

## **County May Reject Public Request for Timbering Rules**

### **Letter to the Editor:**

You may remember that over a year ago, the County Board of Supervisors asked the Planning Commission to consider the request of many citizens, the Foundation for Historic Christ Church, and Friends of Lancaster County to enact an ordinance that protected the county's historic resources as well as private property values from the unsightly impacts of clear-cutting, or timbering. Subsequently, numbers of citizens expressed their strong desires in favor of such an ordinance at the "public input sessions" held by the county, and others sent supporting letters/e-mails to Planning Commission members. In fact, at the public input sessions, the desire for a "buffer/timbering ordinance in residential areas" ranked near the top of the public's agenda. Regrettably, last week county staff made a recommendation to the Planning Commission that no mention be made of a timbering ordinance in the update of the Comprehensive Plan based on an analysis of the arguments both for and against. That recommendation will be considered at the Planning Commission meeting scheduled for 7:00 PM on 15 February (next week).

During the comprehensive plan process, the Planning Commission received and reviewed a recommended draft buffer ordinance provided by me on behalf of the Friends of Lancaster County. That recommended buffer ordinance was based on the successful James City County ordinance, but was simplified and limited in its applicability to residentially zoned areas. The recommended ordinance provided for a 75 foot buffer area to be retained along public roads in residentially zoned areas, and provided for cutting into the buffer based on site-specific conditions with county approval. Although, this approach seemed simple enough at the time, it in hindsight was somewhat cumbersome and would have required considerable county staff time to administer and enforce. I believe that this difficulty, along with complicating issues such as who compensates the timbering land owner for the buffer area that is not timbered, led to the negative staff recommendation..

However, we still need a buffer ordinance to protect our historic resources and our residentially zoned property. The existing Department of Forestry rules are limited in their requirements as follows: 1) require no notice be given prior to a timbering parcel of less than 10 acres; 2) require 3 days notice to DOF only prior to timbering a parcel greater than 10 acres; and 3) do not permit DOF, or Lancaster County, to require timbering land owners to clean-up slash, or do anything other than maintain an uncut area within 50 feet of stream beds. Nearby land owners will likely not know about the timbering until it actually is in progress. That's too late to allow these affected land owner(s) to discuss and potentially work out an arrangement (including appropriate

compensation) with the timbering land owner that results in a buffer that mitigates the impact of the planned timbering.

Maybe, a more simplistic buffer ordinance would suffice and at the same time would prove more acceptable to the Planning Commission. I propose that the ingredients of such an ordinance would provide for the following: 1) 30 day notice to land owners within 100 yards of any residentially zoned parcel where timbering will take place within the 75 foot buffer area measured from edge of VDOT right-of-way with such notice provided by the timbering land owner, or his representative; 2) compensation to the timbering land owner for the value of timber within the buffer area that is not cut with such compensation being provided by land owners impacted by the planned timbering); 3) responsibility residing solely with affected land owner(s) to contact and negotiate an arrangement with the timbering land owner in cases when a buffer is desired; and 4) county is not an interested party in buffer arrangements and does perform administration or enforcement actions.

In summary, this simplistic approach requires timbering land owners to provide 30 days advance notice to affected land owners of intent to timber within the 75 foot buffer area of a residentially zoned parcel, thereby permitting affected land owners sufficient time to negotiate an arrangement, if desired, with the timbering land owner to leave a buffer based on mutually acceptable terms to both parties, including compensation. Hence, buffer agreements are solely between the parties and the county assumes no responsibility, nor plays any role other than requiring notice be provided. Therefore, no county resources are required to administer or enforce the ordinance.

At the 15 February Planning Commission Meeting, I plan to ask to the Commission to consider this simplistic approach to a buffer ordinance to protect our historical resources and the land values of private citizens. I hope that they will elect to incorporate such a recommendation in the updated Comprehensive Plan. There is no doubt that the citizens of the county want protection from the impacts of timbering within residential areas. They have so indicated their position at the public input sessions and through many letters to the Planning Commission.

I ask you to again communicate your support and strong desire for such an ordinance by coming to the 15 February Meeting, or writing, or e-mailing Planning Commission members (addresses at [www.lancova.com](http://www.lancova.com)). Timing is critical since this is likely our last opportunity to gain any protection from the impacts of timbering in our residentially zoned areas. Today marks one year and three months after timbering occurred near Christ Church and Sharon Baptist Church, and it looks even worse than it did immediately afterwards. We have about three more years to look at the slash that still remains in clear view before mother nature begins to hide it.