

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

January 6, 2014

The Richmond County Planning Commission held its regularly scheduled meeting on January 6, 2014 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen
Jesse Clark
Darnell Clayton
Rick Cox
Martha Hall
Cassandra Jackson
Clifton Jenkins
John Lewis
Joyce Pemberton
Patrick Weakland

Also present:

R. Morgan Quicke, County Administrator
T. Richard English, Code Compliance Officer
Mercedes Pierce, Planning Commission Secretary
Terrell Bowers
Hill Wellford
R.C. Wellford

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Chairperson Martha Hall called the meeting to order at 7:00 p.m. Rick Cox gave the invocation and Chairperson Hall led everyone in the Pledge of Allegiance.

Chairperson Hall informed everyone that she rearranged the agenda, so that the approval of December's minutes would be moved to the second item on the agenda. She then welcomed Patrick Weakland, the newest member to the Planning Commission.

APPROVAL OF MINUTES FROM DECEMBER 9, 2013 MEETING

Chairperson Hall thanked Ms. Pierce, Planning Commission Secretary, for the quality of the minutes produced.

Chairperson Hall requested moving the following sentences from “Public Comment” to “Other Business:” “Jesse Clark suggested sending Mr. Gaines a letter commending him on his service. Mr. Quicke informed Mr. Clark that he would take care of sending out the letter.”

Rick Cox made a motion to approve the minutes with the correction. Cassandra Jackson seconded the motion and they were approved unanimously.

SCHEDULE OF MONTHLY MEETINGS FOR 2014

Chairperson Hall suggested each Planning Commission member write the meeting dates for the year on his or her personal calendars.

FY15-FY19 CAPITAL IMPROVEMENT PLAN (CIP) PUBLIC HEARING

Chairperson Hall declared the start of the Public Hearing at 7:03p.m.

R. Morgan Quicke read the following Public Hearing notice:

In accordance with §15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to §15.2-2310 of the Code of Virginia, 1950 as amended, the Richmond County Planning Commission hereby gives notice that a Public Hearing will start at 7:00 p.m., Monday, January 6, 2014, in the Public Meeting Room, County Office Building, Warsaw, Virginia for the following:

- *To receive public comment on the proposed FY15-FY19 Richmond County Capital Improvement Plan. The proposed FY15-FY19 Richmond County Capital Improvement Plan may be viewed in person at the Richmond County Administrator’s office at 101 Court Circle, Warsaw, Virginia 22572 between 9:00 A.M. and 5:00 P.M., or online at www.co.richmond.va.us.*

Mr. Quicke informed everyone that the public notice was published in the Northern Neck News on December 18, 2013 and December 25, 2013 and to this date there were no phone calls or requests for information.

There were no comments from the public.

Mr. Quicke pointed out that the Sheriff's Office may be receiving a grant in the next few weeks for a phone and radio recorder, which is listed on page one of the proposed CIP. Chairperson Hall suggested leaving this item in the CIP for now.

Joyce Pemberton asked about the bleachers item on the CIP. Mr. Quicke informed Ms. Pemberton that he never received a response from Dr. Smith, Richmond County Public Schools Superintendent, regarding the questions the Planning Commission had regarding the bleachers. Ms. Pemberton questioned whether the Planning Commission should approve the CIP without knowing if the bleachers could be repaired. Mr. Quicke stated the Planning Commission could recommend approval of the CIP without receiving more information on the bleachers since at this time there aren't any funds available for the bleacher costs in the FY15 budget.

Darnell Clayton informed everyone that he spoke with Dr. Smith earlier in the day and Dr. Smith asked the Planning Commission to replace the old bleachers.

Ms. Pemberton questioned whether or not the stormpipe project would remain on the CIP since during previous meetings Rick Cox believed the stormpipe should not be the County's responsibility. Mr. Cox recommended removing the stormpipe project from the CIP. Mr. Quicke believes the County has time to try and negotiate with VDOT on this project. He also feels it may reappear on next year's CIP update, but will remove it from the current CIP.

Jesse Clark asked whether or not Dr. Smith provided an itemized list of the playground equipment that he is requesting be replaced. Mr. Quicke stated he does not have the list and feels the County does not have the funding to replace the playground right now unless the school feels it can be done out of its operating budget, but knows it cannot come out of the CIP budget this year. Mr. Quicke suggested shifting the playground equipment item to FY16 on the CIP, but Chairperson Hall recommended leaving it where it is as a "placeholder for need."

Ms. Pemberton stated her concerns of someone getting hurt on the current bleachers and the County being sued. John Lewis questioned how often the bleachers get moved and whether or not they need to be portable. Mr. Quicke explained that the school's long term goal is to have a separate soccer field and this may be why Dr. Smith is requesting new portable bleachers. Cassandra Jackson questioned whether or not the Technical School could possibly repair the bleachers. Mr. Quicke replied stating that he had not contacted the Technical School regarding this matter.

Rick Cox recommended moving the playground equipment item to FY16. John Lewis agreed with Mr. Cox, but would also like to have the itemized list from Dr. Smith. All members were in agreement with moving the playground equipment item to FY16.

There being no further comments, Chairperson Hall closed the Public Hearing at 7:16p.m.

Jesse Clark made a motion to recommend the FY15-FY19 Richmond County CIP as amended to the Richmond County Board of Supervisors. Cassandra Jackson seconded the motion and all were in favor.

SCHEDULING OF PUBLIC HEARING FOR STORMWATER MANAGEMENT ADOPTION

R. Morgan Quicke informed the Planning Commission that he recommends holding off the Planning Commission Public Hearing for the adoption of the Stormwater Management Ordinance until February or March. Mr. Quicke recommended tabling the scheduling of the Stormwater Management Public Hearing until the February meeting agenda.

Rick Cox brought up a Stormwater article that was published in this day's *Times-Dispatch* newspaper. The article explained that some localities are seeking a one-year delay for the implementation of the Stormwater Management program.

Mr. Quicke informed everyone that Delegate Ransone is introducing legislation that will exempt single family residences and accessory structures from the major plans. This would allow the homeowner to sign an agreement in lieu of getting an engineered site plan.

T. Richard English stated that Delegate Ransone's legislation does not exempt single family residences from having to be in compliance with the new regulations, but it is an agreement between the applicant and the locality that the applicant will comply with what the locality will recommend they do on their site to be in compliance. It does exempt the applicant from getting an engineered plan and saves them that cost and burden of hiring an engineer.

Mr. Cox reminded Mr. English to track the time he spends on this program.

ZONING ORDINANCE AMENDMENT DISCUSSION

Chairperson Hall pointed out Section 4-14-8-D of the Richmond County Zoning Ordinance. Chairperson Hall suggested not discussing or changing the appendage regulation section of the Zoning Ordinance and only focusing on this particular section.

R. Morgan Quicke shared the following information that he found since the last Planning Commission meeting:

- Richmond County was alone in 1995 in regulating pier length when the County adopted the Zoning Ordinance; Northumberland County considered adding the regulation of pier length into their Zoning Ordinance, but never did
- Limiting pier length to 150' was done for aesthetic reasons

-Mr. Quicke is not sure of the downside to VMRC having total control of regulation of pier length, but other localities believe VMRC is better equipped to do so

Mr. Quicke also reminded everyone of the options he presented from the last Planning Commission meeting. They are as follows:

-Amend Section 4-14-8-D of the Richmond County Zoning Ordinance to take out the length restriction; therefore turning all regulation, relating to pier length, over to VMRC

-Keep Section 4-14-8-D in current form

-Amend Section 4-14-8-D to give all community and public facilities to VMRC regulation; therefore, allowing the County to retain the length regulation over private piers

-VMRC already heavily regulates Community and Public Facilities. VMRC requires that these types of facilities obtain a minimum water depth of 3' at MLW. They do not have such requirements for private piers. A private pier is not required to meet 3' of water depth from MLW.

-Amend Zoning Ordinance to consider water depth

Rick Cox questioned how the permit process would change if the County chose to eliminate Section 4-14-8-D entirely. Mr. Quicke replied stating that the pier applications would still go through the Zoning permit process and the start and end of piers would still have to be at least thirty feet from property lines. The process would be the same, the applications would go to VMRC in the same way, there wouldn't be any additional fees, but the County just wouldn't regulate the length of the piers.

Mr. Cox asked if Richmond County has any interest in regulating pier length. Mr. Quicke stated he asked VMRC why the localities turn everything pier-related to them and he received an informal answer from VMRC, stating that localities know how controversial piers can become and would rather not regulate something that they really don't have to regulate.

Mr. Cox asked if VMRC has interest in private piers or is it up to the localities. T. Richard English replied stating that VMRC does have interest in private piers. All pier applicants, even private piers, receive a letter from VMRC for approval prior to the County's approval of permits.

Mr. Quicke believes the biggest difference in VMRC having total regulation over piers is public hearings. Public and community facilities always go through VMRC Public Hearings, no matter what the County decides. Private pier applications go through an internal administrative review, but they do not typically go through the VMRC Public Hearing phase. Mr. Quicke pointed out that there may be cases in which private pier applications may need to go to public hearings, but believes this doesn't happen often.

Chairperson Hall stated that at this point in the discussion, she believes the Planning Commission could keep Section 4-14-8-D in the current form, remove it completely, or retain

Richmond County's control over private piers and turn public and community facilities over to VMRC.

Mr. Quicke stated that VMRC looks at adjoining parcels and feels VMRC has more knowledge on piers than localities. Chairperson Hall questioned if the County were to remove Section 4-14-8-D completely, would there still be protection for the County for private pier owners. Mr. Quicke replied stating that there would be protection.

John Lewis stated that he is in favor of the County no longer regulating piers and letting the State handle it all.

Jesse Clark asked how many pier applications the County receives in a year. Mr. English replied stating the County receives between 10-15 pier applications in a year's time. Mr. Clark asked if reviewing pier permit applications is burdensome to the County. Mr. Quicke replied stating that it generally is not, especially for regular-sized piers. Mr. Clark stated he is in favor of more local oversight of private piers and does not have a problem with public and community piers being handled by VMRC. Mr. Quicke stated that he is not against Richmond County retaining interest in private piers with the 150' length regulation. Mr. Clark stated he is in favor of keeping the Zoning Ordinance the way it is and just letting the State handle public and commercial piers.

Patrick Weakland asked if VMRC likes to see piers go out to a maximum of five feet of water. Mr. English stated that he believes VMRC looks at the applicant's intended use of the pier to justify what depth of water is necessary. Mr. Weakland suggested removing the following sentence from Section 4-14-8-D: "...except that the length of any pier or dock shall not exceed one hundred fifty (150) feet from mean low water (MLW) on tidal shorelines or forty (40) feet from the normal water line on non-tidal waters." He would like to replace this sentence with the clause, "per approval on a case by case basis." Mr. Quicke stated that he does not believe the County could handle this type of regulation since it is being made so broad.

Glenn Bowen suggested looking at the root causes and determining what the County is trying to protect that the County doesn't think VMRC will protect. Mr. Bowen stated that if the County is comfortable with what VMRC does, then why place an extra burden on the County. Mr. Quicke informed everyone that even if public and commercial facilities are in the hands of VMRC, they will still be reviewed by the Wetlands Board to determine environmental impact, but private piers would not.

Rick Cox asked if pier length regulation was clearly put into the Zoning Ordinance for aesthetics. Mr. Quicke replied stating this was correct and that pier regulation had ample amounts of discussion back in 1995.

Joyce Pemberton questioned why the County would bother itself with pier regulation if VMRC is so knowledgeable in this subject matter. Ms. Pemberton then asked which County representative went out to make sure piers built in the County are up to code. Mr. English stated he makes an

effort once a year to go out and make an inventory of what has been built and makes sure piers are built to the plans. Mr. Quicke asked Mr. English what length of piers he generally sees. Mr. English responded that it depends where you are within the County and that he very rarely sees a pier go out to 150’.

Patrick Weakland made a motion to repeal Section 4-14-8-D from the Richmond County Zoning Ordinance and refer everything to VMRC. John Lewis seconded this motion.

Clifton Jenkins recommended keeping the Zoning Ordinance the way it is and having the County continue to regulate pier length at 150’. Jesse Clark stated that he believes the public would be more content knowing private piers were being regulated locally and that it doesn’t seem that it is burdensome to Mr. English.

There were no other discussions on Mr. Weakland’s motion. Glenn Bowen, Darnell Clayton, Chairperson Martha Hall, John Lewis, Joyce Pemberton, and Patrick Weakland were in favor of Mr. Weakland’s motion of removing Section 4-14-8-D from the Zoning Ordinance. Jesse Clark, Rick Cox, Cassandra Jackson, and Clifton Jenkins were not in favor of Mr. Weakland’s motion.

It was decided that Mr. Quicke would draft the proposed language for the Public Hearing.

Glenn Bowen made a motion to advertise for the Public Hearing for the proposed amendment to the Richmond County Zoning Ordinance that is to be held on February 10, 2014. John Lewis seconded this motion and all were in favor.

OTHER BUSINESS

R. Morgan Quicke informed everyone that the Board of Supervisors has recently discussed Planning Commission terms. Currently, Planning Commission members are limited to two terms. Mr. Quicke stated that the Board has agreed to allow Planning Commission members who attend the Planning Commissioner class to be eligible for a third term of appointment. He believes the class must be taken in the Planning Commission member’s first four years of service in order to be eligible for the third term.

John Lewis asked if a Planning Commission member can only serve three terms in his or her life. Mr. Quicke replied stating that a member could serve three consecutive terms, take four years off, and then be appointed again by a Board member and have the cycle continue.

Rick Cox reminded everyone to return their completed Real Estate Disclosure forms into Ms. Pierce by January 15, 2014. Mr. Cox asked if Mr. Weakland needed to complete this form. Mr. Quicke stated that Mr. Weakland did need to complete the form. Ms. Pierce will be getting a form to Mr. Weakland.

PUBLIC COMMENT

Mr. Hill Wellford stated that he is not in agreement with the recommendation the Planning Commission has come up with. Chairperson Hall encouraged Mr. Wellford to attend the Public Hearing on this matter and make a public comment then.

Mr. R. C. Wellford stated that he believed in 1995 the rationale behind pier regulation being included in the Zoning Ordinance was aesthetics. Mr. Wellford believes there is a valid reason why the language was incorporated into the Zoning Ordinance and that reason should not be overlooked going forward.

Chairperson Hall informed everyone that the Planning Commission will hold a Public Hearing on the language decided for the Zoning Ordinance amendment, get input from the public, and then decide on changing or amending the Zoning Ordinance. Mr. Quicke informed Chairperson Hall that he believes the Planning Commission has thirty or sixty days after the Public Hearing to make a recommendation to the Board of Supervisors. Mr. Quicke plans to have the County Attorney present during the Public Hearing to answer any questions and to make sure everything is conducted according to code.

ADJOURNMENT

There being no further business, Cassandra Jackson made a motion to adjourn the meeting and Rick Cox seconded the motion. The meeting was adjourned at 7:59p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary