

LANCASTER COUNTY PLANNING COMMISSION

Minutes

April 16, 2009

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, and David Chupp.

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

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

Mr. Jones made a motion to approve the March 19, 2009 minutes as submitted.
VOTE: 5-0.

PUBLIC HEARING #1

CAPITAL IMPROVEMENT BUDGET – FY 2010-2014

Mr. Gill stated that the issue was to take public comment on the FY 2010-2014 Capital Improvement Budget (CIB).

Mr. Gill stated that the changes to the Capital Improvement Budget had been made as suggested at last month's Planning Commission meeting. He further stated that advertising had been conducted as required by law and to date, there had been no input from the public.

Mr. Jones opened the floor to public comment.

Mr. Jenkins asked Mr. Gill about the upgrade and expansion of the Communications and Dispatch room at the Sheriff's Office and wanted clarification of the cost of the equipment and the cost of the expansion in FY 2010 and FY 2011.

Mr. Gill stated that the figures were broken out with the equipment expense of \$173,100 in FY 2010 and the expansion of the dispatch room expense of \$115,500 in FY 2011.

Mr. Jenkins asked Mr. Gill if the new equipment could be bought and used without expanding the room.

Mr. Gill stated yes.

Mr. Jenkins asked Mr. Gill if he could consult with Jack Larson and Tim Guill for justification of the cost of the bus garage heating system. Mr. Jenkins also asked why the construction of a new track at LHS had been postponed until 2011. He further stated that he wanted to know how the figure of \$110,000 was derived and why a \$10,000 engineer's study is needed to put a new track over an existing track.

Mr. Chupp stated that he wanted to reiterate his concern about the \$250,000 generator upgrade for the Emergency Shelter at the Lancaster Middle School and that he thought the county couldn't afford such a large expense, even if it is put off to another year. He further stated that he thought the shelter could get by with a much smaller generator.

Mr. Gill stated that the Emergency Services staff is aware of the concerns about the proposed generator and will revisit those issues prior to next year's Capital Improvement Budget requests.

Mr. Jones closed the public hearing.

Mr. Jones made a motion to forward the FY 2010-2014 Capital Improvement Budget to the Board of Supervisors recommending approval. **VOTE: 6-0.**

CONSIDERATION ITEM #1

CASH PROFFER RESOLUTION

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

Mr. Gill stated that the Planning Commission was given the task in August 2008 of studying a cash proffer system and making a recommendation to the Board of Supervisors. Mr. Gill stated that staff reviewed the cash proffer systems in the counties of James City, Westmoreland, and Middlesex to create the proposed draft resolution. Mr. Gill further stated that the county attorney has reviewed it and has a few recommendations. He stated that he hasn't heard from the county auditor, to date, concerning the maximum cash proffer amounts and the calculation methodology. Mr. Gill stated that he would ask, in the event the Commission forwards the resolution to the Board of Supervisors tonight, that the motion be contingent upon a favorable response from the county auditor.

Mr. Gill stated that the county attorney had two additions to the draft resolution concerning item number three on page two. The first addition to the wording would be the word “received” after *in-kind improvements* and the second addition would be the words “an appendix to” before the words *the County’s Capital Improvement Program*. He further stated that the wording “used for projects” would be eliminated because of 2007 legislation that states that cash proffers do not need to be used for projects in the Capital Improvement Program, but must be listed in an appendix attached to the Capital Improvement Program.

Mr. Gill stated that in item five on page two, the county attorney also recommended inserting the words “as of July 1, 2009” after *applications*.

Mr. Chupp asked about the timeline of when a proffer would be paid.

Mr. Gill stated that the owner would state when the proffer would be paid and be held to that.

Mr. Chupp asked about the owner paying the proffer at the time of the application for a building permit.

Mr. Jenkins stated that the proffer would be made in writing at least twenty-four hours before the public hearing and the county has no authority to require cash proffers.

Mr. Chupp stated that James City County and Middlesex County require payment of proffers at the time of the building permit application.

Mr. Jenkins stated that it would be after the rezoning process.

Mr. Chupp stated that he thought it should be specified in the resolution when the proffer should be paid.

Mr. Gill stated that the wording “cash proffers must be paid prior to the release of a building and zoning permit” could be added after the first sentence in item three on page two of the resolution.

Mr. Brent asked if the proffers go into the Capital Improvement Budget.

Mr. Jenkins stated yes.

Mr. Smart stated that he liked the resolution because it states the amount of a reasonable proffer.

Mr. Brent asked what recourse there was if the Board of Supervisors doesn’t allow the rezoning.

Mr. Gill stated that the proffers would not be applicable if the rezoning were not approved. He also stated that if the rezoning were approved, the proffers would go with the land regardless of the owner.

Mr. Brent stated that he thought there should be wording in item six on page two that states “the most recent” Marshall Swift Building Cost Index, because that report is updated on a regular basis.

Mr. Jones made a motion to forward the cash proffer resolution to the Board of Supervisors, as amended, recommending approval, contingent upon a positive response from the county auditor. **VOTE: 6-0.**

OTHER BUSINESS

Mr. Gill stated that prior to the new R-4 zoning district, the revision to Section 5-26 of the Subdivision Ordinance and the cash proffer study, the Commission was going through each zoning district and reviewing the permitted uses as required by the Comprehensive Plan. He stated that the Planning Commission would be getting back to that in the coming months. Mr. Gill also stated that he had had several requests regarding wind turbines and he will be gathering and providing information in the coming months concerning that issue. Mr. Gill stated that elections for Chairman, Vice-Chairman and Secretary would need to be held at next month’s meeting.

ADJOURNMENT

The April 16, 2009 regular meeting of the Lancaster County Planning Commission was adjourned at 7:20 p.m.