

**King & Queen County
Planning Commission Minutes
May 7, 2018**

The King & Queen County Planning Commission met on Monday, May 7, 2018, at 6:00 p.m. in the King & Queen County Courts and Administrations Building in the General District Courtroom for their regular monthly meeting.

Planning Commission Members Present:

Sheila Morton
Barbara Hudgins
James Guess
Robert Coleman, Jr.
William Herrin

David Campbell
Hunter Richardson
Robert Harvey

Also in Attendance:

Donna E. Sprouse, Assistant Zoning Administrator
Thomas J. Swartzwelder, County Attorney

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
April 2, 2018**

After review of the minutes, a motion was made by Mr. Coleman to accept the minutes as written, seconded by Mr. Herrin.

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

Citizens Comment Period

Mr. Richardson opened the floor for citizens comment period.

Hearing no comments, citizens comment period was closed.

New Business

A. CUP17-02, & SP17-03, Mount Glenwood, LLC C/o Phil Minor (*public hearing*)

Mr. Richardson opened the public hearing.

Mrs. Sprouse noted that the Planning and Zoning Department received an application on June 22, 2017 from Pete Glubiak on behalf of Mount Glenwood, LLC C/o Phil Minor, requesting approval of a Conditional Use and Level 3 Site Plan to operate a sand & stone mining facility. The subject property is located on State Route 721, Newtown Road, more specifically, north & south of Glenwood Farm Road, in the Newtown Magisterial District, County Tax Map Parcel No. 1632-10L-584 & 1632-10L-557. The property owner is Mount Glenwood, LLC. The cumulative parcel size, according to the Commissioner's land records is 981.75 acres. Mount Glenwood, LLC is requesting approval of a conditional use and level 3 site plan to operate a sand and gravel mining facility on 477 acres of a 981.75 acre area (two contiguous parcels). The mining operation will extract sand and gravel with no proposed processing, other than that necessary to facilitate the hauling of the material. She added that the two parcels are zoned Agricultural (A).

Mrs. Sprouse added that Codes Compliance Officer, David McIntire, has received the application, narrative and site plan for review. A Nationwide Permit from the U.S. Army Corps of Engineers has not yet been applied for nor issued per U.S. Army Corps of Engineers Environmental Scientist, Keith Goodwin. If wetland impacts are less than 1/10 of an acre, mitigation is not required for the Nationwide Permit. A Virginia Water Protection General Permit has not been issued by DEQ. Depending on the amount of wetland impacts, mitigation may be required by DEQ. A Nationwide Permit is required for any filling of the non-tidal jurisdictional wetlands for the roads that meander through the mining site. The Virginia Water Protection General Permit is issued for the excavation of the non-tidal wetlands where mining will take place. A Department of Mines, Mineral and Energy mining permit has been issued (Permit # 90522AA, effective November 10, 2015) under the Name of King William Sand & Gravel Co., Mount Glenwood Mine.

Mrs. Sprouse stated that Environmental Health Supervisor, Marc Longest, reviewed the submitted soil work in 2013 and noted that he had no comments regarding the septic design. Before a permit may be issued, the Health Department will need an application and proper fees paid for the installation of a well and septic. When the applicant resubmitted this project for consideration in 2017, plans were resubmitted to the King & Queen County Department of Health for review. Mr. Michael McMahan, Environmental Health Specialist reviewed the submitted plans and soil work and had questions along the way, however determined that the mining could be months or even years in to the future and that the Virginia Department of Health's role in this project would be the permitting of any of the septic and wells. Mr. McMahan noted that the septic and well systems for this project as proposed appear to be sufficient.

Mrs. Sprouse noted that VDOT had reviewed and approved of the entrance design. Prior to start of operations/construction, a VDOT entrance permit must be obtained, inspected and approved by Virginia Department of Transportation.

According to Article 4, Permitted Uses, Table 4.1, Permitted Use Table, Surface Mining on at least 5 acres; no processing, is allowed in the Agricultural Zoning District with the approval of a conditional use permit. Special Conditions are as follows: (a) a minimum lot size of five acres shall be required. (b) A 100-foot fully vegetated buffer along the exterior perimeter of the mining site, a minimum of six feet in height at the time of planting, shall be required/established and maintained. In cases where mining is being lawfully conducted with all federal, state and local permits/approvals on more than one adjoining parcel, a vegetated buffer shall not be required between the parcels being mined. (c) There shall be no processing or manufacturing on the premises other than such activity as may be necessary to facilitate the hauling of materials, specifically, the screening, sifting, separation and washing of the extracted resource on the site of extraction by manual or mechanical means. (d) A plan shall be submitted showing the original and proposed final grades of areas to be disturbed and the means to be taken to facilitate drainage and to avoid erosion and sedimentation. (e) The area of

such use shall have direct access to roads suitably paved and improved to accommodate truck traffic generated by the use.

Mrs. Sprouse noted that staff has determined that the level 3 site plan does meet the requirements of the King & Queen County Zoning Ordinance. The property owner must obtain all federal, state, and local approvals/permits prior to start of operation/construction. Staff does not have a recommendation on the permitted truck traffic count. The Commission must set and approve the number of trips entering and existing the property as they so deem appropriate, along with the other conditions as provided by the applicant.

Mrs. Sprouse noted that attached to the Planning Commission members packets are copies of letters of approvals, along with conditions, which were approved for prior mining sites throughout the County.

Mr. Richardson asked if the applicant would like to speak. Mr. Glubiak, attorney for Mount Glenwood, LLC briefly reviewed the conditions proposed and Mr. Erik Allen, Engineer for the project provided a power point presentation consisting mostly of screen shots of the site plan sheet sets.

Mr. Richardson asked if there was anyone in the audience that would like to speak regarding the project.

Ms. Kathy Hess of 1816 Todd's Bridge Road noted that she had questions regarding the proposal. She wanted to know what equipment will be used, will there be blasting, she asked how the material will be transported throughout the site and wanted to know if the "mount" was included in the mining site? Ms. Hess also noted that she was not able to see the power point presentation that was provided.

Ms. Lucille Fogg of 3269 Newtown Road noted that she lived ½ mile from the site and complained that there will be a lot of dust, that her children and grandchildren stay sick as it is, and this would make it worse. She asked how anyone would sleep with heavy equipment running at the mining site. She noted that she would like to spank Phil Minor.

Ms. Shirley Elliott of 619 Glenwood Farm Road noted that she lives in the middle of the mining site. She added that she raised her family on the farm and they have been there for 60 years. She said that she is concerned that the use will change from farming to mining and would hate to see this beautiful property be mined.

Mr. Glubiak went through a few slides showing the concerned citizens where they lived in relationship to the location of the proposed mining site.

Hearing no further comments, the public hearing was closed.

Mr. Coleman noted that with respect to the hours of operation, he wanted there to be consideration taken for winter hours when it gets darker earlier. He felt that 6 a.m. to 6 p.m. Monday through Friday and reduced hours for Saturday would be appropriate. Mrs. Hudgins agreed with Mr. Coleman.

Mrs. Hudgins wanted to suggest a berm in addition to the 100' vegetative buffer, especially around the home sites.

Mr. Harvey noted that he wasn't sure that a berm would be more attractive than the 100' vegetative buffer for the neighbors.

Mrs. Morton asked if there was room around the site to accommodate both a berm and 100' vegetative buffer.

Mr. Herrin suggested a sound attenuation wall around the site where there were homes.

Mr. Richmond wondered if doubling the buffer would be beneficial.

Mr. Glubiak noted that his client would be fine with amending condition #2 regarding the hours as suggested by Mr. Coleman. He said consider the change done.

After more discussion regarding the buffer, it was the consensus of the Commission to leave condition # 10 as submitted.

A motion was made by Mr. Coleman to approved CUP17-01 and SP17-03 as amended by the applicant, seconded by Mrs. Morton.

The conditions approved by the Commission were as follows...

Conditions:

1. Truck traffic shall be limited to 64 trips entering the facility and 64 trips existing from the facility per operational day.
2. The hours of material exportation from the site shall be limited to 6:00 AM until 6:00 PM Monday through Friday and 6:00 AM until 3:00 PM on Saturday and closed on Sundays and all national holidays.
3. Any permanent outdoor lighting will be limited to parking area illumination and security lighting as required by the Building Code for the egress door from the mobile construction office trailer. All outdoor lighting shall comply with the Code of King and Queen County, Article 22-Outdoor Lighting.
4. No outdoor speaker or paging systems will be used on the site. Noise level at or below 85 dba. Monitoring will be conducted within first month of operation followed by annual monitoring. The Mining permit holder will be responsible for mining and compliance with the 85 dba level. The Mining permit holder will obtain an independent consultant to conduct annual noise monitoring with initial monitoring within first month of operation or as needed when there is a concern by County staff.
5. The new commercial entrance onto State Route 721 shall be installed and maintained according to Virginia Department of Transportation requirements.
6. Dust containment measures shall be utilized at all times, and during periods of dry weather, wetting of the haul road with a discharge mechanism mounted on a water tank shall be performed as needed.
7. Storm runoff, erosion and sedimentation from the surface mining operation will be controlled according to the Virginia Department of Mines Minerals and Energy standards. Upon completion of mining of the site, the site shall be replanted with vegetation suitable to the Virginia Department of Mines Minerals and Energy.
8. There shall be no encroachment into any Resource Protection Areas or buffers prior to obtaining proper permits. At the time that any RPA buffer encroachments are necessary, owner and operator shall obtain all necessary permits, provide mitigation planting for buffer encroachments and provide all sureties for plantings.
9. Existing forested buffers surrounding the site shall be preserved and maintained at all times while mining and reclamation operations are being conducted.
10. 100-Foot Vegetated Buffers identified on the Plan of Development shall consist of existing forested areas to be preserved and maintained or new landscape planting installations in existing open areas. Buffer Areas A and B will be planted with five (5) rows of Leyland Cypress 8 feet apart in staggered rows spaced 20-feet apart. Trees planted in Buffer Areas A and B will be planted with a minimum height of 6-feet.

Buffer Areas D, E and F will include planting of Leyland Cypress eight (8) feet apart in two staggered rows spaced 20-feet apart along the outer edge of the buffer. Three rows of Loblolly Pine will be planted in the remaining portion of the buffer. Trees planted in Buffers C, D and E are intended to screen future cells 6, 7, and 8. They will be planted with a height of 1-foot and the trees will have a height requirement of at least 6-feet prior to mining in these areas. New plantings shall either be installed or the installation of the new plantings shall be guaranteed with a Performance Agreement with surety as approved by the County Attorney, prior to commencement of surface mining operations.

11. All federal, state and county approvals shall be obtained prior to any site construction activity or issuance of any required King and Queen County permits.
12. Administrative/maintenance building will be serviced by well and septic.
13. An air quality permit will be obtained from the Department of Environmental Quality prior to mining activities.
14. Pursuant to applicant's agreement with DMME regarding any impact to existing wells within 1,000 feet of the property, applicant commits to investigate and remediate any groundwater impacts from mining. See DMME letter November 19, 2013.

Voting For: Hudgins, Morton, Guess, Richardson, Campbell, Coleman, Herrin, Harvey

Voting Against: None

Abstain: None

Old Business

A. Comprehensive Plan – Public Comment/Review

Mr. Richardson noted that he will now open the floor for public comment regarding the proposed Comprehensive Plan. Having no one in the audience at this time to speak, Mr. Richardson closed comment period.

Staff's Comments

Mrs. Sprouse noted that she had no comments.

Mr. Swartzwelder noted that he had no comments.

Mr. Lawrence Simpkins noted that he had concerns of the entrance location for the proposed mining site and wasn't sure that 600' is enough distance to stop a fully loaded tractor trailer should someone be stopped at the bottom of the hill. He noted that he will look further into the entrance approval by VDOT more closely.

Commissioner's Comments

Mrs. Morton stated that the proposed mining site is proposing a dangerous location for the entrance on Rt. 721, but she is aware that VDOT has approved it.

Mr. Guess confirmed with staff that state agency review and approval has been received.

Mr. Harvey suggested reducing the speed limit in the area to help with the concerns of the entrance location or to cut the grade so you have a greater sight distance.

Mrs. Hudgins stated that as proposals come before them, the Commission should consider the accumulative traffic effects on various areas.

Mr. Coleman thanked Mrs. Sprouse for her information and work.

Mr. Herrin agreed with Mr. Coleman.

Adjournment

Mr. Richardson noted that the Commission will meet June 4, 2018 at 6 p.m.

Mrs. Sprouse reminded the Commission that there will be a public hearing in June for the adoption of the Comprehensive Plan.

There being no further business, a motion was made by Mr. Herrin to adjourn the meeting, with all present members stating "Aye".

Hunter Richardson, Chairman