

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, December 27, 2007.

Members Present: Peter N. Geilich, Chair
Jack S. Russell, Vice Chair
B. Wally Beauchamp, Board Member
F.W. Jenkins, Jr., Board Member
Ernest W. Palin, Jr., Board Member

Staff Present: William H. Pennell, Jr., County Administrator
Jack D. Larson, Assistant County Administrator
Don G. Gill, Planning and Land Use Director

Mr. Geilich called the meeting to order at 7:00 p.m.

PUBLIC INPUT

Ashley Cove Project

Edward Andrews provided the board with another petition with additional signatures in opposition of the Ashley Cove Project. There has been a lot of speculation of the Board of Supervisors having secret meetings and the citizens are not sure on where the board stands on this issue. The concerns are ecological, safety, road conditions, etc. and that is impeding the compatibility of placing such a site and also because an individual still owns the land. He does not believe that anyone present disputes the fact that there should be access to the Chesapeake Bay. There is access to the Bay in other counties. As he began research and found that Lancaster County has limited compatibility of putting anything on the Bay, as it starts at Windmill Point and ends in Kilmarnock. In 2002 there was a committee that bought forth several ideas. Both the Boys Camp and Windmill Point were looked at and people did not want access at either of those locations. He stated he spoke to Mr. Geilich and said that the county would not be able to

get anyone on Ashley Cove to agree to put it there, but at least they would like to be educated on why, what, when, and where. In that very same telephone conversation with Mr. Geilich, he was informed that this was a “done deal.” He believed it was unfair that those people that are going to be most impacted by the project were not even consulted. The way the project is currently set up, he stated he would not want this in anyone’s backyard, especially in a small creek with ecological concerns. There has been communication made with State Departments, people have been out measuring the depth, etc. and the Ashley Cove Association has been told that there has not been. He asked the board to be honest and communicate with them.

Jack Chamberlain asked how the Board of Supervisors did this “done deal” without a public hearing.

Mr. Geilich said the negotiations with the Hubbards were done like the county negotiates any contract. The deal was approved by the Board of Supervisors in public session at the October 25, 2007 meeting and now it is an administrative matter.

Jack Hoffman, resident at 233 Bald Eagle Road said the citizens present were all in opposition to the project.

Mr. Jenkins stated it clear that there are those in opposition of this project, however; there are 12,000 other people that live in this county who do not have the chance to stand up tonight.

Mr. Hoffman asked why the 12,000 people do not have a chance to speak.

Mr. Jenkins stated because those citizens trust the Board of Supervisors to do the right thing for all citizens of this county.

Mr. Hoffman said the “not in my back yard” issues are not the basis for his objections, other Ashley Cove residents, or citizens of the county. Of course a list of

objections can be made, but the obvious are the environmental and safety issues. He asked the Board of Supervisors if any of members had visited the site. He said just a few days ago the site was under water. There is a beautiful drawing of the plan which had to come at a cost and monies are about to spent on both sides of this issue that could be spend elsewhere. The intent is good, but the site is not a good choice for this project. He said he not only has sympathy for the desire to have a facility at this end of the county, but confused as to the need. There is public access already at this end of the county and if the problem is a fee, the majority of the boat owner he knows, he can not understand why they can not afford a ramp fee. Another suggestion would be to issue stamps or coupons, in order for free access someone could get a book of stamps from the county and the county could reimburse the private boat ramp owners. This could give us an ideal of the real need without the large outlay of cash, as the reimbursement could be counted. How can the County justify building a recreational facility when the schools are in such obvious need? He has looked at the drawings and plans and still does not understand how this project will be achieved.

Witt Wall asked as a taxpayer what the cost of the project would be and what will happen at the end of the 25 year lease? He said he understands there will be a possible \$1.2 million deficit from the State legislature for the school system and the County is considering building this facility and he would like to know where the County priorities lie. Is it the school system or public access for six boats, six trailers, and 12,000 people?

Mr. Geilich stated it is certainly not the \$300,000 which has been mentioned, there is \$50,000 in this year's budget. Once the 25 year lease expires the board can negotiate another lease.

Mr. Palin stated public access to the water is a major concern since he has been on the board and for the citizens District 1, District 2 and other Districts who do not have public access to the water. He said when he moved to Lancaster County in 1974; he could go just about anywhere and throw a hook into the river or bay but no longer has that freedom.

Mr. Geilich said his thinking is it would cost the County between \$200,000 - \$400,000 to purchase waterfront property. The County has a 25 year lease at \$10.00 per year paying a total of \$250.00 to get access to the bay and that is a great deal.

Mr. Wall stated the area will need to be dredged and at low tide any type of boat with a motor would not be about to utilize the site.

Mr. Pennell explained the County has taken advantage of an opportunity for access to the water and are currently in the stage of planning, therefore the County does not have the answer to all of Mr. Wall's questions at this time.

Mr. Wall asked if there was a plan to develop the property between Scott Road and Ocran Road. The property has been clear cut in a wetland area a has survey ribbon throughout much of the property.

Mr. Gill stated there is a possible of a telecommunication tower at that location, which is in the very preliminary stages.

Mr. Wall stated that someone clear cut 60 acres for a telecommunication tower.

Mr. Gill said the property is farmland and they farm trees.

Mr. Geilich encouraged everyone to attend the budget work session and give input.

Mr. Chamberlain asked if the board has considered revisiting Windmill Point access that was shot down years ago.

Mr. Geilich said yes, the deal with the Lane Company that is currently developing Windmill Point has public access, which will be discussed later at this meeting.

Henry Dickson said he may have misunderstood comments made earlier in the meeting about the lease which was approved October 2007, however, Marshall Sebra was out at the site on June 22, 2007. Asked about the site being dredged and where will the spoils from the dredge be placed?

Mr. Pennell stated that is correct, Mr. Sebra is the Environmental Codes Compliance Officer for the County and was asked to look at the site and report his findings.

Russ Malone asked if the board had actually reviewed the lease. The lease is one sided.

Mr. Geilich stated the County Attorney actually review the lease.

Craig Siro asked about access at Windmill Point and why look for another site if citizens can use the boat ramp and beach at that location.

Mr. Geilich said the Lane Company, Developers of Windmill Point has proffered public access to water at their facility with use of the boat ramp and beach and the county needs more than one access facility.

Ashley Cove Project/Housing Program

Lloyd Hill said he applauded the Board of Supervisors for taking action that is long overdue. He trusts that the board will do the right thing for all 12,000 citizens of the county who may not have access to the water. He said he understand that Marilyn Hollingsworth has been reassigned and wanted to know how that would affect the Greentown/Gaskins Road Project.

Mr. Pennell stated that would be discussed in closed session later in the meeting, but stated it will not affect her activity in the Greentown/Gaskins Road Project.

PRESENTATIONS

1. Mary Ball Washington Museum and Library – Repairs Needed – Mr. Schmidt, President of the Mary Ball Washington Museum and Library, said they will be celebrating their 50th Anniversary and Mary Ball Washington’s 300th Birthday in January 2008. He said the county and the museum are joint caretakers of the historic district and the county building official brought to their attention some deterioration in the 18th Century Clerk’s Office. He introduced Paul Mahoney, Board of Directors member and Chair of the Facilities Committee.

Mr. Mahoney stated the 1799 County Clerk’s Office has deteriorated over the years by age and the close location to the road. There are three major concerns (1) need of repointing of the brick to get as close as you can get to the original mortar, (2) under one of the windows facing the road there is a fracture in the brickwork; and (3) over 50 or 60 years some repointing has been done of the brick, but the cement used was not compatible with the old brick. He has spoken with a number of local masonry companies, however; their primary experience is in new construction. The museum has found and spoken to Box and Company who specialize in historic restoration. The Mary Ball Washington Museum and Library has obtained an estimate for the different aspects of work which was \$16,500.00. They are hoping the board will consider this during the FY 2009 budget deliberations.

Mr. Geilich said he would like to have Wayne Cannon, a retired masonry who now lives in Lancaster County to also look at the scope of work. The board will look at this request during the FY2009 budget session.

Dr. Russell said we want to make sure we have the right people to do the work and noticed that Box and Company has worked only in Essex and Richmond Counties.

Mr. Schmidt stated that Box and Company has also worked on Montpelier.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Traffic Signal at VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road

Robert Harper said the traffic signal at the intersection of VSH 688/James Jones Memorial Highway and VSH 200/Irvington Road contract has been awarded, they have collected soil samples, all the trimming work has been done, and work will begin shortly after January 1, 2008.

Ferry Contract Awarded

Mr. Harper stated Little Marine was award the contract to work on the ferry and work will begin soon. The company has been down at the ferry checking the depth of the water, checking on how much water the ferry is currently drawing, high tides/low tides, measuring of the ferry and landing, etc.

Six Year Plan

Mr. Harper stated they will begin their presentation to the Board of Supervisors on the Six Year Plan in January and will continue in February and March.

Old Clerk's Office

Mr. Jenkins asked if VDOT can look at the corner of the Old Clerk's Office and how exposed it is to the road to see if there is a reasonable protection that can be given.

Mr. Harper stated he would forward this information on to Mr. Trapani, VDOT Residency Administrator.

PUBLIC HEARINGS

1. Lewis F. Conway – Application for Special Exception – Mr. Gill presented and application for Special Exception by Lewis F. Conway to operate a professional office on property described as Tax Map #28-106. The property is zoned R-1 and is located on VSH 200, Irvington Road, near Kilmarnock, VA and is in Voting District 4.

Mr. Gill said Article 5-1-19 of the Lancaster County Land Development Code allows a professional office, with a limit of one unit and four workers per lot, with a special exception. Mr. Conway wishes to relocate his insurance business from its temporary location at North Main Street and Old Fairgrounds Way to this property, just west of the intersection of Harris Road and Irvington Road. The applicant also owns the adjacent property, Tax Map #28-106A, which adjoins a parcel (#28-107) that borders the recently adjusted corporate limits of the Town of Kilmarnock.

Mr. Gill stated the applicant intends to use the existing gravel driveway, well and septic system. The existing residential structure will be renovated to accommodate the professional office, including the addition of a handicapped accessible ramp. A gravel parking area will be installed that conforms to Article 13-6 of the Lancaster County Land Development Code, and signage will conform to Article 11-4.

Mr. Gill said this request has been advertised and adjoining property owners notified as required by law. To date, there has been one email in opposition and one caller in favor of this special exception.

Chairman Geilich opened the public hearing.

Mr. Conway stated he wanted to relocate because of the increased traffic from Wal-Mart

Chairman Geilich closed the public hearing.

Dr. Russell asked if Mr. Conway believed that VDOT should come back to look at the intersection at the new Wal-Mart store.

Mr. Conway said yes, it should be readdressed because it will only get worse over time.

Dr. Russell made a motion to Approve the Application for Special Exception by Lewis F. Conway.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Changes in Permitted Uses in the A-1, Agricultural Limited and A-2, Agricultural General Zoning District – Mr. Gill stated this meeting is held to conduct a public hearing on the proposed changes to permitted uses in the A-1, Agricultural Limited, and A-2, Agricultural General zoning districts to make them more consistent with the spirit and intent of those districts.

Mr. Gill said the Planning Commission reviewed and modified the permitted uses in the A-1 and A-2 districts is listed as a strategy in Chapter 7 of the recently updated Comprehensive Plan to accomplish three of its goals:

- **Protect Farmland and Agricultural Resources** by ensuring the permitted uses are compatible with the intent of the districts;
- **Preserve, Protect and Promote Agricultural Activities** by limiting the uses to those related to the agricultural community and ensuring that non-agricultural uses do not compromise agricultural and silvicultural uses of the land; and
- **Ensure New Development Complements and Enhances the Character and Quality of Existing Neighborhoods and Communities** by reducing the number of permitted uses in existing zoning districts to avoid mixed, incompatible uses within a zoning district.

Mr. Gill stated as a result, the Planning Commission strictly identified and proposed deletion or changes for permitted uses that were more commercial than agricultural in nature, uses that could consume large amounts of farmland or forestland, and uses that could possibly increase density and traffic above levels appropriate for an agricultural district. As A-1 is the more restrictive of the two districts, its list of permitted uses is logically more limited than that of A-2. This issue has been discussed at the previous four Planning Commission meetings (copies of minutes were provided to the board) and a local Farm Bureau meeting resulting in the proposed lists of permitted uses.

Mr. Gill said this issue has been advertised as required by law. Input from the public other than that previously expressed at prior Planning Commission meetings has questioned the County's authority to delete these permitted uses and views it as a taking of one's rights. Article 16 of the Lancaster County Land Development Code and Section 15.2-1433 of the Code of Virginia allows the County to modify and change its ordinances, and the fact that the proposed deleted uses from the agricultural districts are permitted in other zoning districts mitigates any "takings" claim.

Mr. Gill said to date there has been two inquires regarding the definition of a Hunt Club which is not in our zoning ordinance at this present time and the other inquiry was how the proposed change from “club” to “hunt club” would affect the Rappahannock Pistol and Rifle Club. The Rappahannock Pistol and Rifle Club is zoned A-2, a grandfathered, non-conforming use and can only be affected if it has future plans that involve uses that are more consistent with the definition of a club rather than definition of an outdoor shooting range, because outdoor shooting ranges are permitted in A-2 with a special exception.

Chairman Geilich opened the public hearing.

Mr. Ajootian, member and former president of the Rappahannock Pistol and Rifle Club said he questions the need for this change. The Rappahannock Pistol and Rifle Club has served the Lancaster County Sheriff’s Department, Kilmarnock and White Stone Police Departments for training and qualification, with 25 years. Hunt clubs sometimes hunt and other times they socialize. He does not see the need for the change and recommended definitions remain as they currently read.

Mr. Geilich asked Mr. Gill how or would this affect the Rappahannock Pistol and Rifle Club.

Mr. Gill stated Rappahannock Pistol and Rifle Club is a grandfathered non-conforming use, it would have no affect on them unless they have future plans with uses that are more consistent with a club than a shooting range. The issue they are confused with is club verses outdoor range and an outdoor range is a permitted use in A-2.

Mr. Jenkins said future plans do not mean remodeling the clubhouse; they would only be affected by major changes made by the club.

Mr. Ajootian said he does not fully understand it and hears the term “grandfathered” which is not a legal term and needs to view it this way, the range is a very successful operation and serves the county and public. The range is the child of the club and no one would want the range without the club to manage it, upkeep, and ensure that the people shooting are properly trained and supervised.

Mr. Pennell stated a non-conforming use is protection, what it is now it can continue to be. If the Rappahannock Pistol and Rifle Club wanted to expand they would have to come before the board.

Mr. Ajootian again stated in the absence of any real need for change, leave the definition as it currently reads.

David Parker said there a number of problems with the proposed changes because he owns farmland on the water. He said one of his concerns was about a commercial boat landing. The Planning Commission stated that any dock with two or three commercial vessels was considered a commercial dock and commercial waterman are protected by the Commonwealth of Virginia.

Mr. Gill said that commercial boat landing was proposed to be deleted because marinas are allow elsewhere in the zoning ordinance and also language was added into §3.112 to cover uses under commercial boat landing.

Mr. Parker asked about private boat ramps, green houses, and fruit stands.

Mr. Gill stated they were all left in.

Mr. Ajootian said there is such a scarcity of variable spots for public access in this county. There should not be restrictions for a public boat ramp regardless of the zoning.

Mr. Jenkins said because its county facility it can be built in any district.

Kendall Acors said it would be cheaper to allow commercial boat ramps to access the water with no insurance cost to the county. He talked about the legal issue of it being a “taking”, where the state statute says as long as you give notice and have public hearing regulations can be changed and the statute also says if it is in conflict with any state and federal law that state and federal law is supreme. There can be property separate from the land and as property separate from the land that is protected like all other properties under the Commonwealth Constitution. The type of property is intangible and documented property. The documented property is what would be affected under the proposed changes to the definition. He stated Dr. Russell talked about free market economy. The proposed changes are in conflict with free market economy. When you purchase property you do not just buy the soil but the uses of the property. The Board of Supervisors has been elected to serve all citizens in the county. Anytime a use of land is taken away it damages the value of land and the uses were not being abused in any way. The county does not have riding schools popping up all over the place or people dumping dredge spoil. The new definition takes away the uses that the property owner purchased. Why change the current definition if there are no misuses. On VSH 200 is the industrial area of the county, there are horse farms, winter wheat spouting right now and cows grazing which a lot of agricultural things going on in an industrial zoned area, which is free market. He said the free market is things happening where they are best suited to happen and he believes this is the political manipulation of free market.

Chairman Geilich closed the public hearing.

Mr. Palin asked what zoning district schools fall under.

Mr. Gill said schools are in zoning districts A-1, A-2, R-1, and R-3 and county sanctioned public facilities are allowed in any district.

Mr. Jenkins asked how and why an equestrian academy was removed from agricultural use.

Mr. Gill stated because the definition equestrian academies has the word commercial. The Planning Commission strictly looked at getting commercial out of agricultural district and equestrian academies are allowed in A-2.

Mr. Jenkins said it is too restrictive for equestrian activities and putting farm animals in close quarters.

Mr. Gill stated the definition of an equestrian academy is a riding school and commercial riding stables would bring more traffic.

Mr. Jenkins asked about pet cemeteries and pet crematoriums as we are dealing with open space and would certainly prefer to see crops in a field rather than used as a pet cemetery which serves the need of the community that also constitute as open space. Because there small fees burying or cremating the pet, this gets excluded?

Mr. Gill said that is a commercial activity that does not belong in agricultural district and is allowed in A-1, A-2, and R-1.

Mr. Jenkins said his other concern was under A-2, 4-1-49 Business offices in existing non residential buildings erected prior to 1975 with a special exception and informed the board that a change was made to the zoning ordinance to encourage now abandoned commercial building (i.e. old stores, etc.) that are in agricultural areas throughout the county. This gives a person an opportunity to rehabilitate that building rather than let it lay derelict.

Mr. Jenkins made to motion to amend the proposed working document remove to delete from the suggested revisions to Article 4. Agricultural, General,

District A-2, 4-1-49 and 4-1-51 and Article 3. Agricultural, Limited, District A-1, 3-1-16, 3-1-27, 3-1-28, and 3-1-29.

ARTICLE 3. AGRICULTURAL, LIMITED, DISTRICT A-1

Statement of Intent

This district covers portions of the county which are occupied by various open uses, such as forests, parks, farms, lakes, or marshlands and wetlands subject to the county wetlands commission. This district is established for the specific purpose of providing for safe and orderly shoreland development, facilitating existing and future farming operations, conservation of water and other natural resources, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire. Uses not consistent with the existing character of this district or with the provisions of any other law, state or federal, applicable to these portions of the county, are not permitted. To insure the success of the above goals it is intended that this district maintain the lowest density of development in the county.

3-1. Use regulations.

Only one building and its accessory buildings may be erected on any lot or parcel of land in the agricultural, limited district A-1. The structure to be erected or land to be used shall be for one or more of the following uses:

3-1-1. Single-family dwellings.

3-1-2. Individual manufactured homes, on a permanent foundation.(Ord. of 6-30-95)

3-1-3. (Repealed 6-30-95)

3-1-4. General farming, agriculture, dairying, and forestry.

✓3-1-5. Schools, churches, parks, and playgrounds.

✓3-1-6. ~~Commercial boat landings, with a special exception.~~

3-1-7. Preserves and conservation areas.

- 3-1-8. Horticultural nurseries and greenhouses.
- 3-1-9. **Hunt** Clubs.
- 3-1-10. Portable sawmills, for temporary logging operations, with a special exception.
- 3-1-11. (Repealed 2-94)
- 3-1-12. Areas of basic seafood processing facilities, **with or without docking facilities**, with a special exception.
- 3-1-13. **Family** Cemeteries, ~~with a special exception.~~
- 3-1-14. Home occupations as defined.
- 3-1-15. Public utility booster or relay stations, transformer substations, cellular and other public communication towers which extend higher than 35 feet above ground level, with a special exception. Distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, are permitted in this district.
- 3-1-16. Off-street parking as required by this ordinance.-
- 3-1-17. Accessory uses as defined.–
- 3-1-18. Boat pier, private. (Ord. of 2-94)
- ✓3-1-19. ~~Golf courses, with a special exception.~~
- 3-1-20. Lancaster County owned and operated animal shelter.
- 3-1-21. Boat ramp, private.
- 3-1-22. County-sanctioned public facilities.
- 3-1-23. Major recreational equipment in accordance with article 19 of this ordinance.
- 3-1-24. Accessory buildings. (Ord. of 4-95)
- 3-1-25. Fire house and/or rescue squad, with a special exception.
- ✓3-1-26. ~~Community pier with a special exception.~~
- 3-1-27. Equestrian academy with a special exception.
- 3-1-28. Pet cemeteries and pet crematoriums, with a special exception.
(Ord. of 10-26-95)
- 3-1-29. Disposal of dredge spoil, with a special exception.

✓3-1-30. ~~Sales platform, temporary, with Zoning Administrator's approval. (Ord. of 5-28-98)~~

✓3-1-31. ~~Outdoor Ranges, with a Special Exception. (Ord. of 10-23-97)~~

3-1-32. Land application of biosolids in accordance with chapter 26, article VI, of the Code of Ordinances. (Mins. of 11-24-03)

(Ord. of 12-4-92; Ord. of 3-25-93; Ord. of 4-29-93; Ord. of 7-29-93; Ord. of 1-25-96(1); Ord. of 10-24-96(1)); Ord. of 11-14-96(1); Ord. of 10-23-97; Ord. of 5-28-98)

ARTICLE 4. AGRICULTURAL, GENERAL, DISTRICT A-2

Statement of Intent

This district covers portions of the county which are occupied by various open uses, such as forests, parks, or farms. This district is established for the specific purpose of providing for safe and orderly shoreland development, facilitating existing and future farming operations, conservation of water and other natural resources, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire. To ensure the success of the above goals, it is necessary to maintain as low a density of development as possible. The character of this district should remain agricultural in nature with industry or commercial business permitted only when it will benefit the area without degrading the environment.

4-1. Use regulations.

Only one building and its accessory buildings may be erected on any lot or parcel of land in the agricultural, general, district A-2. The structure to be erected or land to be used shall be for the following uses:

4-1-1. Single-family dwellings.

- 4-1-2. Two-family dwellings.
- 4-1-3. Individual manufactured homes, on a permanent foundation. (Ord. of 6-30-95)
- 4-1-4. (Repealed 6-30-95.)
- 4-1-5. Manufactured home parks, with a special exception.
- ✓ 4-1-6. ~~Motels, with a special exception.~~
- 4-1-7. General farming, agriculture, dairying, and forestry.
- 4-1-8. Sand and gravel pits, with a special exception.
- ✓ 4-1-9. ~~Schools~~, churches, parks, and playgrounds.
- ✓ 4-1-10. ~~Commercial boat landings, with a special exception.~~ (Ord. of 10-24-96)
- 4-1-11. Preserves and conservation areas.
- 4-1-12. Horticultural nurseries and greenhouses with garden supplies.
- 4-1-13. **Hunt** Clubs.
- 4-1-14. (Repealed 4-25-78.)
- 4-1-15. Sawmills, with a special exception.
- 4-1-15A. Stump/brush/scrap wood burning and/or chipping facility, with a special exception.
- 4-1-16. Boat piers, private. (Ord. of 2-94)
- 4-1-17. (Repealed 1-28-88.)
- ✓ 4-1-18. **Family** Cemeteries, ~~commercial.~~
- 4-1-19. Areas of basic seafood processing facilities, **with or without docking facilities**, with a special exception. (Ord. of 10-24-96)
- 4-1-20. Home occupations as defined.
- 4-1-21. Public utility booster or relay stations, transformer substations, cellular and other public communication towers which extend higher than 35 feet above ground level, with a special exception. Distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, are permitted in this district. (Ord. of 10-24-96)
- 4-1-22. (Repealed 12-4-92.)
- 4-1-23. (Repealed 2-94.)
- 4-1-24. (Repealed 2-94.)

- 4-1-25. Travel trailer camps, with a special exception.
- 4-1-26. Off-street parking as required by this ordinance.
- 4-1-27. Accessory buildings. (Ord. of 4-95)
- ✓4-1-28. ~~Golf courses.~~
- 4-1-29. Private airport, with a special exception.
- 4-1-30. (Repealed 2-25-93.)
- 4-1-31. Land application of biosolids in accordance with chapter 26, article VI, of the Code of Ordinances. (Mins. of 11-24-03)
- 4-1-32. Selling of fertilizer, farm chemicals, and grains, with a special exception.
- 4-1-33. (Repealed 12-4-92.)
- 4-1-34. Roadside stand, with a special exception.
- 4-1-35. (Repealed 12-4-92.)
- ✓4-1-36. ~~Antique shop, with a special exception.~~
- ✓4-1-37. ~~Post office, with a special exception.~~
- ✓4-1-38. ~~Hospital, with a special exception.~~
- 4-1-39. Boat ramp, private.
- 4-1-40. (Repealed 12-4-92.)
- 4-1-41. County-sanctioned public facilities.
- 4-1-42. Major recreational equipment in accordance with article 19 of this ordinance.
- 4-1-43. Firehouse and/or rescue squad, with a special exception.
- 4-1-44. Community service building. (Ord. of 10-24-96)
- 4-1-45. Community pier. (Ord. of 10-24-96)
- 4-1-46. Bed and breakfast, with a special exception.
- 4-1-47. Equestrian academy, with a special exception.
- 4-1-48. Disposal of dredge spoil, with a special exception. (Ord. of 12-93)
- 4-1-49. Business offices in existing non-residential buildings erected prior to 1975, with a special exception. (Ord. of 1-94)
- 4-1-50. Underground storage of sewerage, with a special exception. (Ord. of 2-95)
- 4-1-51. Pet cemeteries and pet crematoriums, with a special exception. (Ord. of 10-26-95)

4-1-52. Private Heliports, with a special exception. (Ord. of 5-28-98; Ord. of 8-27-98(1))

~~✓ 4-1-53. Sales platform, temporary, with Zoning Administrator's approval. (Ord. of 5-28-98)~~

4-1-54. Outdoor Ranges, with a Special Exception. (Ord. of 10-23-97)

4-1-55. Rowing Club. (Ord. of 10-26-00)

(Ord. of 2-4-92; Ord. of 2-27-92; Ord. of 12-4-92; Ord. of 3-25-93; Ord. of 4-29-93; Ord. of 7-29-93; Ord. of 11-22-93; Ord. of 10-24-96(1); Ord. of 11-14-96(2); Ord. of 10-23-97; Ord. of 5-28-98; Ord. of 8-27-98; Ord. of 8-27-98(1))

NOTE:

✓= This permitted use can be found in another zoning district.

Proposed deletions are crossed out.

Proposed additions are boldly italicized.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Jenkins made a motion to adopt the aforementioned amended ordinance to make Changes in Permitted Uses in the A-1, Agricultural Limited and A-2, Agricultural General Zoning District.

ROLL CALL

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye

Ernest W. Palin, Jr. Aye

CONSENSUS DOCKET

Motion was made by Mr. Jenkins to approve the Consensus Docket and recommendations as follows:

A. Minutes for November 27, 2007

Recommendation: Approve the minutes

B. Abstract of Votes – Special Election – December 11, 2007

Recommendation: Accept the Abstract of Votes for the December 11, 2007 Special Election as submitted by the Lancaster County Elections Board.

C. Amend Hazard Mitigation Plan

Recommendation: Approve the plan submitted for inclusion with the Lancaster County portion of the Northern Neck Regional Hazard Mitigation Plan.

D. Greentown/Gaskins Road CDBG Grant – New Tides, LLC

Recommendation: Accept report of progress to accomplish the work required by Greentown/Gaskins Road CDBG Grant.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

CONSIDERATION DOCKET

The Board considered the following items on its Consideration Docket:

1. Approval of December 2007 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for December 2007 in the amount of \$197,580.48 and Invoice Listings for December 2007 in the amount of \$681,760.84.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Third Quarter, FY 2007-2008 Appropriation – Mr. Larson provided with third quarter, FY 2007-2008 Appropriation for the Board of Supervisors approval, the appropriations are for County and School Board operations.

Mr. Larson’s report indicated to date, \$9,446,947 has been expended or transferred from the general fund for FY 2008, or 42.35% of the amount budgeted. Given that half of the fiscal year has been completed, this rate of expenditure is within the expected amount. To date, \$6,902,703 has been expended from the School Fund for school operations, or is encumbered. This is 45.5% of the total budgeted for school operations for the year and is also meeting expectation. Focus will remain on the prudent expenditure of appropriated funds. Attention will also be given to ensuring the revenues are at the level necessary to support the budget. Adjustments to appropriations will be recommended to the Board of Supervisors at the first indication that revenues will not support the budget.

Mr. Jenkins made a motion to Approve the Appropriation of \$7,230,044 for Third Quarter (January 1, 2008 – March 31, 2008) FY 2007-2008 County and School Board operations.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. Overlook Subdivision Road Bond – Mr. Gill presented a request for reduction of the Overlook Subdivision Road bond to \$25,000. Overlook Subdivision is located off VSH 611, West Point Road, in the Merry Point area, and is in Voting District 2.

Mr. Gill said the Virginia Department of Transportation (VDOT) has reviewed this road and issued a letter recommending that Lancaster County consider reducing the bond to \$25,000. The letter was received February 2007 after the bond had already been reviewed in its pervious larger amount. Due to a filing error, it has not been presented for consideration, but requires action, as the bond’s expiration date is January 3, 2008.

Mr. Palin made a motion to Approve the Overlook Subdivision Road bond request to reduce the bond to \$25,000.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

4. Chinn’s Mill Wood, Section Two – Subdivision Application, Final Plat – Mr. Gill stated paragraph 3-7 of the Subdivision Ordinance requires that the preliminary

and final plats for all subdivisions that are six lots or more be submitted to the Board of Supervisors for their approval or disapproval.

Mr. Gill said consideration of this subdivision was continued from the April 26, 2007 regular meeting of the Board of Supervisors so that the applicant could address concerns expressed over sight distances for some of the lots fronting on the two major corridors of VSH 3 and VSH 354. Applicant was advised that the covenants must address possible future subdivision that might recreate the problem by adding new access points. He provided the board with a copy of the draft covenants with Mr. Larson's comments on the section pertaining to the problem lots. Additionally, a traffic impact analysis as required by Article 5-22 of the Subdivision Ordinance has been conducted and submitted to VDOT for review and approval of the traffic impact analysis and the covenants.

Mr. Gill said given that he has met all requirements for final plat approval with the exception of VDOT approval, the applicant has requested the Board of Supervisors' consideration in granting final plat approval contingent on VDOT approval.

Mr. Palin made a motion to Approve Chinn's Mill Wood, Section Two of the Subdivision Application, Final Plat contingent on approval by Virginia Department of Transportation (VDOT).

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

5. Windmill Point Redevelopment – Master Plan Issue – Mr. Pennell said the Windmill Redevelopment Associates, LLC have been finalizing its master plan for the redevelopment of Windmill Point. County staff has been able to approve

the minor changes/alterations they have requested with the exception of the walkway around the canal/waterfront.

Mr. Pennell stated the Lane Corporation provided the board with descriptions, both written and graphic, regarding the proposed walkway around the waterfront of the new Windmill Point project. A representative of the firm and/or Mr. Mat Terry are available to describe the details of the design and answer board questions.

Mr. Terry explained the walkway design and BMPs.

Mr. Geilich stated he had concerns about the public access being placed behind the marina, people will have to get their boats around to the water, disconnect from the trailer, take the trailer to the parking area and walk around though the beautiful new development to get back to the boat. Could that be re-engineered.

Mr. Griffin stated there are problems with easements, property line, wetlands, etc. Because of all those factors this was the best location, but will have the engineers take another look at the plans.

Mr. Geilich made a motion to approve the revision to the Windmill Point Redevelopment Master Plan.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Abstain
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

BOARD REPORTS

Appointments

Mr. Palin made a motion to appoint Ella Davis to the Lancaster County Board of Equalization of real estate assessments as a representative from District 2.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Building Code Appeals Board

Mr. Palin made a motion to appoint Timothy M. White to the Building Code Appeals Board as a representative for District 2 for a four-year term expiring on December 31, 2011.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Mr. Pennell stated that appointment completed the Board of Equalization and all have agreed to serve. He said Lynn Larson previously served as Secretary for the Board of Equalization and agreed to serve again. He stated by mid January the reassessment number should be finished and the assessor expects to begin hearings about first week in February.

Mr. Geilich asked about the procedure.

Mr. Pennell stated the citizen would first make an appointment to meet with assessor and will be given details. If the citizen is not pleased with the answers given by the assessor they can appeal and go before the Board of Equalization.

COUNTY ADMINISTRATOR

Mr. Pennell stated the governor has asked that localities encourage its citizens to be conservative in their use of water resources because of the drought. While we do not suffer the same way as other people getting water from reservoirs because they can see their water supply and we can not. There is an ongoing effort in this region to determine how much water we have in the ground and some headway is being made. A copy of the letter from Governor Kaine will be shared with the local newspapers.

Mr. Pennell informed the Board of Supervisors that Marshal Sebra, Environmental Codes Compliance Officer has made a grant application on his own to the Chesapeake Bay Restoration committee. The county will be granted \$1,895.00 for the propose of demonstrating storm water management using rain gardens at Greenvale and Windmill Point Creeks. The objective is to create pubic awareness specific to vegetative BMPs and the benefits they have towards water quality of the Bay.

Mr. Pennell reminded the board of the 2008 Essex County Legislative Dinner will be held January 3, 2008 at 6:00 p.m. at Lowery's Seafood Restaurant. He stated he would be leaving from the courthouse at 5:30 p.m.

Mr. Pennell said on January 7, 2008 he and Jack Larson, Assistant County Administrator would going to the Richmond Marriott to hear state employees put on a presentation about the governor's next year budget.

Mr. Pennell stated on January 14, 2008 he has a meeting with Ted Cole, Davenport and Company and Dan Siegel, Sands Anderson Marks and Miller to further discuss preliminary strategies for financing the new county courthouse building.

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn the meeting at 8:55 p.m. to the Organizational Meeting.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye