

October 13, 2015

County of Greene, Virginia

THE GREENE COUNTY BOARD OF SUPERVISORS MET ON TUESDAY, OCTOBER 13, 2015 AT 6:30 P.M. AT THE PERFORMING ARTS CENTER AT WILLAM MONROE HIGH SCHOOL.

Present were: David Cox, Chairman
Jim Frydl, Vice Chairman
Eddie Deane, Member
Davis Lamb, Member
Bill Martin, Member
John C. Barkley, County Administrator
Ray Clarke, County Attorney
Patti Vogt, Deputy Clerk

RE: PUBLIC HEARING – PHILLIPS FAMILY PROPERTIES III, LLC/HAROLD PHILLIPS – REZONE

Mr. Bart Svoboda, Zoning Administrator, reviewed the request from Phillips Family Properties, III, LLC/Harold Phillips to rezone approximately 1.4 acres of 5.36 acres zoned B-2, Business, and M-1, Industrial, to M-2, Industrial, with the remaining acreage remaining as M-1, Industrial, zoning designation located at 56 Commerce Drive and identified on County Tax Maps as 60C-(6)-A1. (RZ#15-002) Property currently has four (4) structures. Applicant is requesting the rezone so the current structures could be leased to a multitude of businesses that are currently not available under the business zoning districts.

Planning Commission recommended approval of rezoning RZ15-002 to rezone the B-2 area of the parcel to the M-1 (Industrial, General) Zoning District as recommended by staff. The applicant was amenable to the recommendations for the application and felt that M-1 zoning would enable him to meet his goals for the property.

Mr. Harold Phillips, applicant, spoke briefly on his request.

The Chairman opened and closed the public hearing with no public comments.

Mr. Lamb questioned the specific building. Mr. Svoboda said the parcel does not cross the street.

Mr. Martin said it looks like staff and Planning Commission has done their homework. Applicant has a good plan and everything seems in order with ordinances.

Mr. Deane reiterated staff has done homework and agreed with support.

Mr. Lamb said he is ok with it.

Mr. Frydl supported the rezone saying it supports business opportunities in that area. Does not change the area. Same pattern of development.

Mr. Cox agreed saying this is in the growth area.

Upon motion by Bill Martin and unanimous vote, the Board approved rezoning RZ#15-002 to rezone the B-2 area of the parcel to M-1 (Industrial, General) Zoning District as recommended by the Planning Commission.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: RECESS

The Chairman called a five minute recess.

RE: PUBLIC HEARING – ELLIS LYLE ii AND TAMMY DURRER/ELLIS AND VIRGINIA DURRER – SPECIAL USE PERMIT

Mr. Svoboda reviewed the request from Ellis Lyle II and Tammy Durrer/Ellis and Virginia Durrer for a Special Use Permit for an outdoor shooting range on approximately 2.0 acres of a 105.37 acre tract, zoned A-1, Agricultural, located near 15337 Spotswood Trail and identified on County Tax Maps as 61-(A)-6. (SUP#15-001)

The proposed site is zoned A-1 and is currently a working cattle farm with existing residence and barns. This property is adjacent to growth area and is approximately 1.2 miles from the intersection of Route 29 and Route 33.

The Board of Supervisors has the ability to place conditions on a Special Use Permit to mitigate impacts by that use if the use is deemed appropriate, would not change the character and established pattern of development of area, and would be in harmony with the uses permitted .

Planning Commission recommended denial for the following reason having to do with Article 16-2:

- It would tend to change the character and established pattern of the development of the area or community in which it wishes to locate.

Lyle and Tammy Durrer, applicants, reviewed a power point presentation regarding their request. Contacted by EDA in September, 2014 if he would be interested in getting shooting range. Residents have to go to other counties to shoot. There is a need for classes in Greene for those who want to be taught safety and concealed carry laws/rules.

Mr. Durrer said they started looking into it to find out what was involved and found this to be a feasible option at this location. Met with neighbors who were willing to meet.

Factors considered were safety, noise, lead, design, traffic and benefits.

Bullet traps are self-contained and capture 99% of lead dust, stop ricochets and are bi-directional. Baffles used down range are there for safety. When looking down range, cannot see blue sky, can't hit blue sky. Have ballistic acoustical rubber to stop ricochets and help mitigate sound as it escapes Shooting stalls are 8 inches of concrete on sides and 6 inches overhead.

Standard Operating Procedure is a living document and can be revised as necessary. A Range Safety Officer will be on duty at all times during operational hours. There will be

cameras in each stall for safety. Check-in will be required at the entrance and again with the RSO. Also have to check out when done. There will be a safety and rules briefing before using the range and a document that will need signature indicating the safety rules at this range were read and understood.

Natural terrain at site was recommended by NRA. VDOT has already approved entrance and traffic.

Three different acoustical studies were conducted. One by Sheriff's Department, one self-conducted, and one by professional company which included a 24 hour study. Troy Acoustics needed to know what the ambient noise level was during operational hours. If noise level is not louder than what is being heard everyday then there can be no noise nuisance.

EPA has manual for lead management. Range will follow recommendations to control and contain lead. Lead mitigation is not that difficult. Location has clay soil which helps in mitigation. The traps capture and contain 99% of lead. Shooting stalls will be wiped down with a product that bonds to lead in between opening and closing. Traps have round counter per lane. Once maximum count is reached a company will come in to clean everything. Have to document and keep records of lead

Mr. Durrer reviewed the key design components which included concrete construction, overhead baffles, acoustic material, safety measures and ballistic rubber backstop. Also reviewed preliminary design of range, lane elevations and details, and shooting stall detail.

Mr. Durrer said the design was arrived at by conferring with accredited professionals in the industry, and the NRA. All agreed that this design is above and beyond what is required. This design will cost more but is what he thought should be done.

Benefits include having a range for local law enforcement to use, bring business to the County, and tax revenue.

In regards to property values, property assessments and tax rates are established to meet the budget of the County. Market conditions drive assessments not neighboring properties. Referred to letter from Commissioner of Revenue stating, in the last 28 years, he does not recall anything being built in the County that would cause property values to decrease.

Mr. Durrer gave Lafayette Gun Club located in Yorktown, VA as an example of a range within a growth area. Within ½ mile of the range, there exists an elementary school, county school system building, and houses that are within 150 feet of this range. This range did not stop growth be it residential or commercial. The range was built in 1948 and the school was built in 1965.

NRA has helped with design, location and acoustics, but will not endorse a range.

Mr. Durrer said he has done everything asked by the County. A legal and regulated gun range is consistent with the Zoning Ordinance and allowed by Special Use Permit. This will turn a by-right activity into a business. Use is compatible with character of surrounding development because there is no discernably established pattern at this time at this location. Will not infringe on neighboring properties because all activities will be contained within the facility and lawfully compile with all state and federal regulations. Mr. Durrer challenged anyone to demonstrate a use that would be discontinued or impossible to engage in as a result of a lawfully managed gun range. Real estate data and experience clearly show that legally compliant ranges do not impair the value of surrounding land. This will bring in much needed revenue to the County, will be good for economic growth, and does not cost the County anything. Will promote tourism, recreational venture and bring in money to other local businesses also. Land is appropriate for

shooting range and use is appropriate. Mr. Durrer said he has already invested considerable time, money and energy in this project to come up with absolute safest plan possible and provided documentation for qualified accredited professionals.

Asked that this decision not be made on emotion, not in my backyard or falsehoods, but on facts and the need for this range. Thanked all who has supported him in this endeavor. Finally asked for all in favor of the range to please stand.

The Chairman opened the floor for public comment.

Noel Guarino – 308 Kenwood Lane. Read statement on behalf of husband, retired U.S. Army Colonel, with lots of expertise in range design and management. He would not allow this range to be built on a military installation.

Michael Laukitis – Hunter, member of NRA, NRA Certified Firearms Instructor, concealed carry permit holder. Would welcome properly designed and appropriately located range in Greene. Design does not eliminate all risk. More than 70 homes within the surface safety zone which is the land around range that is at risk for escaped bullets.

Daniel Held – lives ½ mile from Big Iron and former military officer, gun owner. Would be enthusiastic about gun range if in right location. Site is not suited for gun range. No blue sky is misleading. Estimated revenue will not offset loss in property values.

Louie Deane – Entire family has been in police work. . Spoke about range in Nokesville. Questioned bullets deflected from range and hitting a person/building. Having safe place to train would be essential. Range will not require infrastructure like housing development.

Gloria Gore – Has concealed carry and shoots at ranges. This is big property rights issue. Durrer ancestors have been here since 1700's. Range has been certified by several people as being safe. Felt people who are worried have gotten information that isn't necessarily correct.

Peter Griffith – Extensive background with guns and shooting. Spoke on real estate values of surrounding homes, two of which have been on market from 200 to over 300 days. Did not feel the gun range would affect sale of property.

Suzan Hiller – Read letter from Sarah Conrad, practicing and licensed Audiologist, who also lives in Ruckersville. Noise from the proposed gun range will adversely affect the quality of life for neighbors. People will detect gun fire over ambient noise.

Mary Saunders – Son is fully disabled combat vet and suffers from traumatic brain injury, PTSD, chronic fatigue syndrome, neck/spinal problems and hearing loss. He can't handle what they are dealing with now coming from Durrer property. Continued with letter from Sarah Conrad.

Eleanor Mower - Ruckersville. Some neighbors are refugees from war-torn countries and can't be expected to not be bothered by the sound of constant gun fire. Not fair to impose this level of stress on neighbors. Strongly advised an independent noise study.

Dwight Webster – Ruckersville. Retired Army Lt. Colonel who has been in war zone. Predicts there will be a ricochet wounding within first month at this range. Expressed his concern for children in the area.

Renee Birchell – Speaking on behalf of her father Steven Birchell. Has developed commercial and residential properties in Greene. This will affect the sale of the remaining lots in Hancock Farms, their ability to receive income, and property values.

Cathy Whitebread – Godalming Subdivision. Sound is big factor. Siebein Assoc., leading acoustical consulting firm, found numerous inconsistencies in Polysonics study. Read from report. Copy included in information.

Stephanie Herring – Ruckersville . Continued with summary of Siebein analysis of noise study submitted by Big Iron. Recommended applicant be required to conduct noise study with specific criteria.

Michael Derdeyn – Attorney representing Greene County Neighbors, LLC . The issue for Board of Supervisors has to do with Zoning Ordinance. Outdoor shooting range is not appropriate use in residential area and only allowed in A-1 zone by Special Use Permit.

Beth Luellen – Ruckersville. Stay-at-home mom. Any given weekend and some week days there is barrage of gun fire from Durrer property. Noise and thought of stray bullet is absolutely disturbing. Durrer has been noncompliant with current Special Use Permit.

Anthony Herring – Ruckersville. Former member of Planning Commission. Planning Commission voted 3 to 2 to deny. Majority stated facts for their decision. As a whole, opposition is in favor of right to bear arms and an indoor range at the right location per current ordinances.

Eric Hensley – Stanardsville. Lives within ¼ mile of active hunting preserve on Route 621 where unmitigated gun fire is the norm. Can't hear within home and outside is no nuisance at all. Ambient noise is much louder. Range would provide safe controlled shooting environment.

Lance Pickett – Godalming. Want range but not at this location in middle of densely populated residential area. Did not think every safety aspect can be fully mitigated. Not in accordance with Zoning Ordinance.

Bill Saunders – He requested deferral previously to allow Durrers to address many problems in application. Provide full design, identify surface danger zone, standard operating procedure, etc. Nothing has changed. Asked Board to consider an ordinance to give clear criteria for this use.

Mark Norman – Hancock Farms. Added support for previous comments. Chose to live in Ruckersville for tranquility and peacefulness. Lives 1.6 miles from proposed range. Can clearly hear each and every shot from site when outside. Property values will decrease.

Carolyn Politis – Godalming. Half mile from propose range. Applicant does not have right to do whatever he wants on his land. Make right decision for community. Referred to several other Special Use Permits that were denied. Planning Commission recommended denial.

Kristine Norman – Hancock Farms. Reviewed past SUP's either denied or approved with conditions due to noise concerns. Noise can be considered pollution and can constitute a nuisance which is an unreasonable interference with a person's use and enjoyment of their property. Homes were there first.

Eleni Politis – Godalming. Please don't let gun range move near our homes. Hear every single day when riding bike, playing soccer, playing volleyball, frisbee or having friend over. Gets headaches because of banging sound and her dog goes crazy. Fears stray bullets.

John Glass – Hancock Farms. Chose to move to Greene because of really nice property, close to his work, and most importantly the property tax structure was so much less than neighboring Albemarle. Low taxes may be lost. Not against a range. Opposed to this location.

Tammy Laukitis – Hancock Farms. Can't believe this is even under consideration. One main concern is safety aspect. Nearest property line is 30 feet. Children won't be able to play outside. Noise another big concern. Doesn't belong in this area.

Deanna Wills – Ruckersville. Located here because of family friendly atmosphere, conservative values and serene landscape. Gun owner and believes in 2nd amendment. Proposed

site is wrong location adjacent to residential area. Misinformation that Sheriff will be able to use this range.

Wesley Wills – Member of Department of Defense. Deals with science and technology at work. In court of law, an expert will look at facts, science, physics of this range and available material. What did Board do to verify independent facts? Not on firm ground when determining scientific facts. Not comfortable with 99% containment.

Harold Bare – Purchased land from applicant's family for business investment. Mr. Snow's letter is worth nothing in this situation. Durrer can't shoot anytime he wants. All are subject to ordinances of County. No record of EDA approaching applicant. Applicant did not talk with everyone. County needs to bring schools up a notch and have better water and sewer infrastructure.

The Chairman called five minute recess.

Mike Collins – Godalming. Pro 2nd Amendment, gun owners, NRA members. This is wrong design and wrong location. Ambient noise is existing background noise level characteristic for the current environment. Constant gun fire is not ambient noise. Safety issue

Luke Whitebread – Godalming. Speaking on behalf of Frank Stoner, Milestone Investment Group. About to begin a multi-million dollar redevelopment project on south east corner at intersection of Route 29 and 33. Not this design at this location. Impact on surrounding area.

Kenneth Chase – Godalming. Read letter from Fraidoon Hovazi, J6 Developers, LLC. (planned unit development property on East View Road) Have potential buyer for property. Proposed range can potentially kill the deal and destroy potential development for elderly.

James Oliver – 27 year veteran United States Navy. Firm believer in 2nd Amendment. Has completed plans, policy and programming centered on operational risk management. Understand every single activity has risk associated with it. Standard operating procedures are pretty good start but needs to be better.

Ronald Padley – Ruckersville. Would not have settled here if he had known about this. Does not want to hear a constant barrage of gun fire. Moved here for peace and quiet. Gun owner. Prefers a totally enclosed facility which would be much safer.

Thomas Wharton – Should make decision mathematically. Acoustical measurement study. Hi powered rifle will produce 168 decibels in sound. Houses in close proximity. Impossible to reduce from 168 to 65 decibels. This range will not meet sound requirements.

Tilahun Goshu – Godalming. He and family are naturalized citizens originally from Ethiopia. After eight years, he has master's degree in public health and currently working on doctorate. Terrified for safety of his family. Children suffer from PTSD.

Meseret Workelul – Godalming . She and her husband work fulltime and he goes to school also. Have four children. Came to USA for safety. Left country and family. Worried about what will happen. Children panic at hearing gun shots.

Jerry Gore – Provided Mr. Durrer assistance in understanding acoustic challenges with this project. Forty year Navy career in acoustic engineering and 10 years as consultant. Was on site for sound testing. Noise measured will be no higher than ambient level measured at those locations. Well within criteria for this County and far safer than shooting in open field.

Ronnie Davis – Taxpayers have funded the Regional Jail which has private law enforcement range 25 minutes from here. Standard law enforcement training requires qualifying

from 7 and 15 yard line. The is not suitable for law enforcement training. Spoke on training requirements. Sheriff's Department does not need this range.

Frank Morris – Family owns several properties within vicinity of site. No problems. Great local business and lots of opportunity for stores/restaurants. Thinks this is great location and feels this does not change the character of the area.

Scott Hiller – Godalming. Owns small contracting business. This is not proper location. Over 300 homes within mile radius. Clients are putting outdoor projects on hold until decision is made on gun range. Concerned about potential 30% drop in home value.

Ramona Goff – Range safety officer and NRA certified instructor. Does not live in Greene. Impressed with plans for proposed range. First and foremost is safety. Accidents won't happen unless someone is irresponsible. Would bring in more revenue for County.

Cynthia Hash – Realtor for 16 years. Lives in Albemarle County. Concerned that this is not indoor range and it will affect property values. Possible 30% reduction within ½ mile and 25% within mile. Decreased property values equals decreased tax revenue.

Edward Wagamon - Preddy Creek. Concerned about lead mitigation. Build facsimile and test for noise levels. Doesn't think children will be frightened by gun shots. Get range design that everyone can agree on. Can't agree on this, get one somewhere else in Greene.

Temnasera McKonnen – Godalming. Has memories of living in Ethiopia and house being shot at. She and her brother were both frightened by gun fire recently. Please vote no.

Jenny Strain – Deer Lake Estates. Board's job is to uphold and enforce ordinances of County and make decisions that do not conflict with Comprehensive Plan. Will violate noise ordinance and affect home values.

Laila Bare – Why at this location? Understands applicant owns property that would be better alternative. Be prepared to defend decision made tonight. Will not be able to improve school ranking without increased, sustained revenue.

Autumn Hiller – Ruckersville. Lots of children live in surrounding neighborhoods. Dogs panic at gun fire. Gun shots this past Saturday caused her to go inside.

Claude Cooper – Registered professional engineer. Project manager for outdoor range baffle project in Prince William County, VA. Outdoor baffle design proposed is a proven technique. Acoustical treatment is also proven technique. Possible for range to be good neighbor if designed properly.

Marie Durrer – Son is applicant. Shooting this past Saturday was not on their property. . Own property and have right to shoot on property. Range is designed to be safe, controlled, state-of-art facility. Provide additional revenue for County. Will continue to shoot on property.

Steve Smith – Sheriff's Office needs range in Greene County. He's looking out for safety of deputies and citizens. Orange County wants to charge for use of range. Range here would be a lot easier for scheduling. There are no ordinances in Greene about shooting firearms on agricultural land.

Anita Schwartz - Spoke on behalf of owner at 578 Moore Road. Property line is 30 to 50 feet from range location. Owner opposes site mostly for safety and noise reasons. Would this increase appeal of Ruckersville? Opposed to range at this location.

Bill Stump – Ruckersville. County needs gun range. People need instruction on how to use guns properly. Hears lots of shooting during hunting season.

Jeff Newby – Monroe District. Lots of thing being completely distorted about this request. Venue will provide place to learn safe handling of firearms. Design is beyond state-of-the-art. Thinks this will be good for the County.

Jeff Morgan – Respect views of opposition but thought it shameful court action has been threatened if Board approves the request. Worst case scenarios described will never come true. Shooting is dangerous and a place is needed to do this in safe way.

Mark Pulczynski– Opposition has no ill will to proponents of range. Asked Board to look at facts and make comprehensive decision based on ordinances. Many residences in community. Consideration has to be for the many over the one.

Chris Findley – Ruckersville. Would welcome well designed range to County but is opposed to this design at proposed location. Information submitted by applicant demonstrates an ever-changing design that is incomplete, inconsistent and contains errors. Deny permit.

Hugh Wright – Property values. Has property on market that was active until plan was announced for gun range. This will hurt property values and sale of homes. Liked tranquility and views from his property. Deny request.

Mark Luellen – Godalming. No one contacted him. If EDA wanted Durrer to do this, why haven't we heard from them? What happens when he no longer owns property? Why is his investment more important than mine? This is business. Read quote about Lafayette Gun Club.

Darryl Mesaros –Lives in Earlysville. Rents and doesn't have place to shoot. This would be convenient, local and safe place to shoot. Urged Board to support.

Julie Kuhl – Lives within ½ mile of proposed gun range. Local realtor. This will devalue property. Citizens have shared concerns about water fees and pending property tax rate increase. Can the County afford to approve gun range in the middle of Ruckersville?

Drew Taylor – Lives in Orange County which has two gun ranges. Four essential elements for value of real estate are demand, utility, scarcity and transferability. Reviewed approaches for determining property value and recent property sales near or adjacent to gun ranges.

Chris Politis – Ruckersville. Readings not taken on western or southern boundaries of subject property. Analyzed all 114 ranges listed by the National Shooting Sports Foundation. All, with few exceptions, were in remote locations, obscured by trees or hilly terrain, few or no homes nearby, and nowhere near city center.

Heping Zheng – Godalming. Agreed with comments by neighbors. He has three children who will grow up here. Would like to have a place to shoot in the county but at another location. Has another location even been considered?

The public hearing was closed.

Mr. Cox thanked everyone for their comments and conduct during the public portion of the meeting.

Mr. and Mrs. Durrer addressed issues brought up during the hearing.

Mr. Durrer noted he is not the only person in Ruckersville who owns and shoots guns.

The acoustical engineer placed equipment where deemed appropriate.

Farm is in A-1 zone. Godalming subdivision is also in A-1 zone.

Does not own this land at this time. Special Use Permit for gun shop said no shooting range on his land. Won't own the land until this is approved.

Hours of operation of shop have changed. Notified in early spring that the SUP was never filed. Has been filed now and hours have been changed.

Mr. Durrer said he didn't knock on doors in Godalming. He met with Anthony and Stephanie Herring to explain what he was doing. He asked Anthony if he would email everyone in subdivision. Doesn't know if he did.

NRA has worked with them but does not endorse ranges. Help on location, give suggestions on how to build and connect with professionals in industry to help with process.

Mrs. Durrer asked the Board to listen to the facts that were presented. Gone above and beyond and spent many hours on this project. Done our homework and we know what we're doing. Please approve request.

Mr. Martin asked about major players. Mr. Durrer said NRA put him in touch with Range Systems, Mid-West Tactical Application Group, and Troy Acoustics. Mid-West Tactical Application did range design. Troy Acoustics did acoustical design and will apply acoustical treatments. Range Systems did the granulated trap system and overhead baffles. A concrete contractor will do all concrete work. Mr. Durrer said he would be in charge of the project as the primary contractor. He has a Class A contractor's license.

Mr. Martin asked if there are letters of support or endorsement from these three companies. Something about the engineering design and industry standards. Mr. Durrer said information should be in packet. Three companies have worked together on this design.

Mr. Martin said it is noted in the letter from Troy Acoustics that the purpose of the acoustical material inside the range is really for the convenience of the shooter. Mr. Durrer said it does help the shooter and also has an 85% co-efficient of reducing noise.

Mr. Durrer said he referred to the book from the NSSF (National Shooting Sports Foundation). The NSSF will rate a range after it is in operation.

Mr. Martin asked about a surface danger zone analysis. Mr. Durrer said this design is a bullet containment range. SDZ applies more to military type shooting ranges. Mr. Martin asked if he would provide an analysis if requested. Mr. Durrer said he could contact NRA to see if they tell him anything different.

In response to a question by Mr. Martin regarding stray rounds or ricochets leaving range as designed, Mr. Durrer said anyone saying they can build a range and guarantee 100% that nothing will come out of it would be lying. Mr. Durrer said he would not say that.

Mr. Martin asked what kind of insurance company provides comprehensive liability insurance for the owner. Mr. Durrer said insurance would be though NRA same as for his gun shop.

Mr. Martin felt it would have been useful for a representative from NRA or NSSF to have been present to address the Board. He asked where this type range is located in North America. Mr. Durrer said a range of this design is currently under construction in California.

Mr. Martin asked how far proposed range is from property line of Big Iron Gun Shop. Mr. Durrer said the range would meet setback for property and would probably be 40 to 50 yards from the shop.

Mr. Martin referred to the approval of the Special Use Permit for the gun shop in 2011. Planning Commission and Board of Supervisors were in full agreement about approval. Mr. Durrer stated at that time that he would conduct test firing of guns from time to time but it would not be anything obnoxious. Must have stayed true to this because he hasn't heard complaints about test fire. Mr. Martin said the condition on the SUP prohibiting a gun range on the subject parcel was because of a real concern at that time that it could become an issue.

Mr. Lamb asked if the representative from the NRA realized how many houses were nearby. Mr. Durrer said NRA knew there are 340 houses within a mile. Mr. Lamb said the NRA Resource Book said that one (1) bullet equal one (1) week of hazardous occupational noise exposure. An avid target shooter can be exposed to an entire year's worth of hazardous occupational noise within a few minutes. (NRA 1999) Mr. Durrer said that's true if you don't wear hearing protection, which will be required in addition to eye protection..

Mr. Deane questioned the acoustical product used and the distance from the bench to the outside opening which would be 12 feet.

Mr. Cox said thanks for hospitality by the Durrers for visit on short notice. He said he is familiar with the property as he worked on it for a time. Biggest thing is R-1 and A-1 zones adjoining.

Mr. Lamb noted indoor ranges are allowed in the A-1 district by Special Use Permit.

Mr. Deane thanked everyone for emails and phone call. The Board is concerned about each citizen and property values. Visited Mr. Pickett's house to look from that side of the fence.. Spoke with a representative of Troy Acoustics today who said the treatments and concrete walls would reduce noise to 70 decibels and gunfire would not be intrusive in the homes or backyard activities. Mr. Deane said he did not see a problem with safety as much as noise. Noise is his main issue. This will be a hi-tech gun range.

Mr. Martin said he spent time pouring over hundreds of pages of information, emails, etc. One thing is clear, we do need a gun range in Greene County. Sheriff Smith had told him that when he was a new member of the Board. The question is location. Mr. Martin pledged to help find a suitable site for a gun range in Greene County if this request is not approved.

Mr. Martin noted the Board recently rejected an application for a bed and breakfast because it was convinced by the community, data and ordinances that it did not fit with prevailing practices or within local ordinances. He believes that using a range would be a safer situation than what is happening around the county. That doesn't mean this proposed location is optimal given legitimate safety, acoustical and quality of life concerns. Finds lack of surface danger zone map a serious flaw in application. He said rounds will escape from the range and due diligence demands the applicant show that this fact has been considered. Finds the letters and comments from developers compelling. J6 Developers, Birchell, Hiller, Mile Stone Partners have expressed concern for their investments for things we have approved and have had plans to develop well before this proposal came up. Those plans are in concert with our Comprehensive Plan and Zoning Ordinance.

Mr. Martin said he is not convinced that neighbor's concerns regarding safety, noise and quality of life are adequately factored in to proposed plans. Many people have life investment in their homes and chose to live in this area without any idea that this proposal might come to fruition. Recent Boards have carefully considered concerns of neighbors prior to granting a Special Use Permit.

Mr. Martin said he understands why the Durrers want this near their home and gun shop but could not let their convenience trump local ordinance, Comprehensive Plan, or perceived safety and quality of life for neighbors. This Board has to be consistent in consideration of Special Use Permits. How could we take a position against a B&B in residential community and then support a gun range when there is clearly a higher impact, clearly safety and quality of life issues.

Despite the Planning Commission requesting Mr. Martin said he still does not see a design that convinces him that safety and quality of life issues of neighbors have been addressed. Plan still seems to be evolving. Disappointed that representative from NRA, NSSF or MTAG can't take position on this. In his opinion, no one on this Board is qualified to make technical judgements required for the safety and acoustical issues raised. So the Board counts on assurances from experts which he does not see. Personally has high level of uncertainty of much of data he has seen with this application. Sees risks associated much, much greater than potential returns. The burden is not on the County to tell applicant what is needed. Not up to the County to make this safe and in harmony with the community. Burden is on applicant to provide information so the Board feels comfortable.

Mr. Martin said this is a nation based on the rule of law. Provisions in Article 16-2 is all we have to go by. Can't make judgements outside of this. A lot of discussion tonight was outside of this. Believes the proposed use would change the character and established pattern of development in this community. Proposed use is not in harmony with the pattern of development in this area and would adversely affect the neighboring properties. Based on letters and comments from developers, it seems like there is a risk that the proposed use would discourage developers from moving ahead with approved plans. Mr. Martin is a licensed realtor and is absolutely and totally convinced that the sales of residential real estate in this area will slow dramatically because many buyers are going to be affected in their purchasing decision. Demand will decrease and ultimately the price and value will be affected. The proposed use on land zoned A-1 is fine but this parcel is surrounded by residential communities that may well be, perhaps will be, in harm's way. He is unconvinced that an active 20 lane gun range will produce noise that stays at or under the ambient noise level. Tests were done with single shots. This would affect the quality of life of families who have already made significant investments in the community. Mr. Martin said he finds this particular A-1 parcel to be inappropriate for the proposed use. No option but to vote to deny because it doesn't comply with our zoning ordinances and to approve it would be inconsistent with decisions this Board and prior Boards have made.

Mr. Frydl clarified that outdoor shooting is a use allowed as a special use under the C-1 district. A-1 district includes uses allowed in C-1 district. So it is allowed in the district. Why would this get this far? It's supposed to get this far. Applicant has right to request a special use permit and should be respected for exercising that right. To the comment, if you own property, you should be able to do whatever you want on that property. Mr. Frydl said he did not think I even those who say that truly believe it. Don't think many people here would approve of a smoke stack factory up top of the Blue Ridge Mountains. There are things that are suitable and things that are not suitable. The ordinance requires the Board to review requests. The purpose of ordinance is spelled out in State Code and includes health, safety, welfare, mitigating danger, congestion, affects upon light and movement of air. SUPs are considered to have greater impact. These permits are for the piece of property not for an individual. Durrers have done a lot of great work to have concept that is a really nice quality gun range. Mr. Frydl said he truly believes that the Durrers will do everything possible to build a safe range, to build a range that mitigates sound. The SUP is not about the Durrers. The SUP travels forever with that piece of property. Without guarantee that it is the Durrers, Mr. Frydl said he does not have the same confidence.

Mr. Frydl noted a citizen comment that a range would be a wonderful thing if designed and operated properly. He said, other than the fact that he truly believes the Durrers, there is

nothing that ties that to the land. Nothing that allows him to approve this and know that forever those conditions will be met. Proposal and restrictions don't specifically spell out mitigation of impacts. Mr. Frydl said he believes that it would change the character of development in the area and negatively impact property values. Have hard time getting past that. Doesn't see enough specifics to overturn Planning Commission decision.

Mr. Deane asked Mr. Martin if he would be pleased if the range had a roof. Mr. Martin said he did not have that plan in front of him but would love to see a plan with a roof. He would consider a range under roof much more favorably.

Mr. Deane noted the residents on Larchmont Circle now have Tractor Supply in their backyard . This changed the character of their neighborhood. Referred to the Lafayette range asking how this Board could think our law supersedes what happened there. That gun range was there first and a school was built in 1965 within a quarter mile. That ranges does not have concrete walls and baffling the Durrer range will have. Can't lean upon the law of 16-2 meaning we can't do this when a legal and regulatory compliant gun range is consistent with zoning. This SUP is simply commercializing an existing by-right activity. Gun range is compatible with character of surrounding development which has no discernable established pattern. Located adjacent to a mixed use zoning a mile from Route 29. Does not feel a range of this type will infringe on the use of neighboring properties in anyway. All commercial activities at the range will be contained within the facility lawfully compliant with State and Federal regulations. If property is sold, still under regulation. What we're doing is backwards from Lafayette. That range was built and then growth happened. Can't agree with Mr. Martin or Mr. Frydl because there is going to be shooting on this property regardless and he would rather the shooting be done within the realms of legal regulation and SUP zoning restrictions. Would rather shooting be done with us, not without us. Mr. Deane felt he would be doing a disservice to the community if he didn't vote for this range.

Mr. Lamb agreed with Mr. Martin and Mr. Frydl noting the Lafayette range is probably grandfathered. Changes will have to be made at that range when people start complaining just like at shooting range in Glenmore.

Mr. Cox said he was highly upset when he received emails with pictures a couple weeks ago. He is a farmer and proud to be one. Things happen on a farm that cannot be controlled. We all have buildings that will go downhill. Don't be making fun of a farmer's property when you don't want a gun range on 2 acres of it. Not fair to the farmer. He received phone calls, returned phone calls, had over 550 emails as of 3:30 this afternoon. Read every one of them and understand concerns. Talking about using 2 acres the furthest away from subdivisions discussed. Noted Mr. Durrer could put in a turkey house or hog operation by right. Mr. Cox said his neighbors shoot constantly at a target nailed to a cedar tree. He felt a professionally designed gun range would be safer. Safety is number one with him. Supports range as designed on 2 acres of A-1 land.

Mr. Frydl said he appreciates Mr. Dean's point that he doesn't feel like it will change the character noting the gun ranges that exists in other communities. Our ordinance is the law of Greene County and not the law of other communities. Our laws do not apply to those areas. .

Upon motion by Davis Lamb and affirmative vote, the Board denied the request for SUP#15-001 based on the following points:

Article 1 - Authority, Intent, and Enactment

1-1 Whereas, by of the General Assembly of Virginia as provided in Chapter 28, Article 8, Section 15.2-2280, Code of Virginia and amendments thereto, the governing body of any county may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purpose of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

a. The use of land, building, structures, and other premises for agricultural, commercial, industrial, residential, floodplain and other specific uses;

1-3 Now, therefore, be it ordained by the governing body of Greene County, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.2-2283, that the following be adopted as the Zoning Ordinance of Greene County, Virginia, together with the accompanying map. This ordinance has been designed:

(1) to provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;

(3) to facilitate the creation of a convenient, attractive and harmonious community;

(6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers;

16-2 SPECIAL USE PERMITS

After review by the Planning Commission, the Board of Supervisors shall hold a public hearing and decide applications for Special Use Permits. The Board, in its decision to grant, to grant conditionally or to deny shall consider the following guidelines and standards:

a. The use shall not tend to change the character and established pattern of development of the area or community in which it wishes to locate.

b. The use shall be in harmony with the uses permitted by right under a Zoning Permit in the zoning district and shall not affect adversely the use of neighboring property.

c. The requested or related conditions shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

d. Due consideration shall be given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, school, parks, playgrounds, recreational areas; conservation of natural resources, preservation of flood-plains, and encouraging the most appropriate use of the land.

Recorded vote:	David Cox	-	No
	Jim Frydl	-	Yes
	Eddie Deane	-	No
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

Mr. Lamb thanked both applicant proponents and opposition for hard work in gathering information for members to use in making their decision. Know it has been stressful for all involved and hoped a more suitable location can be found in Greene County in the future.

RE: EXECUTIVE SESSION

Upon motion by Davis Lamb and unanimous vote, the Board entered into Executive Session to discuss legal and personnel matters pursuant to Section 2.2-3711 Subsection (a, 1-7) of the Code of Virginia.

INSERT

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

Upon motion by Davis Lamb and unanimous vote, the Board returned to Open Session.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

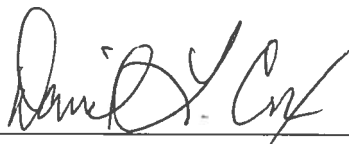
By unanimous vote, all members certified that only public business matters lawfully exempted from the Open Meeting requirement and only such matters as identified by the motion to enter into Executive Session were discussed.

Recorded vote:	David Cox	-	Yes
	Jim Frydl	-	Yes
	Eddie Deane	-	Yes
	Davis Lamb	-	Yes
	Bill Martin	-	Yes

Motion carried.

RE: ADJOURN MEETING

The meeting was adjourned at 12:09 a.m.



David L. Cox, Chairman
Greene County Board of Supervisors