

LANCASTER COUNTY PLANNING COMMISSION

Minutes

September 20, 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, Robert Smart, Rev. Rodney Waller and Don Gill.

Also present were Ernest Palin, Board of Supervisors Representative, Joan McBride, Rappahannock Record, Craig Geise and Kendall Acors.

Mr. Jones asked if there were any corrections or additions to the minutes of the August 16, 2007 regular meeting.

Mr. Jones moved to approve the August 16, 2007 minutes as submitted. Seconded by Mr. McCann. VOTE: 6-0.

CONSIDERATION ITEMS

1. 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 and Mr. Ajootian each provided the Planning Commission with draft definitions for floating houses. Mr. Jones suggested that the two definitions be combined. Mr. Jones asked Mr. Larson if it was possible to list examples in the definition.

Mr. Larson stated that it was a good suggestion but expressed concern that the examples could be viewed as an all-inclusive list.

Mr. Jones suggested including Mr. Ajootian's statements about marine construction or repair and barge-like entity.

Mr. McCann suggested also including Mr. Ajootian's statement, "not primarily intended or used for recreational cruising or fishing".

After combining the two definitions as suggested, Mrs. Booth read the following definition into the record. *Floating Houses. A structure or device, regardless of any registration attached, that is primarily intended for habitation and not primarily intended for recreational cruising, fishing, or navigation across water bodies. It is further*

identified as lacking a source of propulsion and/or navigation device such as rudder or steering mechanism that is an integral part of the structure or device. Floating structures are allowed for marine construction or repair or hauling and/or distribution of cargo or for boat repair or service and for no other purpose. Floating Houses are not a permitted use in Lancaster County.

The Planning Commission expressed consensus with the definition as read.

Mr. Jones made a motion to schedule the definition of floating houses as stated for public hearing at the October 18, 2007 regular meeting. Seconded by Ms. Booth.
VOTE: 7-0.

2. Right to Farm ordinance

Mr. Jones asked Mr. Geise if he had anything to share with the Planning Commission.

Mr. Geise stated that on Monday evening, September 24, 2007, the local chapter of the Farm Bureau will meet, and he will have a chance to address this ordinance with the local farmers. Mr. Geise questioned the need for Lancaster County to establish a local right to farm ordinance since the State of Virginia already has one in existence. He further expressed his concern that the local ordinance could actually hurt local farmers. Mr. Geise stated that, in the past, a brochure was created for local real estate agents to distribute to prospective buyers informing them about the rights of local farmers.

Mr. Gill stated that the local ordinance would supplement the state ordinance and would cover silviculture and commercial seafood operations as well as farming. Mr. Gill further stated that the farm committee was concerned about ways to protect farmland, and one of the recommendations was a right to farm ordinance. The ordinance would put people on notice about the importance on farming in Lancaster County.

Mr. Geise expressed concern about the enforcement of the ordinance. Currently, the state handles any enforcement action through the Virginia Department of Agriculture which might be better qualified than a local entity.

Mr. Jones asked Mr. Geise if he could get input from the local farmers at the Farm Bureau meeting and bring it back to the Planning Commission.

Mr. Geise stated that he would, and he would like to invite Mr. Gill and Mr. Larson to attend. Mr. Geise then reiterated his concern that a local right to farm ordinance might be used against local farmers.

Mr. Gill also stated that most people might not read the state right to farm law, but they probably would read a local ordinance on the subject.

3. 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. Input was taken with respect to the suggested changes. Mr. Jones asked if anyone had any remaining comments.

A citizen asked what constituted an accessory building and whether guest houses are considered accessory buildings.

Mr. Larson read the definition from the Zoning Ordinance for accessory buildings and, based on that definition, stated that guest houses were accessory buildings.

Mr. Acors asked why there is a need to regulate disposal of dredge spoils.

Mr. Jones stated that the A-1 and A-2 zoning districts were designed to be agricultural in nature and disposal of dredge spoils is not an agricultural activity. This use is allowed in other zoning districts.

Mr. Acors stated that he had concerns about removing horticultural nurseries and greenhouses. Mr. Acors gave Mr. Jones a copy of Virginia Code concerning greenhouses and horticultural nurseries.

Mr. Jones stated that, based on the provisions of state law, horticultural nurseries and greenhouses will remain as a permitted use.

Mr. Acors objected to removing “cemetery” as a permitted use.

Mr. Jones stated that he had no problem with a family cemetery as a permitted use but a commercial cemetery did not belong in an A-1 or A-2 zoning district in his opinion.

Mr. Acors objected to removing churches as a permitted use. Mr. Acors stated one’s property is devalued when permitted uses are removed which is clearly a taking of property. He asked what harm would there would be in having a church in an A-1 or A-2 zoning district.

Mr. Jones stated schools and churches do not fit the intent of A-1 and A-2 zoning districts. He further stated he feels that churches and school should be removed and parks and playgrounds should stay.

Mr. Geise expressed his concern over removing churches as a permitted use.

Mr. Jones asked if it was the consensus of the Planning Commission to allow Mr. Geise to take a “clean” copy of the proposed changes to the Farm Bureau meeting for farmers’ input.

The Planning Commission expressed consensus with the proposal.

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.

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 revised copy of a proposed sliding scale for rural conservation districts and explained the concept.

Mr. Jones stated that Chapter 7 of the Comprehensive plan has not been passed by the Board of Supervisors, and he is therefore not sure of the direction that the Board would like to take on this issue. Mr. Jones asked Mr. Geise if he would get a copy of the revised sliding scale from Mr. Gill to take with him to the Farm Bureau meeting for input from local farmers.

5. Cluster/Conservation development ordinance

Mr. Jones stated that since Chapter 7 of the comprehensive plan has not been approved by the Board of Supervisors, it would be premature to consider this item at this time.

ADJOURNMENT

The September 20, 2007 regular meeting of the Lancaster County Planning Commission was adjourned at 8:57 p.m.