

LANCASTER COUNTY PLANNING COMMISSION

Minutes

August 16, 2007

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

Present were David Jones, Don McCann, Tara Booth, Steve Sorenson and Don Gill.

Also present were Ernest Plain, Board of Supervisors Representative, Joan McBride, Rappahannock Record, Fred Ajootian, Matt Lewis and Dana Gilmour.

Mr. Jones asked if there were any corrections or additions to the minutes of the July 19, 2007 regular meeting.

Mr. Jones moved to approve the July 19, 2007 minutes as submitted. Seconded by Mr. McCann. VOTE: 5-0.

CONSIDERATION ITEMS

1. Changes in permitted uses – A1 and A2 zoning districts

Mr. Jones stated that at the last meeting there were suggested deletions to the currently permitted uses in the A1 and A2 zoning districts to make them more consistent with the spirit and intent of each respective district. Mr. Larson was directed to ensure the suggested deletions were permitted uses in other zoning districts. Mr. Jones read the suggested deletions and those permitted uses that would remain in the A1 and A2 zoning districts.

A citizen asked if the Planning Commission was considering deleting permitted uses in other zoning classifications.

Mr. Jones stated that all currently permitted uses would be reviewed to ensure that they were consistent with the spirit and intent of the particular zoning classification in which they were described.

Mr. Lewis expressed his concern about deleting offstreet parking, stating that off street parking is needed at certain events in agriculturally zoned areas.

Mr. Jones replied that off street parking as defined only relates to off street parking that is not temporary in nature.

Mr. Gilmour stated that the Commission should consider requiring that the permitted use of basic seafood processing facilities should be with a special exception in all zoning districts except M1, Industrial, Limited.

Mr. Jones stated that the County currently allows seafood processing in all districts and that any changes were not likely.

Mr. Jones stated that he would like to provide local farmers with copies of the permitted uses suggested for deletion. Mr. Jones asked Mr. Gill if he could meet with them and get their input.

2. Right to Farm ordinance

Mr. Jones stated that he would like to clarify the right to farm ordinance. The right to farm ordinance does not hinder local farmers but would help them. The ordinance would not limit hours or place other time limitations on farmers moving their equipment on public roads.

Mr. Jones stated that Mr. Larson provided the Planning Commission with a copy of Yates County and Pierce County right to farm ordinances as possible models. Mr. Jones asked other members if they had any comments on these ordinances.

Mr. McCann stated that in the Yates County ordinance, definition 3.f. should be deleted in our draft version of the ordinance.

Mr. Jones stated that the section concerning resolution of disputes contained in both ordinances should not be included in our right to farm ordinance.

Mr. Palin stated that he preferred the definitions in the Pierce County ordinance.

Mr. Jones stated that the ordinance would help protect the right to farm.

Mr. Ajootian stated that since traffic has increased, Lancaster County should look into expanding the shoulders to allow for farm tractors in farm areas.

Mr. Gill stated that some of the items under the list of agricultural products do not pertain to Lancaster County and should be removed. He further stated that a flyer could be created for local real estate agents to give to new homebuyers advising them that this County supports and encourages agricultural activities. Finally, he stated that he liked the first part of the Gates County ordinance and the second part of the Pierce County ordinance.

Mr. Jones stated that he would like to provide local farmers copies of both ordinances. Mr. Jones asked Mr. Gill if he could meet with them and get their input.

3. Cluster/Conservation development ordinance

Mr. Jones stated that Mr. Larson provided the Planning Commission with a model ordinance for a conservation subdivision ordinance. He further stated that one of the primary objectives set forth in the Comprehensive Plan is to protect open space, and the creation of a cluster/conservation development ordinance would serve this purpose.

Mr. McCann stated that the model ordinance broadly identifies what we want to do but does not fit our County.

Mr. Jones stated that the ordinance does touch on some of our concerns such as open space and what should be considered as open space. It also does not allow more density than what could be obtained otherwise.

Mr. McCann stated that he thought that the direction in which the County was going would allow cluster development by right. He further stated that he believed the model ordinance allowed cluster development by right.

Mr. Jones stated he agreed that the intent is to have cluster development by right but did not agree that the model ordinance provided it.

Mr. Jones stated that he likes the section concerning financial guarantees, percentage of open space needed, and things allowed in open spaces. He did not see anything on time limits for developers to begin their project and felt that they should be included. Additionally, the requirements for size of roads and public use of private property needed to be defined. Mr. Jones did not like the level of documentation required at different stages of the review process. He stated that documentation required at the beginning of the review and consideration process could be general but must be more detailed as the process continued to completion.

Mr. McCann stated that the County should identify existing corridors to help preserve wildlife.

Mr. Jones suggested asking the Board of Supervisors to hire a professional to help draft this ordinance.

Mr. McCann stated that the guidance of an experienced professional would be helpful.

Mr. Lewis stated that VA Tech has resources available to assist the County with this issue.

Mr. Jones stated that he would talk to Mr. Larson about hiring professional assistance and coordinating with Mr. Lewis to explore his offer.

4. Sliding Scale density

Mr. Jones stated that the issue is the creation of a sliding scale density ordinance or modification to existing ordinances that serves the objective of protecting the rural nature of the County but also protects the economic value of rural property. He further stated that Mr. Larson provided the Commission an explanation of sliding scale density and a model ordinance that incorporates sliding scale density into an agricultural and a conservation district.

Mr. Gill stated that the local Farm Bureau supports sliding scale density since it would decrease property taxes. He further stated that the Planning Commission in the past tried to preserve farmland by increasing minimum lot size but that such a proposal was not favorably received. A rural conservation designation in the A1 and A2 zoning districts would be viewed more favorably. Property owners would have the option of obtaining a rural conservation designation. Another option would be to place the property into a Purchase of Development Rights (PDR) program that would help direct development to designated parts of the County and away from others. Mr. Gill gave each member of the Commission a copy of a proposed sliding scale for rural conservation districts and explained the concept.

Mr. Jones stated that he is concerned that a 500- acre farmland parcel, zoned A1, would have a reduced tax rate while a parcel beside it, zoned R1, would have a much higher tax rate. As proposed, both of the parcels would have the same development rights.

Mr. McCann stated that if an individual who had placed property in a rural conservation district sold that property for development, repayment of any tax benefit obtained during the previous five years would be required.

Mr. Gill agreed and added that the property owner would also be required to re-zone the property. Mr. Gill stated that a PDR program takes time whereas obtaining a rural conservation designation would be a faster method. A PDR program is also permanent which would significantly limit property rights of the owner's heirs.

Mr. McCann agreed with Mr. Gill.

Mr. Jones stated that he would discuss the comments and input from this meeting with Mr. Larson.

DISCUSSION ITEMS

1. Other actions to be taken to implement the Comprehensive Plan

Mr. Jones stated that the last chapter of the Comprehensive Plan is coming before the Board of Supervisors for public hearing and consideration at the end of this month.

2. Floating Houses

Mr. Jones stated that the Board of Supervisors, at its July 28, 2007 regular meeting, asked the Planning Commission to undertake a review of “floating houses.” Mr. Larson has provided each member of Commission a definition and stipulation for floating houses for consideration and refinement.

Mr. Jones stated that the definition is a good start but he would like more “bite” to it.

Mr. Ajootian provided the Commission with his version of a definition.

Mr. McCann expressed the view that floating houses might be appropriate on lakes but not on rivers or the Bay. The frequent storms in this area would destroy floating houses and result in scattered and unmanageable debris.

Mr. Jones stated that he would talk to Mr. Larson about adding more detail to any proposed language addressing this issue.

ADJOURNMENT

The August 16, 2007 regular meeting of the Lancaster County Planning Commission was adjourned at 8:30 p.m.