

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, March 27, 2003.

Present: Cundiff H. Simmons, Chair
F. W. Jenkins, Jr., Vice Chair
Donald O. Conaway, Board Member
B. Wally Beauchamp, Board Member
Patrick G. Frere, Board Member
William H. Pennell, Jr., County Administrator

Others

Present: Jack Larson, Planning/Land Use; Joe Staton and C.C. Burgess,
Virginia Department of Transportation; Joan Wenner, Northern
Neck News; Robb Hoff, Rappahannock Record

Mr. Simmons called the meeting to order at 7:00 p.m.

CLOSED MEETING

Motion was made by Mr. Frere to enter into a closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are Personnel Matters and Privacy of Individuals. The purpose of the closed meeting is discuss Personnel Matters, §2.2-3711.A.1 of the Code of Virginia and Privacy of Individuals, §2.2-3711.A.4 of the Code of Virginia. The subject and purpose falls within the following exemptions under §2.2-3711.A of the Code of Virginia.

VOTE:	Cundiff Simmons	Aye
	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

Mr. F. W. Jenkins arrived during the closed session.

RECONVENE

Motion was made by Mr. Simmons to reconvene open session.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on this date, pursuant to an affirmative recorded vote on the motion to close the meeting to discuss personnel matters in accordance with section 2.2-3711.A.1 and privacy of individuals in accordance with section 2.2-3711.A.4 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed, or considered in the closed meeting to which this certification applies and (2) only such public business matters as

were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Mr. Simmons to certify the closed meeting. A roll call vote was taken:

Cundiff Simmons	Aye
F. W. Jenkins, Jr.	Aye
B. Wally Beauchamp	Aye
Donald O. Conway	Aye
Patrick G. Frere	Aye

This certification resolution is adopted.

PUBLIC INPUT

None

PRESENTATIONS

1. Reservoir Sites - Dr. Lynton S. Land, Geologist (retired), said planners have talked about reservoir sites for 20 years. He understands that Lancaster County has addressed the issue of reservoir sites in the Comprehensive Plan. There was a study done in 1969 identifying a site that would serve Irvington and Kilmarnock. He said problems would probably become increasingly severe in the lifetimes of children being born today. Reservoirs are the most desirable sustainable source of water for centers of population and for industry. Land prices and development will continue to increase and the choice of reservoir sites will become more limited and more difficult to sequester with the passage of time. He recommended taking this matter seriously now by setting aside land for reservoirs and include surrounding counties in public water considerations.

Mr. Simmons stated the Planning Commission was currently looking at possible reservoir sites.

2. Child Abuse Prevention Month - Mr. Pennell said Ms. Patricia J. Hein, Director of Healthy Beginnings, asked the Board of Supervisors to adopt a resolution proclaiming April 2003 as Child Abuse Prevention Month in Lancaster County and make a presentation to the Board of Supervisors.

Mr. Linda Kelley presented the Lancaster County Board of Supervisors with a framed poster.

Mr. Jenkins made a motion to adopt the following resolution proclaiming April 2003 as Child Abuse Prevention Month in Lancaster County.

CHILD ABUSE PREVENTION MONTH

WHEREAS, every child in our great Commonwealth is a precious gift, full of promise and potential; and

WHEREAS, child abuse and neglect is a serious problem in Virginia and across the nation; and

WHEREAS, the prevention of child abuse is crucial to the preservation of the health and well-being of Virginia's families and can be accomplished by providing support and information to families as well as through increased community awareness; and

WHEREAS, all children learn from role models at home, at their place of worship, at school and in their communities and all children benefit from the love and leadership displayed by caring and responsible adults; and

WHEREAS, children are our most precious resource and we are committed to keeping the children of this great Commonwealth safe and happy.

NOW THEREFORE BE IT RESOLVED, by the Lancaster County Board of Supervisors that April 2003 be recognized as **Child Abuse Prevention Month** in the County of Lancaster, Virginia.

BE IT FURTHER RESOLVED, that the Lancaster County Board of Supervisors calls this observance to the attention of all the citizens of Lancaster County.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Staton stated maintenance would be funded without delays. He said C.C. Burgess and his group are currently patching potholes. There was a citizen who wrote to the governor with concerns about funding projects, he received a copy of the letter and responded to the concerns of the citizen.

Mr. Beauchamp stated he appreciated VDOT trash pick up effort and noticed there were inmates assisting with these efforts.

Mr. Staton said mowing would start the first week of May, which is the start of the Garden Tour Week. The inmates are used when they can, however; inmates can not work in town or at intersections.

PUBLIC HEARINGS

1. Amend Noise Ordinance – Mr. Pennell said at the February 27, 2003 meeting of the Board of Supervisors, the members directed him to draft an amended noise ordinance which includes a “from and to” time nightly wherein the noise ordinance, paragraph 2 of Section 26-87, is effective.

Mr. Pennell offered the following amendment to the noise ordinance:

AN ORDINANCE TO AMEND THE LANCASTER COUNTY

NOISE ORDINANCE

The Lancaster County Board of Supervisors hereby ordains the following amendment to Article IV. Noise. Section 26-87 of the Code of Ordinances of Lancaster County, Virginia:

ARTICLE IV. NOISE

Sec. 26-86. Loud, disturbing, etc., noise prohibited generally.

It shall be unlawful to create any unreasonably loud, disturbing or unnecessary noise in the county; and noise and disturbance of such character, intensity and duration as to be detrimental to the life or health of any person or unreasonably to disturb or annoy the quiet, comfort or repose of any person is hereby prohibited.

(Ord. of 2-24-87(2))

Sec. 26-87. Enumeration of prohibited acts.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises:

- (1) The playing of any radio, phonograph, tape or any musical instrument in such a manner, or with such volume, or at such hour of the day or night as to annoy or disturb the quiet, comfort or repose of any person shall be unlawful.

(2) The creation of noise and disturbance by chain saws, automobiles, motorcycles or three-wheel or four-wheel motorbikes, barking dogs and other like noises in a residential area ~~after~~ between the hours of 11:00 p.m. and 7:00 a.m., daily (except Sunday) and between the hours of 11:00 p.m., Saturday night until 9:00 a.m. Sunday morning. In the event of barking dogs the owner or custodian of such dogs at the place where such noise and disturbance arises shall be held ~~liable~~ responsible therefore.

Exception: Noise that is attributable to the normal practice of commercial farming or commercial waterman's activity is exempted from the requirements of this article.

(Ord. of 2-24-87(2); Ord. of 9-25-97(1), Sec. 2)

Cross reference(s) - Vehicles, ch. 66.

Sec. 26-88. Penalty.

Any person convicted of a violation of this article shall be guilty of a class 3 misdemeanor and punished by a fine of not less than \$25.00 and not more than \$500.00.

(Ord. of 2-24-87(2))

Mr. Conaway said he had concerns about the hours, enforcement of the ordinance and asked what the board considered to be too much noise?

Mr. Simmons said a similar noise ordinance is enforced by most localities in the same manner.

Mr. Jenkins made a motion to amend Paragraph 2 of Section 26-87 of the Lancaster County Noise Ordinance with the recommended changes.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Aye
	Donald O. Conway	Abstain
	Patrick G. Frere	Aye

2. Dennis A. Whitcomb, Jr. – Application for Special Exception – Mr. Larson stated a request for special exception was made by Mr. Whitcomb to enlarge an existing structure, specifically construction of a two-story dwelling on the footprint of a nonconforming one story dwelling. The property on which this would occur is identified as Tax Map #30-1 which is at the end of VSH 650, Fleets Bay Road, near Kilmarnock, VA. This property is zoned R-1, Residential, General and is in Voting District 3.

Mr. Larson said Mr. Whitcomb submitted a request for a Bay Act Waiver. However, upon review it was determined that, consistent with existing policy, no Bay Act Waiver was required. Mr. Whitcomb would be decreasing rather than increasing the amount of impervious cover within the 50’ seaward portion of the 100’ protective buffer, and he would be providing mitigation for stormwater runoff where presently none exists.

Mr. Larson noted that the present structure is an authorized nonconforming structure in that the side setback is less than the 25’ minimum. This is especially significant in that the principal structure on the adjoining property is also nonconforming, resulting in a total separation between the two principle structures of approximately 14’ rather than the 50’ separation created by the minimum setback requirement.

Mr. Larson said paragraph 12-4-1 of the Zoning Ordinance states that an enlargement of a nonconforming structure may be permitted with a special

exception. Mr. Whitcomb’s proposal to replace the existing one-story dwelling with a two-story dwelling is viewed as an enlargement.

Mr. Larson stated adjoining property owners have been notified, and advertising has been conducted as required by law. To date, staff has received a letter of support from Mr. and Mrs. Thomas Murphy the adjoining property owners whose house is the closest to the Whitcombs. There has been no input from other adjoining property owners or other interested members of the public concerning this request.

Mr. Frere made a motion to approve the Application for Special Exception for Dennis A. Whitcomb, Jr.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

Mr. Beauchamp stated because of a relationship he has previously disclosed, he would not participate in the Windmill Point Resort and Yacht Harbor discussions or vote.

3. Windmill Point Resort and Yacht Harbor, Hampton 41 LLC, and CWWD Development Company – Request for Change of Zoning District Classification –
Mr. Larson stated Windmill Point Resort and Yacht Harbor, Hampton 41, LLC, and CWWD Development Company LLC has made a request to rezone property described as Tax Map #40-31,41-4,4A/4B/4J/4K/4L/4M/4N and 41B-1 from A-1, Agricultural Limited to R-2, Residential. This property is at the end of Route 695 and is in Voting District 3.

Mr. Larson said this issue has been continued since November 2002 at the request of the applicants. Windmill Point Properties, LLC, one of the original applicants, has dropped out of the process. Remaining applicants are coming back before the Board of Supervisors with revisions to the master plan intended to address concerns raised by the Board of Supervisors at the November 2002 meeting.

Mr. Larson said in his judgment the applicants and the contract developer who commissioned the master plan have put forth a creditable effort in addressing concerns raised by the first master plan. Specifically, the concern over lack of detail in the old Phases Two and Three areas has been taken off the table since no new development was now proposed in these areas. The acreage in these areas has been applied to achieve the desired density in the old Phase One area. Concern over public access was addressed by specifically identifying a public launching ramp as well as dry storage that will be available to the general public. Whether or not there will be boat slips available to the general public on a fee basis needs further clarification.

Two issues identified bear additional consideration. First, the question was raised as to the number of parking spaces required per residential unit. Mr. Larson has required the number (2.5) specifically set forth in the provisions covering the district for which rezoning was requested. However, an argument could be made for two spaces since it is generally required elsewhere in our zoning ordinance. Secondly, the zoning ordinance would seem to limit the number of residential units to six per building. As noted on the master plan, applicants are requesting as many as eight units per building. There are other requirements that may be waived if such waivers would be reasonable and justifiable. Applicants have been advised to submit such justification in their presentation.

Mr. Larson said Mr. Ron Rickard has been authorized to present this application on behalf of all three property owners. Mr. Rickard will introduce Mr. Pratt who will present the master plan.

Mr. Larson stated adjoining property owners have been re-notified, and advertising has been conducted as required by law. To date staff has received no input from adjoining property owners or other interested members of the public concerning this hearing of this issue.

Mr. Mike Pratt stated the master plan introduce several fact. He said this project would make Windmill Point the crown jewel of the county with access to the public. The plan is to introduce a waterman's market and approximately 200 dry boat storage units. General renovation of the existing facilities is part of the plan. This project will generate jobs, tax revenue and more public access.

Mr. Pearson said Windmill Point facilities have gone downhill and he would like to see the county approve this project.

Mr. Simmons asked about the density of the residential area and the number of stories for the building, because the current ordinance only allows for three stories. He stated this plan was much better than the first master plan.

Mr. Don Caskie stated there were 59.9 acres which was based on previous site plans. He stated the density was within the ordinance requirement and the number of floors of the units would be addressed later.

Mr. James Sheppard with Resource International stated they recommend the plan be approved based on their review of the master plan which meets requirements to be rezoned to R-2.

Mr. Frere said if this project was approved the entrances would have to be brought up to VDOT standards.

Mr. Frere made a motion to approve the Windmill Point Resort and Yacht Harbor, Hampton 41 LLC, and CWWD Development Company Request for change of Zoning District Classification from A-1, Agricultural Limited to R-2, Residential with a second entrance to the parking lot from VSH 695.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Abstain
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

4. Windmill Point Resort and Yacht Harbor, Hampton 41 LLC, and CWWD Development Company – Application for Special Exception - Mr. Larson stated Windmill Point Resort and Yacht Harbor, Hampton 41, LLC, and CWWD Development Company LLC has made a request for a Special Exception to construct hotels and condominiums in excess of 45 feet or three stories on property described as Tax Map #40-31, 41-4,4A/4B/4J/4K/4L/4M/4N and 41B-1. This property is at the end of Route 695 and is in Voting District 3.

Mr. Larson said paragraph 6-2 of the Zoning Ordinance states that “no new building or enlargement of any building, shall hereafter be erected to exceed either 45 feet or to exceed three stories in height, provided, however, that the board of supervisors as a condition of master plan approval may permit heights in excess of these.” As depicted in the master plan, the height of the hotel at 45’ is not an issue. Applicants are, however, requesting approval for three story residential units over boathouses (61’), four story residential units over boathouses (70’), four story residential units (53’), and five story residential units (63’).

Mr. Larson said adjoining property owners have been notified, and advertising has been conducted as required by law. To date staff has received no input from adjoining property owners or other interested members of the general public concerning this specific request for a special exception.

Mr. Caskie stated the reason for the buildings would exceed the 45' is to give a feeling of open space and to have a better view.

Mr. Simmons asked if the buildings would be equipped with elevators.

Mr. Caskie said yes.

Mr. David Rose said the height should not be an issue and there would be a sense of beauty for anyone coming to Windmill Point on the water. It's also would help sell the units, so that investors could get their investment back.

Mr. Frere made a motion to approve the Windmill Point Resort and Yacht Harbor, Hampton 41, LLC and CWWD Development Company Application for Special Exception to construct hotels and condominiums in excess of 45 feet with exception that all units over three stories be required to have an elevator service.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Abstain
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

5. Windmill Point Resort and Yacht Harbor, Hampton 41 LLC, and CWWD Development Company – Application for Special Exception - Mr. Larson stated Windmill Point Resort and Yacht Harbor, Hampton 41, LLC, and CWWD

Development Company LLC has made a request for a Special Exception to expand a nonconforming use (Covered boat slips) to permit construction of condominium units over covered slips on property described as Tax Map #40-31, 41-4,4A/4B/4J/4K/4L/4M/4N and 41B-1. This property is at the end of Route 695 and is in Voting District 3.

Mr. Larson said boathouses are a nonconforming use. The addition to a boathouse of a condominium designed for human habitation constitutes an expansion of that nonconforming use and therefore requires approval by the Board of Supervisors as set forth in paragraph 12-4 of the Zoning Ordinance. Further, height of the overall units will exceed the 45 foot limitation (61' for three story units and 70' for four story units).

Mr. Larson stated adjoining property owners have been notified, and advertising has been conducted as required by law. To date staff has received no input from adjoining property owners or other interested members of the general public concerning this specific request for a special exception.

Mr. Frere asked if there were any required county, state or wetland permits needed.

Mr. Larson stated the Corps of Engineers and VMRC indicated no permits would be needed.

Mr. Frere asked if there were any building codes for units built over cars or boats. Mr. Pennell responded that building codes would be required and those codes contain provisions for building residential units over garages or boathouses.

Ms. Donna Davis asked if the buildings would be built to handle hurricanes. Mr. Pennell responded that all buildings in Lancaster County are required to comply with the Building Code's hurricane protection requirements.

Mr. Bruce King said he had concerns about a fire with buildings being built over boats.

Ms. Shelia Brown asked if the road would accommodate the traffic or if the road would need to be widened.

Mr. Caskie stated he has met with VDOT and the existing road can handle the traffic.

Mr. Frere made a motion to approve the Windmill Point Resort and Yacht Harbor, Hampton 41, LLC and CWWD Development Company Application for Special Exception to expand a nonconforming use (covered boat slips) to permit construction of condominium units over covered slip.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Abstain
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

6. Windmill Point Resort and Yacht Harbor, Hampton 41 LLC, and CWWD Development Company – Application for Special Exception – Mr. Larson stated Windmill Point Resort and Yacht Harbor, Hampton 41, LLC, and CWWD Development Company LLC has made a request for a Special Exception to replace two hotels with a restaurant and related shops on property described as Tax Map #40-31, 41-4,4A/4B/4J/4K/4L/4M/4N and 41B-1. This property is at the end of Route 695 and is in Voting District 3.

Mr. Larson said paragraph 6-1-4, (part of Article 6. Residential, District R-2), states, “the following uses may be permitted by master plan approval:

private clubs, restaurants, hotel/motel and similar commercial service unit's compatible with such development, with a special exception."

Mr. Larson stated adjoining property owners have been notified, and advertising has been conducted as required by law. To date staff has received no input from adjoining property owners or other interested members of the general public concerning this specific request for a special exception.

Mr. Frere made a motion to approve the Windmill Point Resort and Yacht Harbor, Hampton 41, LLC and CWWD Development Company Application for Special Exception to replace two hotels with one hotel, a restaurant and related shops.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Abstain
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

7. Designation of Rural Village Overlay for Lively – Mr. Larson stated the Board of Supervisors has been asked to consider the attached list of properties as the Rural Village Overlay for Lively which would permit those uses set forth in the recently approved Rural Village Overlay, All Districts (RV-1).

Mr. Larson said it was understood that subsequent to the approval of the overlay ordinance, it would be necessary to actually designate these overlays. One of the understandings in obtaining approval was that any overlay created would be on a parcel-by-parcel basis, with consideration given to the unique characteristics of each village area, rather than a radius from a designated geographical point.

Mr. Larson said Mr. Jenkins, District I Supervisor, worked with staff in developing the proposed overlay for Lively as well as other traditional village areas with his voting district. Lively was chosen as the first area in which formal designation would occur because of present zoning. Lively is a mixture of residential, commercial, and even agricultural zoning and already a mixed-use area. The approval of this overlay would not change what is already fact but would provide greater flexibility to property owners as uses change over a period of time.

Mr. Larson stated the affected property owners have been notified and advertising as required by law has been conducted. As of this date, staff has received only one inquiry from an affected property owner concerning this hearing of the issue. There were numerous phone calls from affected property owners requesting clarification and impact on them prior to the Planning Commission meeting. All property owners expressed support upon conclusion of the discussion. Only one affected property owner attended the Planning Commission hearing. No other interested members of the public have provided input on this issue.

Mr. Jenkins said because of his ownership of a property within this district he would abstain from voting on this manner.

Mr. Conaway made a motion to approve the Designation of Rural Village Overlay for Lively, All Districts (RV-1) as listed:

ATTRIBUTE	ZONING	NAME
14A 3 7 A	C1	BEANE, T STRAUGHAN JR
14A 3 9 A	C1	BUSH, DEAN W & MARY C
14 42 F	R3	BUSH, FRANCIS T & FREDERICK T
14 99 R	R1	BUTLER, CLINTON & HILDA C
14A 4 27 A	R3	CARTER, ETHEL L
14A 4 27	R3	CARTER, HOLLIS A & ETHEL
14 79	R1	CARTER, ROBERT, EST AND LAURA G. EST
14 79A	R1	CARTER, ROBERT, EST AND LAURA G. EST

14	79 C	R1	CARTER, WILLIAM A.
14A	3 14 B	C1	CHESAPEAKE NATIONAL BANK
14A	5 1	C1	CHESAPEAKE NATIONAL BANK
14A	5 2	C1	CHESAPEAKE NATIONAL BANK
14A	5 3	C1	CHESAPEAKE NATIONAL BANK
14A	4 30	C1	CHESAPEAKE HEALTH SERVICES
14	54	R1	CHRISTENSEN, MILDRED E.
14	54A	R1	CHRISTENSEN, MILDRED E.
14A	4 30 A	C1	CLARK, WILLIAM H
14A	4 30 D	C1	CLARK, WILLIAM H
14A	4 32 A	A2	CLARK, WILLIAM H
14A	3 11 E	C1	CLARKE, WARREN J
14A	3 10	C1	CLARKE, WARREN J & EDWARD W.
14A	4 16	R3	CLATTERBUCK, ROBERT L & MCCLANAHAN,
14	99 F	R1	COLEMAN, E B NICKENS
14	99 H	R1	COLEMAN, E B NICKENS
14	79 B	R1	DAVENPORT, EDITH R (LIFE ESTATE)
14	99 A	R1	DAVENPORT, RONALD T
14A	3 13	C1	DAWSON, LYLE L & ALBERT C
14A	4 30M	C1	DILDAY, E. LLOYD AND EVELYN B.
14A	4 30N		DILDAY, E. LLOYD AND EVELYN B.
14	99 T	R1	DODSON, MORRIS L JR & FRANCIS R
14A	4 30 G	C1	FAULKNER, LOIS N
14A	3 4	C1	FOSTER, DIXON L & NANCY N
14	99	A2	FOSTER, DIXON L & NANCY NORRIS
14A	3 2	C1	FOSTER, NANCY N
14A	3 2 A	C1	FOSTER, NANCY N
14A	3 5	C1	FOSTER, NANCY N
14A	3 6	C1	FOSTER, NANCY N
14	98	R1	FREEMAN, WILLIA JUANITA T
14	99 N	R1	FREEMAN, WILLIA JUANITA T
14	53	A2	GAVER, HERMAN S & LOUISE
14	80	R1	HAMMELL, KENNETH S & JUDY D
14	99 E	R1	HARDIN, HOSEA JR /LIFE EST/
14	74	A2	HAWAII ERS TIMBERLAND L.L.C.
14A	4 30 K	C1	HAYNIE, JEAN CLARK & R BRADEN
14A	4 30 L	C1	HAYNIE, JEAN CLARK & R. BRADEN
14	42 K	A2	HAYNIE, RICHARD B SR & SHIRLEY F
14A	2 1	R3	HEADLEY R. EDDIE JR AND LORI
14A	2 2	R3	HEADLEY R. EDDIE JR AND LORI
14A	2 3	R3	HEADLEY R. EDDIE JR AND LORI
14A	3 1	A2	HORSLEY, ISABELL K
14	99 Q	R1	HYSON, GEORGE S
14A	3 11 F	R3	JESSE, LOUISE DEJARNETTE &
14A	3 11 G	R3	JESSE, LOUISE DEJARNETTE &

14A 3 12	C1	JESSE, LOUISE DEJARNETTE &
14A 3 12 A	C1	JESSE, LOUISE DEJARNETTE &
14A 4 17	R3	KELLUM, THOMAS E.
14 99 V	R1	LAMPKIN, ROBERT D.
14A 4 14	C1	LANCASTER COUNTY SCHOOL BOARD
14 99 C	R1	LEWIS, WILLIAM R. AND FAYE H.
14A 4 19	R3	LIVELY TURNING POINT, INC.
14 43	A2	LOWRY, JOHN BRAY
14 55	R1	MAYER, MILDRED E.
14 99 X	R1	MCQUIRE, DANIEL J
14 71	R3	OSBORNE, WILLIAM L. AND SHARON C.
14A 4 19 A	C1	PERUSLUHA, DAVID AND CYNTHIA
14A 3 7 B	C1	RANSONE, ARTHUR M. AND JULIA W.
14A 3 8	C1	RANSONE, ARTHUR M. AND JULIA W.
14A 3 9	C1	RANSONE, ARTHUR M. AND JULIA W.
14 40 A	C1	ROBERTS, KENNETH D. AND SUZANNE
14A 4 15	C1	ROBERTS, KENNETH D. AND SUZANNE
14 53 A	R3	SANFORD, WILLIAM E. JR AND BARBARA H.
14 59	A2	SAUNDERS, DENNIS R & ROSALIE A
14 42 B	A2	SAUNDERS, MARYUS O. JR AND VERNA H.
14A 4 28	R3	SECRETARY, HOUSING AND URBAN DEV
14A 3 2 B	C1	SITNIK, NELLIE, MARSHA E, PETER
14 40	A2	STOVER, MARY NIVIN BLUNDON
14A 4 13	C1	STOVER, MARY NIVIN BLUNDON
14 71 A	C1	SUPCHAK, RICHARD E.J.
14A 4 31 C	C1	TIDEWATER TELEPHONE COMPANY
14A 4 29	R3	UPPER LANCASTER RESCUE SQUAD INC
14A 3 14 C	C1	UPPER LANCASTER VOLUNTEER
14A 3 14 A	C1	UPPER LANCASTER VOLUNTEER FIRE
14 40 C	A2	UPPER LANCASTER VOLUNTEER FIRE DEPT
14A 3 15	C1	UPPER LANCASTER VOLUNTEER FIRE DEPT
14A 3 15 A	C1	UPPER LANCASTER VOLUNTEER FIRE DEPT
14A 3 14	C1	VEY, ROBERT E & KREIDLER, LINDA L
14 40 B	C1	VIRGINIA ELECTRIC & POWER COMPANY
14A 4 31 B	R1	WATERS, THOMAS B.
14A 4 18	R3	WEIR, HARRY H
14 99 J	R1	WILSON, WALTER A
14A 4 30 E	C1	
14A 4 30 F	C1	
14A 4 30 H	C1	

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Abstain
	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye

8. Changes to Zoning Ordinance/ Subdivision Ordinance – Mr. Larson said the Board of Supervisors has been considering changes to the A-1, Agricultural, Limited and A-2, Agricultural, General that would increase the minimum lot size for new subdivisions that are not family subdivisions and would permit cluster development at prescribed densities.

Mr. Larson said for A-1, Agricultural, Limited the minimum lot size is currently two acres with a proposed minimum of ten acres. Currently, cluster development is not provided for but would be permitted in the proposed changes. With cluster development the open space requirement for this district would be 90% of developable area; as many as four lots per acre would be permitted in the remaining 10% of developable area.

Mr. Larson stated that for A-2, Agricultural, General minimum lot size is currently 0.76 acres with a proposed minimum of five acres. Currently cluster development is not provided for but would be permitted in the proposed changes. With cluster development the open space requirement for this district would be 80% of developable area; as many as four lots per acre would be permitted in the remaining 20% of developable area.

Mr. Conaway stated he had concerns with increasing the minimum lot size. He said this would create hardship for landowners and those buying property. There are citizens in this county who can not afford to purchase the additional acreage required by this ordinance. This would be a hardship for property owners trying to sell and individuals that would like to purchase property.

Mr. Simmons stated he would be reluctant to approve changes to the subdivision and zoning ordinances that would not allow, through cluster development, at least the same number of lots that could presently be obtained.

Ms. Susan Monessen stated she wanted to know how cluster development works and how taxes on open space acreage would be handled.

Mr. Jeff Chase stated this would affect his right to sell property by forcing fewer lots, and it would create a smaller market for his property. He said he was opposed to proposed changes.

Mrs. Katherine Chase said open space should be preserved; however, she felt that there ought to be better ways to do it and suggested taking this issue back for further study. She stated she was opposed to the changes as currently proposed.

Mr. Simmons made a motion to table the Changes to Zoning Ordinance/Subdivision Ordinance indefinitely to consider alternatives.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

CONSENSUS DOCKET

Motion was made by Mr. Jenkins to approve the Consensus Docket and recommendations as follows:

A. Minutes for February 27, 2003 and March 11, 2003

Recommendation: Approve the minutes

B. Designation of Applicant's Agent

Recommendation: Adopt a Resolution which appoints the county administrator to execute the necessary documents to obtain Department of Emergency Management Homeland Security grants.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of March 2003 Salaries and Invoice Listings

Motion was made by Mr. Conway to approve the Salaries for March 2003 in the amount of \$125,427.49 and Invoice Listings for March 2003 in the amount of \$309,220.73.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Aye
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

2. Subdivision – Notification of Adjoining Property Owners – Mr. Larson said Paragraph 3-4 of the Subdivision Ordinance requires that persons owning property adjoining any proposed subdivision shall be given notice of the filing of the preliminary plat by the sub-divider.

Mr. Larson stated there was no statutory requirement for the notification of property owners adjoining a proposed subdivision. We do not currently require it of those doing family subdivisions. As dictated in Paragraph 15.2-2240 of the Code of Virginia, approval of a proposed subdivision is a ministerial act rather than a discretionary or legislative act. For that reason, approval of large subdivisions by the Board of Supervisors is always a consideration item rather than the subject of a public hearing. Given these conditions, and the fact that adjoining property owners cannot influence disapproval of a subdivision that otherwise meets all the requirements of the Ordinance, there is no reason to require notification. Finally, there are several examples where notification has either confused recipients or caused them to believe that they have the right to dictate various aspects of the proposed subdivision, which they do not.

Mr. Jenkins made a motion that staff be given the authority to advertise a public hearing for the purpose of deleting Paragraph 3-4 from the Subdivision Ordinance.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	Donald O. Conway	Aye
	Patrick G. Frere	Aye

BOARD REPORTS

Appointment

Mr. Beauchamp made a motion to appoint Joe Curry to the Northern Neck Planning District Commission as a citizen member.

VOTE:	Cundiff Simmons	Aye
	F. W. Jenkins, Jr.	Aye
	B. Wally Beauchamp	Aye

Donald O. Conway Aye
Patrick G. Frere Aye

COUNTY ADMINISTRATOR

Emergency Communication

Mr. Pennell stated currently the Fire Departments and Rescue Squads have no way to communicate between each other. He would like to research the possibility of sharing frequencies within the counties.

Agreed upon by consensus of the board.

FY04 School Budget Work Session

Mr. Pennell stated a date needed to be set in order to start working on the budget.

By consensus of the board the School Board Budget Work Session was scheduled for Monday, April 14, 2003 at 6:00 p.m.

School Board Public Hearing

The Board of Supervisors set the public hearing for the school budget for April 24, 2003 at the regular meeting.

ADJOURNMENT

Motion was made by Mr. Conaway to adjourn the meeting until 6:00 p.m. on April 14, 2003 for a budget work session.

VOTE: Cundiff Simmons Aye

F. W. Jenkins	Aye
B. Wally Beauchamp	Aye
Donald O. Conaway	Aye
Patrick G. Frere	Aye