

LANCASTER COUNTY PLANNING COMMISSION

Minutes

May 21, 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, David Chupp and Glenn Pinn.

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 April 16, 2009 regular meeting.

Mr. Jones moved to approve the April 16, 2009 minutes as submitted. **VOTE: 7-0.**

DISCUSSION ITEM #1

POTENTIAL WIND TURBINE ZONING ORDINANCE

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

Mr. Gill stated that he had had several requests for small residential wind turbines and the current zoning ordinance does not permit wind turbines. He further stated that only one zoning district would allow windmills at the present time.

Mr. Gill stated that there is language that already exists in the zoning ordinance in the agriculturally and residentially zoned districts, which, if interpreted broadly, would allow the placement of such non-commercial, individual wind turbines. That language is: *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. Distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, are permitted in this district.*

Mr. Gill stated that he is in the fact-finding stage at this point concerning wind turbines. Mr. Gill said that Terrance Melcher was scheduled to speak on wind turbines, but was called out of town on business and will give a presentation at the June meeting.

Mr. Gill stated that there are many types of wind turbines to be considered. He said one of them is a roof-mounted turbine, which does not have blades and spins vertically.

Mr. Gill stated that the Planning Commission needs to decide if they want wind turbines in the county at all and if so, how they would be regulated. Mr. Gill stated that the wind turbines vary greatly in size and the smaller wind turbines could probably be covered under existing ordinance language, but, in his opinion, the larger commercial turbines would require a separate ordinance.

Mr. Gill stated that none of the adjoining counties have separate ordinances for wind turbines. He further stated that he is seeking the Commission's input concerning wind turbines.

Mr. Jones stated that if the Commission decided they wanted the wind turbines, then decisions would have to be made on where the turbines would go, what zoning districts would be affected, what the setbacks might be and how the turbines would be identified.

Mr. Jenkins stated that there should be a distinction considering turbine farms and how many turbines would be allowable on an acre.

Mr. Gill stated that he thought the small turbines that individuals would use as an energy saving effort would be fine in the county, but the larger commercial wind turbines would deter from the landscape.

Mr. Smart stated that he knew of a huge wind farm when he was stationed in California and that, in fact, ten percent of that state's power is generated by wind. He further stated that some people are in awe of windmills and others think they take away from the landscape. Mr. Smart further stated that he thought the larger wind turbines would probably only be suitable in the Windmill Point area.

Mr. Gill stated that the requests that he has had to date have not been on the waterfront, but in rural, open areas.

Mr. Costello stated that he had referred Mr. Gill to a website concerning wind turbines.

Mr. Joe Urban stated that there is a thirty percent tax credit for next year that could prompt citizens to want a wind turbine.

Mr. Smart stated that, in his opinion, small turbines could be allowed but not to encourage wind farms.

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

Mr. Jones stated that he thought the issue would be where the turbines would be located and what size lot they could be located.

Mr. Gill stated that Mr. Melcher would be available next month for a presentation on wind turbines.

DISCUSSION ITEM #2

REVIEW OF PERMITTED USES IN R-1 AND R-3

Mr. Gill stated that prior to the Planning Commission's extensive work on the new R-4 zoning district, the revision to Section 5-26 of the Subdivision Ordinance and the cash proffer study, the Commission was reviewing the permitted uses in each zoning district, as required by the Comprehensive Plan, to verify that the permitted uses are compatible with the intent of each zoning district. Mr. Gill further stated that the Agriculturally zoned A-1 and A-2 Districts were reviewed and changes were recommended and forwarded to the Board of Supervisors in December 2007. Mr. Gill stated that he does not have any recommendations for changes to the permitted uses in either residentially zoned district at the present time.

Mr. Jones asked Mr. Gill what was the definition of a windmill.

Mr. Gill stated that windmill was not defined in the ordinance.

Mr. Jones stated that maybe the Commission should start the process of defining "windmill."

Mr. Smart stated that he thought that in some legislation the language states that there can be no latticework on the structure and most windmills have that.

Mr. Jenkins stated that the windmill definition should leave a loophole so that an individual wind turbine could be approved with a special exception.

Mr. Chupp asked if that meant that all wind turbines would be approved.

Mr. Gill stated that the applications would have to go before the Board of Supervisors as special exceptions.

Mr. Jones asked if wind turbines are already allowed.

Mr. Jenkins stated that the Board of Supervisors approved a wind turbine a few years ago.

Mr. Jones asked Mr. Gill if he would come back with definitions of windmills and wind turbines.

Mr. Gill stated yes.

Mr. Jones asked if the Commission had any other questions or concerns about the permitted uses.

Mr. Smart asked about the R-1 District, Section 5-1-1, that states *Agriculture, but with a special exception for animal and poultry husbandry on a commercial basis*. Mr. Smart asked about that section being removed.

Mr. Jenkins stated that it would be handled by special exception by the Board of Supervisors.

Mr. Gill stated that there are a lot of large parcels that are zoned R-1 that are strictly farmland. Mr. Gill stated that because of that fact, Section 5-1-1, should stay in the R-1 ordinance.

Mr. Costello asked about Section 5-1-5 in R-1, which refers to a boardinghouse and Section 7-1-3 in R-3, which refers to a tourist home. Mr. Costello asked why they weren't together.

Mr. Gill stated that the tourist home definition is: *a dwelling where only lodging is provided for compensation for up to fourteen persons and open to transients*.

Mr. Gill stated that the boardinghouse definition is: *a building arranged or used for lodging with or without meals for compensation and not occupied as a one family dwelling or a two family dwelling*.

Mr. Jones stated that he didn't see an issue with either one.

Mr. Brent asked Mr. Gill about R-1, Section 5-1-3, concerning the roof pitch of manufactured homes. Mr. Brent stated that he thought the pitch had been changed to four feet.

Mr. Gill stated that the Board of Supervisors decided to leave it as it is at 3.25 or greater.

Mr. Jenkins stated that the reasoning was that the manufactured homes would be less affordable with a higher pitch.

Mr. Jones asked if anyone recommended any changes.

The Planning Commission did not have any recommendations for changes.

OTHER BUSINESS

PLANNING COMMISSION ELECTIONS

Mr. Gill stated that Article II of the By-laws of the Lancaster County Planning Commission require the election of a Chairman, Vice-Chairman and Secretary at the May meeting each year. Current officers are as follows: Chairman – David Jones, Vice-Chairman – Robert Smart, and Secretary – Crystal Rowe.

Mr. Smart nominated David Jones as Chairman and Mr. Chupp seconded the nomination. **VOTE: 7-0.**

Mr. Brent nominated Robert Smart as Vice-Chairman and Mrs. Booth seconded the nomination. **VOTE: 7-0.**

Mr. Jones nominated Crystal Rowe as Secretary and Mrs. Booth seconded the nomination. **VOTE: 7-0.**

Mr. Jones asked Mr. Gill if there was any other business.

Mr. Gill stated that he would come back to next month's meeting with a definition of a windmill and also give the Planning Commission copies of the permitted uses in the C-1 and C-2 Districts to review.

Mr. Smart stated that recently some test wells have begun to operate in the area. Mr. Smart stated that he thought it would be interesting to have someone from the state to come to a Planning Commission meeting and speak about the status of the wells.

Mr. Gill stated that he would try to arrange that at a future meeting.

ADJOURNMENT

The May 21, 2009 regular meeting of the Lancaster County Planning Commission was adjourned at 7:40 p.m.