LANCASTER COUNTY PLANNING COMMISSION

Minutes

August 16, 2012

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 and Glenn Pinn.

Also present were Butch Jenkins, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, Charlie Costello, Anne Costello, Tom Smith, Nick Ferriter and others.

Mr. Jones asked if there were any corrections or additions to the minutes of the July 19, 2012 regular meeting.

Mr. Jones moved to approve the July 19, 2012 minutes as submitted. **VOTE: 6-0.**

CONSIDERATION ITEM #1

UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER FOUR

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

Mr. Gill stated that the changes requested at last month's meeting had been made and were highlighted on the Chapter Four draft that all Commission members had received. He stated that the intent of this discussion would be to determine if further revisions were necessary, particularly under the Goals and Objectives Section.

Mr. Gill stated that he had contacted VIMS and they informed him that the 2001 situation report is the most recent version. He stated that he had mentioned at the beginning of the Comprehensive Plan review, that there is a requirement that takes effect in 2013 for a Coastal Resource Management Plan to be included in the Comprehensive Plans of all counties. He stated that VIMS has until the end of this year to provide the information to the counties. He further stated the code language reads that the Coastal Resource Management Plan must be incorporated at the next scheduled review of the Comprehensive Plan. He stated that as long as Chapter Four is approved before the end of the year, the County would not need the Coastal Resource Management Plan included until the next scheduled review of the Comprehensive Plan in 2017.

Mr. Gill stated that VIMS had not done the report for Lancaster County at this time, but had completed Westmoreland and Gloucester counties.

Mr. Gill stated that Stuart McKenzie of the Northern Neck Planning District Commission had reviewed Chapter Four and suggested that a map be included in the chapter. Mr. Gill presented each Commission member with the map, which shows steep, sandy land in the County and stated that Mr. McKenzie suggested including the map on page three of the chapter under existing shoreline conditions-topography and soil type.

Mr. Chupp asked about a possible seminar for property owners concerning shoreline protection.

Mr. Gill replied that that language was already in Chapter Four of the Comprehensive Plan, but he was not aware of any scheduled seminar at this time, but it can be pursued.

Mr. Smart referred to page 4-9 and stated that it had excellent references and it was information that potential buyers, contractors, real estate agents and property owners could all use.

Mr. Smart stated that he found the information on the hardening of the shoreline in the County interesting. He stated that he used that information to come to the following results: for the sixteen year period between 1978 and 1994, there were 0.9 miles per year of hardened shoreline; for the twelve years between 1994 and 2006, there were 3.7 miles per year of hardened shoreline; and for the last five years, there has been 1.9 miles per year of new hardened shoreline. He further stated that the hardening of the shorelines in the County seems to be slowing down.

Mr. Gill stated that he thought the economy was a factor in the slowing down of the hardening of the County's shoreline and also that VIMS is encouraging more living shorelines.

Mr. Jones added that he saw in Chapter Five of the Comprehensive Plan where over ninety-seven percent of the waterfront land is privately owned, so it could also be that the County is running out of shoreline to harden.

Mr. Jones asked if the Commission's consensus was to include the map furnished by Stuart McKenzie for Chapter Four.

The Commission agreed.

Mr. Jones made a motion to forward the Update to the Comprehensive Plan for Chapter Four, with the addition of the map, to public hearing for next month's meeting. **VOTE: 6-0.**

DISCUSSION ITEM #1

UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER FIVE

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

Mr. Gill stated that he had provided a copy of Chapter Five for the Commission members to review and was waiting for any input that they may have.

Mr. Jones stated that there were a lot of references to the year 2006 and he suggested that any information that has a date or refers to a number would need to be checked.

Mrs. Booth stated that she thought the status should be updated concerning the parcel on Taylor's Creek.

Mr. Jones referred to page 5-4 and stated that he did not believe the pool at Windmill Point allowed for public swimming.

Mr. Gill stated that the pool is part of the marina and used by marina guests.

Mr. Chupp stated that he thought it referred to the fifty-foot strip of beach.

Mr. Jones stated that it refers to that, but also mentions Windmill Point Resort, which is not in existence at this time.

Mr. Jenkins stated that for the approval of the original plan of development, the original developers proffered that a boat ramp would be available to the public for a fee at Windmill Point.

Mr. Gill agreed, but stated there was no boat ramp there at this time.

Mr. Jenkins stated that the area should be called "Westland."

Mr. Smart referred to the table on page 5-12 and stated that is was useful. He referred to page 5-9 and the sentence under "Addressing the Need", which reads, " In addition, the County will encourage public-for-pay facilities by working with developers of commercial waterfront properties such as hotels and marinas" and stated that he liked that concept of the government working with the private sector.

Mr. Smart stated that they could also emphasize the tremendous resource that the County has with Belle Isle State Park.

Mr. Smart stated that he did not think that Chapter Five was as well written as Chapter Four of the Comprehensive Plan. He stated that there seemed to be a lot of repetition.

Mr. Jones referred to the bottom of page four, under population, and stated that all of those figures would need to be updated because there has been another census performed since the last Comprehensive Plan.

Mr. Jones referred to page 5-7, under private access and pier densities, and stated that those numbers should be checked as well. He stated that those were some examples of what needs to be checked throughout the chapter.

Mr. Chupp stated that, in his opinion, the part about public access to the water is completely misleading. He stated that when he moved to the County, twelve years ago, there was talk about public access and the County is still talking about public access with no results. He stated that most of the goals remain, such as a boat ramp in the lower end of the County and a public fishing pier on public land in the eastern half of the County, to encourage private waterfront land owners to negotiate use agreements that would provide access for public use, to develop a public access acquisition fund that could be used to buy affordable waterfront lots and other objectives.

Mr. Chupp stated that he remembers an attempt for public access a couple of years ago for a fishing pier. He stated that he thought it was not in a good location because of the lack of fish reported there and secondly, it was not a good idea for the County to become involved in a lease at a high rate because the County should be purchasing land.

Mr. Chupp stated that he thought that public access to the water needs to be pursued more actively. He stated that when he saw the Windmill Point properties going to foreclosure last winter, he made a phone call to the County, because he thought that would be an ideal place for public access since it would be close to the land that the County already owns and could have potential for public access on a larger scale. He stated that the County was not aware of the foreclosure sale, so, in his opinion, it is hard to say that anything is being pursued actively in that regard. He further stated, that if it is not going to be seriously pursued, it should be taken out of Chapter Five.

Mr. Chupp stated that, at this time, there is no place for residents who don't own waterfront property to enjoy the water, which is most of the population. He further stated that it is also an economic disaster for the County, to not have public access points for tourists or potential residents.

Mr. Chupp stated that what he thought the County needed was a Director of Parks and Recreation with an emphasis on the development of public access to the water. He stated that nobody at the County now has the time to go out and do the things that need to be done to facilitate access to the water by the public. He stated that they needed someone with experience in the Parks and Recreation area, who knew how to speak to

others to facilitate funding of a program for public water access. He stated that there are wealthy citizens in the County that may consider contributing money and/or land to the effort. He stated that the County was neglecting a tremendous resource.

Mr. Chupp stated that the assets the County would end up with in the way of land and parks would make up for the additional salary to pay someone in Parks and Recreation.

Mr. Jones stated that the Board of Supervisors needed to hear what Mr. Chupp had said. He stated that there used to be a Parks and Recreation Department in the County years ago.

Mr. Jones stated that some of the suggestions Mr. Chupp is making should be considered for Chapter Five.

Mr. Smart stated that kayaking has really become popular since the original plan was written and that launch sites for kayaks and canoes should be given more emphasis.

Mr. Chupp stated that there are some things that could be done that do not cost any money. He stated that, for example, Belle Isle State Park, has a beautiful swimming beach, but they don't allow swimming.

Mr. Sorensen stated that he understands that there is swimming allowed there now.

Mr. Gill stated that several attempts at public access have been tried in the recent past. He stated that there was an attempt, a few years ago, to put a fishing pier at the end of Windmill Point and it was shot down. He further stated, that a couple of years ago, there was an attempt at a private/public partnership lease agreement that did not pass either. He stated that ninety seven percent of the waterfront in the County is privately owned, so there are not a lot of options short of purchasing property.

Mr. Chupp stated that if there were an active program for public water access, maybe some of the wealthier residents in the County would come up with some land and money.

Mr. Jones suggested that there could be a section in the budget that was allocated for public access and if the money were there, it would be easier for the purchase, if an appropriate parcel were to become available. He further stated that it comes down to whether or not the County is really serious about having public water access. He stated that other nearby counties, such as Mathews County, has a lot of public access to the water.

Mr. Chupp suggested that the Planning Commission come up with a proposal for some suggestions to forward to the Board of Supervisors concerning public water access.

Mr. Jones stated that he did not have a problem with that and all they can do is recommend it to the Board for their decision. He stated that the Commission should come up with some language concerning the issue before next month's meeting.

Tom Smith, a District 3 citizen, suggested that the County pay for half of the cost of a boat ramp and a property owner pay half, such as the Windmill Point owners, and then charge a nominal fee to anyone wishing to use the ramp.

Mr. Jones stated that that would be a good deal for the County, especially if they didn't need to maintain it and not have to pay for the entire ramp.

Mr. Jenkins stated that a developer might not want to go along with it and could have the right to deny someone use of the ramp. He stated that there have been informal discussions on the subject, but to incur costs of building something on someone else's property that the County has no deeded access to is not a good idea.

Mr. Smith referred to page 5-14 and asked about the proposed second pier at Belle Isle State Park and whether or not the pier's location would be conducive to fishing.

Mr. Jenkins replied that there may be a spot on the Mulberry Creek side, but it is marshy.

Mr. Jones stated that there is a lot of fishing activity on Mulberry Creek.

Mr. Smith asked about approaching some commercial boat ramp owners, such as Meredith Robbins or Chesapeake Boat Basin, with the offer of upgrading their ramp if they would consider having their ramp open to the citizens. He suggested a season pass idea or some nominal fee that would be paid by the citizen.

Mr. Jenkins stated that the County has attempted to work with launching facility owners twice and they got greedy. He stated that even after saying that, there is still reason to consider it.

Mr. Jones stated that there is mention of the public/private ownership throughout the chapter and the only power that the Commission has is to continue to suggest it. He stated that it is up to the Board of Supervisors and the County's will at large to get things done.

Mr. Smart suggested that they contact Tim Schrader, the Chief Park Ranger at Belle Isle State Park and ask if he could write a page or two to add to Chapter Five describing what the park has to offer.

Mr. Jones stated that a good thing about the Comprehensive Plan is that maybe one day, someone will be generous and after seeing the Plan want to donate land like some do to The Land Conservancy.

Mr. Chupp suggested another option of a tax levy that could be set up in a fund for public access and paid mostly by tourists.

Mr. Jenkins stated that the problem with that idea is that the way the legislation is written, if the County passes a tax, such as a cigarette or lodging tax, any sub-jurisdiction within the County is enabled to pass the same ordinance and they would get the money and not the County.

Mr. Jones stated that all of the Commission members would come up with some more language for suggestions for public access. He asked Mr. Gill to check and update the numbers in Chapter Five and bring it back next month as a discussion item.

OTHER BUSINESS

Mr. Gill stated that Reverend Fowler is continuing to work on Chapter Three and making progress.

ADJOURNMENT

The August 16, 2012 regular meeting of the Lancaster County Planning Commission was adjourned at 8:00 p.m.