

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

March 10, 2014

The Richmond County Planning Commission held its regularly scheduled meeting on March 10, 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
Robert Creecy
Tayloe Emery
Bill Herbert
Jeff Howeth
Robin Hutt
Douglas Jenkins, Sr.
Kennon Morris
Dianne Saison, Northern Neck News Editor
Harry Smith
Rob Smith
Col. Snavelly
R.C. Wellford

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES FROM FEBRUARY 10, 2014 MEETING

Chairperson Hall requested the minutes reflect that the Chair appreciates Mercedes Pierce's, Planning Commission Secretary, efforts in compiling quality minutes.

Rick Cox made a motion to approve the minutes as submitted. Joyce Pemberton seconded the motion and they were approved unanimously.

PIER LENGTH ORDINANCE AMENDMENT DECISION

Chairperson Hall opened the floor to Planning Commission members for comments/points of discussion on this matter.

Jesse Clark spoke against the proposal to make the change to the Zoning Ordinance based on the County Administrator's assessment that the County only receives about ten pier permit applications in a year and it doesn't seem to be a burdensome process on the administrators. Mr. Clark stated he believes in keeping government local and making local decisions. Mr. Clark feels it would be a burden to the citizens of Richmond County if they submitted an application to VMRC and it was denied, and they would then have to drive out of the county for the appeal hearing.

Chairperson Hall clarified that the action to repeal Section 4-14-8-D of the Zoning Ordinance was only a proposal and not a motion.

Jesse Clark explained that during the Public Hearing to receive public comments on this matter, a majority of those who provided comments were not in favor of making the change and those who were in favor were most concerned with property owners having a right to do whatever they would like with their land.

Patrick Weakland explained that the County would not be totally removing local regulation and provided more insight as to why he is for giving pier length regulation to VMRC.

Joyce Pemberton explained that the shoreline is an asset to Richmond County and feels that 3' of water at the end of a pier will not hurt anything. She believes the 150' "rule" was broken with the variance approval of the Creecy pier.

Glenn Bowen concurred with Mr. Weakland's and Mrs. Pemberton's statements. He believes the proposal is not in lieu of going to VMRC because applications have to go to VMRC either way.

Darnell Clayton stated he agreed with the comments Mr. Weakland, Mrs. Pemberton, and Mr. Bowen shared.

John Lewis stated he does not believe Richmond County should be in the business of regulating pier length since the State does it already and has the expertise to do so. Mr. Lewis reiterated that regulation of pier length is in question and the County will still have control over appendages and boat houses. Mr. Lewis stated he is in favor of the County eliminating the pier length provision.

Rick Cox stated he heard a lot of good comments at the last meeting both for and against and heard good discussion during this meeting. He believes flexibility is needed and the 150' limit could be changed. Mr. Cox argues that the County should grant VMRC the authority to regulate all commercial and community public piers based on the level of expertise required to properly evaluate these types of applications. He also sees reason for locally maintaining some regulation over private piers.

Clifton Jenkins stated he would like the Zoning Ordinance to remain the same and continue to regulate pier length at 150', but add a clause stating "unless under 3' of water." Mrs. Pemberton stated 3' of water should be the deciding factor. Mr. Cox stated a variance comes into play when the applicant cannot reach an appropriate depth of water at 150'.

Chairperson Hall reminded everyone that the wording of the Ordinance could be amended.

Cassandra Jackson stated she's in agreement with amending the wording of the Zoning Ordinance.

Mr. Weakland read Section 4-14-8D of the Richmond County Zoning Ordinance. He stated that if the wording were to be amended it could state the following: "...except that the length of any pier or dock shall not exceed one hundred fifty (150) feet or more until achieving 3' of..."

R. Morgan Quicke stated the only problem he foresees the County having when it comes to water depth is that the County does not have a way of measuring water depth. The County would have to take the applicant's word for it or have an engineer sign off on it because the County does not own a boat or any measuring devices. This is why Mr. Quicke cautions the Planning Commission against using water depth as a deciding factor.

Mr. Weakland asked if VMRC has the necessary equipment to measure water depth. Mr. Quicke confirmed VMRC does possess the necessary equipment.

Mr. Clark asked if anyone knew what the cost would be if pier regulation was given to VMRC. He questioned if the permit application fees would be different from what they currently are. Mr. Quicke stated the fees would probably be cheaper or the same for the applicant since the County's regulation is an additional step and this "step" would therefore be eliminated. The applicant would still be charged the fees for a zoning permit either way.

Chairperson Hall stated she has mixed feelings. She has read over and thoroughly studied the comments from the public hearing and has some feelings about the County retaining control of certain aspects of development, but also has an issue with duplicating what is already done. Chairperson Hall believes it is a "cleaner" process to go to VMRC, but stated this reluctantly. Chairperson Hall stated her final position-to go with the proposal put forward, which is to remove the County's ability to regulate pier length.

John Lewis made a motion that Section 4-14-8D of the Richmond County Zoning Ordinance be eliminated and to let the State (VMRC) take care of pier length regulation. Patrick Weakland seconded this motion.

Chairperson Hall asked if there was any further discussion for this motion. Mr. Cox stated he would argue for a compromise-the County retain jurisdiction over private piers and let VMRC handle all commercial and public piers. Mr. Cox also stated that if he were to make a motion, he would move to exclude any commercial, public, or community piers from this Ordinance.

Mr. Clark asked if Mr. Cox made a substitute motion and it was clarified that it was just discussion. Mr. Clark stated that even though it was just discussion, he was quite sure that a substitute motion could be presented that would take precedence over the motion on the floor.

Mr. Lewis restated his motion. The motion carried with a vote of 6-4 (*Glenn Bowen – yay; Jesse Clark – nay; Darnell Clayton – yay; Rick Cox – nay; Chairperson Hall – yay; Cassandra Jackson – nay; Clifton Jenkins – nay; John Lewis – yay; Joyce Pemberton – yay; Patrick Weakland – yay*).

Mr. Quicke informed the Planning Commission that during this Thursday's Board of Supervisors meeting, he would ask the Board of Supervisors to hold a public hearing on April 10th at 7pm on this recommendation.

STORMWATER UPDATE

T. Richard English informed the Planning Commission of a memo he had distributed to the members at the beginning of the meeting, which provides information on legislation that would allow the County to opt out of implementing the Stormwater Management Program. He gave the Planning Commission a moment to read over the memo.

Chairperson Hall provided a brief overview of the County's efforts at establishing a Stormwater Management Program.

Patrick Weakland stated that the County is still required to conform to the Erosion and Sediment Control law and the Chesapeake Bay Preservation Act.

Mr. English explained that since Richmond County is not a MS-4 locality, it has the option of opting out of adopting the Stormwater Management Program. The Governor has not signed the legislation, but it has passed through the House and Senate. If the County does opt out, it will still be required to implement the Erosion and Sediment Control Program and the Chesapeake Bay Act Program, which is already being done currently. Mr. English feels the County should be able to simply amend what is already in place and not adopt an entirely new ordinance.

Chairperson Hall, Mr. English, and Jesse Clark discussed the need for the County to continue with the plan of holding a public hearing even if a local ordinance is not being adopted. R. Morgan Quicke suggested continuing on with the adoption schedule and holding the public hearing.

R. Morgan Quicke and Rick Cox discussed Mr. Cox's reading of the word "may" instead of the word "shall" in the legislation language. Mr. Quicke explained that the County Attorney provided a letter following last month's Planning Commission meeting and she listed the word "shall" in one of her bulleted points. Mr. Cox believed the version of the Bill he downloaded this day read "may" and not "shall." Mr. Quicke informed Mr. Cox he would check into this.

It was clarified that regardless if the Bill is passed to allow the County to opt out of implementing the Stormwater Management Program, the Planning Commission has to send a recommendation to the Board of Supervisors as to whether or not the County will opt out and turn regulation over to the DEQ or whether the County would like to implement its own Stormwater Program. Mr. Cox stated that in this case, a public hearing is very appropriate in order to get the public's opinion and for the public to understand what is going on. He said he has concerns about turning the program over to the DEQ. Mr. Quicke shared that many smaller localities are thinking about subbing out applications over one acre to licensed engineers for review.

Chairperson Hall informed everyone that the Planning Commission would hold a public hearing to receive public comment on this program during April's meeting.

Mr. Cox questioned if the fees for single family residences would still be waived regardless of the option to opt out. Mr. English stated that the DEQ's portion of the fees would be waived even if the County retains the program. Mr. Quicke chimed in explaining that an agreement in lieu of a plan for single family residences is allowed.

Mr. English informed the Planning Commission that Richmond County would be partnering with NNSWCD and the NNPDC to hold the public workshop about the Stormwater Management Program on March 19, 2014 at 7pm in the Public Meeting Room and would be advertised in the newspaper and is already on the County website.

OTHER BUSINESS

There was no business to be discussed.

PUBLIC COMMENT

Mr. Douglas Jenkins, Sr. stated he spoke with Barry Sanders and R. Morgan Quicke prior to the March Public Hearing on the zoning amendment proposal. He explained he is a commercial fisherman who owns three commercial piers. Mr. Jenkins explained that 3' of water depth is only a recommendation from VMRC and not a law and does not apply to private piers. He stated that a property owner's "line" stops at mean low water and anything after that belongs to the State. He is concerned with the amount of oyster ground that has been lost due to piers going out too far and the number of boating accidents.

ADJOURNMENT

There being no further business, Chairperson Hall adjourned the meeting at 7:53p.m.

Respectfully submitted,

Mercedes Pierce
Planning Commission Secretary