

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, March 30, 2017.

- Members Present: William R. Lee, Chair  
Ernest W. Palin, Jr., Vice Chair  
F. W. Jenkins, Jr., Board Member  
Jason D. Bellows, Board Member  
B. Wally Beauchamp, Board Member
- Staff Present: Frank A. Pleva, County Administrator  
Don G. Gill, Planning and Land Use Director  
Crystal Whay, Building/Land Use Secretary

Mr. Lee called the meeting to order at 7:00 p.m. He stated that Consideration Item #2-Greenvale Creek-Aids to Navigation would be moved up on the agenda after public input.

**PUBLIC INPUT**

Mr. George Bott, a District 1 citizen, made a presentation on solid waste. He explained the current policy, including the hazardous waste materials and tire programs. He stated that the result of the current policies is that there is littering and debris dumping in some areas of the County. He stated that the debris is a public nuisance. He suggested to make it a priority to enforce the littering law. He also suggested updating the tire policy to make the disposal of six or fewer tires free of charge in order to eliminate tires being thrown out in various areas of the County. He suggested that another option to try to eliminate dumping would be for the convenience centers to take all trash all year long. He stated that would include televisions, appliances, paints, etc.

Mr. Lee stated that Mr. Bott's suggestions were not unreasonable and they would be considered.

Mr. Charlie Costello, a District 2 citizen, stated that he had visited the transfer station in Northumberland County on Route 200 and their policy is that they take all trash. He stated that they take tires, but they have to be cut in half and there is a daily limit. He asked the Board to give that policy some thought.

Mr. Bruce Sanders, a District 5 citizen, stated that he wanted to give an update on how things were going in the marina industry since the elimination of the boat tax. He stated that he has continued expansion at his marina and done some renovations. He stated that he understood that Yankee Point Marina had done some expansion as well and that Chesapeake Boat Basin is installing a travel lift. He stated that Custom Yacht Service in Irvington is full as well. He stated that he has added three full-time jobs to his business and kept the employees over the winter.

## **CONSIDERATION ITEM #2**

Mr. Eddy Whichard, a District 1 citizen, stated that he lives on Greenvale Creek and wanted to talk about the creek entrance. He stated that he and his neighbors had learned in the last week that the Coast Guard was going to take the aids to navigation out of the creek next Wednesday. He stated that the wooden poles would be removed, but the one metal pole will remain. He stated that getting in and out of the creek without those aids will be treacherous. He stated that in the short term, they are proposing five new poles driven to replace the five existing poles. He stated that the new poles and signage would cost approximately \$2500. He stated that immediately after the aids come out, they are going to put PVC pipes in to assist people coming in and out of the creek.

Mr. Whichard stated that in the long term, they thought it would be prudent to extend the existing jetty another five to six hundred feet. He stated that they also wanted to bring in two barges, take the material out of the entrance and dispose of it elsewhere. He stated that they would need to find money for the long term solutions and would be looking for assistance from the County.

Mr. Palin referred to the assistance and asked about a dollar amount.

Mr. Whichard replied that they did not know for sure, but they knew what they had paid for the existing jetty and what it would cost to remove approximately 100 yards of material, so approximately \$75,000 to \$100,000 would take care of the new jetty extension and dredging.

Mr. Pleva asked about the application for the private aids to navigation and what the Greenvale Creek Maintenance Association's plans were. He stated that he had printed the application and given a copy to the Board members as well.

Mr. Whichard replied that his association planned on completing the form and getting it in as soon as possible.

Mr. Jenkins stated that he thought the County was going to make application for the aids to navigation, especially since there is a public boat ramp on Greenvale Creek. He stated that it would be a good idea to coordinate efforts between the County and the Greenvale Creek Maintenance Association.

Mr. Whichard stated that they would welcome assistance from the County in completing the application.

Mr. Pleva stated that the County can complete the aids to navigation application, but may need some help with the technical descriptions.

Mr. Whichard stated that they would be glad to help in any way.

Mr. Jenkins made a motion that the County, in cooperation with the Greenvale Creek Maintenance Association, immediately apply for the private navigation aids on Greenvale Creek. He continued his motion by saying the County would be responsible for the cost of placing the navigation aids and that the longer term maintenance issue of the creek be made part of the budget considerations for the upcoming fiscal year.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

### **PRESENTATIONS**

1. Recognition of Retired Deputy Sheriff, Master Deputy Sheriff, Sergeant and First Sergeant, Bella M. Edwards

Mr. Lee presented the plaque to Bella Edwards.

2. Recognition of Retired Commissioner of the Revenue, George E. "Sonny" Thomas, Jr.

Mr. Lee presented the plaque to Sonny Thomas.

### **VIRGINIA DEPARTMENT OF TRANSPORTATION**

None.

### **PUBLIC HEARING**

1. Application for Change of Zoning District Classification-Dug In Farms, LLC (Carolyn Quinn)

Mr. Lee asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was an Application for Change of Zoning District Classification from R-1, Residential, General to A-2, Agricultural, General by Dug in Farms, LLC (Carolyn Quinn) for a 7.553-acre parcel described as Tax Map #29-37 and a 1.208-acre adjoining parcel described as Tax Map #29-37C. He stated that the adjacent parcels are located at 155 Fleets Bay Road in District 4.

Mr. Gill stated that the applicant wished to expand her current vegetable, flower and egg farm to include larger livestock, but cannot do so under the current R-1 zoning since animal and poultry husbandry on a commercial basis requires a special exception from the Board of Supervisors in the R-1 district. He stated that a special exception is limited to the proposal presented at the time of the request, so if her livestock operation further expanded in the future, she would have to come back to the Board of Supervisors to revise that special exception at the time of each expansion. He stated that, as a result, the applicant decided to seek rezoning to A-2, Agricultural General instead of seeking the special exception under R-1. He stated that the A-2 zoning will permit animal and poultry husbandry on a commercial basis without a special exception, so she would not have to come back for multiple revised approvals should her livestock operation expand in the future.

Mr. Gill stated that this rezoning application was tabled at last month's meeting due to a lack of limits on the number of animals that could be allowed on the property under the proposed A-2 zoning. He stated that limits or conditions on a rezoning can only be voluntarily proffered by the property owner, whereas conditions on a special exception can be placed by the Board of Supervisors. He stated that the Board tabled this application to allow the applicant to reconsider if she wanted to proceed with the rezoning, with or without proffers, or withdraw the rezoning application and apply for the special exception under the current R-1 zoning. He stated that the applicant had decided to proceed with the rezoning application, but had not proffered any conditions to date. He stated that Code of Virginia Section 15.2-2297 clearly states that the applicant must submit any proffers prior to the public hearing, but that those proffers could be amended once the public hearing began. He stated that County Attorney, Jim Cornwell, determined that this tabled application did not need to be referred back to the Planning Commission, so it has been re-advertised for this month's public hearing before the Board of Supervisors.

Mr. Gill stated that the applicant has provided a survey and narrative explaining her current operation and the future livestock expansion plans for her 8.761-acre farm. He stated that the parcels have a recent history of traditional crop farming and a past history for raising larger livestock.



Ernest W. Palin, Jr.	Aye
F. W. Jenkins, Jr.	Aye
Jason D. Bellows	Aye
B. Wally Beauchamp	Aye

2. Amendments to the Zoning Ordinance Article 8-Commercial District C-1, Article 8A-Commercial Limited District C-2 and Article 9-Industrial Limited District M-1

Mr. Lee asked Mr. Gill to present the issue.

Mr. Gill stated that the issue was Proposed Amendments to the Zoning Ordinance Article 8-Commercial District C-1, Article 8A-Commercial Limited District C-2 and Article 9-Industrial Limited District M-1. He stated that one concurrent public hearing could be held for all three related districts instead of three separate public hearings, but a separate vote is required for each Article. He stated that the Planning Commission has unanimously forwarded each Article to the Board of Supervisors recommending approval of the proposed amendments.

Mr. Gill stated that Chapter Seven of the Comprehensive Plan states that following the completion of the comprehensive plan update, the County will undertake a review of the zoning ordinances to identify any provisions that negatively impact desired development patterns. He stated that the zoning ordinance will be revised to encourage and support appropriate nonresidential growth, while protecting those resources, features and qualities that comprise the local rural character and quality of life. He stated that the agricultural and residential districts had already been amended and now the Planning Commission has forwarded proposed amendments to the Commercial and Industrial Zoning Districts, Articles 8, 8A and 9.

Mr. Gill stated that with regard to commercial and industrial districts, Chapter Seven of the Comprehensive Plan lists among its goals 1)concentrate commercial and industrial development in appropriate areas, particularly around existing villages and between towns (Primary Growth Area), 2)discourage commercial and industrial sprawl along road corridors, 3)promote and support existing industries, especially those engaged in seafood harvesting and processing, aquaculture, forestry and agriculture and 4)ensure that proper and sufficient zoning and land use measures are in place to allow for responsible nonresidential growth.

Mr. Gill stated that the Planning Commission held its public hearing on these proposed amendments at its February 16, 2017 meeting. He stated that all changes requested by the Planning Commission have been made and are highlighted on

the drafts. He stated that proposed changes are in the form of additions, deletions and modifications to permitted uses and height regulations, and are intended to make permitted uses more consistent with the spirit and intent of those zoning districts.

Mr. Gill stated that changes have been recommended to enable accessory structures to be treated uniformly across all zoning districts. He stated that this logic is consistent with the changes already approved by the Board of Supervisors for the agricultural and residential districts, which also enabled accessory structures to be taller than main structures. He stated that setback distances may be different from C-1 to C-2 to M-1, but a one-story accessory structure consistently requires the least setback and an accessory structure exceeding one-story consistently requires the same setback as a main structure. He stated that in C-2, the numbering of permitted uses, with and without special exceptions, was changed to match the format of the other zoning districts and in the M-1 statement of intent, the words “and foster” were removed when referring to adjacent residential desirability.

Mr. Gill stated that advertising had been conducted as required by law and other than the discussion at the prior Planning Commission meetings, there had been no response from the public.

Mr. Lee opened the public hearing.

There was no public input.

Mr. Lee closed the public hearing.

Mr. Bellows made a motion to Approve the Amendments to the Zoning Ordinance Article 8-Commercial District C-1.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Beauchamp made a motion to Approve the Amendments to the Zoning Ordinance Article 8A-Commercial Limited District C-2.

VOTE:	William R. Lee	Aye
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Ernest W. Palin, Jr.	Aye
F. W. Jenkins, Jr.	Aye
Jason D. Bellows	Aye
B. Wally Beauchamp	Aye

Mr. Jenkins made a motion to Approve the Amendments to the Zoning Ordinance Article 9-Industrial Limited District M-1.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

**CONSENSUS DOCKET**

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

1. Minutes for the February 23, 2017 Regular Meeting

Recommendation: Approve minutes as submitted

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

**CONSIDERATION DOCKET**

The Board considered the following item on its Consideration Docket:

1. Approval of March 2017 Salaries and Invoice Listings

The motion was made by Mr. Palin to approve the salaries for March 2017 in the amount of \$254,484.40 and invoice listings for March 2017 in the amount of \$653,849.08\*.

- \*Capital Improvements - \$17,833.00
- \*Greentown/Gaskins Road - \$39,916.50
- \*Loan Payments - \$65,887.63

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

**BOARD REPORTS**

Mr. Beauchamp made a motion to reappoint Tom Richardson to the Planning Commission for a four-year term.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

Mr. Bellows made a motion to reappoint Tara Booth to the Planning Commission for a four-year term.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye

B. Wally Beauchamp                      Aye

Mr. Jenkins made a motion to reappoint Robert Smart to the Planning Commission for a four-year term.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye

**COUNTY ADMINISTRATOR**

Mr. Pleva referred to a letter he had received from attorney Jim Breeden on behalf of Judge McKenney to request that certain portraits be moved from the Administrative Building to the Circuit Court Room for permanent display. He stated that the requested portraits were Judge Dixon Foster, Senator Robert O. Norris, Jr., Ammon G. Dunton, Sr., Oscar Chilton and Frank Newbill. The Board, by consensus, stated that the portraits could be moved.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn.

VOTE:	William R. Lee	Aye
	Ernest W. Palin, Jr.	Aye
	F. W. Jenkins, Jr.	Aye
	Jason D. Bellows	Aye
	B. Wally Beauchamp	Aye