

LANCASTER COUNTY PLANNING COMMISSION

Minutes

October 18, 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. Thomas “Ty” Brent was absent.

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

Mr. Jones asked if there were any corrections or additions to the minutes of the September 20, 2012 regular meeting.

Mr. Jones moved to approve the September 20, 2012 minutes as submitted.

VOTE: 6-0.

DISCUSSION ITEM #1

UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER THREE

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

Mr. Gill stated that he had received Reverend Fowler’s comments on Chapter Three on Monday and he had distributed them to all of the members. He stated that he was looking for the Commission to make comments on Reverend Fowler’s changes so he could incorporate them into the revised Chapter Three.

Mr. Jones suggested that they go page by page and determine if Reverend Fowler’s suggestions should stay or be deleted.

Mr. Jones went through pages 3-1 through 3-6 and Mr. Gill had no problems with the suggestions.

Mr. Jones asked about the revisions to pages 3-7 through 3-9 and Mr. Gill stated that the additions were fine, but he thought the proposed deletions concerning the hydrologic units and the corresponding watershed descriptions should stay.

Mr. Jones asked about the reservoir information on page 3-10 and Mr. Gill stated that the Northern Neck Planning District Commission had that information. He further stated that the reservoir study is forty years old and reservoirs are probably not the preferred choice in the future.

Mrs. Booth stated that the information is probably not accurate if it is forty years old.

Mr. Jones stated that it is better to have no information than inaccurate information on a subject.

Mr. Smart asked Mr. Gill about the future of reservoirs.

Mr. Gill replied that the permit process is very lengthy for a reservoir and there are other options, such as desalinization.

Mr. Jones asked about page 3-11.

Mr. Gill replied that everything was fine, except that his suggestion would be to take out the phrase "appoint a panel".

Mr. Chupp stated that Reverend Fowler is also suggesting that the County consider water reuse and desalinization.

Mr. Jones asked about the additions on page 3-12.

Mr. Gill replied that he thought the additions were good. He stated that he thought the aquifer information that Reverend Fowler had deleted should stay.

Mr. Smart stated that he thought the statement about artesian aquifers not having significant recharge sources that can keep up with the current use is significant, especially for people with shallow wells.

Mr. Jones asked about page 3-13.

Mr. Gill stated that he had no problems with anything after 3-13A down that page. There were no problems with pages 3-14 through 3-17.

Mr. Jones asked about page 3-18.

Mr. Gill stated that there are upcoming meetings in November to discuss including the Northern Neck in the Eastern Virginia Groundwater Management Area. He would like for that to be included, if and when that happens, on page 3-18.

There were no issues with pages 3-19 through 3-21.

Mr. Gill asked if the Commission had a problem with the Comprehensive Plan referencing Safe Water Wells, which is a private non-profit organization.

The Commission did not have an issue with that.

There was no issue with page 3-23.

Mr. Jones asked about deleting charts on pages 3-24 and 3-25.

Mr. Gill stated that if there were revised charts, he would include them.

Mr. Smart asked if the graphs would be colored in the Comprehensive Plan.

Mr. Gill replied yes.

Mr. Jones asked about page 3-26.

Mr. Gill stated that section one was fine, but he thought that section two, which deals with abandoned wells, should stay.

Mr. Jenkins referred to page 3-26 and suggested that the second paragraph be deleted, where it speaks of a campaign for well care. He stated that he wasn't aware of any program that dealt with that.

Mr. Gill stated that the only program he was aware of was the Indoor Plumbing Program and funding has been drastically reduced for that.

There was no issue with pages 3-27 and 3-28.

Mr. Gill stated that on page 3-29, he wondered if the second goal's first objective, which deals with requesting a public hearing when the West Point paper mill's groundwater permit is up for renewal, should stay.

Mr. Jones stated that he thought that people who lived closer to the mill were probably already notified.

Mr. Gill stated that if the County becomes a part of the Eastern Virginia Groundwater Management Area, then we would know when that happens as well.

Mr. Gill stated that he did not think the Comprehensive Plan should single out one particular business and that is what it seems like it does in that objective.

Mr. Smart stated that he thought Reverend Fowler had said that the Safe Water Wells organization had disbanded.

Mr. Gill stated that the website is still up, but the funding has evaporated.

Mr. Ferriter stated that they do not meet anymore.

Mr. Jones stated that he was fine with taking out that objective and the Commission agreed.

Mr. Gill stated that on page 3-30, under goals three and four, there are two objectives that are the same, so he will get rid of one of them so that there is no redundancy.

Mr. Gill stated that on page 3-31, he suggested deleting the last objective because it appears to be singling out one particular group.

Mr. Jones and the Commission agreed.

There was no issue with pages 3-32 and 3-33.

Mrs. Booth referred to page 3-12 where it speaks of the data being online. She suggested that a website be given.

Mr. Gill stated that he would check into that and if there were a viable address, he would include it in the revision.

Mr. Smart stated that the rewrite of Chapter Three is well done and a good update to the Comprehensive Plan. He further stated that he thought Reverend Fowler should be public ally complimented for her efforts.

Mr. Gill stated that he had thanked her personally and he could also do it at the Board level when he presents Chapter Three to them.

Mr. Jones asked if Chapter Three would be pushed back to January since Lewie Lawrence would be doing his public access presentation at the November meeting.

Mr. Gill replied that he would bring it back as a consideration item next month and the Commission could decide when they want to schedule the public hearing.

DISCUSSION ITEM #2

UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER FIVE

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

Mr. Gill stated that he had made the changes and updates to Chapter Five as recommended by the Commission. He stated that he had also added language regarding the Northern Neck Chesapeake Bay Public Access Authority, updated the outside funding source information and incorporated the summary into the Goals and Objectives section. He further stated that there may or may not be additional revision to the chapter after the Commission hears Mr. Lawrence's presentation next month.

Mr. Chupp referred to page 5-4 in the last paragraph where it speaks of public swimming at Westland Beach and Belle Isle State Park. He stated that he did not think it should say “swimming” at either location. He stated that he had called the Park Ranger at Belle Isle and he indicated that there is an area where if people were to wade out, they would not be told to get out of the water. He stated that if the term “public swimming” is put in a public document and someone gets hurt, that it could put the County in a bad position and possibly be sued.

Mr. Gill stated that “public swimming” is not new language and has been in older versions of the Comprehensive Plan.

Mr. Smart agreed with Mr. Chupp because of liability issues.

Mr. Jenkins stated that he thought the sign said “swim at your own risk”.

Mrs. Booth asked if the word “access” would be a better choice of wording.

Mr. Jenkins stated that Westland Beach might be the only place for public swimming in the Northern Neck, except for Westmoreland State Park.

Mr. Chupp stated that he did not know how many people were even aware of the public swimming at Westland Beach.

Mr. Jones suggested the wording of “a public beach and associated beach activities”.

Mr. Smart stated that because there is no lifeguard, it could open up legal issues because it mentions swimming.

Mr. Jones stated that boating is offered at Belle Isle, so does there have to be someone to monitor that as well.

Mr. Jenkins stated that if the thinking is like that, then it could be argued that a public boat ramp is dangerous as well.

Mr. Smart stated that it seems insane that the County is surrounded with 330 miles of waterfront and there is nowhere in the County for the public to swim. He also stated that, on the other hand, there is some liability there.

Mr. Jenkins stated that he thought it was marginal, at best, and that it is not easy to sue a local jurisdiction and win.

Mr. Jones suggested that Mr. Gill consult with Jim Cornwell, the County attorney, and get his opinion on it.

Mr. Gill stated that he would and that he would also check the language on the Westland Beach sign as well.

Mr. Chupp referred to the first paragraph of page 5-11 and stated that Lancaster County got funding from the Northern Neck Chesapeake Bay Public Access Authority to conduct environmental studies. He asked what happened to that project.

Mr. Gill replied that that was the Ashley Cove site in Ocran, but that it has not been developed yet. He added that the water depth is only deep enough for canoes and kayaks. He further stated that the Board of Supervisors had signed the lease.

Mr. Jenkins stated that the lease terms were ten dollars a year for twenty-five years.

Mr. Chupp stated that he thought the Commission should wait to hear Mr. Lawrence's presentation next month because they may want to make more revisions to Chapter Five.

Mr. Gill stated that he just wanted to know about the Chapter Five revisions to date.

Mr. Jones stated that he thought they were fine.

The Commission agreed.

DISCUSSION ITEM #3

UPDATE TO THE COMPREHENSIVE PLAN – CHAPTER SIX

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

Mr. Gill stated that he was not aware that Reverend Fowler's comments were going to be available this week, so he had included Chapter Six in the Commission members' packets so it could be reviewed.

Mr. Smart referred to the part in Chapter Six, where the years and amounts of anticipated spending on the roads are listed, and stated that that would need to be updated. He stated that that information would most likely be found in the Fredericksburg District office.

Mr. Gill stated that he had not done any updates to Chapter Six because he wanted to get the Commission's input first.

Mrs. Booth referred to page 6-9, where it refers to potential tennis courts at a school facility, and stated that this topic comes up every year during the Capital Improvement Budget and is always turned down. She stated that maybe it should be removed from the Comprehensive Plan, because it is misleading.

Mrs. Booth stated that the new satellite campus of Rappahannock Community College located in Kilmarnock should be included on page 6-9.

Mrs. Booth referred to the next to the last paragraph on page 6-9 and stated that “education planning” should be “educational planning”.

Mrs. Booth referred to page 6-14, section H, and suggested that some rewording may need to be done in reference to the rescue squads, based on recent happenings in the County.

Mr. Jenkins stated that he had a similar recommendation, and added that he thought the last sentence of section I on page 6-15 should be eliminated.

Mr. Jones referred to page 6-8 on the third paragraph, and stated that the Tartan Golf Course no longer exists, so the wording should be removed.

Mr. Chupp referred to page 6-5 and asked about linear utility corridors.

Mr. Gill replied that an example would be a power line between counties.

Mr. Chupp referred to the third paragraph on page 6-5 and asked about the ISTE A Grant to pave the shoulders of the road between Irvington and Kilmarnock.

Mr. Gill replied that the shoulders between Irvington and Kilmarnock had been paved and while it is not an official VDOT bike lane, it is wide enough for bikers to use.

Mr. Smart stated that Lancaster County has an advantage when it comes to biking because of the beautiful scenery and it would be a good idea to develop some bike paths.

Mr. Chupp referred to the last paragraph on page 6-5 and asked about the blue water trail system.

Mr. Gill replied that that is a kayak/canoe trail system around the creeks in Lancaster County and that the Northern Neck Planning District Commission is working on developing a map of that trail.

Mr. Chupp referred to page 6-11 and asked if the County is actually doing things to preserve the local historic resources.

Mr. Gill replied that the County has a Historic Resources Commission and a Historic Overlay Zoning District. He further stated that the Historic Overlay Zoning

District is very stringent and many people do not want to abide by those requirements listed in Article 10 (Historic Resources) of the Zoning Ordinance.

Mr. Chupp asked what people he was speaking of.

Mr. Gill replied the residents that would be within the Historic Overlay Zoning District. He stated that there are many requirements, such as what color your house can be painted.

Mr. Chupp asked if the County had developed a Historic Overlay District for the Lancaster Courthouse area.

Mr. Gill stated no, that a prior attempt was unsuccessful.

Mr. Jenkins agreed, but stated that the Lancaster Courthouse area is a state historical district. He suggested that the Commission might want to review Article 10 after the Comprehensive Plan review is complete.

Mr. Gill stated that he would put Article 10 on the docket. He stated that, obviously, the county standards are much stricter than the state.

Mr. Chupp referred to page 6-14, where it talks about mineral resources and asked if it was relevant. He asked if there were any sand or gravel pits in the County.

Mr. Gill replied yes, that there are a few active mining permits in the County.

There were no other comments from the Commission.

Mr. Gill stated that he would probably not include Chapter Six on the November agenda. He stated that he would bring Chapter Three back as a consideration item and Chapter Five back as a discussion item.

OTHER BUSINESS

Mr. Gill stated that Lewie Lawrence of the Middle Peninsula Planning District Commission would conduct a public access presentation at the November meeting. He stated that Stuart McKenzie of the Northern Neck Planning District Commission and Frank Pleva, Lancaster County Administrator, would also be in attendance.

ADJOURNMENT

The October 18, 2012 regular meeting of the Lancaster County Planning Commission was adjourned at 8 p.m.