LANCASTER COUNTY PLANNING COMMISSION

Minutes

January 21, 2010

The regularly scheduled meeting of the Lancaster County Planning Commission was called to order at 7:00 p.m. in the General District Courtroom of the Lancaster County Courthouse, Lancaster, Virginia.

Present were David Jones, Chairman, Tara Booth, Steve Sorensen, Robert Smart, Ty Brent, David Chupp, and Glenn Pinn.

Also present were William Pennell, County Administrator, Butch Jenkins, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, Audrey Thomasson, Rappahannock Record, David George, Charles Costello and others.

Mr. Jones asked if there were any corrections or additions to the minutes of the November 19, 2009 regular meeting.

Mr. Jones moved to approve the November 19, 2009 minutes as submitted. **VOTE: 7-0.**

CONSIDERATION ITEM

REVIEW OF SITE PLAN FOR PROPOSED PUBLIC BOAT RAMP AND FISHING PIER

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

Mr. Gill stated that the issue was to review and make a recommendation to the Board of Supervisors on the site plan for the proposed public boat ramp and fishing pier to be located in the Palmer area of White Stone on property owned by Roland W. George, Trustee. Mr. Gill stated that the property is zoned M-1, Industrial Limited and consists of three parcels totaling 2.492 acres described as Tax Maps #35-258A, #35-256 and #35-259. Mr. Gill said the property is located at the end of Antirap Drive (VSH 661).

Mr. Gill stated that the property owner, Roland W. George, Trustee and the County of Lancaster seek to enter into a private/public partnership and/or use agreement to provide public access to state waters (Antipoison Creek) as depicted on the site plan. He stated that Article 9-2-1 of the Lancaster County Land Development Code (Zoning Ordinance) stipulates that site plans for proposed activities within the M-1, Industrial, Limited District that require a building permit and involve land disturbance greater than

2,500 square feet be referred to the Planning Commission for recommendation to the Board of Supervisors.

Mr. Gill stated that staff has conducted a preliminary site plan review for conformance with the Zoning Ordinance, the Chesapeake Bay Preservation Act and the Erosion and Sediment Control Ordinance. He said there are no zoning issues as the proposed public boat ramp and fishing pier meet the definition of "county sanctioned public facility" which is a permitted use in the M-1 District and the shallow building setbacks exist with authorized non-conforming structures. Mr. Gill said there are no issues with the Chesapeake Bay Preservation Act as the proposed public boat ramp and fishing pier meet the definition of "water-dependent facility" which allows the additional encroachment within the 100' Resource Protection Area (RPA).

Mr. Gill stated that a Water Quality Impact Analysis has been done, which reduces the non-point source pollution load by the required ten percent, accomplished with the addition of an infiltration trench, a structural Best Management Practice (BMP) which captures and filters stormwater runoff and releases it to the receiving channel (Antipoison Creek) at pre-development rates. Mr. Gill said there are also no issues with the Erosion and Sediment Control Ordinance as the site plan details adequate controls (construction entrance, perimeter silt fencing, check dams in the drainage ditches, seeding and mulching) to keep sediment from escaping the site.

Mr. Gill stated that the need for public access to state waters in Lancaster County has been well documented for decades and referred to Chapter Five of the Comprehensive Plan called "Access to State Waters". He said that with over 97% of the shoreline in Lancaster County privately owned, the availability and attainability of shoreline for public use is severely limited. The Comprehensive Plan encourages the use of private/public partnerships and use agreements on privately owned land to provide public access to state waters and advocates the use of inactive and commercial seafood sites, such as this, as ideal sites for public access to state waters. Mr. Gill further stated that the Comprehensive Plan documents the need for public access and a fishing pier in the eastern half of Lancaster County, where the majority of the population exists. Mr. Gill stated that most importantly, at least one objective for every goal listed in Chapter Five of the Comprehensive Plan "Access to State Waters", would be fulfilled with this site plan of development.

Mr. Gill stated that this is a consideration item and not a public hearing, so the amount, if any, of public input allowed will be at the discretion of the Chairman. Mr. Gill said tangent discussions regarding lease arrangements or dollar amounts should be avoided as those details are under the purview of the Board of Supervisors and not the Planning Commission. He said the Planning Commission's focus should be limited to the review of the site plan and conformance with the Comprehensive Plan.

Mr. Gill reviewed some minor revisions to pages one through three on the site plan with the Commission. Mr. Gill stated that on the first page, the number of parking places has been reduced by seven. Mr. Gill stated that on page two there was a change in

the language regarding removing existing concrete in several locations and that it was not necessary to remove the concrete. Mr. Gill stated that on page three, since the land owners wish to retain the use of the existing building for the use of their fishing business, five parking spaces will be lost on the west side of the building, where the existing ramp and building access is located. He stated that two additional parking spaces would be removed where the existing electrical service shed is located, as it would be cost prohibitive to relocate that electrical service. He also stated that a canoe/kayak launch site had been added adjacent to the boat ramp to allow access from the shoreline.

Mr. Jones asked about whether there were plans for a fence or buffer between the residential and commercial areas.

Mr. Gill stated that the M-1 District does require buffering and that there is already some vegetation along the three landward sides. Mr. Gill stated that the purpose of the review was to make suggested changes or revisions as deemed necessary.

Mr. Jones stated that he thought a fence would be needed.

Mr. Smart stated that he thought the drawings were well done. He further stated that he noticed two right angle turns and wondered about ingress and egress with large vehicles and boat trailers.

Mr. Gill stated that there are two areas on the site plan that are out of the purview of the County. He said that VDOT will have to approve the entrance onto Antirap Drive (VSH 661) and that VMRC will have to approve the proposed pier and boat ramp.

Mr. Smart stated that he thought there would have to be some traffic control or pavement markings. He further stated that it appeared to be a small area for launching boats.

Mr. Gill stated that the site has been a fishing operation for years with a lot of tractor-trailer traffic.

Mr. Brent asked about the cul-de-sac area off of Antirap Drive and whether it would be changed over to a state road.

Mr. Gill stated that the cul-de-sac area was platted on the approved Waterman's Wharf Subdivision plat for inclusion in the state system of highways.

Mr. Smart stated that for what appears to be extensive remodeling, the statistics don't change very much in regards to the impervious surface area.

Mr. Gill stated that the site had been a commercial fishing business for years and there are a lot of gravel and oyster shells over much of the site.

Mr. Smart stated that he thought the amount of fertilizer being proposed for the grass seemed excessive.

Mr. Gill stated that those recommendations are in generic tables that are required in all site plans.

Mr. Smart asked if there would be any charges per visit to the pier and boat ramp. He stated that there are charges at Belle Isle State Park, but not at the boat ramp at Greenvale Creek.

Mr. Gill stated no.

Mr. Chupp stated that he had read in the local paper that there are no fish in that area and asked if that was a consideration for the Commission.

Mr. Jones stated that, it was his understanding, that the Commission was to review the site plan and decide if it conforms to the Comprehensive Plan.

Mr. Jenkins stated that the debate could be whether or not the plan fully meets with the definition of public access.

Mr. Gill stated that on page fourteen of Chapter Five of the Comprehensive Plan, under fishing piers, it states that land on the eastern side of the county offers the greatest potential as a site for a public fishing pier.

Mr. Chupp stated that, in his opinion, part of the site consideration would be to know whether or not there were fish in the area. Mr. Chupp asked if there had been any testing done.

Mr. Pennell stated that VMRC has been consulted on the matter and has stated that there are spot, croaker and other fish in those waters. Mr. Pennell further stated that the people who have stated that there are no fish are the people who are against the project.

Mr. Jenkins stated that there are people who are not particularly opposed to the pier, who still are of the opinion that there are no fish in the area.

A citizen, Fred Baensch, stated that he had been living on the creek since 1969 and has fished the creek many times and there are not many fish there.

Mr. Costello asked about whether the plan included information on the septic system.

Mr. Gill stated that the sanitary sewer would be handled for the public through the use of porta-johns.

Mr. Pennell stated there has been a septic facility used there for years and most boat launches use porta-johns.

A citizen asked about angling the parking spaces.

Mr. Pennell stated that angling the parking spaces would cut down on the amount of parking area.

Mr. Jenkins stated that according to the last negotiations he sat in on, there is a site for a ship's store but nothing in the lease that requires the land owner to have one and there is a chance that there may not be one.

Mr. Pennell stated that the lease agreement is under negotiation at this time.

A citizen asked about the size of the easement and whether or not it would be sufficient to provide ingress and egress of large trailers and trucks without encroachment onto adjoining property owners.

Mr. Gill stated that the thirty-foot easement is a deeded right of way and the history with tractor-trailers would suggest that it would be sufficient. He further stated that the final approval will come from VDOT and is beyond the approval of the County.

Mr. Pennell stated that the vast majority of secondary highways in the Commonwealth of Virginia are thirty feet.

Mr. Smart stated that he would like more scientific information on the fishing.

Mr. Chupp stated that he agreed with Mr. Smart.

Mr. Pennell stated that the Commission's concern should be with the site plan's conformance with the Comprehensive Plan.

Mr. Jenkins stated that the Commission or any Commission member should state any concerns or questions to the Board of Supervisors.

Mr. Jones stated that there are going to be differences of opinions on both sides and that is not for the Commission to argue about at this point.

Mr. David George stated that the pier would be handicapped accessible and accessible for all people, whether they wanted to fish or not. He further stated that the pier could be available for all people just to enjoy the water. Mr. George said that the County puts money into the Dream Fields ball park and that doesn't mean that a professional ball player will come out of that one day, just as you don't need to catch a big fish to enjoy a pier. Mr. George said the general public doesn't have access to the water in Lancaster County and that's the bottom line.

Mr. Smart stated that he agreed and that sometimes people just want to get out on the water and enjoy the view. Mr. Smart further stated that he is impressed with how this project would move the County forward with its goals in the Comprehensive Plan.

Mr. Chupp stated that he has been strongly in favor of public access to the water for years. Mr. Chupp stated that his concern is that if the County pays for a fishing pier and there are no fish, the public might be leery of the project. Mr. Chupp stated that maybe it should be called an observation pier.

Mr. Pennell stated that there are crabs there and it would be a place to take children to enjoy the water for those people who do not have waterfront property.

Mr. Chupp stated that there should be a barrier between the residential and commercial properties.

Mr. Jones stated that he would like to include a recommendation of a fence installed on the east, south and west sides of the property.

Mr. Smart made a motion that the Planning Commission acknowledge the Luke's Landing site plan as being substantially in accord with the adopted Comprehensive Plan and forward it to the Board of Supervisors recommending approval contingent upon VDOT approval of the entrance onto VSH 661 and VMRC approval of the piers and boat ramp, with the recommendation that a fence be installed on the east, south and west sides of the property. **VOTE: 6-0. Mr. Jones abstained.**

DISCUSSION ITEM

CAPITAL IMPROVEMENT BUDGET –FY 2011-2015

Mr. Gill stated that the Capital Improvement Budget (CIB) request forms for FY 2011-2015 have been issued. He stated that all county offices have been requested to submit their capital improvement needs no later than February 10, 2010 for consolidation and presentation to the Planning Commission at its meeting on February 18, 2010.

Mr. Gill stated that representatives from all departments requesting funding would be asked to attend that meeting to answer any questions. He stated that the procedure for the Planning Commission's review of the CIB would be as in year's past unless the Planning Commission wished to make any changes, which was the sole purpose of this discussion.

Mr. Jones asked if the procedure for the budget had worked well in the past.

The Commission's consensus was that it had worked well.

Mr. Smart asked about the status of the sheriff's office phone system upgrade approved last year and whether or not they would need to expand the dispatch room as previously thought.

Mr. Pennell stated that the new equipment would free up enough space so the expansion would not be necessary.

ADJOURNMENT

The January 21, 2010 regular meeting of the Lancaster County Planning Commission was adjourned at 7:45 p.m.