commission guidance needed on the following:
    a) Traffic
    b) Parking
    c) Entrance and Access

Staff requests input from the Planning Commission and guidance on a few particular items related to Family Day Homes. Family Day Homes are a type of childcare provided in the provider's dwelling.

Background

- The State Department of Social Services, which licenses and regulates child care, initiated a new requirement that providers seeking a new license or renewing their existing license make contact with the local Zoning Administrator. There is a DSS form that was provided in July, 2012. Staff did not get any heads up about that. Since that time staff has been in contact by a number of providers and parents of providers. They are realizing there is a mismatch with the zoning ordinance and the providers may be licensed for more capacity than they have a zoning ordinance approval for at this time. Staff has been working through that issue with the providers and the local licensing agency in Verona.
- Community Development meetings held with Albemarle County Social Services and research on other localities was done. There are other localities ahead of us in terms of revisiting the zoning ordinance.
- Planning Commission Resolution of Intent adopted April 2, 2013
- Planning Commission Work Session June 11, 2013 – Staff requests input on some specific recommendations this evening.
- Next steps will include drafting ordinance language and public hearings with Planning Commission & Board of Supervisors. No dates have been set at this time.

Existing Regulations

There are two scenarios. Family Day Home is a term in the zoning ordinance. It is a type of facility that is licensed by the State Department of Social Services regulations. It is also a term, which is in the land use regulations in the State Code. Because of the State Code land use regulations if a provider in their home is caring for five (5) or fewer children, additional children could be in addition to their own children, then the State Code does not allow us to regulate that in any way. They treat that as a single-family use. So it is a permitted use in dwellings without any additional permits requirements from us or regulation. That use is allowed.

What they do regulate is a Family Day Home and a Day Care Center, which the ordinance does not quite distinguish between right now. That is what they want to talk about proposing to the Commission this evening. A Family Day Home provider caring for 6 to 12 children are treated the same way and go through the special use permit process as a Day Care Center would. It is a type of daycare center. The Day Care Centers are allowed in Commercial Districts by-right and special use permit in Rural Area/Residential Districts. So in the Rural Area and Residential Districts currently for 6

to 12 children someone would have to go through the special use permit process.

What is unique about where they are with this is they have a number of existing scenarios of this proposed new land use category in the ordinance already happening. They heard from a number of parents of one particular provider, which provides a good case study and examples of how they are operating in existing neighborhoods in different dwelling types, lots, and neighborhoods from the Rural Areas to townhouse units without any complaints from neighbors so far. Staff researched zoning historical data. The Department of Social Services provided some historical data going back to 2005. There were at least a dozen other providers that were licensed for capacity up to 12. That had been working okay without zoning really being aware of the regulations not being consistent with one another for a number of years.

Staff is proposing a new category in the ordinance for Family Day Homes of 6 to 12 children. As noted in the staff report, staff is suggesting that be a by-right process with a zoning clearance application, which is a $50 fee and reviewed administrative. They looked at a similar approach that has been taken for home occupations, for example, where they now allow additional activity without the need for a special use permit. The Family Day Homes staff reviewed them as something that is customarily happening in neighborhoods. They are separate and distinct from day care centers in terms of their use and characteristics and impacts from traffic. That was the approach staff took in suggesting that they allow these additional provisions in the ordinance.

Staff Recommendations & Commission guidance requested on the following:

1. By-right provisions, including a zoning clearance process for family day homes caring for between 6 and 12 children
   Must comply with § 15.2-2292, which requires Abutting owner must be provided
2. Supplemental regulations, addition to current ordinance requirements:
   a) Traffic-Waiver provision
   b) Parking- 1 space (on or off-site) Family Day Home use+ 1/employee from outside home
   c) Entrance and Access-VDOT/County engineer review, if needed for safe/convenient access

If they went with a by-right process specifically for this type of use, Family Day Homes, then the neighbors must be notified. It goes on to say that they allow for a 30-day period to hear from the notified neighbors as to whether they have an objection to the facility or not. They would preserve the neighbor notification and their opportunity for comment based on the State Code provision. It is a little different from the staff report. They don't actually have the option of not notifying the neighbors. Staff just wanted to clarify that.

Staff suggests some additional zoning ordinance requirements that would help cover what is not already in the existing ordinance. The State Social Service's licensing process is very comprehensive in their review of these Family Day Homes. Staff is only suggesting additional regulations that are not explicitly covered in their standards. She also noted that the five or fewer children, the babysitting scenario, is not required by the

State to be licensed as a Family Day Home, but they may voluntarily go through the state licensing process.

Staff requested input on whether or not the additional traffic in the neighborhood in the residential or rural areas would be of concern to the Commission. In addition, staff wants to define a parking standard for these Family Day Homes, and then allow for the opportunity, and again similar to language that they have used in recent zoning text amendment for VDOT/County Engineer review if necessary for safe and convenient access to these residences.

Staff provided some numbers on traffic in the neighborhood for existing Family Day Homes. They could not go to the IT Trip Generation and find this specific use. So staff did some estimates based on the number of children and expected number of trips that would be additional to the existing residential units in the neighborhood. Again, the day care centers have different traffic patterns and peak hours, and not the same staggered hours as the Family Day Homes. However, staff did want to discuss with the Commission that there would be the additional trips in the neighborhood, but it was not of a great concern because it was not adding any additional traffic or concentrating it in any one area like a day care center might than would ordinarily be found in the neighborhood. Staff suggested there was a concern about factors that may add additional trips beyond what they have outlined in the staff report. For instance, if the provider had outside employees coming to their house or if they had additional children with part-time care there would be additional trips that would be added in the neighborhood beyond what they would expect. Then there would be a waiver provision. If the Commission is concerned about the additional traffic, then staff has suggested that option be added to the supplemental regulations.

That is a quick overview of what staff wanted to talk about this evening and get the Commission's input on. Staff is going down the path of drafting the ordinance and going to public hearing.

The Commission invited Glenda Best, Senior Child Care Worker for Albemarle County to address the issue.

Glenda Best, Senior Child Care Worker for Albemarle County, said she works with the providers on a daily basis. The State does periodic inspections and follows up on any concerns. Information is available on the web site. When the new requirements came up they got a flood of calls from providers. With the new zoning proposed currently the providers are asking for help because the costs are too high for the providers. A lot of providers are not in business to get rich and want to provide a safe environment for children. If they don't change the regulations to make the process more affordable she was afraid a lot of providers will go underground. In that case there will be more neighborhood nuisance as opposed to someone trying to do it in a structured way.

Mr. Morris opened the hearing and invited public comment.

The following individuals spoke:

Bryant Davidson, a County resident and City of Charlottesville employee, spoke in favor of the proposed zoning ordinance amendment due to the importance of child care in the community. There is a real need in the community for smaller facilities particularly due to the shortage of part time child care. The smaller day care center helps drive the community and had flexibility on the traffic and parking.

Mr. Morris asked those present in agreement to the proposal to raise their hands. There were 10 to 15 persons who raised their hands.

Bob Garland, Albemarle County resident, spoke against the proposed ordinance amendment in residential neighborhoods on small lots because it would be introducing larger businesses in a residential area, which would be an inconvenience to the surrounding neighbors. It would have a negative effect on neighborhood residents due to the increased traffic and parking for drop off and pick up of children, particularly those who live on a cul-de-sac and have limited parking.

Susan Crews spoke in support of the proposal, particularly for Gentle Care Daycare. There is very few affordable and flexible day care available in the area. It is a real need for her family since without child care she would have to quit work. Please accept this proposal and keep Gentle Care Daycare available for her family as well as others.

Terri Lamb spoke in support of the proposal. Being a nurse she could address the concern with infection. The state licensed daycare has strict rules on when to pick up or send a child. She noted that at Gentle Care Daycare the noise from the children cannot be heard from the driveway.

Neil Williamson, with Free Enterprise Forum, said he was interested in how they could work out the process for a by right use with abutting owner notification. He suggested the process needs to be well thought out don't make it a by right use.

Nancy Carpenter, resident of Scottsville District, supported changing the zoning ordinance to allow for more flexibility. She said that good childcare is health care for both the parents and child. She hoped there can be some kind of collective messing of the state regulations so not to catch people by surprise. There is a real need for child care for flexible work schedules.

Nate Straum said he won't pretend to understand the details of the zoning laws. However, he will mention that the major traffic issues, and there are some on that street, don't have anything to do with Gentle Care Daycare. They have to do with the numerous bus stops. When one drives up and down the street there are numerous buses up and down the street at various times of the day in the morning and afternoon. The child care facility is not on a cul-de-sac. Pragmatically, he did not see where there would be a problem. If it is he would hope the neighbors would come and talk to them so they could figure out something at least for their particular situation. They would like to have that chance.

Mr. Morris closed the public comment to bring the matter before the Planning Commission for discussion. He invited comments from the Commission.

The Commission discussed the proposal and commented on the following ordinance changes:

- By right provisions, including a zoning clearance process for Family Day Homes caring for between 6 and 12 children;

Supplemental regulations; and

Abutting owner notification only for special exceptions.

The Planning Commission supported staff's recommendation, as noted below, for the allowance for 6 to 12 children and was particularly appreciative of the fee being dropped from $2,000 to $50. They asked staff to be careful in the wording as a concern for the neighbors.

The Planning Commission supported staff's recommendation with suggested changes, to move forward with the public hearing process, and come back with revisions to the draft ordinance to address and respond to the comments raised by the public and Commissioners, as follows:

- Supported the allowance for 6 to 12 children without a special use permit requirement,
- Appreciative of the fee being dropped from $2,000 to $50,
- The impacts need to be addressed for noise, parking, and particularly for traffic,
- Staff clarified for the Commission that the State Code requires notice to abutting owners for a Family Day Home permit of 6-12 children. If there is neighbor objection, the permit cannot be approved administratively.
- The Commission would like to see this back to the Commission as soon as it is possible.
- The Commission recommended further work on the neighbor notification process and approval process to avoid confusion if there are scenarios where there are neighbor objection because of this State Code provision:
    - They want to avoid confusion about how public input will be considered.
    - Allow for notification to the community, not just abutting landowners, of the business intending to operate so that everyone has a chance to comment upon it.
    - One Commissioner suggested a public notice sign be posted and that it not be the same color as our public hearing signs but distinctly different to notify all public and not just adjacent owners.

b. **ZTA-2013-00005 Inoperative Vehicle Ordinance** - Discuss amending County Code § 18-4.12.3, Prohibited activities in parking, stacking and loading areas, to limit the number of inoperable vehicles kept on private property and introduce screening standards (Amanda Burbage)

Ms. Burbage noted several changes had been made to the staff report based on some further review by the County Attorney's Office of the State enabling legislation that addresses inoperable vehicles. She wanted to give Mr. Kamptner an opportunity to address what enabling authority they have under State Code Section 15.2.905 before opening with the presentation.

Mr. Kamptner said in the staff report it was kind of a recent evolution based on a draft he had distributed internally. The proposal was to consider reducing the number of inoperable vehicles that could be stored outside as far down all the way to zero. In reviewing the enabling authority and actually going back and looking at all the work they had done previously what the new enabling authority they have will allow us to reduce the number that can be stored outdoors but shielded or screened from view down to one. They can prohibit vehicles being stored outdoors that are merely covered by covers or even a form fitting tarp. That is more restrictive than the current enabling authority under which the County operates. Under the current enabling authority the County can regulate the number of vehicles that can be stored outdoors by tarp or cover, but they are not enabled to regulate the number of vehicles that can be stored outdoors provided that they are shielded or screened from view. The proposed zoning text amendment will be more restrictive and the target here is the urban and suburban areas or the small lots where the outdoor storage of vehicles has proven to be problematic. It won't go as far as they have suggested bringing that number all the way down to zero even if those vehicles were shielded or screened from public view.

Ms. Burbage passed out a summary of "Proposed Ordinance Changes" and what staff would be presenting this evening. She presented a PowerPoint presentation and explained the background of the proposal.

Mr. Morris opened the hearing and invited public comment.

Bob Garland supported staff's original recommendation that zero (0) inoperable vehicles be allowed on lots less than 5 acres. He came originally to speak in favor of staff's proposal he had in his hand earlier today. However, when he got here he found the proposal had changed because of an objection by the County Attorney. The State regulation clearly allows the wording that the locality in addition may by ordinance limit the number of inoperable vehicles that any person may keep outside of a fully enclosed building or structure. With all due respect to the County Attorney zero is a number. By definition you can limit the number. In my opinion, that number can be zero. That is all they have ever asked that inoperable vehicles be within fully enclosed buildings or the number is zero. He has no objections to five inoperative vehicles if they are in a fully enclosed building.

Mr. Garland noted in an email sent earlier he asked that the ordinance limit the number of inoperative vehicles to zero. He draws their attention to the locality comparison. There are four localities that do just that being Arlington County, Manassas Park, Newport News and Petersburg. According to his reading of this they limit it to zero. So apparently they have interpreted the State law regulation as he would since zero is a number.

There being no further public comment, Mr. Morris noted the matter was before the Commission for discussion.

Mr. Kamptner asked to address Mr. Garland's concerns. There are actually five localities in Virginia that restrict the outdoor storage of inoperative vehicles. The City of Falls Church is the additional one that is enabled under 905 to do it. He has looked at the charter provisions of some of those localities and there was nothing there. Obviously, they have interpreted the language differently than the other 11 or 12 localities who have determined that the language limit is something different than prohibit. The problem with 905 is that the paragraph right above says that they can prohibit any person from keeping except within a fully enclosed building or structure or otherwise shielded or screened from view on any property. The next paragraph says in addition the locality may by ordinance limit the number of inoperable vehicles which any person may keep outside of a fully enclosed building or structure. If it was limit and prohibit they would not have to have two provisions. He was more than willing to keep looking at that provision and find out from those five localities that do go down to zero to see what their basis is. Up until earlier this week that is what the draft was looking at that he prepared a couple weeks ago.

The Planning Commission discussed the proposed ordinance changes (as modified by staff changing the minimum number of inoperable vehicles from 0 to 1, per the County's interpretation of the state enabling authority) of the number of inoperable vehicles allowed and screening standards.

The Planning Commission provided feedback on the proposed ordinance changes, as follows:

- The majority of the Commission (excluding Franco) asked staff to explore the zero possibility and examine screening. However, if it cannot be zero (0) then it needs to be one (1) and it needs to be screened. (Mr. Franco disagreed and suggested leaving it at the two (2) that they currently limit it at if it is screened. He objected to portions of the Commission's recommendation in if it is not visible, then why regulate it.) (Mr. Randolph favored zero (0), but if somebody wanted to have a project going on properly covered then one (1) is fine.)

- Request to make a provision to take a look at this again in two to three years and reevaluate it.
- Questioned if there is a way to put time limit on lots less than 5 acres to allow for car break down and repair.
- Questioned whether to allow form fitting covers

Staff was asked to do additional research, work on draft language and set a date for public hearing taking the Commission's comments into consideration

The Planning Commission took a break at 7:36 p.m. and the meeting reconvened at 7:43 p.m.

c. **ZTA-2011-00006 Phase I Noise Amendment (Agricultural Exemption)** - Discuss Amending County Code Chapter 18 (Zoning) §4.18.05 and Chapter 7 (Health and Safety) §7-106 to Clarify Agricultural Exemptions (Amelia McCulley)

Ms. McCulley presented a PowerPoint presentation and summarized the staff report.

Phase I is focused on the issue of the exemption to the noise regulations for agricultural activity. It is more narrowly focused on the use of amplified music and P.A. systems with agricultural uses.

Background – Where & How is Noise Currently Regulated?

- 1) **Zoning Ordinance Noise Regulation** for land uses authorized under the Zoning Ordinance (Chapter 18 Section 4.18). Decibel-based regulation enforced by Zoning;
- 2) **Chapter 7 County Code Noise Regulation** for nuisance noise. Audibility-based regulation enforced by Police.

Brief outline of the current framework for noise regulation in Albemarle County:
Excessive noise is currently regulated within two different Code Sections:

1) Chapter 18 (Z.O.) establishes maximum **decibel levels** for **land uses** and is **enforced by Zoning**:
2) Chapter 7 (Health & Safety) establishes an **audibility standard** for **nuisance noise** and is **enforced by Albemarle County Police Department (ACPD)**.

Background – Recent Noise Regulation

- May, 2011 Farm Winery Event Noise Regulation: The Board reaffirmed land uses regulated under Zoning Ordinance and changed the standard from audibility to decibel-based.
- November 8, 2011 PC Public Hearing on Miscellaneous Amendments to Clarify Applicability of Noise Regulations: Deferred to allow staff to further study several questions.
- Since November, 2011: Further discussion about regulation of farm winery events with cidery special use permit and with Comprehensive Plan expansion of Rural Area uses.

With the review of Castle Hill Cidery approved by the Board of Supervisors on January 16th, there was significant discussion about the appropriate enforcing agency (Police versus Zoning). In addition, through this and another farm winery case, we learned the importance of sound management planning and onsite self-monitoring. These issues are incorporated into a phase 2 noise ordinance amendment. This work session and the current issue are narrowly focused on the gaps in the current noise regulation exemption for agricultural uses.

Current Issue (Phase I)

- Cases which invoke the agricultural exemption and go beyond the legislative intent for the exemption.
  - Current language is overly broad and leads to differing opinions and

difficulty in enforcement;
- Need to consider impacts from outdoor amplified music associated with "bona fide agricultural activity;" and
- Treat outdoor amplified music from agricultural activity the same.

The noise regulation exemption is meant to apply to bona fide agricultural activities such as using a tractor, a harvester, shearing, and the like. There are at least two cases which have given rise to this Phase I Noise Ordinance Amendment. The 1st involved playing music for farm workers. The 2nd (and most relevant) involves the use of music allegedly to train horses and riders for dressage musicality events. Music is being played regularly at high volumes, even when the riders and horses are not in training. This has created a nuisance which impacts residences over 200 feet away. This is a somewhat unique situation {1) a commercial stable that is located on a smaller parcel that is long and narrow and 2) a stable operator who will not agree to reduce the impact on neighbors}. However, similar situations could easily arise on other properties, including within an RA subdivision.

Current Noise Regulation Agricultural Exemption

1. **Zoning Ordinance Section 4.18.05** states the following agricultural sounds are exempt from the regulations:

   J. **Silvicultural or agricultural activities.** Sounds generated during **lawfully permitted bona fide silvicultural or agricultural activities** including, but not limited to, logging activities and sounds caused by livestock.
2. **County Code 7-106** states the following agricultural sounds are exempt from the regulations:

   A. **Agricultural activities.** Sound produced during **lawfully permitted bona fide agricultural activities**.

The current agricultural exemptions as stated within the two different regulations are a) overly broad and b) not consistent.

Legislative Intent and County Policy
- As expressed through the Comprehensive Plan and Zoning Ordinance, Albemarle County intends to promote, protect and maintain agricultural activity in our Rural Areas.

Focused Discussion – Outdoor Amplified Music & Public Address Systems
1. Clarify that playing music for farm workers is not exempt as an agricultural activity.
2. Narrow or eliminate the agricultural exemption for working with livestock while using outdoor amplified music or P.A. systems.
   A. Narrow: the agriculture exemption applies only to 1) active training or 2) an organized event. After 8 p.m. the maximum sound levels apply; or
   B. Eliminate: the maximum decibel levels (Zoning Ordinance noise ordinance) applies to agricultural activities **involving amplified music and/or public address systems**.

Next Steps

- Draft Ordinance;
- July 16, 2013 (tentative) Public Hearing with the Planning Commission;
- September 4, 2013 (tentative) Public Hearing with the Planning Commission

Public comment taken from the following individuals:

Bonnie Podraza, a Stony Point teacher retiring tomorrow, explained the disturbing noise issue they have had for some time with their neighbor involving the use of music allegedly to train horses and riders for show events.

- Over 30 years ago they bought property in Stony Hills Subdivision, built a home and raised their children. Several years ago their neighbors build a barn 6' from the property line. The high volume music being played is so loud they cannot sit on their deck. Her 93 year old mother who lives 200 feet away can also hear the loud music.
- The noise issue has been going on for a long time. They went to court and the judge's ruling was too broad and allows her neighbors to play music anytime as loud as they want. This has created a nuisance since the noise travels right to their house, which is 250 feet from the line. They have tried to talk to the neighbors to no avail and they keep playing the music louder and louder. She would like to have the enjoyment of their home and asked for consideration of our rights.
- There is no business license required. The issue is they can play the music anytime at night and the police told them they cannot do anything about it. They called zoning. When zoning staff came out the neighbors turned the music down. Zoning staff said the noise by ordinance should not be heard 100' from the property line. However, as soon as they left the neighbors turned the music back up again. The same thing happened when they called the police.

Philip Podraza noted they have 9 acres that actually are 3 bowling alley lots. Before they built the barn he asked them to build on the other side of the property. Putting that barn and playing music 26' from the property line away from his house and 6' to the barn is very intolerable. To his knowledge Stony Point Hills Subdivision is not an agricultural area. He felt the County judge gave them a raw deal since they have three 3-acre lots. The loud music is constantly causing psychological damage to him and his family.

Neil Williamson, Free Enterprise Forum, said after reviewing the options that staff has laid out the idea that amplified music for farm workers, not the exempt activity, seems reasonable to the extent that it is amplified and that means it falls under the County Noise Ordinance, the decibel ordinance. He encouraged the Commission to consider carefully how they move forward looking towards the farm wineries and how they manage noise at the property line decibel level. It seems to be a reasonable recourse.

The Commission discussed the proposal with staff and the public asking questions and providing comments on the issues.

Ms. McCulley pointed out staff would work on the language that makes the definition clearer. It has to be active training, not just passive playing music. For it to be customary staff wants some standards to use.

Mr. Smith asked the Mr. and Mrs. Podraza what time of day does the music start and when does it quit. Is it usually the sequence?

Ms. Podraza replied that it was so random that it is hard to say. Sometimes it starts on Sunday morning at 9 a.m. and goes all day. On other days it might not start until 4 p.m. and it might go to 9 p.m. Her neighbor's comment to the police was that all of that is training and it is desensitizing the horses when they are in the field, in the ring and in the barn. So basically it was just a flat okay whenever they want to do it they can do it. There was no limit set on her.

Mr. Randolph asked if she shows these horses.

Ms. Podraza replied yes, she does show the horses. She takes the horses to shows once in a while. However, it just seems excessive that they are subjective this all of the time. Now that she is going to be retired and be home she just wants to enjoy her retirement on the property.

Mr. Podraza said he did not see why their neighbor couldn't desensitize the horses and still be within the 100' rule that is applicable right now. If he can hear it at 100', then the horses ought to be able to hear it 130' closer to the speakers. That is just logic in his opinion. This whole thing just blows my mind.

Mr. Franco suggested if the P.A. system is not an issue, then he would not include it at this point in time. If they need to have the music out there, then making it comply with the noise ordinance is the best way to deal with it. If the music has to be loud for training, then something needs to be done such as putting the horses indoors so it muffles the noise.

Ms. McCulley noted between now and the public hearing staff should take some sound readings since they don't know for sure that it is going to exceed the maximum sound levels. If it does not, then that would make it a private situation and not a County regulated situation.

Planning Commission Discussion and Comments:

The Commission discussed and reviewed staff's suggestions on the following and provided comments.

1. Clarify that the use of outdoor amplified music for farm workers is not exempt as an agricultural activity.
2. Clarify that the agricultural exemption relating to the use of outdoor amplified music and public address systems for working with livestock (horses, cattle, etc.) be limited as follows:

a. The exemption from the noise regulations for bona fide agricultural activity ends at 8 p.m. and the applicable maximum sound levels apply at that time;
b. The exemption only applies when it is related to 1) actively training livestock and/or handlers/riders or 2) an organized event such as a show. This sound should not be exempt when the animals are at rest and not being actively worked or as part of an organized event.

The Commission provided the following suggestions:

- Focus on 2b. and the music and not a. as noted above.
- If have to have music, then making it comply with the noise ordinance is the best way to deal with the situation discussed.
- Before the public hearing staff will take sound meter readings at the Podraza site to determine if the music exceeds the ordinance regulations.
- Suggested possibility of adding amplified music for farm workers or non residential guests to condition 1.
- It makes sense to apply the same standard as for farm wineries.

Old Business

Mr. Morris asked if there was any new business. There being none, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

- Joint City/ County Planning Commission meeting on June 25, 2013 at City Space at 5:00 p.m.

Adjournment

Mr. Lafferty moved and Mr. Morris seconded to adjourn to June 25 Joint City/County Planning Commission meeting at 5:00 p.m. in City Space. The motion passed.

With no further items, the meeting adjourned at 8:18 p.m. to the Tuesday, June 18, 2013 meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)