

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, August 30, 2007.

Present: Peter N. Geilich, Chair
Jack S. Russell, Vice Chair
B. Wally Beauchamp, Board Member
F.W. Jenkins, Jr., Board Member
Ernest W. Palin, Jr., Board Member
William H. Pennell, Jr., County Administrator

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

Assistant County Administrator

Mr. Pennell stated the Board of Supervisors approved adding an Assistant County Administrator for finance management to the county's budget. A county-wide promotional opportunity for all county employees to participate was conducted. In early August, interviews were held and Jack Larson was promoted to Assistant County Administrator for finance management.

Highway Corridor Overlay Setbacks

Mr. Jenkins made a motion to reconsider a motion made at the May 31, 2007 Board of Supervisors meeting to table the Highway Corridor Overlay Setbacks and schedule public work sessions.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Palin made a motion not to approve suggested amendments to the Highway Corridor Overlay Setbacks.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

PUBLIC INPUT

None

PRESENTATIONS

None

VIRGINIA DEPARTMENT OF TRANSPORTATION

None

PUBLIC HEARINGS

1. Ordinance to Control the Making of Fires – Mr. Pennell said during the last session of the Virginia General Assembly, a statute was adopted which permits counties to establish regulations for the making of fires on public property and on private property during emergencies. This statute was patroned by Delegate Wittman at the request of the Lancaster County Board of Supervisors.

Mr. Pennell stated there are times when the making of fires during emergency situations is an asset for the removal of debris as the result of storm

activity. However, there are times when the making of fires is detrimental to the quality of life of Lancaster County citizens and even dangerous in the potential for fires to spread and risk the destruction of private property and injury to life.

Mr. Pennell said adoption of this ordinance will permit the county's Director of Emergency Services or Coordinator of Emergency Services to assess the risks involved in the making of fires and establish conditions upon which fires can be made or by prohibiting the making of fires while emergency conditions are present.

Chairman Geilich opened the public hearing.

Hearing none, Chairman Geilich closed the public hearing.

Mr. Beauchamp made a motion to adopt the following ordinance to control the making of fires.

**ARTICLE III.
CONTROL THE MAKING OF FIRES**

BE IT ORDAINED THAT, the Lancaster County Board of Supervisors hereby establishes regulations for the making of fires in the unincorporated areas of Lancaster County; and

BE IT FURTHER ORDAINED THAT, the Director of Emergency Services or the Coordinator of Emergency Services are authorized to establish regulations or prohibit the making of fires in streets, alleys and other public places; and

BE IT FURTHER ORDAINED THAT, during an emergency declared pursuant to §44-146.21 of the Code of Virginia, the Director of Emergency

Services or the Coordinator of Emergency Services for the County of Lancaster, Virginia are authorized to establish regulations to regulate the making of fires on private property; and

BE IT FURTHER ORDAINED THAT, any person violating the regulations established for the making of fires under this ordinance shall be guilty of a Class 4 misdemeanor.

ROLL CALL

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Request for Bay Act Formal Exception – Kenneth D. and Evelyn A. Sausser – Mr. Larson presented a request for Bay Act Formal Exception by Kenneth D. and Evelyn A. Sausser to construct a breezeway of 502 square feet of impervious cover inside the 100’ protective buffer on property described as Tax Map #20-160A/160E. This property is at the end of Kelley Neck Road near Merry Point, Virginia and is in Voting District 2.

Mr. Larson said this issue was heard at public hearing at the July 26, 2007 regular Board of Supervisors meeting. However, a second public hearing was scheduled for this meeting because of an advertising error.

Mr. Larson said prior to the Sausser’s closing on their property in March 2004, they met with him to determine whether or not the requested breezeway was permissible. He advised them that, under the regulations in effect at that time, it was permissible with a Bay Act site plan that showed adequate mitigation for the new impervious cover. With the change of regulations in June 2005 this

type of project was no longer permissible since it did not constitute a legitimate hardship. The Sausser's did not submit a site plan for consideration prior to June 1, 2005 and only recently submitted the attached site plan dated April 17, 2007.

Mr. Larson stated the Saussers maintain that they should be given favorable consideration for this request because they were not advised that the regulations were changing, that their closing attorney did not advise them of a pending change in the regulations, that their architect delayed the process, and that the preparing their site plan should have been completed and submitted prior to the change in regulations. As a change in regulations was not planned at the time of the meeting, there would have been no notification of pending change. Mr. Larson said he has no reason to dispute the other assertions, but strongly disagrees that any should serve as a basis for relief. His request for review by the Chesapeake Bay Local Assistance Division and their response supporting his position supported the position to deny the request.

Mr. Larson said advertising has been conducted and adjoining property owners notified as required by law for this public hearing of this issue. To date, there has been no input from adjoining property owners or other interested members of the public.

Chairman Geilich opened the public hearing.

Mr. Mat Terry, legal counsel for Mr. and Mrs. Sausser stated the Saussers purchased two adjoining lots and merged them. The Saussers had a site plan prepared which was signed by the surveyor on March 29, 2004. Mr. Terry said he instructed the Saussers to get the site plan approved by Jack Larson, Director of Planning and Land Use. In late March the Saussers went to see Mr. Larson and more information was given to them. The Saussers believed that had gotten the approval they needed. They just got their architectural plans in January 2007 from Sam Nuckols. It took so long because they had not moved down here

permanently. The Saussers went through the expense of getting a site plan and architectural plans done. He stated in Section 10-2 of the Zoning Ordinance, the Board of Supervisors has the right to determine if this is appropriate. He read from Part IV Chesapeake Bay Preservation Act, Section 10. Waivers, exceptions and appeals.

10-2. *Exceptions.*(d) The board of supervisors shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this part if the board finds:

(1) Granting the exception shall not confer upon the applicant any special privileges denied by this part to other property owners in Lancaster County;

He understands Mr. Larson's concerns but the Saussers did everything other than obtain the signature from Mr. Larson prior to June 2005. He continued by reading:

(2) the exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels. Mr. Terry said the house and the garage was in place on the property when the contract was signed and location of the breezeway was discussed when they closed on the property. (4) The exception request will be in harmony with the purpose and intent of this part, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality. Mr. Terry provided the board with letters from the neighbors in support of the project and the Saussers have offered that they will impose updated Best Management Practices (BMP) on the house and garage as well as the breezeway.

(5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality. Again, Mr. Terry stated the Sausser will update the BMPs on everything. Finally, Mr. Terry said the Mr. Saussers did everything they were supposed to do, except get Mr. Larson's signature on their site plan back in 2004. He does not believe that given

the unique facts in this case would set a precedent and asked the Board of Supervisors to approve this Bay Act Waiver request.

Anker Madsen stated this is a sad case, but the water and environment are very important to all of us. Those of us who live on the water have a higher responsibility to keep the water quality in good condition. We must protect the water at all cost and that is why we have rules and regulation. Run off comes from farms, roads, waterfront property owner, not just industries. One of the worst things would be to build within the 100' buffer and he strongly recommended not approving the Saussers request.

Rev. Phillip Astrike stated he does not believe a breezeway will have enough run off to affect the Bay. The Saussers did not understand the process and simply did not get a signature of the Director of Planning and Land Use. Their request should be approved.

Frank Burgeroff said the Saussers want to build a breezeway and they are environmentally conscious and he does not believe the breezeway will contaminate the water. He asked the Board of Supervisors to approve the Saussers request.

Mr. Terry said he realized it is a procedural error as step one and two were done, but three was not. It was a glitch! The BMPs will remove 0.084 lbs per year of phosphorus which is minimal.

Mr. Jenkins asked how much of the structure is located in the RPA.

Mr. Terry said the entire structure.

Mr. Jenkins stated whether the BMPs are minimum or maximum. Because we were forced by the Chesapeake Bay Local Assistance Department (CBLAD)

and by members of this community who petitioned CBLAD to no longer make special exceptions, this is precisely a situation which the board could have improved the Corrottoman River by requiring guttering and Best Management Practices to take what existing run off would be allowed and go beyond the 100' RPA. There are rules and regulation that must adhered to under the Chesapeake Bay Local Assistance Division (CBLAD).

Chairman Geilich closed the public hearing.

Mr. Jenkins asked once the board has appointed the Land Use Administrator has certain prerogative under the Code of the Commonwealth. Would that include the determination of whether there an approved site plan by a certain date.

Mr. Pennell stated that was correct. He also stated he wanted to clarify something, he believes that the presumption is that the government is correct and if the Board of Supervisors makes a decision to grant or deny this waiver there are no civil actions that would involve the Bay Act.

Dr. Russell stated while Mr. Terry made a very convincing case for the Saussers, but this board has been very strict and consistence when talking about Bay Act enforcement.

Mr. Beauchamp stated the board has had approximately five or six similar requests presented and has never approved one. He said he met with the Saussers and believes everything they did, they did in good conscience and this is a unique situation, however; he can not support this request because it would set a precedent.

Mr. Palin made a motion to deny the Request for Bay Act Formal Exception made by Kenneth D. and Evelyn A. Sausser on property described as

Tax Map #20-160A/160E at the end of Kelley Neck Road near Merry Point, Virginia.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Application for Change of Zoning District Classification – Lewis K. Walker, III – Mr. Larson presented an application for Change of Zoning District Classification from R-1, Residential, General to R-3, Residential, Medium General by Lewis K. Walker III of property described as Tax Map #15-101. This property is located on VSH 3 in Lancaster, Virginia in Voting District 2.

Mr. Larson said the applicant has stated that the intent of the rezoning is to place an office complex in the residence on the property. Present zoning of R-1, Residential, General would allow only one office with a special exception. If approved, consideration of the application for a special exception to place the office complex would follow this request.

Mr. Larson stated while the zoning in the immediate vicinity of this property is mostly R-1, Residential, General, this request is considered reasonable since R-3 zoning is more appropriate for the location in the center of Lancaster Courthouse and the size of the parcel at .47 acres. It is also more consistent with the extensive R-3 zoning in Lively and is in reasonably close proximity to property across from Lancaster High School that was rezoned to R-3 in the last three years.

Mr. Larson said adjoining property owners have been notified and advertising conducted as required by law. To date there has no input from

adjoining property owners or other interested members of the general public concerning this hearing of the application.

Chairman Geilich opened the public hearing.

Hearing none, Chairman Geilich closed the public hearing.

Mr. Palin made a motion to approve the Application for Change of Zoning District Classification for Lewis K. Walker, III of property described as Tax Map #15-101.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

4. Application for Special Exception – Lewis K. Walker, III – Mr. Larson presented an application for Special Exception by Lewis K. Walker III to place a professional office complex on property described as Tax Map #15-101. This property is located on VSH 3 in Lancaster, Virginia, Voting District 2.

Mr. Larson said Article 7-1-8 of the Zoning Ordinance permits a professional office complex in the R-3, Residential, Medium zoning district. The only issue raised at the public hearing of the associated rezoning request centered around parking. As the minutes of the July 19, 2007 regular meeting of the Planning Commission indicate, an adjoining property owner expressed concern that parking would overflow on to his property and suggested that the number of offices be limited to hopefully preclude such a situation. The Zoning Ordinance requires a minimum of eight parking spaces, one for each 300 square feet of office space. The applicant will meet this requirement. Rather than limit the number of offices, it is suggested that meeting the minimum requirement for

parking spaces and the stipulation that the special exception may be revoked if parking does overflow on to any adjoining property should suffice.

Mr. Larson said adjoining property owners have been notified and advertising conducted as required by law. To date there has no input from adjoining property owners or other interested members of the general public concerning this application.

Chairman Geilich opened the public hearing.

Hearing none, Chairman Geilich closed the public hearing.

Mr. Palin made a motion to approve the Application for Special Exception by Lewis K. Walker III to place a professional office complex on property described as Tax Map #15-101 with the condition parking does not overflow onto adjoining property.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

5. Application to Amend Conditions for Use of Property – Ronald L. Self and Lancaster County – Mr. Larson presented an application by Ronald L. Self, Lively Woodyard, and Lancaster County to amend conditions for use of property described as Tax Map #14-122A/122B to allow collection of used tires. This property is zoned A-2, Agricultural, General with a conditional use of logging transfer business permitted. It is located on VSH 3 near Lively, Virginia in Voting District 2.

Mr. Larson stated draft minutes of the July 19, 2007 regular meeting of the Planning Commission were given to the board members. As indicated in the minutes, there was no public input at the meeting.

Mr. Larson said Lancaster County is a joint applicant on this request because of the benefits that would accrue to all County citizens if the request were approved. In the last year Lancaster County received almost 144 tons, or approximately 14,000 used tires at County trash collection points. The tires are generally accumulated until allocated space is filled. Loading and transport from the collection points to recycling center or other destination then becomes a difficult issue because labor must be obtained or equipment rented to load the tires and payment made for transport. If the receiving of tires were centralized at the Lively Wood Yard, they would be collected in one of the approximately 15' x 30' by 3' high outdoor bays that are fenced and buffered from both VSH 3 and the site vistas of any adjoining properties (drawing of proposed storage location is attached). The tires would only be allowed to accumulate to the top of the bay before they would be loaded and transported off site by equipment owned and operated by Mr. Self.

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

Chairman Geilich opened the public hearing.

A citizen said she lives across the street and hopes that it hidden behind the fence and don't become an eyesore.

Mr. Jenkins stated Mr. Self processes and practices will remain the same as it is currently. The benefit it that it is more cost effective for the county taxpayers.

Mr. Palin read an insert in order to give citizens a better understanding: the Lively Wood Yard, tires would be collected in one of the approximately 15' x 30' by 3' high outdoor bays that are fenced and buffered from both VSH 3 and the site vistas of any adjoining properties. The tires would only be allowed to accumulate to the top of the bay before they would be loaded and transported off site by equipment owned and operated by Mr. Self.

Mr. Costello asked if the fee for tractor tires will be the same as car tires.

Mr. Pennell stated the cost for tractor tires would be different.

Chairman Geilich closed the public hearing.

Mr. Palin made a motion to approve the Application to Amend Conditions for Use of Property – Ronald L. Self and Lancaster County.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

6. Application for Special Exception (Individual Manufactured Home) – Albert C. Avery – Mr. Larson presented an application for Special Exception to place an individual manufactured home by Albert C. Avery on property described as Tax Map #15-2E. This property is on VSH 201, White Chapel Road, near Lively, VA Voting District 2.

Mr. Larson said Mr. Avery meets all of the requirements to place a manufactured home that does not meet by-right requirements on the subject property. As has been the direction of the Board of Supervisors over the last year on these matters, approval to do so should be based on whether or not adjoining property owner's voice legitimate objections.

Mr. Larson stated this public hearing of the issue has been advertised and adjoining property owners notified of the date and location of the public hearing as required by law. To date, there has been no input from adjoining property owners or other interested members of the public.

Chairman Geilich opened the public hearing.

Hearing none, Chairman Geilich closed the public hearing.

Mr. Jenkins said he needed to get clarification on the lot layout, because two homes can not be on the same lot.

Mr. Avery stated he owns two parcels, the existing house is on one parcel and the individual manufactured home is currently sitting on the second parcel. The parcels are front and back not side by side.

Mr. Palin made a motion to approve the Application for Special Exception for an Individual Manufactured Home made by Albert C. Avery on property described as Tax Map #15-2E on VSH 201, White Chapel Road, near Lively, VA.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

7. Comprehensive Plan, Chapter 7 (5-31-07 Draft) – Mr. Larson presented the update to the Lancaster County Comprehensive Plan, Chapter 7.

Mr. Larson said this draft is the remaining chapter of the Comprehensive Plan to be considered for approval and it reflects corrections and modifications identified during the review and public hearing conducted by the Planning commission at its May 17, 2007 regular meeting. A hard copy of the May 31, 2007 draft Chapter 7 was given to the Board of Supervisors at the June 28, 2007 regular meeting along with an executive summary dated June 26, 2007 signed by the Chairman of the Planning Commission, Mr. David Jones.

Comments made at the July 26, 2007 Public Hearing.

Lee Acors said he lives in Chesapeake, Virginia and has owned his Lancaster County property in District 2 for 45 years. He is unsure to whether or not he will be able to attend the August 30, 2007 meeting, so he would like to make his comments at this meeting. He said his family has lived here since colonial times, his mother lives in a house that was built in 1832 on a farm that has been in their family for more than 100 years. It appears that the Planning Commission believes taking the right and ability to develop land from current property owners and hiding new development behind trees, it would entice new retirees to come and repopulate the county. While retirees maybe enticed to come to Lancaster County, they will more likely want waterfront property, rather than a shielded subdivision tract. A number of the retirees will spend winters in Florida, Texas, or other non-tax state, so Lancaster County will only collect real estate taxes. He stated he was the Director of Finance for the City of Suffolk in the mid 1990's during a growth period. He said the Lancaster County Board of Supervisors has a couple of choices, they can pass the Highway Corridor Overlay Setback Ordinance and place undue burden on the current citizens, prevent them from pursuing reasonable development of their own property with the hope that some pretty open fields or hidden property will entice retirees to move here. The

board could choose to support the people who live here, encourage reasonable and affordable development. He asked the Board of Supervisors not to approve the Highway Corridor Overlay Setback Ordinance.

Tommy Kellum asked if there were any setback provision in the Comprehensive Plan.

Mr. Geilich said no.

Dave Parker said his family owns a farm on Orcan Road and said he had questions concerning the Comprehensive Plan, it appears a if the Planning Commission would like to become the Bay Act authority. He thought that was covered under the Wetlands Board.

Mr. Pennell stated the Wetlands Board only deals with construction on the water essentially between high and low tide. With respect to the Bay Act, the Planning Commission and the Board of Supervisors have authority to adopt these provisions in Lancaster County.

Mr. Geilich stated he want to compliment the Lancaster County Planning Commission, Chairman David Jones and Mr. Larson and staff on a tremendous amount of work. They did a fantastic job and wanted to publicly acknowledge the outstand work done.

Chairman Geilich opened the public hearing.

Kendall Acors, Windmill Point resident said he first wanted to take an opportunity to thank Mr. Palin for all his help. He said Mr. Larson stated that the only Virginia State Highways included were VSH 3, VSH 200, and VSH 354. The map on page 15 of the Comprehensive Plan shows other Virginia State

Highways (VSH) listed (VSH 222, 201,695, 622, 615, and 600) which adds an additional 38.1 miles to the Highway Corridor District (Future Land Use Map).

Mr. Larson stated there was no intent of adding another 38 miles and agreed that the map needs to be much clearer. The only corridors are VSH 3, VSH 200, and VSH 354.

Mr. Acors asked about the possible reservoirs. He said back in 1992, Dr. Lynton Land of Heathsville stated the Golden Eagle golf course was using 250,000 gallons of water per day before Hills Quarters was in place, which is equal 500,000 gallons per day. He said the draw down on Camps Mill Pond could be 530,000 gallons per day. Therefore, two reservoirs will be supplying water for two golf courses. He had a number of concerns with this issue.

Mr. Geilich stated those figures were extremely high.

Mr. Larson stated the whole purpose is to look ahead; whether its 20 – 50 years that reservoirs are an alternative source for ground water is that we may need it, whether it is for drinking water, golf courses, or etc. He said they will create a new or join an existing State Water Management Area and look at other alternatives as well.

Mr. Pennell said what Mr. Acors is presuming any reservoirs would provide water to golf courses and this is correct. If there are reservoirs created, they will be created with potable water and not for irrigation purposes. Both of the golf courses presently have their own wells that they will continue to use for that purpose. If reservoirs have to be construction by the county to provide water to its citizens, it will be for potable water.

Mr. Geilich explained that the Comprehensive Plan is simply a blue print for the future and it is reviewed and updated every five years.

Dr. Russell said the Comprehensive Plan is a guide for orderly development. The Board of Supervisors pass regulations develop ordinances, policies and/or develop new programs. This is only a working document.

Mr. Acors said he also had concerns with the wording on page 7-11. “In many parts of the County, lands have been cleared for farming and there is little existing vegetation that would serve to screen new building. In these cases, berms must be erected and new planting installed. Until these plantings achieve maturity (which may take up to 10 years), much of the new buildings may be visible.” If it states it **must** do that mean it has to be done.

Mr. Jenkins said if that was to go unchanged, then it was be from the planning document the overall guidance to the Board of Supervisors to somewhere along the line put within the zoning ordinances requirements for those berms. There would be an entirely separate advertisement and public hearing. If there is an objection to berms, now or better yet, months ago during the many Planning Commission public input sessions would have been the time to voice your concern and make suggestions.

Mr. Acors said it appears as if the rich people driving by on the road would rather see a pile of dirt than a working mans house.

Mr. Acors stated was also concerned with the way public hearings are advertised. The Comprehensive Plan public hearing was advertised with a brief description of 23 words. According to the state there should be a descriptive summary and maybe the paper could do an article.

Mr. Geilich stated the advertisement also referred citizens to the website was a copy of the Comprehensive Plan was post at the county’s website and a copy was available in the county office for review.

Rev. Phillip Astrike thanked the Board of Supervisors for removing the Highway Corridor Overlay Setbacks. He said he own approximately 56 acres including 100' of waterfront. He has worked two and three jobs to have this property. He requested that the board remove the sliding scales as it takes away from the property values of people.

Richard Pleasant stated he understands it is a guiding principle, concept and how it is applied later to create ordinances, but does have couple of concerns. In Policy 3-B which talked about preserving, protecting and promoting agricultural activities and also state there a section that related to revisions to the A-1 and A-2 zoning designation. He personally believes not to define a minimum lot size as opposed to having the building footprint dictate the requirement of the lot size. Would like to see a minimum lot size so there will not be extremely dense and small lots. He would like to have someone explain the zero lot line. In Policy 3-D to preserve open space and views along roads and waterways. He would like to see more details and definition of the incentive to retain stands of trees. His last concern was that the Comprehensive Plan lists primary growth areas and secondary growth areas; he would like to see more details on how the secondary growth areas are planned. He believes that though Community Block Grants the county could provide water and sewage to other parts of the county. There are a number of positive things in the Comprehensive Plan such as the Workforce Development Committee and Small Business Incubator. He would like to see the Rural Village Overlay documentation and learn more about the land use taxation program.

Mr. Jenkins said active farm land with five acres or more gets a tax break. The zero lot line refers to townhouses or condos.

Burdett Barber stated the advertising needs to be more detailed. If the county would like to promote more rural living and give incentives as the county

needs a local butcher and/or slaughter house. There are people in the county that would like to do it, but the rules, regulations and red tape are too cumbersome.

Mr. Jenkins stated the board does not set the rules and set the regulation and all people need is commercial property.

Rawleigh Simmons said to look at the intent of the document. What keeps Lancaster County rural is density. He does not agree with the sliding scale and believes it should be evenly done throughout the county. The land use taxes program could be an incentive for not only farming but timbering as well. He is opposed to Plan Growth Areas between Kilmarnock and White Stone and Irvington. Once the Comprehensive Plan is adopted it is a very powerful document.

Rev. Gayle Fowler with SAIF Water said on page 20 of the Comprehensive Plan where it talks about water objective. She provided the board with a write up and added where it states to protect potential future reservoir sites, it would be wiser to state that more broadly to ensure that the provision to acquire future water supply, because it will take far more than reservoirs to do that.

Maybe for future golf courses or probably encourage existing golf courses, to institute a request that they develop surface water sources rather than drawing from the ground water.

Mr. Larson stated Rev. Fowler made an extraordinary contribution to the Comprehensive Plan and has done a great job.

Bob Sowder stated he has been in the real estate business for 40 plus years. The Northern Neck is an aging population and the county needs to continue to service “come here’s”. He has approximately 285 acres between Irvington, White Stone and Kilmarnock and believes clustering is a wonder tool

with 100 plus lots. He would like to have a college center because education is a plus and the county needs moderate priced housing.

Nina Engstrom said she believes the county should have cluster development with same amount of density as you would with big lots and save the open farm land. Is the board still committed to a have rural feeling between the towns? She asked if Planned Unit Development (PUD) could have commercial components. She stated she was concerned that the open land is slowly disappearing between Kilmarnock and White Stone.

Mr. Pennell stated there is a value to multi-use developments.

Mary Williams moved here from the Eastern Shore which was wonderful and open. There are small stores that have closed and no buffering was needed as it is part of the rural character. She stated she was totally against clustering as rural means open fields, beautiful and rural homes. Why should property owners be made to pay to put up buffering which is expensive. Enforce what is already on the books before adding something new.

Mr. Madsen said he was happy with Chapter 7 of the Comprehensive Plan and impressed with the work done. He was a little disappointed that the Highway Corridor Overlay Setback was abandoned. The waterfront overlay section has great information and liked the sliding scale as it will help with the A-2 properties.

G.C. Dawson said buffers and berms are costly at approximately \$5.00 per cubic yard to erect a berm. The sliding scale controls the number of lots on land. He said single family affordable housing is almost impossible, once a person purchased the property and built the house it has surpassed affordable. He suggested that desirable buildings be built to support eight homes to utilize one

well and one big septic field. He is happy the Highway Corridor Overlay Setback was abandoned.

Dave Parker said he read the Comprehensive Plan and can only agree with getting training and jobs for the people here. According to the plan, cluster development is great, but if a property owner wishes to subdivide the property it can not be done. He has a number of concerns with the Comprehensive Plan.

Jerry Hamm said there has been a lot of discussion about the primary growth area and the main concern of most people is density. He encouraged the board to make a commitment to citizens of this county that within the planned growth area the density will not increase over that which is currently allowed by the present ordinances.

Tom Smith said the sliding scale density appears to be optional by the Planning Commission. He stated he would like the board to strongly maintain the current density, not allowing an increase in density. He believes there is room for multi-family developments and encouraged the board to use rezoning for that, so the board can maintain control over that. He asked the board to consider using proffers for people who would like rezone to high density, such as public access to the water.

Ken Abrams said the state requires review only of the Comprehensive Plan every five years but no action is necessary. What is the pressing need is for the major overhaul of the plan when the population density has only increased by 2,570 in the county from 1900 – 2007 according to the census. He urged the board not to adopt the Comprehensive Plan.

Charles Costello stated it has been a long 18 months and a lot of discussion. He thanked the Planning Commission and Jack Larson for the work. The Comprehensive Plan is a guide. He further stated page 14 - Planned Growth

Area (PGA) reads, “the extension of municipal water and wastewater treatment lines to all areas of the defined PGA is permitted”. He said that is more than guidance that is policy. As density is discussed, currently in R-1 at 30,000 square feet, take 100 acres and allow 80% to be buildable at 30,000 square feet without wastewater treatment you could get 112 units. At 20,000 square feet with wastewater, 168 units which would be a 50% grain and that are allowed density. If it was rezoned to R-3 without wastewater it is 25,000 square feet and on the same 100 acres and allowance 80% buildable you could 134 units with wastewater treatment it go to 12,000 square feet and could get 280 units. He stated he had concerns about the wording on page 25 which reads, “Promote conservation of environment features and open space by limiting the buildable area of the development or subdivision.” It needs to be more specific.

Jimmy Carter said he currently sits on the Board of Director for Rappahannock General Hospital and they have deep concerns about affordable housing. This Comprehensive Plan has been worked on for months and Mr. Costello who has been active still has a number or concerns. He suggested strengthening the preamble in Section 1 and 2 and basically said this is a guideline and does not adversely affect the Board of Supervisors’ right to approve developments based on merits in the future. He understands this is a guideline and not an ordinance. Again, he asked the board to strengthen the preamble and say it is a guide so that people can better understand.

Wayne Cannon said he attended a number of the Planning Commission meetings over the 18 months and believes they are trying to fix things that do not need to be fixed. The Comprehensive Plan is promoting density when the citizens of the county are seeking to retain rural character.

Herb Amans said he echoes Jimmy Carter’s comments. This has been an 18 month process and said he believes the plan is taking current density with better use of land and more conservation in the end.

Chairman Geilich closed the public hearing.

Dr. Russell said most of the comments heard were land use related and believes the Planning Commission did a good job with the plan. This plan is for everyone in the county. This plan is for the citizen who live here now, those that may come here and future business industry, we have to think about everything not just the use of the land. The board would do the county citizens a disservice if they voted on it. The board must have work sessions and make appropriate changes.

Mr. Beauchamp made a motion to table the Comprehensive Plan (Chapter 7) and schedule work session to get more input from citizens in order to update the Lancaster County Comprehensive Plan, Chapter 7 appropriately.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

CONSENSUS DOCKET

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

A. Minutes for July 11, 2007 and July 26, 2007

Recommendation: Approve the minutes

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of August 2007 Salaries and Invoice Listings

Motion was made by Mr. Jenkins to approve the Salaries for August 2007 in the amount of \$189,546.00 and Invoice Listings for August 2007 in the amount of \$580,905.57.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Millburn – Preliminary Subdivision Approval – Mr. Larson presented the subject twenty eight-lot subdivision is submitted for preliminary plat approval as required by Article 3-7 of the Subdivision Ordinance.

Mr. Larson said as evidenced by the preliminary plat checklist provided to the board, this plat meets all the requirements for preliminary plat approval. Some lot sizes, while smaller than those normally associated with subdivision meet the minimum lot size requirement since centralized water will be provided. He would also note that it is the intent of the developer to market the smaller lots at a price that would be viable for workforce housing.

Mr. Chase stated the entrance will be on VSH 3, all the appropriate papers have been submitted to VDOT for approval.

Mr. Geilich made a motion to approve the Millburn Preliminary Subdivision plat conditional on completion of a traffic impact study.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Supplemental Appropriation – Lancaster Primary School Well – Mr. Pennell said a letter from Dr. Susan Sciabbarrasi notifying the Board of Supervisors that the School Board has received bids to repair/replace equipment to provide potable water to the Lancaster Primary School. The low bid in this procurement process was \$54,370 from Sydnor HydroDynamics.

Mr. Jenkins made a motion to approve the supplemental appropriation and transfer \$54,370 from the Capital Improvements Fund to the repair Primary School water supply.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

4. 2008 County Reassessment – Request for Extension – Mr. Pennell said Mr. Thomas, the Commissioner of the Revenue, recommends that the Board of Supervisors requests Judge Taliaferro approve an extension of the statutory time for which a county reassessment must be completed.

Mr. Pennell stated in addition to Mr. Thomas' request to extend the due date for the 2008 reassessment he asks:

- Board members select a district representative to serve on the required equalization board early next year (a list of the 2004 members of the Lancaster County Equalization Board was provided to the Board of Supervisors); and
- Board members authorize the county administrator and county attorney to prepare and advertise an ordinance for public hearing at the September 27, 2007 regular meeting to require the equalization board complete its work no later than 90 days following the completion of the assessor's work.

Mr. Jenkins made a motion to Approve the request and have the County Administrator send a letter to Judge Taliaferro requesting an extension of time for the real estate assessors to complete the 2008 Lancaster County assessment of real estate values.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

BOARD REPORTS

Mr. Pennell stated he went to the Lancaster Animal Shelter and walked through the kennel area and noticed there were seven or eight dogs, one Saint Bernard and the remaining were pit bulls. He then met with James Abbott, Animal Control Warden to ask was there were so many pit bulls. Mr. Abbott stated "that's my life now, dealing with pit

bulls that were abandoned and picked up”. He asked the board to possibly consider doing a public service announcement, asking citizens call if they see the mistreatment of animals and the Animal Control Officers out to investment.

By consensus, have a public service announcement.

COUNTY ADMINISTRATOR REPORT

Mr. Pennell informed the Lancaster County Chamber of Commerce annual dinner will be held at Indian Creek Country and Yacht Club on September 27, 2007.

Mr. Pennell asked to board to review an excellent report entitled “Emergency Boat Ramp Access Agreements”, submitted by Marshall Sebra, Environmental Codes Compliance Officer. In the event mobilization on the water is needed, the county has been granted permission to utilize private ramps from 17 property owners.

Mr. Pennell informed the board that he would be on vacation from September 3 – 15, 2007 in Canada most of this time and will probably be unavailable for contact.

ADJOURNMENT

Motion was made by Mr. Jenkins to adjourn the meeting until Tuesday, September 11, 2007 at 4:00 p.m. for a Work Session in the General District Courtroom.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye