

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, November 28, 2005.

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

Others

Present: Jack Larson, Planning/Land Use; Clyde Hathaway, Clifton Balderson, Gale Dickerson, Mark Fridenstine, Robert Harper, Virginia Department of Transportation; Harriet Dietz, Land Design, Inc.; Randolph H. Latimore, School Board; Robb Hoff, Rappahannock Record

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

PUBLIC INPUT

None.

PRESENTATION

None.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Work Session on the Six-Year Plan – Clyde Hathaway introduced new VDOT staff members Gale Dickerson, Construction Engineer, Mark Fridenstine, and Clifton

Balderson, Residency Administrator. He supplied handouts of the Draft Secondary System Construction Program - Projected Fiscal Year Allocation for 2006-07 through 2011-12 at an estimated cost of \$493,000 - \$524,000 per year. Clyde Hathaway gave the video presentation and informed the board that the county-wide project items include rural additions, traffic and safety services, private entrance pipes, preliminary engineering, seeding, fertilization, subdivision, and site planning at a cost of \$80,000 per year. The incidental budget items are small projects such as drainage improvements, clearing of intersections and improving alignment at a cost of \$20,000 per year.

The first item is VSH 630/Taylor's Creek Road, to improve the drainage and horizon and vertical alignments. This project will be completed next year with the exception of the westernmost segment due to a budget shortfall. The second priority is VSH 604/Merry Point Road, at the VSH 611 intersection, to improve alignment. Unpaved road projects include existing state maintained dirt roads that need to be paved under the Rural Rustic Road program. In order for one of these type roads to be paved, it must have fifty cars per day and appropriate right-of-way. The first item is the P Monies which is the funding for the unpaved roads, all the money is allocated for the several years and the last year of the plan there will be \$14,000 applied to a specific road. The first priority is Rte 632/Indiantown Road to be paved under the Rural Rustic Road program.

The supplemental lists are projects have no funding available but were designated by the board as projects needed when funding becomes available. The first priority will be Rte 614/Devils Bottom Road that runs past the primary school to a quarter of a mile east of Rte 669 to improve the alignment and replace the bridge. The second priority is Rte 605 near Pickardsville Road to improve the alignment. Priority three is Rte 607/Ditchley Road, a County Line Project with Northumberland, to improve the alignment and site distance. Priority four is Rte 642, Little Bay Road for the improvement of alignment and drainage.

Mr. Hathaway stated he is aware of two other unpaved roads that need to be added to the Rural Rustic Road program. The two unpaved roads are Rte 789/Hadley Road and Rte 777/Riverview Drive both meet the requirements of fifty cars per day and the right-of-away has been obtained.

Mr. Pennell asked if VDOT could explain and/or update the citizens on the Taylor's Creek Road project.

Gale Dickerson, VDOT Construction Engineer, said there is no additional money available for the Taylor's Creek Road, therefore the contractor is putting fill in to grade, installing guardrails and surface treatment by the end of the year should the weather hold out.

Mr. Pennell asked if there was any money left over that could be put toward the Taylor's Creek Project in order to complete it.

Ms. Dickerson stated based on the Six Year Plan all the monies that were available, have been diverted to the Taylor's Creek Project. Last year funding was added in the FY 08/09 budget, in the past VDOT has allowed for extra funding, but not now.

Mr. Russell asked about the additional funding required of \$1,233,000 listed on the Draft Secondary System Construction Program list.

Ms. Dickerson said the additional funding in the amount of \$1,233,000 is for FY 2007 – 2009.

Mr. Beauchamp asked if the Taylor's Creek Project would be completed.

Ms. Dickerson said the Taylor's Creek Project would not be completed until the 2008-2009 project year, however; it will be completed up to the last 2/3 mile of the road. They are disappointed that the project can not be completed as originally indicated.

Mr. Beauchamp said he contacted Senator John Chichester and he stated he will introduce a Bill this Spring to come up the money to fund the Taylor's Creek Project and complete it. He said he does not have this in writing nor a copy of the Bill, but that was a direct quote from Senator Chichester. He is not sure how far the Bill will go, however; Senator Chichester is concerned and trying to get something done.

Mr. Beauchamp made a motion to hold a public hearing on the Six Year Plan for Secondary Highways at the regular Board of Supervisors meeting to be held on December 29, 2005.

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

Maintenance Update

Mr. Balderson stated speed studies will be done on VSH 695/Windmill Point Road near VSH 738/Cypress Lane and VSH 659/Crab Point Road just northeast of Dandelion Drive to the dead end.

Mr. Balderson said the engine has been replaced on the Merry Point Ferry and they are still seeking funding for a new ferry.

PUBLIC HEARINGS

1. Application for Special Exception – J. Milton Conrad – Mr. Larson presented an Application for a Special Exception by J. Milton Conrad to operate a crab shedding facility (basic seafood processing) on property described as Tax Map

#19C-1-5 which is located off VSH 624, Rocky Neck Road, near Mollusk, Virginia in Voting District 1.

Mr. Larson said this application is being handled as a new special exception request, although a previous special exception was granted in 1998, the process for consideration that is being followed is the same as for a new request. There was a letter sent to Mr. Conrad dated March 30, 1998; it established conditions imposed for original approval. Staff recommends that conditions for renewal remain the same (current reference to Chesapeake Bay Preservation Ordinance being the only recommended change). The original approval by the Board of Supervisors for the special exception imposed the following conditions:

1. Allowed seafood processing activities shall be limited to crab shedding facility.
2. Applicant shall obtain all applicable State Permits.
3. Applicant shall obtain all other applicable County permits.
4. Crab shedding facility shall be limited in size to a 24' wide by 60' long structure.
5. Applicant shall adhere to the Lancaster County Chesapeake Bay Preservation Ordinance.

Mr. Larson said construction of the crab shedding facility within a Resource Protection Area (RPA) will be reviewed and considered in accordance with the recently revised Chesapeake Bay Preservation Ordinance. An open issue is whether or not the facility is water dependent. CBLAD, in recent correspondence, has stated that it is not. However, that view may be based on a misunderstanding of the type of water circulation system that will be used.

Mr. Larson stated correspondence from and to the two parties (one an adjoining property owner) in opposition of the project was provided to the board. The Army Corps of Engineers, Virginia Department of Environmental Quality,

Virginia Marine Resources Commission, Virginia Department of Conservation and Recreation (Chesapeake Local Assistance Division) and Virginia Institute of Marine Science have all investigated the alleged filling in of wetlands mentioned in that correspondence. CBLAD and VMRC have both advised that there was no disturbance of tidal wetlands. DEQ did determine that non-tidal wetlands had been impacted by the unauthorized fill operation and, given that they have jurisdictional authority, directed removal and stabilization as the remedy. Mr. Conrad complied immediately and the matter is believed to be resolved. In any event, it and the propriety of staff enforcement actions are viewed as separate issues from consideration as to whether or not the special exception should be granted.

Also, the board has been provided with fourteen letters in support of Mr. Conrad's request. In addition, note that Objective #8, Chapter 7 of the Lancaster County Comprehensive Plan, states, "Promote and support (emphasis added) existing industries, especially those engaged in seafood harvesting and processing, aquaculture, forestry and agriculture." This is an opportunity to do so by approving a permitted use with special exception within the R-1, Residential, General zoning district.

Chairman Jenkins opened the public hearing.

Dorsey Ficklin said he was born here and has lived here for most of his life. This area has a rich history of watermen and farmers. This has been a crabbing area forever and he would like to see the area continue to be enjoyed as such. Therefore he is in full support of this special exception for Mr. Conrad.

Albert Pollard said he supports this Special Exception for Mr. Conrad. He lives about ¼ mile from Mr. Conrad's present operation and knows that he will do an exceptional job.

William Connor said he is an adjoining property owner and opposed the special exception for Mr. Conrad because it would lower the property value of his house. This is a residential area and the facility would be less than 100' from his bedroom window.

Jackie Farden stated she was in total support of this request.

John Kessler said he lives down the street for Mr. Conrad. A crab shedding facility is a normal process in this county and he supports this request.

Michael McNeill stated he is an adjoining property owner and there were adjoining property owners that were not notified. If this special exception is granted, Mr. Conrad would be allowed to construct a commercial Crab Shedding facility in the middle of a residential community. This application displays no merit, because the location is not appropriate. He stated it is in conflict with the Land Use Plan. Property values will go down, will there be adequate parking, and utilities have not been addressed. Mr. Conrad dumped 24 truck loads of oyster shells and fill dirt in non-tidal wetlands without a permit and was not penalized. He asked the board not to approve this request for Mr. Conrad.

Patrick McNeill, council for Michael McNeill, stated this is a residential community; the special exception for a crab shedding facility is commercial and should not happen. Mr. Conrad has not addressed the issue of parking which is part of Lancaster County Land Development Code Section 13.3 and 13.6 of the Zoning Ordinance. A water quality impact assessment has not been submitted. He asked what happened when Mr. Conrad violated the Lancaster County ordinance and dumped 24 truck loads of oyster shells and fill dirt in non-tidal wetland without proper permits. He requested that the board table this special exception until all the concerns are answered.

Mrs. Ajootian, Ocran resident, stated she and her husband moved here 33 years ago and love the area. Thanks to fishermen who go out to catch fish for the public and the farmer who grows crops. She is thankful for the freedom of operation of farming and fishing in this county.

Chairman Jenkins closed the public hearing.

Mr. Jenkins said they have an abbreviated site plan, which shows adjoining property owners and he does not show Wartowski as an adjoining property owner.

Mr. Geilich said this process was approved seven years ago and asked if it has been in operation.

Mr. Larson said no.

Mr. Geilich said that time has elapsed and the old special exception is now null and void. He asked if there is commercial activity there at this present time.

Mr. Larson said this should be considered a new application for special exception, because time has lapsed on the old application. This application has been treated as a new one with respect to the notification procedures and the hearing process. There is no commercial activity at this time.

Mr. Jenkins asked Mr. Larson to define “water dependent facility”.

Mr. Larson said the regulation put out by the state pertaining to the Chesapeake Bay Act, allows for certain activities that are water dependent, by nature are required to be close to the water (example: marina). While special consideration for encroachment into the 100’ buffer, may be given it must be done with mitigation.

Mr. Jenkins made a motion to approve the Application for Special Exception for J. Milton Conrad to operate a crab shedding facility subject to the necessary State approvals for the Chesapeake Bay Act.

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

2. Request for Special Exception – Kaballero.Com, LLC – Mr. Larson presented an Application for Special Exception by Kaballero.Com, LLC to place data antennae on property identified as Tax Map #14-40C, Upper Lancaster Volunteer Fire Department, near Lively, Virginia and Tax Map #33-171, Chesapeake Bay Fishing Company, Shipyard Lane, near Weems, Virginia. The Lively site is in Voting District 1 and the Weems site is in Voting District 5.

Mr. Larson stated staff only recently became aware that this constitutes an after-the-fact request. Applicants proceeded under the assumption that Lancaster County did not have a requirement for special exception consideration based on their experience in adjoining counties. That fact aside, the photo provided to the board shows the antenna in place at the Lively site and demonstrates that is relatively unobtrusive. Additionally, the two new locations expand and improve the service that can be provided to citizens in Lively and Weems areas.

Mr. Larson said this issue has been advertised and adjacent property owners notified as required by law. To date there has been one phone call from an adjoining property owner who alerted staff to the fact that the antenna at the Lively site had already been placed. This property owner did not, however, voice an objection to the antenna.

Chairman Jenkins opened the public hearing.

Mr. Rawleigh Simmons stated his office is located close to one of the towers and this is greatly needed.

Chairman Jenkins closed the public hearing.

Mr. Beauchamp made a motion to approve the Request for Special Exception for Kaballero.Com, LLC.

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

3. Application for Change of Zoning District Classification – Rachel and Frank Pugliese – Mr. Larson presented an Application for Change of Zoning District Classification by Rachel and Frank Pugliese to rezone property described as Tax Map #28A-1-3 from R-1, Residential, General to A-2, Agricultural, General. This property is further identified as 2106 Irvington Road (VSH 200) near Kilmarnock, Virginia. The property is in Voting District 4.

Mr. Larson said the approved Planning Commission minutes for October 20, 2005 meeting was submitted for the board’s review. Planning Commission members seemed split between arguments made by staff that this request would constitute spot zoning and argument made by Mr. John Martin, council for the Puglieses, that it did not constitute spot zoning. Planning Commission members were generally less concerned than staff about potential traffic issues.

Mr. Larson stated this issue has been advertised and adjacent property owners notified for this public hearing as required by law. To date there has been one citizen in opposition and a letter of support from Ms. Ann Henry for this hearing of the issue.

Vice Chairman Geilich opened the public hearing.

Mrs. Pugliese stated she would be operating an antique/home furniture shop at the property located at 2106 Irvington Road. The property has vacant for approximately four years and uninhabitable. The property will be renovated with the addition of a front porch. The property is a considerable distance off VSH 200 and has plenty of space for parking on either the side or back of the property.

Mr. Geilich asked about the signage.

Mrs. Pugliese stated they would conform and adhere to county regulations.

Mr. Larson read sign requirements for A-2, Agricultural, General zoning district. General advertising signs cannot exceed 32 square feet in area, business signs cannot exceed 32 square feet in area, church bulletin board or identification signs must have a total surface area of 27 square feet or less, directional and home occupational signs cannot exceed 16 square feet. If they wanted to put the sign in the right-of-way of VDOT it would have to be approved by VDOT.

Mr. Martin stated the proposed rezoning is consistent with ninety percent of the property in that half a mile stretch of Irvington Road. There are currently a number of commercial operations on that stretch of Irvington Road such as Lancaster County School Board Office, Lancaster County Refuse Site, Whay's Septic, Lewis General Repairs, Nationwide Insurance, and Ransone's Nursery. He said Mr. and Mrs. Pugliese's limited use would be much less noticeable than

what is already there. Everything will be back approximately 200' off of VSH 200/Irvington Road.

Mr. Russell said this would be a big improvement over a lot of the commercial operations that are already in that area.

Vice Chairman Geilich closed the public hearing.

Mr. Russell made a motion to approve the Application for Change of Zoning District Classification for Rachel and Frank Pugliese, with zoning from R-1, Residential, General to A-2, Agricultural, General conditional on submitted proffers.

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

4. Modifications to the Lancaster County Subdivision Ordinance – Virginia Department of Transportation Requirement – Mr. Larson presented the modifications to the Lancaster County Subdivision Ordinance to address concerns by the Virginia Department of Transportation relative to private roads in newly created subdivisions or planned developments.

Mr. Larson said the board has been provided with a memorandum submitted by Mr. Pennell dated June 15, 2005 which initiated the Planning Commission's action on this issue. As stated in the memorandum, the purpose is to bring the Lancaster County Subdivision Ordinance into compliance with VDOT requirements. The following modifications are proposed:

- 1) Section 2-27. Currently defines Planned Unit Development. Delete in its entirety since we currently have no zoning district in which a PUD is allowed;
- 2) Section 2-30. Currently defines Private road. Delete in its entirety since exceptions for private roads would no longer be permitted;
- 3) Section 5-19. Currently gives required provision for private road exceptions. Delete in its entirety;
- 4) Section 5-20. Delete the sentence, “In the case a private road is approved for the subdivision, an equivalent road is required from the subdivision to the state road.”

Mr. Larson stated VDOT Resident Engineer, Mr. Carter White concurs with the proposed changes and deemed them responsive. He did, however, express concern about Section 5-9(d) that allows common driveways off a subdivision street to serve a maximum of four lots. Mr. White requested that the maximum be two. Planning Commission and interested members of the public felt that a common driveway provision serving four lots was an important consideration to reduce impervious cover in a given subdivision. Mr. White seemed satisfied at leaving the number of lots served at four when it was pointed out to him that lots in subdivisions with common driveways still would front either an existing state road or a subdivision street that would become one.

Mr. Larson said this issue has been advertised as required by law. To date there has been one interested member of the public who indicated support for the proposed modifications.

Chairman Jenkins opened the public hearing.

Bob Sowder stated he has built a lot of state and private roads. After talking to VDOT it would appear that there are requirements for a road be built to state standards.

Chairman Jenkins closed the public hearing.

Mr. Jenkins asked was a performance bond for a subdivision guaranteed.

Mr. Larson stated the requirement for a performance bond is part of the ordinance.

Mr. Jenkins asked if there was an additional cost.

Mr. Larson said yes, because VDOT is requiring administrative fees and other cost.

Mr. Pennell said that Mr. Sowder is incorrect in this fashion, if a road is built to state standards there is no guarantee it will be maintained to state standards, which is where the problem exists. As time goes on and the road deteriorates, there is no bond and/or community agreement. If there was a community agreement, then only the community could enforce that, but by requiring it come into the state system VDOT would make repairs. This ordinance would mean that roads are built to state standards and brought into the secondary road system. Not bringing the road into the secondary system and requests for rural additions in subsequent years becomes a taxpayer's problem when it should have been the developers.

Mr. Jenkins stated he does not want to over react in the other direction and require a 50' right of way into four houses in a family subdivision. He would like to encourage the family to live here a little longer by giving them a chance to have the lots and not put a \$250,000 road just to get in and out.

Mr. Pennell said he was fearful that if the Board of Supervisors does not pass the proposed changes, the county may not get secondary road money and get

funding to pave rural additions. The county has a lot of roads wherein subdivisions were created a long time ago and citizens have later asked to have the road taken into the secondary system at taxpayer's expense. He said Mr. Jenkins statement is true but the opposing issue that the developer generally profits by not being required to bring the road into the state system except in the family situation.

Mr. Geilich made a motion to Approve Modifications to the Lancaster County Subdivision Ordinance.

ROLL CALL

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

5. General Modifications to the Lancaster County Subdivision and Zoning Ordinance – Mr. Larson presented modifications, administrative in nature, to the Lancaster County Subdivision and Zoning Ordinances to correct inconsistencies between different provisions.

Mr. Larson said the following modifications, recommended by the Planning Commission without comment, are proposed:

Zoning Ordinance

- Section 8-1-9—Change to read “Home appliance sales and service”. (Auto sales and service covered in Section 8-1-22)
- Section 8-1-22—Delete “and lodges” (Definition of lodges previously removed)

- Section 11-4-3—Delete “apartment” and “R2” (R2, Residential, Apartment zoning district previously removed)
- Section 13-1-2—Change number of copies of drawing required from “three” to “two” (No more than two required)
- Section 13-4—Change “§15.1-431” to “§15.2-2204” (Correct reference to Code of Virginia)
- Section 13-7—Delete the words “and the existing Lancaster County trailer ordinance” (trailer ordinance no longer exists)
- Section 13-14—Delete in its entirety (County does not enforce requirement to pay delinquent taxes prior to issuing of permits or processing of land use applications)
- Section 14-2, third from last paragraph—Change “§15-431” to “§15.2-2204” (Correct reference to Code of Virginia)
- Section 16-2—Change “§§15.1-491.1—15.1-491.6” to “§15.2-2296—15.2-2303” (Correct reference to Code of Virginia)
- Article 18—Application, third paragraph—Delete in its entirety (R2 no longer part of Zoning Ordinance)
- Section 19-1-4—Delete in its entirety (R2 no longer exists)
- Section 22-4—Delete “article 21, Chesapeake Bay Preservation” and replace with “Chesapeake Bay Preservation Ordinance”
- Section 23-1—Delete “three sections.....Finally,” Insert “Section §10.1-600 et seq., Code of Virginia” after “in” (Correct reference to Code of Virginia)

Subdivision Ordinance

- Preface—Replace §15.1-465 with §15.2-2240 (Correct reference to Code of Virginia)
- Section 2-5—Replace §15.1-466(f) with §15.2-2241(5) (Correct reference to Code of Virginia)

This issue has been advertised as required by law. To date there has been one interested member of the public who indicated support for the proposed modifications.

Chairman Jenkins opened the public hearing.

There was no input from members of the public in attendance.

Chairman Jenkins closed the public hearing.

Mr. Jenkins made a motion to Approve the General Modifications to the Lancaster County Zoning and Subdivision Ordinances.

ROLL CALL

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

CONSENSUS DOCKET

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

A. Minutes for October 27, 2005

Recommendation: Approve the minutes with amendments

B. Lancaster County Representative to the Resource Conservation and Development Council

Recommendation: Reappoint Mr. Jack Larson

C. Abstract of Votes – General Election – November 8, 2005

Recommendation: Approve abstracts of votes as submitted and record them with the minutes of the meeting

D. Resolution in Support of State Funding for Meals on Wheels

Recommendation: Adopt the following Resolution:

SUPPORT MEALS ON WHEELS

WHEREAS, the Lancaster County Board of Supervisors urges Governor Mark Warner to include \$7,300,000 in his FY2007 budget to meet the needs of over 7,500 frail, homebound elderly in Virginia on waiting lists for meals on wheels; and

WHEREAS, today over 7,500 older frail, homebound Virginians who have been assessed by Area Agencies on Aging to need meals on wheels are on waiting lists; and

WHEREAS, the network of Area Agencies on Aging in Virginia has the capacity to expand its output by at least 150,000 meals each month to feed these older Virginians most in need in our urban, suburban and rural municipalities; and

WHEREAS, the Commonwealth of Virginia has a budget surplus with ample additional revenues to meet this critical need; and

WHEREAS, older Virginians will be forced into more restrictive health care facilities without adequate nutrition at home;

NOW THEREFORE BE IT RESOLVED, that the Lancaster County Board of Supervisors recognizes Bay Aging as the Area Agency on Aging that serves the ten counties of the Northern Neck and Middle Peninsula and urges Governor Mark Warner to include \$7.3 million in his FY2007 for Area Agencies

on Aging to expand meals on wheels to serve older Virginians on waiting lists and the growing number of new elderly seeking services.

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

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of November 2005 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the Salaries for November 2005 in the amount of \$169,330.64 and Invoice Listings for November 2005 in the amount of \$464,979.42.

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

2. Ordinance to Implement Changes in the Personal Property Tax Relief Act of 1998

(PPTRA) – Mr. Thomas, Commissioner of the Revenue, said when the General Assembly changed the local reimbursement for the “No Car Tax” proposal (properly known as PPTRA) by capping the reimbursement at \$950 million, several changes in the method by which counties compute their portions of the personal property tax are required.

Mr. Thomas stated by adopting the ordinance and resolution yearly would be the simplest way to meet the state's requirement for collecting that \$900,000.

Mr. Beauchamp made a motion to authorize the county administrator to advertise the model ordinance for adoption at the December meeting of the Board of Supervisors. Also, authorize the county administrator to prepare a resolution during the annual budget deliberations, as required by the model ordinance, to make the appropriate changes to the taxing authority for personal property.

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

3. Application for Change of Zoning District Classification – Frederick K. West –

Mr. Larson presented a request by Fredrick K. West to rezone property described as Tax Map #28-139 from R-1, Residential, General to R-3, Residential, Medium General. This property is off VSH 1036, Harris Road, near Kilmarnock, VA in Voting District 4.

Mr. Larson said this issue was heard at public hearing at the September 29, 2005 regular meeting of the Board of Supervisors. Consideration of the request was tabled for thirty days to give Mr. West an opportunity to discuss concerns raised by Mr. Davis, an adjoining property owner and to answer other questions raised by the Board. While Mr. West was prepared to return to the Board at the October 27, 2005 regular meeting, he voluntarily agreed to wait for consideration at this meeting at the suggestion of staff. The board was provided with a copy of a memorandum and proffer from Mr. West dated November 7, 2005 that summarizes representations made by Mr. West as he has gone through the process of obtaining approval for his request.

Mr. Pennell stated the proffers submitted prior to the public hearing dated September 14, 2005 are the only proffers the board can consider.

Mr. Russell stated Mr. West has done a great job, but he has concerns about the cost of houses at \$375,000 - \$395,000. He believes that probably only 5 or 6 percent of the county residents can afford the houses. He said the county has a problem keeping the teachers and county employees because we don't have affordable housing in the county. In the future, and probably in the Comprehensive Plan, we should start thinking about the need of county residents when discussing housing developments.

Mr. Jenkins said he was concerned with proposed public water and sewage system. This county does not have a public water and sewage system. He said we are being forced by requests to rezone and approve plats to make steps toward providing water and sewage by whatever means we can, that may not be in the long term best interest or best plan for the development of Lancaster County. He is not sure what the rush to develop inland property is all about, but he is very concerned because our county general services faculties do not support them. He has a difficult time voting to approved them based on a deal that may or may not be approve by the Town of White Stone or Town of Kilmarnock

Mr. Russell asked if this issue can be dealt with during the Comprehensive Plan.

Mr. Larson said yes.

Mr. Russell made a motion to continue the Application for Change of Zoning District Classification for Frederick K. West to the regular December 29, 2005 Board of Supervisors meeting when a request to modify the Lancaster County Comprehensive Plan will be considered.

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

4. Final Subdivision Plat Approval – Pebble Beach, LLC – As set forth in Article 3-7 of the Subdivision Ordinance, final plat approval is requested on a subdivision for which preliminary plat approval was granted at the October 27, 2005 regular meeting of the Board of Supervisors. The parcel being subdivided is identified as Tax Map #6-111A which is in Voting District 2.

Mr. Larson said all issues identified in the initial review, issues raised by the Board at the October 27, 2005 meeting, and issues remaining from the follow-up review of November 15, 2005 have, in his view, been satisfactorily addressed. This includes a name change of the subdivision from “Belle Isles Woods” to “Chinn’s Mill Woods.” While the subdivision exceeds the ten-lot threshold required for a traffic impact study by the Subdivision Ordinance, a VDOT letter dated November 17, 2005 states in the first comment that they “do not see the need for a Traffic Impact Study.” Since all newly created parcels front on state roads, no performance bond is required.

Mr. Larson stated one of his concerns was a statement by VDOT, that they wanted a right of way dedication at least 25’ from the centerline for Rte 602 Field Trial Road. The question came up as to why they would make that point when the right of way now is 50’ wide which is what they require. The answer is they want to ensure they have fee simple title and that utilities will not be placed in their dedicated right of way. Provision for a separate utilities easement must be provided.

Mr. Geilich stated the lots are a minimum of five acres and asked what the anticipated use of this property would be.

Mr. Rawleigh Simmons said property will be used for recreational purposes primarily. No further subdivision is anticipated to sale and no subdivision plans. They will be sold to people who wanted larger lots for cabins or log homes.

Mr. Palin asked what assurance the board would have that this property would be used for purposes stated and maintained as such.

Mr. Simmons said they can only do what is allowed under the zoning ordinance and a subdivision is not intended. There is an Audubon easement in the back of the property. The property is totally wooded and would be extremely costly to clear.

Mr. Palin made a motion to approve the Final Subdivision Plat for Pebble Beach, LLC.

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

5. Preliminary and Final Subdivision Plat Approval – JDHL, LLC – Mr. Larson stated that, as required by Article 3-7 of the Subdivision Ordinance, preliminary and final subdivision plat approval are requested on the a subdivision named “Covewoods.” The parcel being subdivided is identified as Tax Map #22-62 which is in Voting District 5.

Mr. Larson said this is a subdivision of four waterfront and two off-water lots that exceed (in some cases significantly) minimum area requirements. An average in excess of 200 feet of frontage is also provided for waterfront lots. Additionally, provisions are made for buffering and common areas not otherwise required. Covenants restrict further subdivision and provide for forestry practices consistent with recent suggestions. As noted on page 10 of the covenants, Lancaster County will not enforce covenant restrictions in excess of County requirements for removal of trees or clearing in areas that are Resource Protection Areas (RPAs).

Mr. Beauchamp made a motion to Approve the Preliminary and Final Subdivision Plat approval for JDHL, LLC subject to VDOT review of road profile and drainage easement and posting of performance bond for completion of interior subdivision roads.

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

6. Preliminary Subdivision Sketch – B.G. Sowder – Mr. Larson said as provided in Section 6-1 of the Lancaster County Subdivision Ordinance, Mr. Sowder is offering a preliminary sketch of a 117-lot subdivision of Tax Map #28-154A/190/190A/190B which is off VSH 3 near White Stone, Virginia in Voting District 4.

Mr. Larson stated land for horse trails and common areas totals 24.36 acres. Minimum requirement is ten percent of the total area or 24.73 acres. His interpretation of the requirement would not allow inclusion of the pond area in order to meet the requirement. Otherwise, lots appear to be well designed, and a

wider range of lot sizes than most subdivisions is offered. This, in theory, provides greater opportunity for potential owners who cannot afford larger lots to be able to locate in this subdivision.

Mr. Larson said correspondence pertaining to water and wastewater treatment has been provided for the board's review. It is his understanding that Mr. Sowder would like to discuss his options in this area with the Board of Supervisors.

Mr. Sowder stated he has come before the board to ask that public water and sewage system be extended to this site. He said an institute of higher learning (satellite office) and an equestrian trail and center could be on a portion of their property. The price range for the lots will be \$350,000, which will be 3/4 acre lots. He asked the board to consider this issue and hoped Kilmarnock would cooperate and provide public water and sewage system.

The Board of Supervisors took no action on this matter but discussed their individual concerns with Mr. Sowder.

7. Partial Release of Performance Bond – Oak Hill Subdivision – Mr. Larson said the balance remaining in the subject performance bond was \$25,378.88 as of September 30, 2005 plus accrued interest since that date. Developer has requested release of funds not required to ensure acceptance of subdivision roads into the state road system. Additionally, it is estimated that approximately \$500 in improvements remain to meet VDOT requirements. Requirements set forth in correspondence dated November 18, 2005 raise the total to \$14,500. Additional releases will be requested of the Board of Supervisors as appropriate.

Mr. Palin made a motion to Approve the Partial Release of Performance Bond for Oak Hill Subdivision for funds in excess of \$14,500.

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

8. Lancaster County School Bus Garage – ROTC Field House – Dr. Latimore said before discussing the school bus garage, he wanted to invite the Board of Supervisors to Lancaster Primary School on December 2, 2005 between 11:30 a.m. – 12:15 p.m. when Governor Kaine will be touring the school. Also, Lancaster Primary School has been selected as the one School in the Commonwealth of Virginia to represent the commonwealth as a Title I School. They were chosen 1 of 50 schools out of 27 states to receive national recognition from Title I Schools in Dallas, Texas.

Dr. Latimore stated the bus garage meeting was to give general information and allow the School Board and Board of Supervisor meet to with the Rancorn Wildman Architects and engineers to have further questions answered. This building need to complete by the start of 2006/2007 school year to house the ROTC Program.

By consensus of the Board, a joint board meeting was scheduled for December 13, 2005 at 2:00 p.m. at the Bus Garage.

9. Dedication “New” Chesapeake Trail – Mr. Pennell said the members of the Lancaster County Audubon Society who have been working to restore the remaining part of the Chesapeake Trail would like to dedicate the completion of the work. The Audubon Society members would like the Board of Supervisors to be present at the dedication.

By consensus of the Board of Supervisors the Dedication of the New Chesapeake Trail will be scheduled for December 13, 2005 at 1:00 p.m.

10. Comprehensive Plan 2006 Revision – Contract Approval – Mr. Pennell stated the Lancaster County Board of Supervisors previously approved a Request for Proposals to acquire a consultant's assistance in the development of the county's comprehensive plan revision required every five years by the Code of Virginia, 1950, as amended. Representatives of the four original responders were interviewed by Mr. Donald McCann, Mr. Steven Sorenson (both members of the Planning Commission), Mr. Jack Larson and himself. The firm Land Design Incorporated was selected for further negotiation and a scope of work was submitted by land Design Incorporated. With the assistance of Mr. McCann, Mr. Sorenson and Mr. Larson, this scope of work was modified to reflect the interests of the Planning Commission from comments they received from the public during several recent controversial considerations. The amended scope of work and cost estimate are provided for the board to review. He introduced Ms. Harriet Dietz of Land Design, Incorporated.

Ms. Dietz said what Land Designs, Incorporated expects to do is to address setting the frame work for guiding principals to help direct future decisions such as those that were under consideration at this meeting. They will be working closely with county staff and others, developing and understanding some of the issues. The public input process will provide a better understanding of what some of the issues are and some of the potential ramification of future land use decisions. Will also review and discuss the water and sewage system, and density.

Mr. Russell asked if only Chapters 8 and 9 were being revised.

Ms. Dietz said those Chapters are the primary focus, which deal with inventory, survey, environmental features and natural constraints.

Mr. Russell asked about the data collection.

Ms. Dietz said that Northern Neck Planning District Commission has most of the information.

Mr. Russell asked how the data analysis of population trends, racial composition, economic factor be conducted. In order to understand all the characteristics of the county, the proper data needs to be collected.

Mr. Jenkins stated this is an interactive plan, whereas the board will have input, and there will be public meetings and hearings throughout the process.

Mr. Beauchamp made a motion to Approve and Authorize the County Administrator to execute the appropriate Contract with Land Design, Incorporated for the Comprehensive Plan 2006 Revision.

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

BOARD REPORTS

Historical Resources Commission

Mr. Beauchamp made a motion to reappoint Dixie McCaig to the Historical Resources Commission to represent Lancaster County District 5 for a three-year term which began January 1, 2006 and ending December 31, 2008.

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

“Clear Cutting” Timber

Mr. Beauchamp said he would like to ask the board for consensus to have the Planning Commission look at some means for managing “clear cutting” timber in R-1 subdivisions. Looking at it in the Comprehensive Plan could take more than a year and a solution is needed prior to the Comprehensive Plan.

No consensus was provided for immediate addressal, it was agreed that it should be part of the Comprehensive Plan update effort.

COUNTY ADMINISTRATOR

Mr. Pennell said he received a letter from the YMCA stating they no longer in need of the old town office building next to the Lancaster Public Library.

Mr. Pennell stated he would be out of the office December 7 – 9, 2005 to appear before the Fire Training Board in Lynchburg, Virginia, hopefully to get the final commitment on the funds on the fire training faculty. Kenny Eades, Northumberland County Administrator will also be attending this meeting.

Mr. Pennell said if anyone was interested in joining a VACo Committee, the forms were available.

Mr. Pennell said Christy Crowther resigned from the Disabilities Services Board and Richard Newly showed interest in January 2005. He has been contacted and is still interested in serving.

ADJOURNMENT

Motion was made by Mr. Geilich to adjourn the meeting.

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