

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

March 6, 2017

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, March 6, 2017, in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Walter Ball

Vice-Chairperson Glenn Bowen

Chairperson Jesse Clark

Rick Cox

Cassandra Jackson

John W. Lewis

Harry Smith, Jr.

Clifton Jenkins

Darnell Clayton

The following member was absent:

Martha Hall

Also present:

R. Morgan Quicke

D. Barry Sanders

Richard English

Hope Mothershead

Kathryn Murray

Rebecca Marks

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES – FEBRUARY 6, 2017 MEETING

Chairperson Clark asked if there were any additions or corrections to the minutes from the February 6, 2017 meeting. Walter Ball made a motion to approve the minutes, as presented. Cassandra Jackson seconded the motion and they were approved unanimously.

PUBLIC HEARING – AMENDMENT TO ZONING ORDINANCE

Chairperson Clark declared the opening of the Public Hearing.

In accordance with Section 15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to Section 15.2-2285 of the Code of Virginia, 1950 as amended, the Richmond County Planning Commission hereby gives notice that a Public Hearing will be held starting at 7:00 p.m., Monday, March 6, 2017 in the Richmond County Public Meeting Room, 101 Court Circle, Warsaw, Virginia 22572. The purpose of the Public Hearing is to consider the following:

To receive public comment on proposed amendments to the Richmond County Zoning Ordinance in Sections 4-14-7 (Boathouses), 4-14-8 (Piers and Docks) and 5-3 (Definitions).

Chairperson Clark read the proposed amendments as follows:

5-3 DEFINITIONS

Appendage: A platform which may be floating that is attached to a pier or dock structure. Qualifying structures that meet the definitions of a catwalk or finger pier shall not be considered an appendage.

Boathouse: A roofed and sided structure for the wet or dry storage of one or more watercraft.

Catwalk: A walkway that is less than or equal to five (5) feet in width within a covered boat slip or boathouse.

Covered Slip: An open-sided roof structure for the wet or dry storage of one or more watercraft.

Finger Pier: A walkway constructed adjacent to the main run of a pier or dock that is less than or equal to five (5) feet in width and is twenty (20) feet or less in length.

4-14-7 COVERED SLIPS

- A. No more than one covered slip is permitted per individual private, non-commercial pier.
- B. Two covered slips shall be permitted adjacent to a shared private, non-commercial pier that has been constructed upon the shared property line.
- C. The property's waterfront frontage must be a minimum of 100 feet in width; said width to be measured in a straight line from the intersection of the side property lines with the mean low water line.

- D. The covered slip shall not extend past the most channel ward limits of the Owner's existing or proposed pier.
- E. The covered slip must be constructed on the interior side of the pier (towards the center of the lot) and away from the nearest neighboring riparian area.
- F. The covered slip shall not exceed 700 square feet.
- G. The covered slip shall have a roof that does not extend more than 20 feet above the mean low water elevation; as measured from the top of the roof ridge.
- H. All roofs shall have an "A" pitch of no less than four on 12, with eaves and soffits not exceeding 18 inches in width.
- I. Roofing material must be non-reflective.
- J. Nothing (flagpole, antenna, cupola, etc.) shall project above the top of the roof.
- K. Except for the support pilings, top plates or headers, all sides of the covered slip shall be open, with an unobstructed view from the waterline to the bottom of the top plate or support header.
- L. Catwalks five (5) feet or less in width are permitted within the covered slip.
- M. The covered slip must meet requirements of the Virginia Marine Resources Commission (VMRC) and the U.S. Army Corps of Engineers (CofE).
- N. Covered slips or boathouses over the water for marinas may be considered as part of the application submittal for rezoning or general development plan (Richmond County Wetlands Permit may also be required).

4-14-8

PIERS AND DOCKS

- K. Appendages and finger piers for private piers and docks
 - (1) Appendages considered appropriate include but are not limited to "L" or "T" head configurations.
 - (2) Appendages and finger piers shall be located channelward of mean low water (MLW) on tidal shorelines.
 - (3) Appendages shall not exceed, in the aggregate, four hundred (400) square feet and with no dimension exceeding twenty (20) feet in length. The main body of the dock or pier at the location of the appendage shall not be included in the maximum twenty (20) foot dimension as well as the maximum 400 square foot area of the appendage.
 - (4) Finger piers five (5) feet or less in width shall not be considered an appendage and shall not exceed twenty (20) feet in length.

M. Boat Lifts

- (1) Boat lifts may utilize davits, slings, cradles or similar devices to remove boats or personal watercraft from the water.
- (2) Multiple boat or personal watercraft lifts may be allowed within a covered boat slip.
- (3) Boat lifts positioned outside of a covered slip must be low-profile in design where structural elements of the lift devices do not extend more than 6 feet above the surface of the pier or dock.
- (4) Only three low profile boat or personal watercraft lifts may be allowed on a pier or dock that is not served by a covered slip. Only two of these lifts may utilize pilings that are in addition to those that are part of the pier construction itself.
- (5) Only two low profile boat or personal watercraft lifts, positioned outside of a covered slip, may be allowed on a pier or dock that is served by a covered slip. Only one of these lifts may utilize pilings that are in addition to those that are part of the pier construction itself.

Chairperson Clark opened the floor to the public.

Ms. Kathryn Murray from Rappa Point Road noted she thought 100 ft. was not adequate distance to protect adjoining landowners and the covered boat slips, etc. should be reviewed on a case-by-case basis. Ms. Murray asked how many applications had been received for covered boat slips.

Barry Sanders noted that since the covered boat slips are not currently allowed in Richmond County, no applications have been received. In preparation of bringing the proposal to the Planning Commission, research with other counties as well as VMRC regulations were considered and Mr. Sanders thinks the language is fair.

Ms. Murray also noted she thought the additional allowed square footage on piers is excessive, going from 160 square feet to 400 square feet.

Rick Cox added that the 400 square foot area is allowed by VMRC.

Ms. Rebecca Marks from the Sharps area of Richmond County noted that she is concerned about the storms that we get in the area and how the covered boat slips could cause more damage. She feels like the roof would be an additional structure to break loose and present a problem to other structures.

With no further questions or comments, Chairperson Clark closed the floor to the public.

Rick Cox made a motion to approve the ordinance changes as noted above and send the proposal to the Board of Supervisors for their consideration. Darnell Clayton seconded the motion.

Prior to a vote on the motion, Chairperson Clark asked for discussion among the Commissioners.

Clifton Jenkins noted that he did not think the ordinance was fair for the small lot owners in certain communities of Richmond County (ie: Cat Point Creek, Naylor's, Sharps, Little Florida). He added that he was against the motion on the floor.

John W. Lewis mentioned he was not for or against the motion but asked if a special exception could be added for lots less than 100 feet in width. Barry Sanders noted that in applying for a special exception or variance, the adjoining land owners would be notified, the request would be advertised and the planning commission would have a chance to make a decision based on the individual circumstances.

Chairperson Clark asked if a special exception would satisfy the concerns of John W. Lewis.

John W. Lewis noted that he would be for the motion if a special exception component was added for lots under 100 feet in width.

Mr. Quicke added that the following language could be added to the proposed ordinance amendments to cover the special exception process:

Waterfront properties that cannot meet the minimum 100 feet in width must be approved by a special exception considered in accordance with DMP-b as specified in Section 3-1-2b and Section 3-14.

Harry Smith moved to amend the motion on the floor to include the special exception language for lots under 100 feet in width. John W. Lewis seconded the amended motion. The amendment to the motion carried with a vote of 9-0 (*John W. Lewis – yay; Harry Smith – yay; Glenn Bowen – yay; Rick Cox – yay; Cassandra Jackson – yay; Walter Ball – yay; Jesse Clark – yay; Darnell Clayton – yay; Clifton Jenkins - yay*).

As presented earlier, Rick Cox made a motion to approve the ordinance changes as noted above and send the proposal to the Board of Supervisors for their consideration. Darnell Clayton seconded the motion. The motion was amended to add a component of special exception language for lots under 100 feet in width, as mentioned above. The amended motion carried with a vote of 8-1 (*John W. Lewis – yay; Harry Smith – yay; Glenn Bowen – yay; Rick Cox – yay; Cassandra Jackson – yay; Walter Ball – yay; Jesse Clark – yay; Darnell Clayton – yay; Clifton Jenkins - nay*).

OTHER BUSINESS

DISCUSSION ON HORSE ALLOWANCE

Chairperson Clark presented to the Commissioners the need to re-address the requirements of permitting a horse on a parcel of land in an Agricultural District which is less than 5 acres in size. The proposed language for the ordinance was presented as follows with the new language in red:

- 3-15-1 Accessory uses and structures shall be permitted in any zoning district, unless qualified herein, but only in connection with, incidental to, and on the same lot with a principal use or structure (*or on a lot adjoining and under the same ownership as the lot with the principal use structure*) that is permitted within such district. (*Amended November 8, 2007*)
- A. The following accessory uses shall be permitted in conjunction with residential uses:
- (15) Farm animals (such as cows, pigs, hogs, goats, sheep, mules, horses and other livestock, chickens and other fowl, bees, and similar utilitarian animals), *with the exception of equine and chickens*, shall not be permitted in the Residential, Limited (R-1) or Residential, General (R-2) Districts. Farm animals in the Residential, Mixed-Use (R-3) District may be allowed if adequate space and other provisions are included in the plan of development for the project. (*Amended July 10, 2008 and October 13, 2016*)
- (16) Equine may be permitted in the Agricultural, General (A-1), Residential, Limited (R-1), and/or Residential, General (R-2) Districts ~~provided that property shall be at least five (5) acres in size. Three (3) equine may be permitted on property five (5) acres in size, with one (1) additional equine being allowed for each additional acre provided. (Amended July 10, 2008)~~ subject to the following provisions:
1. Residential (R-1) and (R-2) parcels must have a minimum of five (5) acres.
 2. Minimum of one and one-half (1.5) acres designated for pasture and housing per horse.
 3. Housing must be a minimum of one hundred (100) feet from adjoining parcels.
 4. Pastures must be enclosed with adequate fencing.
 5. Manure management is required so as not to adversely affect adjoining properties (*ie: use of manure harrow bi-annually*).
 6. Equine upon parcels less than five (5) acres in size located within the Agricultural, General (A-1) District must be approved by a special exception considered in accordance with DMP-b as specified in Section 3-1-2b and Section 3-14, provided provisions 2-5 above can also be met. (*Amended October 13, 2016*)

Harry Smith agreed that adding this new language to the ordinance would allow the planning commission to be more involved in the ongoing approval of horses on a 5 acre or less parcel since the Board of Supervisors had concern about the horse allowance.

John W. Lewis made a motion to set this matter for a public hearing at the meeting on April 10, 2017. Harry Smith seconded the motion. The motion carried with a vote of 9-0 (*John W. Lewis*)

– yay; *Harry Smith* – yay; *Glenn Bowen* – yay; *Rick Cox* – yay; *Cassandra Jackson* – yay; *Walter Ball* – yay; *Jesse Clark* – yay; *Darnell Clayton* – yay; *Clifton Jenkins* - yay).

DISCUSSION ON FRACKING

Glenn Bowen shared his concerns with the Board on the topic of fracking. He noted that other surrounding counties have been dealing with the issue and have made some changes to ordinances to cover the practice. Mr. Quicke added that currently under the Richmond County ordinance, mining activities are permitted with a special exception in all A-1 (Agricultural General) areas. Mr. Quicke suggested that a workgroup be established to research the issue of fracking and determine a plan of action for Richmond County. Glenn Bowen, John W. Lewis and Rick Cox were appointed to the committee to research the topic and report back to the Commission in two months. Mr. Quicke also suggested that a representative from the group discuss the plans with the Board of Supervisors to get a consensus on doing any further research.

PUBLIC COMMENT

There was no additional public comment.

ADJOURNMENT

There being no further business, Chairperson Clark adjourned the meeting.

Respectfully submitted,

Hope Mothershead
Commission Secretary