

**King & Queen County  
Planning Commission Minutes  
April 3, 2017**

The King & Queen County Planning Commission met on Monday, April 3, 2017, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the General District Courtroom for their regular monthly meeting.

*\*Note – Mr. Richardson had not submitted his current Real Estate Disclosure Form, therefore all votes by Mr. Richardson are void. He is not included in the quorum count, however did participate in discussions.*

**Planning Commission Members Present:**

Barbara Hudgins  
Milton Watkins  
David Campbell  
Robert Harvey

Sheila Morton  
Hunter Richardson  
Robert Coleman, Jr.  
James Guess

**Also in Attendance:**

Donna E. Sprouse, Assistant Zoning Administrator

**Call to Order**

Chairman, Mr. Richardson called the meeting to order.

**Roll Call/Determination of Quorum**

Mr. Campbell took roll call and determined that a quorum was present.

**Approval of Minutes  
March 6, 2017**

After brief review of the minutes, Mrs. Hudgins noted that there were a few typos in the minutes. Mrs. Sprouse noted that she has since revised those two typos after sending out the packets. A motion was made by Mr. Watkins to accept the minutes with corrections as noted by Mrs. Hudgins, seconded by Mrs. Morton.

Voting For: Watkins, Morton, Campbell, Coleman, Guess, Harvey, Richardson

Voting Against: None

Abstain: Hudgins

**Citizens Comment Period**

Mr. Richardson noted that there was no one in attendance at the meeting from the public, therefore citizens comment period was opened and immediately closed.

**New Business**

**CUP16-02 & SP16-07 – Ben P. Owen, IV & Page O. McLemore, C/o Bennett Mineral Company**  
*(Set Public Hearing)*

Mr. Richardson informed the Commission that they are to set the public hearing for CUP16-02 & SP16-07, Bennett Mineral Company to allow for a new mining site in the Walkerton area. Mr. Richardson asked Mrs. Sprouse to provide some background information on the applicants request. Mrs. Sprouse noted that Bennett Mineral Company is requesting approval of a Conditional Use Permit and Level 3 Site Plan to operate a surface mining facility. The subject property is located on State Route 634, Canterbury Road, in the Newtown Magisterial District, County Tax Map Number 1632-52R-145H. She noted that the property owner is Ben P. Owen, IV and Page Owen McLemore. Mrs. Sprouse stated that no processing on site is proposed, therefore the current zoning of the property (Agricultural) is permissible however an approved Conditional Use Permit and Level 3 Site Plan is required.

Mr. Coleman stated that this project is in his district (Stevensville District) and would like to note that Bennett Mineral employees about 30 people in our area and is an important business here in King & Queen. He noted that the current mining site is about at its end of life and they need to move to another site. He stated that he makes a motion to set the public hearing for CUP 16-02 & SP16-07 during their May 1, 2017 meeting, seconded by Mr. Watkins.

Mr. Richardson asked if there were any other comments from the Commission before taking a vote. Hearing none, he asked Mr. Campbell to take a vote.

Voting For: Watkins, Morton, Campbell, Coleman, Guess, Harvey, Richardson, Hudgins  
Voting Against: None  
Abstain: None

Mrs. Sprouse noted that the applicants may want to introduce themselves, as they are here with their engineer and counsel. Mr. David Bernhardt noted that he is the attorney for Bennett Mineral Company over the past 5 years. He introduced engineer, Blair Wilson. He also introduced Mr. Paul Bennett Jr., son of the founder of Bennett Mineral Company over 35 years ago. Mr. Bernhardt introduced Paul Bennett, III and their spouses. He stated that they are there to answer any questions that they may have and look forward to the public hearing on May 1, 2017. He also noted that the Bennett family also lives in the Walkerton. Mr. Richardson noted that the County needs more Bennett's, more local businesses. Hearing no further comments, Mr. Richardson thanked them for coming and said they will see them on May 1, 2017.

**Old Business**

**Electronic Controlled Message Signs in the Agricultural District** *(discussion continued from the January and March 2017 meetings)*

Mr. Coleman noted that since he asked for more time to talk with constituents, he would start off the discussion regarding his findings. He stated that he spoke with some folks in the area of Bruington Church and church members. He stated that most stated that they would like to one day have a better sign and would consider an electronic message sign when they update their sign. He also stated that he talked with a neighbor of a church in Walkerton. The neighbor stated that the current incandescent sign shines from within into his bedroom window. He noted that the neighbor had issues with the current sign as it is today. Mr. Coleman stated that it would be nice for the fire department to have an electronic controlled message sign, so that they would not have to change the letters to inform the public about their fundraising events and laws pertaining to the burn bans several months throughout the year. He said in the fire department's case, it would be a great advantage in having one.

Mr. Harvey stated that he also spoke to members of his church and they also agreed that an electronic message sign would be nice to have. He noted that it would be nice for the fire department, rescue squad and library to have such signs in the Newtown district as well. He said that he did not get any negative feedback from the citizens he spoke with. Mr. Watkins stated that of those that he spoke with, the older citizens were fine with the signs the way they are today and the younger generation had no problems with electronic controlled message signs. He noted that he spoke with members of his church, as well as a few in the surrounding area. Mr. Campbell stated that some churches and businesses may not want an electronic controlled message sign or may not be able to afford such a sign and that is okay, however those that want such a sign, should be able to have one. He stated that he is in favor of electronic controlled message signs. Mrs. Morton stated that neighbors and church members were interested in electronic controlled message signs. She noted that some older members were not so interested, however if they are unaware of how to use a computer or are not tech savvy, they simply don't understand.

Mrs. Hudgins asked if the ordinance was changed to allow such signs in the Agricultural districts, would single family residences or home businesses be permitted to have an electronically controlled message sign in their yard. Mr. Watkins replied that he would not like it personally. Mrs. Morton stated that the folks she talked to, do not have a sign in their yard now and wouldn't have an interest in putting up an electronic sign, if permitted. Mrs. Sprouse stated that single family residences may be permitted to have such signs, however the size is really small, and there will need to be electricity to light the signs. She said that now, under the current ordinance, if a residence wanted a sign to name the farm, it can be illuminated with flood lights. She noted that it's not that big of a difference between those and the electronic signs. Mrs. Sprouse noted that signage type and size, is dependent of proposed use and zoning.

Mr. Richardson stated that it would be easier to allow such signs by use, instead of by zoning district, however he is aware that you cannot do that. Mr. Watkins agreed with Mr. Richardson. Mr. Coleman stated that the only omission would be single family residences and home businesses. Those signs have to be of certain size (small sized) that it more and likely will not be an investment that one will make for a 6 sq. ft. sign. Mrs. Sprouse explained that home or farm identification signs are exempt for permitting, though they must be located outside of the VDOT right of way and of a certain size.

Mr. Harvey stated that it depends on the traffic as well. For example, he has a home business and will not put out a home business sign with a light. He said that not enough people come by his home for it to be worth it. Most of the traffic in his area is truck through traffic. He feels a lot of other home businesses feel the same way and will not go through the expense to put electric out at the end of their lane for a small home business sign.

Mrs. Hudgins stated that it bothers her that the Commission is considering amending the ordinance for a church that has already put up a sign out of code. Mrs. Hudgins added that she likes the sign, but had they not installed the sign already, she's be all for the proposed text amendment. Mrs. Morton asked Mrs. Hudgins is she going to punish 99% of the county because of what 1% has done. Mrs. Morton stated that they should be penalized for doing wrong, but not others in the county because of something someone else has done. Mrs. Hudgins stated that she agreed, but the sign should be removed until the ordinance allows for such.

Mr. Harvey agreed with Mrs. Hudgins. He said that if he had bought the sign and put it up, would the County require him to remove it due to being out of compliance. Mr. Richardson added that what discussion and decisions are made by the Commission will carry weight with the Board. He noted that they will know how much thought has gone into this topic.

Mr. Campbell said this is like beating a dead horse or putting lipstick on a pig. He made a motion that it goes to the Supervisors with a recommendation of approval, seconded by Mr. Harvey. Mr. Richardson asked for clarification of the motion. Mr. Richardson asked Mr. Campbell if he wanted to

approve an ordinance change to allow for current sized signs in the Agricultural district as electronic controlled message signs with the current established change rate in the ordinance. Mr. Campbell said yes, let's go with that. Mrs. Hudgins asked if this would be the time to discuss rates. Mrs. Sprouse stated that you can, but this is coming back to the Commission for a public hearing and that they can finesse the text before setting the public hearing. Mr. Richardson stated that he wants to the Commission to understand the motion that has been placed on the table. Mrs. Sprouse stated that you don't have to have all of the requirements in your motion at this time. That the Board is looking to the Commission to decide if they wanted to look at electronic message signs in the Agricultural districts. There is a motion and a second to tell the Supervisors that you do want to make a change to the current ordinance, however the details have not yet been confirmed. Mr. Coleman noted that having the public hearing will allow people in the community or members of that church to come speak pro or con regarding the text change. Mrs. Hudgins noted that the replacement sign at the church is larger in size (taller) than what was previously there. Mrs. Hudgins said that she will be glad to measure the sign. Mr. Richardson asked Mr. Campbell if he is correct in that a motion and second had been made to agree to consider a change in allowing electronic controlled message signs in the Agricultural district. Mr. Campbell said yes. Mr. Richardson asked Mr. Campbell to take a roll call vote.

Voting For: Morton, Campbell, Coleman, Harvey

Voting Against: Watkins, Guess, Richardson

Abstain: Hudgins

Mr. Richardson said that with a yes vote count of 4, the motion is agreed to. Mr. Richardson stated that this topic has had good discussion among the Commission and the Board will be informed of how the vote went.

Mrs. Sprouse noted that she will be sure that the Board is aware of the Commissions concerns in their memo.

Mr. Coleman added that he would like the Board to know that the Commission is very concerned that the sign was erected without approval and now they come to the Commission asking for approval after the fact. He added that is very disturbing and asked fellow members if he was fair in stating that the way this has come to be is very disturbing. Mr. Watkins agreed with Mr. Coleman. Mr. Coleman added that though it is disturbing, he would hate to punish everybody that follows behind this instance.

### **Staff's Comments**

Mrs. Sprouse handed out the final draft copy of the King & Queen County Comprehensive Plan. She added that VDOT has reviewed and approved the transportation component of the plan. She stated that DEQ had reviewed and approved the environmental components of the plan as well. She said that now the Commission needs to review the document and once satisfied, a series of public meetings will be had and a public hearing to adopt the plan. Mrs. Sprouse added that with the adoption of this plan, we will have a better RPA and RMA map for the county. She also noted that the plan body is the text before the tab titled "appendix A" and the other is supporting documentation for the plan, as well as maps, demographics, and other state code required documentation. Mrs. Sprouse asked that Commission take the time to read through it and come back with comments or questions regarding the document.

Mrs. Sprouse informed the Commission that her office is in the middle of a Chesapeake Bay Act Compliance Review with DEQ. She noted that as part of that review, they are looking at files and approved site plans to determine if we are compliant with our own regulations. She stated that they are looking at approved WQIA's, approved Chesapeake Bay Exceptions, and how we handled violations. She noted that site visits will be conducted in about two weeks with DEQ now that they had the opportunity to review the site plans. Mr. Coleman asked if once the review was complete,

could I share the report with the Commission. Mrs. Sprouse noted that she will be glad to share the results of the review with the Commission.

Mrs. Sprouse informed the Commission that an engineer has been selected for the design work for the Courthouse Complex upgrades as awarded by the NFWF grant. She noted that Blair Wilson has been selected and once the agreement has been signed by both parties, he will soon be starting the design work. She noted that construction on the ground is not proposed until spring of next year.

Mrs. Sprouse informed the Commission that the prior full time Building Official has left and moved to another state, therefore Mr. Reamy has agreed to come help us on a temporary part time basis until we are able to find another person to fill the position. She noted that interviews will be occurring sometime within the week and hopefully the position will be filled soon. She also noted that the part time front counter staff position has been filled and that her first day was today. So hopefully once fully staffed, things will settle a bit so that we may concentrate more on our daily duties and present/future projects.

Mr. Coleman noted that he recently discovered a piece of property that has a cemetery on it that was for his family. He wanted to know if that is something that is permitted in today's world. Mrs. Sprouse noted that such may be permitted by approved CUP in the Agricultural district. To clarify, if a public cemetery, a CUP is required, however a private family cemetery may be permitted as a by right use. She noted that there are other requirements as part of the approval process for such, but did not have the code in front of her but will be glad to talk to Mr. Coleman about it further once she is in her office with her code information available.

### **Commissioner's Comments**

Mr. Coleman noted that Walkerton is on a public community well and is quite close to the proposed mining site. He stated that according to EPA, Walkerton will need to abandon its two wells and dig a new well because both wells are pulling from two aquifers and runs risk of cross contamination. He asked if the community well source was considered or reviewed as part of the review from the Health Department or Office of Drinking Water. Mrs. Sprouse noted that the local Health Department did receive a copy of the site plan and narrative. She noted that they were asked to submit any and all comments to her. She noted that the Health Department approved the abandonment of the old well on the proposed site and approval of the use of a portable toilet for their employees once all paperwork has been submitted by the County. Mrs. Sprouse noted that there was no reference to the Community Well System for Walkerton, however she would ask the local Health Department the next business day.

Mr. Coleman also asked about reclamation of the site once complete. Mrs. Sprouse noted that that reclamation is addressed by DMME. Bonding is not released until they permit holder has successfully reclaimed the site per the approved reclamation plan. His concern was the appearance of the site once mining has been completed.

Mrs. Hudgins stated that the signs have been installed for the Dollar General.

Mr. Coleman thanked Mrs. Sprouse for all her work on the Comprehensive Plan.

Mr. Richardson thanked the folks for coming out tonight, though they had already left. He noted that there was good discussion tonight and it was not easy making a decision regarding signage in the Agricultural district. Mr. Richardson gave thanks for all veterans here and no longer with us. He personally thanked his fellow Commission members for their service.

### **Adjournment**

There being no further business, a motion was made by Mr. Watkins to adjourn the meeting. All those present ratified the motion by saying "Aye". The meeting was adjourned.

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Hunter Richardson, Chairman