

**RICHMOND COUNTY PLANNING COMMISSION  
MEETING MINUTES**

May 11, 2015

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, May 11, 2015 in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Glenn Bowen

Jesse Clark

Vice Chairman Darnell Clayton

Rick Cox

Chairperson Martha Hall

Cassandra Jackson

Clifton Jenkins

John W. Lewis

Joyce Pemberton

Patrick Weakland

Also present:

Joseph Quesenberry, Planning and Zoning Administrator

Mercedes Pierce, Planning Commission Secretary

R. Morgan Quicke, County Administrator

F. Lee Sanders, Chairman, Board of Supervisors

Robert B. Pemberton, Board of Supervisors

Rob C. Smith, Zoning Attorney, Diatomite Corporation of America

Jeff Howeth, Project Engineer, Diatomite Corporation of America

Tayloe Emery

Andy Hofmann

Mac Garrett

Margaret Gerdts

Richard Moncure

Alice Wellford

Hill Wellford

Harry Smith

**CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES FROM APRIL 6, 2015 MEETING & APRIL 27, 2015 WORK SESSION**

Vice Chairman Darnell Clayton asked the minutes reflect his presence during the April 6<sup>th</sup> meeting, as he was listed as being absent.

Jesse Clark requested the word “as” be added in between “act” and “a selling factor” at the top of page three. He also pointed out the misspelling of “wicker” in the paragraph under “Other Business” on page four.

Rick Cox made a motion to approve the April 6, 2015 meeting minutes as amended. John W. Lewis seconded the motion and they were approved unanimously.

Rick Cox suggested changing the sixth sentence in the last paragraph on page three to read “Mr. Howeth stated he believes the water authority should own everything in the water system and the sewer authority should own everything in the sewage disposal system...”

Chairperson Martha Hall corrected the spelling of “right-of-way” in the last sentence on page two.

Jesse Clark made a motion to approve the April 27, 2015 work session minutes as corrected. Vice Chairman Darnell Clayton seconded the motion and they were approved unanimously.

**PUBLIC HEARING - FONES CLIFFS DEVELOPMENT DETAILED REZONING REQUEST**

Chairperson Martha Hall declared the opening of the Public Hearing.

Joseph Quesenberry read the public notice, which states:

In accordance with §15.2-2204 of the Code of Virginia, 1950 as amended and pursuant to §15.2-2310 of the Code of Virginia, 1950 as amended, the Richmond County Planning Commission hereby gives notice that a Public Hearing will start at 7:00 p.m., May 11<sup>th</sup>, 2015, in the Public Meeting Room, County Office Building, Warsaw, Virginia for the following:

- To receive public comment on a Rezoning Request submitted by the Diatomite Corporation of America regarding their proposed Fones Cliffs development located off of Carter's Wharf Road, further identified as parcel(s) 4-1, 4-2 and 5-30. The development is described as a 976 acre mixed use project with a golf course, lodge and other amenities. The current zoning classification is Agricultural General (A-1), with a proposed rezoning to Residential Mixed Use (R-3), Conditional Business (B-1), and Conditional Agriculture (A-1). The proposed rezoning map may be viewed in person at the Richmond County Administrator's office at 101 Court Circle, Warsaw, Virginia 22572 between 9:00 A.M. and 5:00 P.M.

Mr. Quesenberry then presented his Staff Report (Attachment 1), in which he informed the Planning Commission he would provide a more detailed report at the June meeting.

Mr. Rob Smith, Zoning Attorney, Diatomite Corporation of America, presented a PowerPoint presentation, which provided an overview of the details of the proposed development.

Chairperson Hall stated the underlying issue is whether or not Diatomite's rezoning request should be approved and reminded everyone that tonight's vote was not so much about the Fones Cliffs project, but the rezoning of the property.

Mr. Hill Wellford, Chance, VA, stated his wife and he are the co-owners of Kendale Farm, which is located directly across the Rappahannock River from the Diatomite property. Mr. Wellford asked Mr. Quesenberry to distribute several documents to the Planning Commission members, which consisted of topographic maps of his property and the Fones Cliffs area, an excerpt from the Center for Conservation Biology website that shows the eagle habitat and nest sites, a National Geographic map of the Chesapeake Bay and several other documents explaining the Cliffs and erosion. Mr. Wellford explained the importance of this area in relationship to birds and the freshwater tidal system and provided the background on the zoning of this property. He stated that no provisions were included in the plans for preserving this natural resource and feels there is an obligation in the Comprehensive Plan and Zoning Ordinance to do just that. Mr. Wellford also stated many conservation organizations have visited this area and protested the destruction of this natural resource environment.

Ms. Margaret Gerds, Urbanna, VA, stated she is a member of the Northern Neck Audubon Society and is most passionate about protecting and not destroying the environment. Ms. Gerds feels this development is too large for such a fragile ecological system. Ms. Gerds stated she hopes the Planning Commission will deny this rezoning request.

Mr. Richard Moncure, Farnham, VA, stated he was present on behalf of the Friends of the Rappahannock, a non-profit conservation organization, and they do not support the proposal to rezone the Fones Cliffs property. Mr. Moncure stated Fones Cliffs has been recognized as having the county and region's highest conservation value.

Mrs. Alice Wellford, Chance, VA, stated the County is faced with a large and very speculative development project that does not have an independent geological assessment. Mrs. Wellford encouraged the County to contact Stratford Harbor in Westmoreland County to gather information on construction and housing developments occurring in close proximity to steep slopes, unstable lands, and eroding cliffs. Mrs. Wellford shared statements presented by Randall Arendt, a conservation developer, during the October 5, 2009 Rappahannock Cliffs rezoning Public Hearing of the Richmond County Planning Commission. Mrs. Wellford stated she hopes this rezoning request is not approved, but if it is, buffers should be addressed.

Mr. Mac Garrett, Hustle, VA, shared his concerns regarding this project and the impact it will have on the fish, the wildlife, and pristine beauty of the area. He is also concerned with the possibility of pollution resulting from this project. Mr. Garrett shared a story of a real estate settlement involving Alex Dillard, Irving Packett, and himself back in the 1980s and asked the Planning Commission to be responsible stewards of this County.

Mr. Andy Hofmann, Manager of the U.S. Fish & Wildlife Service at Rappahannock River Valley National Wildlife Refuge, Warsaw, VA, shared several key points from a letter, dated May 11, 2015, he submitted to R. Morgan Quicke, County Administrator (Attachment 2).

Mr. Tayloe Emery, Warsaw, VA, asked the Planning Commission to think of the Boards in the past and why they instituted the County's zoning codes. Mr. Emery stated he feels a "fantasy reel" is being used by Mr. Smith, in which the County is being shown what it wants, but not exactly how it will get it or what will go away in the process. Mr. Emery feels this is not the way to pay tribute to the history of this area and asked the Planning Commission to reject the rezoning request.

Chairperson Martha Hall closed the Public Hearing and called a brief recess.

During the recess, the Planning Commission decided to vote on the rezoning request at the next monthly meeting in June.

Chairperson Hall declared the meeting back in session.

**ZONING ORDINANCE AMENDMENT DISCUSSION – ACCESSORY  
STRUCTURE HEIGHT IN A-1 ZONES**

Joseph Quesenberry informed the Planning Commission the department has received complaints regarding the code for the height of accessory structures. He proposes an amendment be made to the Zoning Ordinance, which will change the current accessory structure height allowance from “Not to exceed height of primary structure” to “Not to exceed 35 feet,” in the Agricultural, General (A-1) Zones. Mr. Quesenberry then shared his reasoning behind proposing this amendment.

Clifton Jenkins requested an example. Mr. Quesenberry shared the details of a recent zoning application. A County resident applied for a zoning permit to place a \$14,000 prebuilt shed onto her property in order to clean up her yard, but the shed was taller than her mobile home.

Rick Cox stated he thinks this is a great idea.

Patrick Weakland questioned if the accessory structure height limit sentence could be repealed instead of adding to the Zoning Ordinance. Chairperson Hall stated she did not feel it would be a wise decision to not put a limit on the height of accessory structures.

Mr. Cox suggested the Planning Commission move forward with the 35 feet height limit and allow for a special exception for requests above this height.

The Planning Commission agreed to schedule a Public Hearing for this matter during next month’s meeting and vote on it at the conclusion of the Public Hearing.

**OTHER BUSINESS**

There was no other business to be discussed.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

There being no further business, Chairperson Hall adjourned the meeting at 7:56p.m.

Respectfully submitted,

Mercedes Pierce  
Planning Commission Secretary