

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 12, 2020
4:00 PM

A. CALL TO ORDER

Ms. Julia Leverenz called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Julia Leverenz, Chair
Jack Haldeman
Rich Krapf

Absent:

Tim O'Connor

Staff:

Ellen Cook, Principal Planner
Terry Costello, Deputy Zoning Administrator
John Risinger, Community Development Assistant

C. MINUTES

1. January 9, 2020 Meeting Minutes

Mr. Jack Haldeman made a motion to Approve the January 9, 2020, meeting minutes.

The motion passed 3-0.

D. OLD BUSINESS

1. ORD-19-0010. Zoning Ordinance Amendments to Address the Keeping of Bees in Residential Districts, Phase II

Ms. Terry Costello stated that staff presented Phase I materials at the January 9, 2020 meeting regarding amending the Zoning Ordinance to allow beekeeping in residential neighborhoods. She stated that the Policy Committee discussed if beekeeping should be allowed in all zoning districts. She stated that the Initiating Resolution adopted by the Board of Supervisors (BOS) was specific to agricultural and residential zoning districts. She stated that the scope of the Initiating Resolution would need to be revised to include commercial zoning districts. She stated that, as a result, staff analyzed the proposed amendments for agricultural and residential zoning districts. She stated that staff developed performance standards based on the best management practices adopted by the Virginia Department of Agriculture and Consumer Services (VDACS) as well as standards in the Albemarle County Zoning Ordinance.

Ms. Costello stated that beekeeping is currently permitted in the General Agricultural (A-1), Low Density Residential (R-6), and Rural Residential (R-8) Zoning Districts without any performance standards. She stated that staff is proposing to change the use lists to permit beekeeping in the Limited Residential (R-1), and General Residential (R-2) Zoning Districts. She stated that staff is seeking input from the Policy Committee regarding if beekeeping should

be permitted in the Residential Redevelopment (R-3), Residential Planned Community (R-4), Planned Unit Development (PUD), and Mixed Use (MU) Zoning Districts. She stated that the Policy Committee suggested requiring a permit for beekeeping in residential zoning districts. She stated that staff proposed creating a permitting process similar to the Chicken Keeping Permit process. She stated that feedback from the Policy Committee will be used to draft Ordinance language for review at a future Policy Committee meeting.

Ms. Leverenz asked if the permit would be required in the zoning districts where beekeeping is already allowed.

Ms. Costello stated that it would not be required in agricultural zoning districts where beekeeping is permitted.

Mr. Rich Krapf stated that the Planning Commission could recommend that the BOS expand the proposed amendments to commercial zoning districts.

Mr. Michael Garvin, Williamsburg Area Beekeepers, asked if there was an application fee for the Chicken Keeping Permit process.

Ms. Costello stated that Chicken Keeping Permits have a \$21 application fee.

Mr. Garvin asked if citizens who currently have beehives would be required to apply for a permit and pay the fee.

Ms. Costello stated that permits would be required if citizens had beehives in residential zoning districts but not agricultural zoning districts. She stated that the permit would only need to be applied for one time.

Mr. Haldeman stated that the process should be straightforward. He stated that the Ordinance should have minimum distances for how far beehives should be placed from property lines and adjacent dwellings.

Mr. Haldeman stated that the performance standards could be enforced on a complaint basis without a permitting process. He stated that the proposed amendments should be easily understandable by citizens.

Ms. Leverenz asked if the performance standards should include a minimum lot size.

Mr. Haldeman stated that the performance standards should not include a minimum lot size. He stated that a small lot could potentially be able to have a beehive that is placed far enough away from adjacent dwellings.

Mr. Krapf asked if other localities required permits for beekeeping.

Ms. Costello stated that Isle of Wight County and the City of Newport News require permits.

Mr. Krapf stated that he would prefer to have a permitting process so that staff could verify that the applicant adhered to the performance standards.

Ms. Ellen Cook asked if the Policy Committee wanted to discuss potential performance standards used by other localities.

Mr. Haldeman confirmed.

Ms. Costello stated that a potential performance standard was that the beehives should be an

accessory use to a residential dwelling.

Mr. Haldeman stated that beekeeping should be permitted by-right on residential lots.

Ms. Costello asked if beehives should be permitted on vacant lots.

Mr. Haldeman confirmed.

Mr. Krapf stated that the performance standards should require barriers if beehives are permitted on vacant lots. He stated that beehives on vacant lots might not be maintained to the same standard of beehives on lots with dwellings.

Mr. Haldeman agreed.

Ms. Costello stated that another potential performance standard would include a minimum distance between the beehive and public right-of-ways or property lines not owned by the owner of the beehive.

Ms. Leverenz asked if the best practices from VDACS had a recommendation in the best practices.

Ms. Costello stated that the best practices recommended a distance of 10 feet.

Ms. Leverenz asked if the Policy Committee agreed with a distance of 10 feet.

Mr. Krapf agreed.

Mr. Haldeman agreed.

Ms. Costello stated that another potential performance standard would include a minimum distance from the beehive to any dwelling or structure on an adjacent property not owned by the owner of the beehive.

Ms. Leverenz asked if the Policy Committee agreed with a distance of 50 feet between the beehive and adjacent dwelling or structures not owned by the owner of the beehive.

Mr. Krapf agreed.

Mr. Haldeman agreed.

Ms. Costello stated that another potential performance standard would be requiring barriers around beehives if the beehives are less than 30 feet away from a public right-of-way and are less than 10 feet above grade.

Ms. Leverenz stated that the requirement should be clarified to say barriers are required if the beehives are between 10 and 30 feet away from a public right-of-way since a beehive would not be permitted to be less than 10 feet away from a public right-of-way.

Mr. Haldeman agreed.

Mr. Krapf agreed. He stated that it was important to make sure that the flight paths of bees would be higher in areas near public right-of-ways for pedestrian safety.

Ms. Costello stated that another potential performance standard would require barriers to be fencing, vegetation, or a combination of both.

Mr. Haldeman asked if the best practices from VDACS recommended barriers to be 8 feet tall.

Mr. Garvin stated that the recommendation is for barriers to be 6 feet tall.

Mr. Haldeman stated that it would be reasonable to require barriers to be 6 feet tall.

Mr. Krapf agreed.

Ms. Costello stated that another performance standard was to require beehives to be placed in the rear of the lot and have the entrance face away from the nearest property line or public right-of-way.

Mr. Haldeman asked if a vacant lot would have a rear side.

Ms. Cook stated that the Zoning Ordinance defines which side of a lot is the rear. She stated that a lot does not need to have a dwelling to determine the rear side.

Ms. Costello asked if the Policy Committee agreed with the performance standard.

Mr. Haldeman confirmed.

Ms. Costello stated that another performance standard would be requiring a water source on the property to be less than 50 feet away from the beehive or half the distance to the nearest unnatural water source.

Mr. Krapf stated that the standard matched the best practices from VDACS. He stated that the performance standard would be reasonable.

Ms. Costello asked if there should be a performance standard for adjacent property owners to be notified.

Ms. Leverenz agreed.

Mr. Krapf agreed.

Mr. Haldeman agreed.

Ms. Costello stated that the County would have no recourse if an adjacent property owner called in opposition to beehives as a result of the notification letter as long as the beehives meet the rest of the performance standards. She stated the notification could clarify that it was for information only.

Ms. Costello stated that another potential performance standard was the maximum number of colonies based on lot size.

Ms. Leverenz asked if there was a recommended distance between colonies.

Mr. Garvin stated that there was not. He stated that the best practices recommended six colonies per acre. He stated that the performance standard could limit lots of one acre or less to six colonies and have no limit to the number of colonies for lots greater than an acre in size.

Mr. Haldeman agreed.

Ms. Costello stated that the best practices had no limit to the number of colonies for lots greater than an acre in size, but required all colonies to be placed at least 200 feet away from all property lines.

Mr. Krapf stated that he would be fine with limiting lots of one acre in size or smaller to six colonies and have no limits for lots larger than an acre.

Mr. Haldeman agreed.

Ms. Leverenz agreed.

Ms. Costello stated that another potential performance standard would address the maintenance of beehives and other equipment. She stated that another performance standard stated that beekeepers who remove swarms from properties could keep any swarm for 30 days since collecting them.

Mr. Krapf asked if the Policy Committee was okay with not including those performance standards.

Mr. Haldeman agreed.

Ms. Leverenz agreed.

Ms. Costello stated that the last potential performance standard would be whether a permit should be required.

Ms. Leverenz stated that knowing how many beekeepers were in the County could be useful information.

Mr. Krapf asked if Ms. Leverenz supported requiring a permit.

Ms. Leverenz stated that she would favor not requiring a permit. She stated that a permit process would not likely reduce potential conflicts.

Mr. Haldeman agreed. He stated that the performance standards could be enforced on a complaint basis.

Ms. Costello stated that the County would not know if adjacent property owners were notified without a permit process.

Ms. Leverenz stated that an adjacent property owner could file a complaint to the County stating that they did not receive a notification. She asked what the County's recourse would be in that situation.

Ms. Costello stated that the County would require the beekeeper to send notification letters to adjacent property owners.

Mr. Krapf stated that the performance standards discussed were a good balance between making beekeeping an easily understandable process for citizens while also having protections for adjacent property owners.

Ms. Leverenz asked if the Policy Committee wanted to recommend that beekeeping should be allowed in all zoning districts.

Ms. Costello stated that staff could not recommend allowing beekeeping in commercial zoning

districts since it would be outside of the scope of the Initiating Resolution.

Ms. Cook stated that staff could draft the proposed Ordinance amendments for residential zoning districts for the Policy Committee to review. She stated that the Policy Committee could recommend that the scope of the Initiating Resolution be expanded to all zoning districts.

Mr. Krapf asked if Initiating Resolution would need to be amended or if the BOS could adopt the Ordinance amendment for all zoning districts.

Ms. Costello stated that the Initiating Resolution would need to be amended.

Ms. Leverenz asked if there were any further comments.

There were none.

2. ORD-19-0005. Consideration of Amendments to the Zoning Ordinance to Address Combat Tactical Training Facilities, Phase II

Mr. John Risinger stated that staff presented Phase I materials at the January 9, 2020 Policy Committee meeting, regarding amending the Zoning Ordinance to regulate combat tactical training facilities. He stated that staff recommended creating a definition for combat tactical training facilities within the Zoning Ordinance and not including it as a permitted or specially permitted use in any zoning district. He stated that the Policy Committee concurred with staff's recommendation and directed staff to develop a draft definition for review. He stated that a draft definition was included as an attachment. He stated that the definition was drafted to be specific to commercial facilities. He stated that the definition qualified that combat tactical training facilities could not be considered as certain permitted or specially permitted uses such as firing and shooting ranges, and indoor or outdoor sports facilities. He stated that feedback from the Policy Committee will be used to create a draft Ordinance for review at a future Policy Committee meeting.

Ms. Leverenz asked if the definition would also include defensive driving courses.

Mr. Risinger stated that development proposals for driving courses could be submitted for staff to evaluate what type of use they would be. He stated that a Driver Education course could be considered a school.

Mr. Krapf asked what the next steps would be for the proposed amendment.

Mr. Risinger stated that an Ordinance would be drafted with the definition for review at a future Policy Committee meeting.

Ms. Leverenz stated that, without a definition for combat tactical training facilities, a development proposal for a combat training facility could be considered under an existing use.

Mr. Risinger confirmed. He stated that a development proposal could be submitted for a conceptual review for staff to determine what use it would be considered. He stated that adding the proposed definition would allow staff to conclusively determine that a proposal is a combat tactical training facility and is not permitted or specially permitted in any zoning district.

Mr. Haldeman asked if the proposed definition had been reviewed by the County Attorney's Office.

Mr. Risinger confirmed.

Ms. Leverenz asked if there were any further comments.

There were none.

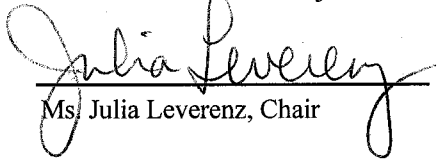
E. NEW BUSINESS

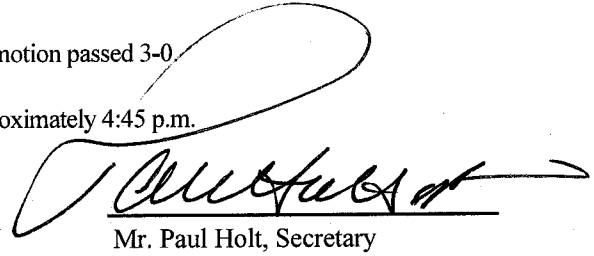
There was no new business.

F. ADJOURNMENT

Mr. Krapf made a motion to Adjourn. The motion passed 3-0.

Ms. Leverenz adjourned the meeting at approximately 4:45 p.m.


Ms. Julia Leverenz, Chair


Mr. Paul Holt, Secretary