LANCASTER COUNTY PLANNING COMMISSION

Minutes

June 17, 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, Robert Smart, Steve Sorensen and David Chupp.

Also present were Butch Jenkins, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, Steve Daum, Building Official, Stuart McKenzie, Charles Costello and others.

Mr. Jones asked if there were any corrections or additions to the minutes of the May 20, 2010 regular meeting.

Mr. Jones moved to approve the May 20, 2010 minutes as submitted. **VOTE: 5-0.**

PUBLIC HEARING #1

REVISIONS TO THE ZONING ORDINANCE ARTICLE 23 – FLOODPLAIN OVERLAY DISTRICT

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

Mr. Gill stated that FEMA has revised the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) for Lancaster County effective September 17, 2010. Mr. Gill stated that as part of this process, Lancaster County is required to update and adopt a compliant floodplain ordinance by that date to keep those affected properties eligible for the National Flood Insurance Program.

Mr. Gill stated that the current floodplain ordinance, Article 23 – Floodplain Overlay District, has been reviewed for compliance with FEMA guidelines by Alison Meehan, Floodplain Program Planner for the Virginia Department of Conservation and Recreation. Mr. Gill further stated that the revised ordinance was in each member's packet with the added language in bold print. Mr. Gill further stated that advertising had been conducted as required by law and to date, there had been one inquiry from the public requesting additional information.

Mr. Gill stated that Steve Daum, Lancaster County Building Official, was present and had some comments and could answer questions.

Mr. Smart asked what percentage of the value of property in the County lies in a flood overlay area.

Mr. Gill stated that he did not know off hand, but could research that figure.

Mr. Jones stated that he thought it was a lot.

Mr. Smart asked if those properties would be automatically grandfathered if we meet the new requirements.

Mr. Gill stated yes. Mr. Gill further stated that their premiums may be increased, but they can keep their coverage. Mr. Gill stated that he thought there were 688 flood insurance policies in the County.

Mrs. Booth asked where the flood maps were located.

Mr. Gill stated that there are hardcopies in Glenn Rowe's office and that they are in digital format as well. He stated that they are working on getting them on the county's website as a GIS overlay.

Mr. Jones referred to the last page of the ordinance in Section 23-6 and asked who would determine the market value.

Mr. Gill stated that the assessed value would be used.

Mr. Jones opened the floor to public comment.

Mr. Daum stated that he would like to request that the Planning Commission consider changing the height requirement above the base flood elevation from twelve to eighteen inches to guarantee that the wiring, plumbing and ductwork would be above that base flood elevation.

Mr. Daum stated that he had learned that the extra six inches would also make the homeowner eligible for a twenty percent discount on their flood insurance premiums.

Mr. Gill stated that the ordinance mentions the height requirement in several locations and that what Mr. Daum is requesting is that everywhere that it states twelve inches that it be changed to eighteen inches.

Mr. Chupp asked if this would be more stringent.

Mr. Daum stated yes.

Mr. Chupp asked how that would make it easier for the homeowner to meet the requirements.

Mr. Daum stated that the requirement would be that the finished floor would be up another six inches.

Mr. Jenkins stated that this requirement was for new construction.

Mr. Jones stated that he thought people needed to realize that when they buy a home and it is below the level it needs to be today and they want to renovate it more than fifty percent of the value of the current home, then the entire structure has to be elevated. Mr. Jones stated that with the newer size ductwork and insulation requirements, he thought the extra six inches would be a good idea.

Mr. Chupp asked if homeowners were allowed to exceed the minimum requirements.

Mr. Daum answered yes.

Mr. Jones asked if anyone has an issue with the extra six-inch requirement for new construction.

Mr. Smart stated that it is agreeable with him and it is important that the County is compliant because the flood insurance program is important to the value of the property in the County.

Mr. Gill stated that Alison Meehan has assured him that the document as presented or with more stringent changes, would comply with FEMA regulations.

Mr. Jenkins asked if it would be advisable to add the definitions from the floodplain ordinance to Article 1 of the Zoning Ordinance.

Mr. Gill stated that FEMA requires floodplain definitions to be located in the floodplain ordinance.

Mr. Jenkins stated that for consistency throughout, he thought the definitions should be included in both Article 1 and Article 23.

Mr. Gill stated that that could be done.

Mr. Gill stated that Ben Burton of Bay Design Group had suggested that there be a clarification in the ordinance stating where the measurement point would be determined, either the top of the first finished floor or the bottom of the floor joist. Mr. Gill stated that Mr. Daum had stated that all of the flood elevation certificates that he sees use the measurement point from the top of the first finished floor. Mr. Gill stated that before the floodplain ordinance gets to the Board of Supervisors, he would include language that clarifies the measurement point.

Mr. Jones made a motion to forward the revisions to the Zoning Ordinance Article 23 Floodplain Overlay District to the Board of Supervisors recommending approval with the height requirement change from twelve to eighteen inches above the base flood elevation. **VOTE: 5-0.**

DISCUSSION ITEM

BLUE-GREEN INFRASTRUCTURE PLANNING

Mr. Gill stated that Stuart McKenzie, Environmental Planner with the Northern Neck Planning District Commission, was here to give a presentation on blue-green infrastructure planning. Mr. Gill stated that this is an introduction to the concept of delineating "greenways" or conservation areas with reduced or no development in our county that could be linked to similar areas in adjoining counties to create a "greenway" across the Northern Neck.

Mr. Gill stated that Mr. McKenzie is making presentations to the Planning Commissions in Lancaster, Northumberland, Richmond and Westmoreland counties and if the Planning Commission deems it a worthwhile venture, then the ultimate goal would be to define those areas with a map that would be included in the next revision to the Comprehensive Plan.

Mr. McKenzie stated that blue-green infrastructure planning is a new concept and the idea is that some areas in the county would be better left in a natural state than to be developed. Mr. McKenzie stated that the definition of blue-green infrastructure is "an interconnected network of waterways, wetlands, woodlands, wildlife habitats, and other natural areas; greenways, parks, and other conservation lands; working farms, ranches and forests; and wilderness and other open spaces that support native species, maintain natural ecological processes, sustain air and water resources and contribute to the health and quality of life for America's communities and people."

Mr. McKenzie stated that the infrastructure planning is important and county government is responsible for clean water and water quality protection and for steering development in appropriate areas, so it would follow that county government could plan "green areas".

Mr. McKenzie stated that instead of waiting until a majority of the land in the county is developed, perhaps some planning could be done on what parts of Lancaster County should remain in a natural state.

Mr. McKenzie showed the EPA's Chesapeake Bay nutrient model and stated that there will be a Bay-wide TMDL (Total Maximum Daily Load) in place for nutrients and

sediment by December 2010. Mr. McKenzie stated that the green areas could aid in the reduction of pollutants to help achieve the TMDL.

Mr. McKenzie showed and explained several models including the watershed integrity model, recreation model, agricultural model and others.

Mr. McKenzie stated that land use decisions affect water quality, hence, the "blue" part of blue-green infrastructure planning. He further stated that he would like to create a blue-green infrastructure plan for Lancaster County and eventually have it included in the Comprehensive Plan.

Mr. Smart stated that a lot of the planning comes up against private landowner's rights and wondered about what encouragement or incentives they would have to consider for the blue-green planning.

Mr. McKenzie stated that that would be up to the county and he was there to present the information to the county. He further stated that voluntary encouragement was one way.

Mr. Smart stated that fragmentation of conservation areas could be a problem and that zoning and subdivision requirements could address that and the concept of designating reservoir areas interested him.

Mr. McKenzie stated that hunt clubs are an example of how a landowner keeps their land in a natural state while still receiving money for the use of their land. He further stated that the blue-green infrastructure planning was not an effort to curtail development.

Mr. Smart stated that he could see where it would be an advantage to having a plan and look for ways to educate people concerning the blue-green infrastructure planning.

Mr. Jenkins stated that the question was how individual landowners would be compensated for the reduced use of their land. Mr. Jenkins stated that some of those landowners are anticipating the reduced value of the industries they are in, such as farmers, and also anticipating that the succeeding generations will not be taking over the businesses and those landowners are looking at their land as a long-term investment. Mr. Jenkins further stated that there would have to be some way to fund paying the landowner for the loss of the best use of their land. He stated that if that is not considered, then it is a dead issue.

Mr. McKenzie stated that with the Bay TMDL, the County would need to be looking for ways to reduce the nutrient loading.

Mr. Jenkins stated that that was coercion of government over people.

Mr. Jenkins stated that what he was hearing was a proposal to take away the rights of certain individuals on the property they own to meet the nutrient reduction targets.

Mr. McKenzie stated that that was not what he was talking about.

Mr. Jenkins added that the Bay TMDL program is going to leave it to the localities to be the "bad guy" in enforcing the nutrient level for the Bay.

Mr. Jones stated that the idea of recommending areas to be kept natural in the Comprehensive Plan was a good idea, but he stated that he agreed with Mr. Jenkins, in that, they tried to do something similar with the Highway Corridor Overlay District a few years ago and the idea was shot down.

Mr. Jenkins stated that he was just one member speaking, but the Bay TMDL could not be enforced by all of the counties that were subject to it.

Mr. McKenzie stated that they were trying to create incentives for private entities for economic opportunities.

Mr. Jones asked if every locality would have a base amount of nutrients that they can put into the Bay.

Mr. McKenzie stated that that was what he had been told.

Mr. Jones asked if that included the entire Chesapeake Bay watershed.

Mr. McKenzie stated yes.

Mr. Jones asked how it would be monitored.

Mr. McKenzie stated that they use land use.

Mr. Jones stated that there are other localities that are more dense that are putting more pollutants in the water than Lancaster County.

Mr. Jones asked Mr. McKenzie when he would be back.

Mr. McKenzie stated that he would be back in August with detailed maps.

Mr. Jones stated that, in the past, the Planning Commission has tried to earmark where reservoirs would go and try to encourage some areas not to be developed and ran into roadblocks.

Mr. Jenkins stated that the success that they have had has been with private organizations, such as the Northern Neck Land Conservancy.

Mr. Chupp stated that there are some mechanisms already in place such as conservation easements.

Mr. Jones stated that the identification of the land is not the problem; it is what you do after that that becomes a problem.

Mr. Gill stated that the Comprehensive Plan will be up for review in 2012 and there is already language in the Plan that encourages conservation easements as well as language that identifies primary growth areas.

OTHER BUSINESS

Mr. Gill stated that there would be a possible rezoning from A-2 to C-2 Conditional at the intersection of Route 3 and Route 605 for next month's meeting.

ADJOURNMENT

The June 17, 2010 regular meeting of the Lancaster County Planning Commission was adjourned at 8:15 p.m.