

**King & Queen County
Planning Commission Minutes
July 6, 2021**

The King & Queen County Planning Commission met on Tuesday, July 6, 2021, 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:

Hunter Richardson	Barbara Hudgins
Milton Watkins	Comer Jackson
William Herrin	David Campbell
Ryan Burroughs	

Also in Attendance:

Donna E. Sprouse, Director of Community Development

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
May 3, 2021**

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

Voting For: Watkins, Hudgins, Richardson, Herrin
Voting Against: None
Abstain: Burroughs, Jackson, Campbell

Citizens Comment Period

Mr. Richardson opened the floor for citizens' comment period.
Hearing no comments, citizens comment period was closed.

New Business

A. CUP21-03 & SP21-07 – Virginia Sand and Stone Property Company I *(public hearing)*

Chairman, Mr. Richardson opened the public hearing for CUP21-03 and SP21-07 in the name of Virginia Sand and Stone Property Company I, requesting approval of an amendment to an existing Conditional Use Permit (122.50 acres + 17.28 acres) & Level 3 Site Plan (310.28 acres) for the purpose

of adding an additional 17.28 acres for sand & gravel mining, located on County Tax Map Parcel No. 1632-78R-687. The site location is off of State Route 628, Spring Cottage Road, in the Newtown Magisterial District, addressed as 3251 Spring Cottage Road.

Mrs. Sprouse noted that the public notice was published in the Tidewater Review and Rappahannock Times for 2 consecutive weeks (June 16, 2021 and June 23, 2021). Adjoining property owners were notified via certified return receipt mail of the public hearing.

Mrs. Sprouse noted that the Planning and Zoning Department received an application on March 12, 2021, from Wilson Engineers, LLC on behalf of Virginia Sand & Stone, requesting approval of a Conditional Use Amendment and Level 3 Site Plan Amendment, to add an additional 17.28 acres for the purpose of surface mining (sand and stone).

The subject property is located on State Route 628, Spring Cottage Road, in the Newtown Magisterial District, County Tax Map Parcel No. 1632-78R-687. The property owner is Virginia Sand & Stone Property Company, I. The parcel size, according to the Commissioner of Revenue is 330.5 acres, however the survey as prepared by Mitchell Land Surveying, LLC has the parcel listed as approximately 310.28 acres. She added that the property is currently zoned Agricultural.

Virginia Sand & Stone is requesting approval of an amendment to an existing conditional use permit and level 3 site plan to add additional acreage to their approved surface mining facility. The mining operation will extract sand from an area consisting of (122.50 acres + 17.28 acres), with no processing, other than that required to facilitate the hauling of material.

Mrs. Sprouse noted that Stormwater & Erosion and Sediment Control are both regulated by Department of Mines Mineral and Energy (DMME). After speaking with Keith Goodwin of U.S. Army Corps of Engineers, he stated that a new or updated wetlands determination would not be necessary for this particular area to be included to be mined based on the information provided from the 2016 permit.

Mrs. Sprouse added that Environmental Health Supervisor, Kate Condrey, had no comments regarding the proposed additional acreage for mining. She added that the site has an existing paved commercial entrance. VDOT had no comments to provide for the proposed additional acreage for mining.

Mrs. Sprouse stated that 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.

As mentioned in a prior Planning Commission meeting, there is an approved mining operation (approved Rezoning, Conditional Use Permit and Level 3 Site Plan) from December of 2002. The 2002 approved operation is located just south of the Virginia Sand and Stone property a distance of approximately 1.4 miles, located at the intersection of Eastern View Road and Spring Cottage Road. The site consists of approximately 267 acres (with only 5 acres zoned Industrial). Staff has attached a copy of the approved minutes from the Board of Supervisors public hearing, siting the approved conditions for CUP02-10.

Mrs. Sprouse noted that it is important to know what other facilities exists, or at least be aware of those that have been approved to operate, to better determine how all future/proposed development impacts the area in regards to noise, traffic, environmental concerns and other impacts, if any, to the community.

Mrs. Sprouse noted that the applicant is not proposing any changes to the originally approved conditions from the 2016 approval. She did however point out that the Commission may recommend to the Board of Supervisors, new conditions or revise current conditions, as they deem appropriate.

Staff recommended approval of the level 3 site plan amendment. Staff also recommended approval of the proposed Conditional Use Permit, provided that previously approved conditions remain as presented.

Mr. Richardson asked if there was anyone from the public that wished to speak for or against the proposal.

Mr. Blair Wilson with Wilson Engineers noted that both he and the agent for Virginia Sand and Stone was present to answer any questions that they may have in regards to the proposal.

Hearing no further comments, the public hearing was closed.

Mr. Richardson asked the Commission if they had any questions for the applicant, their engineer or staff.

Mrs. Hudgins asked how much time does this additional acreage add to the life of the mining site. Mr. Seymore with Virginia Sand and Stone noted that it would not add any additional time to the life of the site because they will mine this site along with the current property that has already been approved.

Hearing no further comments, Mr. Richardson asked if there was a motion for recommendation to the Board of Supervisors. Mr. Richardson noted that this was the time to express their opinion and he asked that for anyone feeling compelled to make the motion or second the motion to also state why they feel compelled to make such a decision.

Mr. Herrin made a motion to approved CUP21-03 and SP21-07 as staff recommended because there was no reason not to, seconded by Mr. Watkins as he thinks it would be a great tax resource for the County.

Voting For: Watkins, Richardson, Herrin, Burroughs, Jackson, Campbell

Voting Against: Hudgins

Abstain: None

Old Business

A. Consider Amendments to the Planning Commission By-Laws

Mrs. Sprouse briefly went over several sections where she has suggested proposed amendments to the Planning Commission By-Laws. She noted that areas highlighted in green were new changes after meeting with the County Attorney regarding the previous proposed changes.

Mrs. Sprouse also noted that Commissioner Mr. Coleman was away this week, however asked if the Commission would delay making changes to the by-laws until he is able to attend to participate in the discussion.

Mr. Richardson noted that as Mr. Herrin had noted in the prior meeting, time should be taken when reviewing any changes to the by-laws. Mr. Hudgins asked Mrs. Sprouse if it would be permissible. Mrs. Sprouse noted that in the case of by-laws there is no timeframe to consider amendments or changes. She did want to point out that it's good to include Mr. Coleman, just keep in mind that not all items for review may wait for the attendance of others at a future meeting.

Mr. Richardson suggested that this was now a good time to pay close attention to section Article II of the By-laws and to speak with your Board members. He also tasked the Commission members to consider going to another county's Commission meeting to see how they do things and also get a copy of their by-laws to compare to King & Queen.

The Commission decided to wait until the next meeting to consider the proposed changes.

Staff's Comments

Mrs. Sprouse informed the Commission that should they wish to make changes and elect to waive payment for attending the Commission meetings or would like to elect to receive compensation, that they needed to contact the Finance Director, Tina Ammons. Mrs. Sprouse handed out employment packets for the interested Commission members, as well as business cards for Mrs. Ammons.

Mrs. Sprouse informed the Commission that due to the short timeline provided by FEMA for new FIRM adoption, she is needing to ask the Commission to set a public hearing for a text amendment to Article 10, Flood Plain Overlay District. She noted that the new maps and ordinance both are required to be adopted by the effective date of October 21, 2021. She noted that the only change she is proposing at this time is the date of the effective date within the code. Mrs. Sprouse noted that there was an item of question in the code as it relates to the definition of accessory structures. She is still waiting to hear back from FEMA headquarters as to if the current definition in the code is compliant. Mrs. Sprouse also noted that the changes in this new set of maps is more inland.

Mr. Richardson asked since there was such a short timeline for the map adoption, could the Commission suggest a joint public hearing with the Board of Supervisors. He added that he liked the joint public hearings so that the Board could hear their comments and thought process in making a decision. Mr. Campbell noted that it had been a good 10 years or so ago the Commission would use to have joint meetings with the Board frequently. Mr. Richardson asked what had changed and added that it seems to have changed when our County Administrator was hired.

Mrs. Sprouse explained that it was her understanding that the joint public hearing process changed because the Board needed more time to consider the Planning Commission's recommendations. That if they felt a need to further discuss an item with the Commission or applicant, they could in hopes of having a better project or outcome. When it was held in one meeting, it did not provide the Board ample time to consider the request, digest the recommendation of the Commission, nor allow the applicant to make changes to address the public or Commission's concerns if they so choose. Mr. Watkins added that was his understanding as well.

Mrs. Sprouse noted that if King & Queen did not adopt the new maps and ordinance, all existing flood insurance policies would be void. Mrs. Hudgins said that she did not want to be responsible for flood insurance policies being canceled.

Mr. Jackson asked what would be involved to amend the ordinance and maps based on what is in the preliminary maps. Mrs. Sprouse noted that this would be done as a text amendment, amending the date of the effective maps and maybe a definition for accessory structures. She doesn't propose amending most of the text in the current ordinance.

A motion was made by Mrs. Hudgins to set a public hearing for a zoning text amendment for Article 10, Flood Plain Overlay District and its maps. Mrs. Hudgins motion was seconded by Mr. Herrin.

Voting For: Watkins, Richardson, Herrin, Burroughs, Jackson, Campbell, Hudgins

Voting Against: None

Abstain: None

Commissioner's Comments

Mrs. Hudgins asked if there were any updates to the solar farm. Mrs. Sprouse noted that there were no updates to report. Mrs. Hudgins welcomed Mr. Jackson to the Commission.

Mr. Campbell said it was great to be back and welcomed Mr. Jackson to the Commission.

Mr. Herrin stated that he was happy to be present and glad to see everyone's face, except Donna's was behind a mask. He welcomed Mr. Jackson to the Commission.

Mr. Watkins welcomed Mr. Jackson to the Commission and wished him good luck with the training that is involved.

Mr. Burroughs welcomed Mr. Jackson and noted that if the training is online, he said he would have a good time with that process, as it makes for a very long day in front of a computer.

Mr. Richardson noted that the next meeting is set for August 2, 2021 and that there is a public hearing during next month's meeting.

Adjournment

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

Hunter Richardson, Chairman