

# LANCASTER COUNTY PLANNING COMMISSION

## Minutes

September 20, 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, Tara Booth, David Chupp, Steve Sorensen and Ty Brent. Robert Smart and Glenn Pinn were absent.

Also present were Butch Jenkins, Board of Supervisors Representative, Don Gill, Planning/Land Use Director, Charlie Costello, Anne Costello, and Audrey Thomasson.

Mr. Jones asked if there were any corrections or additions to the minutes of the August 16, 2012 regular meeting.

Mr. Jones moved to approve the August 16, 2012 minutes as submitted. **VOTE: 5-0.**

### PUBLIC HEARING #1

#### **UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER FOUR**

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

Mr. Gill stated that the issue was to review and update Chapter Four of the Comprehensive Plan as required by the Code of Virginia.

Mr. Gill stated that all of the changes requested at the previous two Planning Commission meetings had been made and were highlighted on the draft that all members received in their packets. He stated that all advertising had been conducted as required by law and to date, other than the discussion at the prior Planning Commission meetings, there had been no response from the public.

Mr. Chupp referred to page 4-13, E, and stated that he would be interested in identifying sources where plant materials could be obtained to protect the shorelines. He suggested adding another line to that paragraph.

Mr. Sorensen stated that it seemed to him that that issue was answered in the next paragraph where it talks about the point of contact being the Wetlands Board.

Mr. Jenkins asked if Brian Barnes, the Lancaster County Environmental Codes Compliance Officer, kept a list of the plants Mr. Chupp had mentioned.

Mr. Gill replied yes and that Mr. Barnes was very knowledgeable in that area because in his previous employment, he did that kind of work.

Mr. Gill stated that living shorelines are being pushed more now and that additional language could be included in that section.

Mr. Brent asked if it would require another public hearing.

Mr. Gill stated that it would not, because the Commission could forward the revised language to the Board of Supervisors with their motion to approve.

Mr. Jones asked Mr. Gill what the language would be.

Mr. Gill suggested the language state that the County would work with the Northern Neck Planning District Commission in re-instituting workshops specifically for waterfront property owners considering shoreline protection strategies that will include identifying sources of plant materials appropriate for such protection.

Mr. Jones opened the floor for public comment.

There was no public comment.

Mr. Jones closed the public hearing.

Mr. Gill stated that at the next Comprehensive Plan revision in 2017, Chapter Four will get a major overhaul because at that time, the County will be required to have a Coastal Resource Management Plan included in the Comprehensive Plan.

Mrs. Booth made a motion to forward Chapter Four of the Comprehensive Plan, as revised to date, to the Board of Supervisors recommending approval. **VOTE: 5-0.**

#### **DISCUSSION ITEM #1**

### **UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER FIVE**

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 draft that the Commission members received in their packet. He stated that given the amount of discussion last month and the chairman's request for members to come up with additional language and suggestions, further discussion and revision of Chapter Five is likely.

Mr. Gill stated that per Mr. Chupp's request, staff had researched the Northern Neck Chesapeake Bay Public Access Authority, which includes Lancaster County. He stated that the enabling law, which was passed by the General Assembly in 2005, had been attached for the Commission's review should they wish to include its utilization in the Goals and Objectives section of Chapter Five. He stated that the Middle Peninsula has a similar Public Access Authority, which has been in existence since 2003, and has had more success to date than the Northern Neck Authority.

Mr. Gill stated that he had invited Lewie Lawrence, the Executive Director of the Middle Peninsula Planning District Commission, to speak at an upcoming Planning Commission meeting to explain the Middle Peninsula Chesapeake Bay Public Access Authority and the successes the Middle Peninsula has had. He stated that Mr. Lawrence had been given the next two meeting dates, October 18th and November 15<sup>th</sup>, but that he had not committed to either date.

Mr. Jones stated that he would like to hear from Mr. Lawrence and that his insight might help to enlighten the Commission on suggestions for Chapter Five.

Mr. Chupp stated that he was researching on the Internet and came across the Middle Peninsula Public Access Authority and the name of Lewie Lawrence. He stated that he called Mr. Lawrence and he seemed to be very enthusiastic about public access. Mr. Chupp stated that six counties belong to the Middle Peninsula Authority and it originated in the early 2000's. He further stated that that area was having some of the same issues as Lancaster County, i.e., "not in my backyard" opposition to public access sites. He stated that the Authority came into existence in 2003 and since that time, they have developed three million dollars worth of public access properties in the participating counties and received over \$700,000 worth of donations in the form of land and money for parks and public access sites.

Mr. Chupp stated that all of these things have been done without costing any of the participating counties a single penny. He stated that the law that brought the Middle Peninsula Public Access Authority into existence gives them the authority to issue bonds and other activities. He stated that, in his opinion, he thought that with the Authority, the county's politicians don't have to stand up to the pressure of public opposition.

Mr. Chupp stated that the Authority is an enduring institution that people can feel confident in contributing monies or land.

Mr. Chupp stated that Mr. Lawrence told him that the Northern Neck has a Public Access Authority that was passed two years after the Middle Peninsula Public Access Authority. He stated that he had never heard of it and there was never any mention of it in the local papers or in the Comprehensive Plan.

Mr. Jenkins stated that he did not believe the Northern Neck Public Access Authority had been formed the last time the Comprehensive Plan had been reviewed.

Mr. Gill stated that the enabling law for the Northern Neck Public Access Authority was passed in 2005, but he too, did not think it had been formed until 2008, after the last Comprehensive Plan review was completed.

Mr. Chupp stated that another point that Mr. Lawrence made was that Lancaster County's Administrator, Frank Pleva, was an expert in the area of public access.

Mr. Gill stated that Mr. Pleva had served on the Middle Peninsula Public Access Authority Board and stated that he would also be present at whichever Planning Commission meeting Mr. Lawrence attends.

Mr. Jones stated that he looked forward to hearing Mr. Lawrence speak.

Mr. Chupp passed out information he had obtained on public access sites in Mathews County.

Mr. Jones stated that there were close to twenty sites in Mathews County.

Mr. Chupp stated yes, but not all of the sites were developed by the Authority.

Mr. Jones made mention of a public access site that he worked near in Mathews County, at the end of a public road, that seemed to work fine.

Mr. Jenkins stated that that is why the Board thought Windmill Point was a good spot for public access because it is at the end of a road, with no private property between the end of it and the water. He stated that the only other similar area that he was aware of was at Bertrand.

Mr. Brent asked about the Merry Point ferry area.

Mr. Gill replied that the ferry is state owned and is already public, but if the ferry shut down, that area could be an option for local public access.

Mr. Jones thanked Mr. Chupp for his research on the subject of public access.

Mr. Gill referred to the summary at the end of Chapter Five and suggested that the finite time period it refers to may not be realistic.

Mr. Jones asked if Mr. Gill's suggestion is to take the summary out altogether.

Mr. Gill replied that he thought that all of the information from the summary could be included in the goals and objectives portion of the chapter.

The Commission agreed.

Mr. Gill stated that he thought the Commission might want to include the Northern Neck Public Access Authority in the goals and objectives in Chapter Five. He stated that he could include some background information about the Authority in another part of the chapter as well.

Mr. Gill stated that he is updating some of the outside funding sources mentioned in the chapter because some of the information is incorrect.

Mrs. Booth referred to page 5-5 and stated that one of numbers pertaining to the population densities needs to be different.

Mr. Gill stated that he would change that figure.

Mr. Brent referred to the same paragraph and asked about Lancaster County's declining population.

Mr. Gill stated that they could include a percentage of decline.

Mr. Jones stated that the information would help, especially for those people who think the County is growing too fast.

Mr. Jenkins stated that the County's declining population is a fact and the information helps in the planning process.

Mrs. Booth referred to 5-8 and 5-9 and stated that both numbers had been crossed out.

Mr. Gill stated that the number on 5-9 should not have been crossed out.

Mr. Costello referred to 5-14 and asked about the 275 miles of shoreline.

Mr. Gill replied that the VIMS report states that there are 330 miles of shoreline in the County. He further stated that the 275 miles from the prior plan is incorrect.

Mr. Gill referred to 5-2 and stated that a similar correction was made for the ninety seven percent, which should be 320 miles, of shoreline that is privately owned in the County.

Mr. Brent referred to 5-4, paragraph C, and stated that there is a new nature trail in the Town of Kilmarnock near Norris Pond and suggested that that be included.

Mr. Gill stated that Ms. Thomasson had suggested, as well, that the Baylor Nature Trail be included in Chapter Five.

Mr. Brent referred to 5-13 and stated that with only fifty feet of beach at the end of Windmill Point Road, it did not lend itself well for a fishing pier as stated.

Mr. Gill stated that the approved master plan for the Windmill Point Marina development gives the County an additional seventy-five feet of beach, so that existing language may still be appropriate.

Mr. Brent referred to 5-14 and stated that he was not aware of any large tracts of land owned by timber companies now. He stated that that seems to be older language.

Mr. Gill stated that he would have to do more research on that.

Mr. Gill stated Chapter Five would come back at next month's meeting as a discussion item.

### **OTHER BUSINESS**

Mr. Jenkins requested that Chapter Three come back next month on the Planning Commission's agenda. Mr. Gill stated that he would contact Reverend Fowler and tell her that Chapter Three will be on the October agenda.

### **ADJOURNMENT**

The September 20, 2012 regular meeting of the Lancaster County Planning Commission was adjourned at 7:45 p.m.