

LANCASTER COUNTY PLANNING COMMISSION

Minutes

March 21, 2013

The regularly scheduled meeting of the Lancaster County Planning Commission was called to order at 7:00 p.m. in the Board meeting room of the Lancaster County Administration Building, Lancaster, Virginia.

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

Also present were Butch Jenkins, Board of Supervisors Representative; Don Gill, Planning/Land Use Director; Christina Hubbard, Lancaster County Chief of Emergency Services; John Mann, Lancaster County Public Schools; Ronald Hudson, Lancaster County Sheriff’s Office, Charlie Costello, Richard Pleasants, Nick Ferriter, Audrey Thomasson and others.

Mr. Jones asked if there were any corrections or additions to the minutes of the February 21, 2013 regular meeting.

Mr. Jones moved to approve the February 21, 2013 minutes as submitted.
VOTE: 7-0.

CONSIDERATION ITEM #1

UPDATE TO THE CAPITAL IMPROVEMENT BUDGET FY 2014-2018

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

Mr. Gill stated that the issue was consideration of the FY 2014-2018 Capital Improvement Budget submitted in response to the budget call.

Mr. Gill stated that a capital improvement item is defined as “a real or personal property acquisition and/or improvement estimated to have a minimum cost of \$10,000 and a minimum useful life expectancy of five years.” He stated that Section 15.2-2239 of the Code of Virginia directs the local planning commission to prepare and submit annual capital improvement budgets to the Board of Supervisors. He stated that all Commission members received a summary cost sheet with supporting documentation of the Capital Improvement Budget (CIB) in their packets.

Mr. Gill stated that representatives from the departments submitting CIB requests were asked to attend the meeting to answer any questions and that to date, no other

supporting documentation had been provided. He stated that staff believes that the Planning Commission's review should not be targeted toward meeting a set dollar figure, but rather determining the necessity of requested items and then prioritizing those accordingly. He stated that it is hoped that scrutiny at the Planning Commission level will make resulting approval by the Board of Supervisors an easier process that will clearly identify the priority of requests. He stated that the CIB would need to be docketed for public hearing once the review is complete.

Mr. Gill stated that all three departments submitting requests were represented here tonight. He stated that he had passed out an additional memo from John Mann concerning the proposed gym floor project that provided some additional clarification.

Mr. Gill suggested that the Commission prioritize the budget items overall and not by department.

Mr. Jenkins asked if the school system had appealed the insurance adjuster's decision on paying for half of the gym floor.

Mr. Mann replied yes, but that he had not received an answer to date.

Mr. Jenkins asked if the insurance premium insured half the floor or the whole floor.

Mr. Jones stated that if only half the floor is damaged, then that is all the insurance company will replace.

Mr. Jenkins stated if replacing just half the floor makes the other half unusable, as Mr. Mann had stated, then the entire floor is rendered damaged.

Mr. Mann stated that the floor might be able to be feathered in, if necessary.

Mr. Jones stated that at the end of the day, if all the school received was the insurance money, they could probably find a way to make it work, though it would not be the optimal solution.

Mrs. Booth referred to the two vehicles presented in the Capital Improvement Budget and asked if they belonged there or somewhere else.

Mr. Jenkins stated that vehicles began to show up in the Capital Improvement Budget when the school system wanted to replace a number of school buses and the Board thought it reasonable to put them there. He further stated that, since then, a vehicle that is not a specialized vehicle generally goes into the operating expense budget.

Mr. Gill stated that the two vehicles that are being requested fit the Capital Improvement Budget criteria of costing more than \$10,000 and having a life expectancy

of more than five years. He stated that police cars and school buses go through the operating budget.

Mr. Jones asked what the first item should be for the Capital Improvement Budget.

Mr. Sorensen stated the school security upgrades.

Mr. Jones stated that he had the two cardiac monitors listed as number one.

Mr. Smart stated that he thought the crime scene command vehicle was needed and had it at number one. He stated that it seemed like a good buy and the present vehicle seems too small.

Mr. Chupp stated that he had the school safety enhancements at number one and the cardiac monitors at number two.

Mr. Brent stated that he had the school safety enhancements at number one.

Mr. Pinn stated that he had the school safety enhancements at number one.

The Commission decided that the school safety enhancements would be number one on the priority list for the Capital Improvement Budget. It was decided that the cardiac monitors would be number two.

Mr. Smart stated that he had the HVAC system at LMS as number three because it is a multi-year project that needs to be completed.

Mr. Pinn stated that he had visited the high school recently and the gym floor is in bad shape, so he had put that item at number three.

Mr. Jones stated that he had put the gym floor at number three, as well.

Mr. Chupp stated that he had the ALS vehicle at number three.

Mr. Brent stated that he had both vehicles at number three and the crime scene vehicle being first because it was a good buy.

Mr. Jenkins stated that the gym floor is a benefit for the children and it is also a part of community spirit. He stated that he wants the gym floor, but would like the school system to negotiate ahead of time when obtaining insurance.

Mr. Jones stated that he agreed with Mr. Jenkins concerning community pride.

The Commission decided to make the gym floor number three, but at the revised cost of \$72,365 from the memo Mr. Mann provided earlier.

Christina Hubbard, Lancaster County Chief of Emergency Services, stated that she had applied for a fifty-fifty match grant for the replacement of ES1. She stated that if successful, the state office of EMS would pay for fifty percent of the new vehicle.

Mrs. Hubbard stated that she had contacted both volunteer rescue squads concerning borrowing their vehicles when necessary maintenance was performed on ES1 and ALS1, as Mr. Jenkins had suggested, and the Kilmarnock squad declined the offer. She stated that the Upper Lancaster squad had not voted on it, but did offer to partner with the county to purchase an older model vehicle from another county which could be used in that capacity as well as a quick response vehicle for their volunteers. She further stated that the County has a contract with the state office of EMS that states that ALS1 and ES1 will tow the mass casualty response trailer when requested. She stated that the other ambulances or EMS vehicles, in the county, cannot tow the trailer.

Mr. Jenkins asked where else would ALS1 or ES1 be in a mass casualty situation.

Mrs. Hubbard replied that the trailer could be called to another part of the state.

Mr. Jones asked if the \$60,000 vehicle would drop to \$30,000 with the grant.

Mrs. Hubbard replied yes and possibly even less.

Mrs. Hubbard stated that she would like to recommend that they continue with the grant and purchase the proposed vehicle. She said she would also like to help assist the Upper Lancaster Volunteer Rescue Squad in obtaining a basic life support, quick response vehicle in some way.

Mr. Smart asked if the outcome of the grant for the Advanced Life Support vehicle would be known prior to the new fiscal year.

Mr. Jones stated that they could allow the \$30,000 and if the grant were not obtained, then the vehicle would not be purchased.

Mr. Jones asked if the gym floor would remain at number three.

The Commission agreed.

Mr. Jones asked about number four.

Mr. Smart asked about the replacement cycle for the HVAC system at the middle school.

Mr. Mann replied that they did not have an on-going contract; it was a separate contract each time.

Mr. Pinn and Mr. Chupp stated that they had the Advanced Life Support vehicle at number four.

Mr. Smart stated that the County is obligated to tow the trailer for the state, so he agreed that the Advanced Life Support vehicle should be in the number four spot.

Mr. Jenkins stated that the County already has a towing vehicle that is used in the refuse collection system. He asked Mrs. Hubbard if she had made any attempt to secure the use of that vehicle if needed.

Mrs. Hubbard replied that she was not aware of that vehicle.

Mr. Jenkins stated that it was a dually pick-up truck. He stated that before a decision is made, he would like that to be checked out. He further stated that, if what she is talking about is a unique situation, then that could be a possible solution.

Mr. Gill stated that one of the animal control vehicles is also a dually pick-up truck.

The Commission agreed that the Advanced Life Support vehicle would be at number four, but at the revised cost of \$30,000.

Mr. Jones inquired about the decision for number five.

Mr. Smart stated that he would like to see the HVAC system at five.

Mrs. Booth agreed.

Mr. Chupp stated that he would like to see the crime scene vehicle at number five.

Mr. Sorensen stated that the crime scene vehicle is a good choice because it can have many uses, such as fire scenes, a command post for missing children, natural disasters and other things.

Mr. Brent stated that he thought the crime scene vehicle should be at number five, too.

The Commission agreed that the crime scene vehicle should be in the number five spot.

The Commission agreed that the HVAC system would be at number six, the voice-over IP system at number seven and the old jail/clerk's office repair at number eight.

Mr. Gill stated that the Capital Improvement Budget would need to be scheduled for public hearing once all discussion is complete.

Mr. Smart stated that he thought it was good that some prices have come down due to grants or more research. He said that it was important to watch out for the taxpayer's dollar. He said he hoped that they are able to fund all of the items and mentioned the voice-over IP system, which would pay for itself in five and a half years. He stated that the old telephone system is becoming more and more difficult to repair all the time.

A District 1 citizen, Richard Pleasants, stated that he hopes the voice-over IP system gets through this time, because it will have a greater benefit than just the monetary savings.

Mr. Jones made a motion to forward the Update to the Capital Improvement Budget FY 2014-2018, in the priority placed by the Commission, to public hearing at next month's meeting. **VOTE: 7-0.**

DISCUSSION ITEM #1

UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER SIX

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

Mr. Gill stated that the Planning Commission's ongoing review of the Comprehensive Plan shifts to Chapter Six – Public Facilities, Infrastructure and Services. He stated that Chapter Six was reviewed very briefly at the October 2012 meeting and the few changes suggested at that time have been made and are highlighted on the draft that all members received. He stated that he had updated some figures and was looking for the Commission's input.

Mr. Jones asked if the free health clinic is mentioned in Chapter Six.

Mr. Gill replied that it is mentioned on page 6-15.

Mrs. Booth stated that she did not see where the Chapter mentioned the YMCA pool.

Mr. Gill stated that the YMCA pool is mentioned on page 6-7.

Mr. Smart referred to page 6-2 and asked if there were any recent traffic counts that had been conducted since 2005.

Mr. Gill replied that he did not have those updated figures, but did have the updated six-year plan from VDOT.

Mr. Smart referred to page 6-3, under “two lane primary roads” and stated that they should take the word “rapidly” out of the sentence when referring to Belle Isle State Park’s development.

Mr. Smart referred to page 6-4 and stated that the expenditure figures should be updated.

Mr. Gill stated that he had those figures.

Mr. Smart referred to page 6-6 and stated that there are two picnic shelters at the park.

Mr. Smart referred to page 6-6 and stated that, in the list of amenities, the phrase should be “camping” and take out “campground opened in 2006.”

Mr. Smart referred to page 6-7 and stated that the tennis courts that are listed under Upper Lancaster Ruritan/YMCA are not usable.

Mr. Smart referred to the “other facilities” section on page 6-7 and stated that he thought something should be added about the on-going work being done to provide public access to the water, where it refers to small ramps and steamboat landings.

Mr. Chupp asked about the public access issue.

Mr. Gill stated that the next technical grant from the Virginia Coastal Zone Management Program that the Northern Neck Planning District Commission receives has the study of road endings and steamboat landings being the top priority for Lancaster County.

Mrs. Booth referred to page 6-9, where it talked about tennis courts. She stated that she knew of no public tennis courts in the county and thought that paragraph should be reworded.

A District 2 citizen, Charles Costello referred to page 6-9 and stated that the “County Library” should be changed to “Community Library” because the County does not own it.

Mr. Costello referred to page 6-8 and stated that the golf course should be referred to as the “King Carter Golf Course” and omit Merry Point Development Company.

Mr. Jenkins referred to page 6-9 and stated that the Kilmarnock location of Rappahannock Community College should be referred to as a satellite location.

Mr. Brent referred to pages 6-2 and 6-3 and stated that White Stone has added the pedestrian walks and other improvements as Kilmarnock has done.

Mr. Jones stated that Kilmarnock has also implemented the “truck bypass” around town.

Mr. Chupp referred to page 6-5 and the creation of a trail system and asked if that was still on-going.

Mr. Gill replied that work is being done through the Northern Neck Planning District Commission.

Mr. Jones stated that the County was asked to put that information in the Comprehensive Plan by the Planning District Commission.

Mr. Chupp referred to page 6-6 and asked if the school facilities are really open to the public.

Mr. Gill stated that the YMCA has use of the athletic fields at all three schools. He stated that, in his opinion, it means it is public in the sense that the students that attend public school have access to the public school facilities.

Mr. Jenkins stated that that may need to be clarified because in more urban areas, those public facilities may be more available to the public and a family that moves to this area may be misled by the language on page 6-6.

Mr. Gill stated that he would reword that section.

Mr. Chupp referred to page 6-11 and asked if the County had adopted regulations for development around ponds.

Mr. Gill stated that the Chesapeake Bay Act requirements do quite a bit to preserve those areas. He stated that he is not sure if there is public desire to do more.

Mr. Smart referred to page 6-12 and asked if they could add Bethel United Methodist Church to the historic church inventory. He stated that they just celebrated their two hundredth anniversary last year.

Mr. Jenkins replied that Bethel Methodist is not in the same building. He stated that the churches listed in the historic inventory are in their original buildings.

Mr. Sorensen referred to page 6-7 and stated that the churches have started using the softball field at the Upper Lancaster Ruritan Center. He stated that it had been renovated as an Eagle Scout project.

Mr. Sorensen referred to pages 6-15 and 6-16 and asked who had come up with the problems that are listed.

Mr. Gill stated that the list pre-dates him and he was not sure.

A citizen stated that she thought the new nature trail in Kilmarnock, the Baylor trail, should be listed in Chapter Six.

Mr. Gill agreed and stated that the nature trail between Lancaster and Lively should be listed as well.

Mr. Gill suggested some additional changes. He referred to page 6-3, first paragraph and stated that it should say “Chinns Mill Pond” instead of “Chinns Pond”.

Mr. Gill referred to page 6-3 and stated that in the VA 200 paragraph, he had taken the words “Merry Point Development” out and inserted “Hills Quarter.” He referred to page 6-4 and stated that he had the updated figures for the six-year plan.

Mr. Gill referred to page 6-7 and stated that the Dream Fields ballpark has seven fields instead of six. He stated that he was not aware of any soccer fields there, and suggested taking that out of the Dream Fields paragraph.

Mr. Gill referred to page 6-9, under school facilities and stated that the Chesapeake Bay Governor’s School should be mentioned in that paragraph.

Mr. Gill referred to page 6-10, under wastewater treatment facilities, and stated that he thought the Greentown-Gaskins Community Project should be mentioned. He stated that the grants have been secured and that project will probably be completed before the next revision of the Comprehensive Plan.

Mr. Gill referred to page 6-12 and stated that Oakley should come off of the historic inventory because it had been destroyed.

Mr. Jenkins stated that Holyoke should be mentioned under residences on the historic inventory. He further stated that the David Doggett House in White Stone should be mentioned as well and suggested that staff check with the Historic Resources Commission.

Mr. Gill referred to page 6-14 and stated that the 2005 mining figure should be updated. He referred to page 6-15, under health services, and stated that the poverty level rate has come down to 12.7 percent, according to the 2010 census.

Mr. Pleasants referred to the list of problems on page 6-16 and stated that the problems are all symptoms of a bigger problem, which is the lack of a coherent and publicized economic development plan.

Mr. Jones thanked him for his comment.

Mr. Jones made a motion to forward the revised Update to Chapter Six of the Comprehensive Plan to public hearing at next month’s meeting. **VOTE: 7-0.**

DISCUSSION ITEM #2

INTERNET POLE SPECIAL EXCEPTION STUDY

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

Mr. Gill stated that the Board of Supervisors had requested that the Planning Commission review and make recommendations regarding our regulation of the internet data poles/antennae that have become commonplace throughout the Northern Neck to help broaden the availability of high speed internet access. He stated that these data poles/antennae are usually between 80-100 feet in total height and they usually combine a 50-60 feet telephone pole with a 20-30 feet “straight stick” antennae on top. He stated that there is usually a 2-3 mile radius around these poles where adjoining residents can get higher speed internet if they choose to subscribe with the internet provider who erected the pole.

Mr. Gill stated that our zoning ordinance allows these poles by right in three zoning districts: C-1 Commercial, C-2 Commercial Limited and M-1, Industrial Limited. He stated that our zoning ordinance requires a special exception for poles of any height in the W-1 Waterfront Residential Overlay district and for poles exceeding 35 feet in height in the other six zoning districts: A-1 Agricultural Limited, A-2 Agricultural General, R-1 Residential General, R-3 Residential Medium General, R-4 Residential Community, and RV-1 Rural Village Overlay districts. He stated that the special exception process involves a public hearing and a fee. He stated that that fee was \$400 until December 2010, when the Board reduced the fee for this particular special exception to \$200, which basically covers the cost of the required advertising that must be done for the public hearing. He stated that the Board did not want the fee to be so burdensome that it discouraged the poles, but wanted it to cover the expense of the required advertising.

Mr. Gill stated that since November 2007, there have been 21 requests for these poles with 1 request being withdrawn prior to going to public hearing, while the other 20 have been approved with virtually no objection.

Mr. Gill stated that he had contacted Northumberland, Richmond, Westmoreland, Mathews and Middlesex counties regarding how these poles are handled in their counties. He stated that Northumberland used to require a special exception permit for the internet poles and they did not have a specific listing, so they put them under Public Utilities as Lancaster does. He stated that, in 2007, Northumberland modified their language to the following: 1) Allow by right in all districts-installation of single-pole high-speed internet antennas less than 100 feet in total height, 2) Require a conditional use permit (\$150) in most districts for high-speed internet antennas requiring a height greater than 100 feet or constructed with multiple supports.

Mr. Gill stated that Mathews has a 120 feet height limit for by-right placement, but requires zoning (\$25) and electrical (\$25) permits and requires a conditional use permit (\$200) if exceeding 120 feet.

Mr. Gill stated that Westmoreland requires a special exception permit (\$600) for all poles and has a 125 feet height limit.

Mr. Gill stated that Richmond County does not require anything at the current time and Middlesex County has not responded to date.

Mr. Gill stated that some possible options to consider are: 1) Leave as is-the \$200 fee covers the advertising costs and the public hearing allows adjoining property owners to object, if they choose, to the 100 feet pole going in beside them. He stated that the internet service provider would recoup the \$200 from potential additional subscribers, 2) Make this a “no-fee” special exception similar to our single-wide individual manufactured home special exception. He stated that this allows adjoining property owners to object, if they choose, to the 100 feet pole going in beside them, and does not burden the applicant with a fee, but the County would still pay the advertising costs, 3) Allow by-right similar to Northumberland, but adjoining property owners would not have the opportunity to voice objection to the 100 feet pole going in beside them.

Mr. Gill stated that the following Lancaster County Zoning Ordinance language requires a Special Exception:

- Current code language in the A-1, A-2, R-1, R-3 and R-4 Districts: *Public utility booster or relay stations, transformer substations, cellular and other public communication towers which extend higher than 35 feet above ground level, with a special exception.*
- Current code language in the W-1 Waterfront Overlay District: *Public utility booster or relay stations, transformer substations, distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, associated with structures permitted in this district with a special exception.*
- Current code language in the RV-1 Rural Village Overlay District: *Radio and/or signal transmission towers less than 35 feet in height above ground level, located in the rear or side yard. Towers greater than 35 feet in height above ground level may be placed with a special exception.*

The following Lancaster County Zoning Ordinance language allows by-right placement:

- Current code language in the M-1 Industrial Limited District: *Public utility generating, booster or relay stations, transformer substations, transmission lines and*

towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewer lines.

- Current code language in the C-1 and C-2 Commercial Districts: *Public utilities.*

Mr. Jones stated that his position was that if the poles are allowed by right in the commercial or industrial districts, it is fine, but if the poles are going in residential areas, the neighbors should have a right to discuss their concerns.

Mr. Chupp agreed with Mr. Jones and stated that the neighbors should have an opportunity to object if they wished. He stated that he thought the current \$200 fee was fine as well.

Mr. Jenkins stated that the reason this issue was forwarded to the Commission for review was because there is a very limited height allowed for the by-right placement of the data poles. He stated that, in his opinion, as long as someone met appropriate setbacks, a taller pole should be allowed by-right.

Mr. Smart stated that technology keeps moving on and in ten years, most people could be on satellite internet. He further stated that the poles are not permanent structures. He stated that he agreed with the \$200 fee.

Mr. Brent stated that he thought they should leave the data pole policy as is.

Mr. Jones made a motion to recommend to the Board of Supervisors to leave the Internet Pole Special Exception policy as it is. **VOTE: 7-0.**

OTHER BUSINESS

There was no other business.

ADJOURNMENT

The March 21, 2013 regular meeting of the Lancaster County Planning Commission was adjourned at 8:10 p.m.