

**RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES**

September 11, 2017

The Richmond County Planning Commission held its regularly scheduled meeting on Monday, September 11, 2017, in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:

Walter Ball

Vice-Chairperson Glenn Bowen

Chairperson Jesse Clark

Rick Cox

Cassandra Jackson

John W. Lewis

Harry Smith, Jr.

Darnell Clayton

Martha Hall

The following member was absent:

Clifton Jenkins

Also present:

D. Barry Sanders

Richard English

Hope Mothershead

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Chairperson Clark called the meeting to order at 7:00 p.m. Chairperson Clark offered a moment of silence and gave the invocation. John W. Lewis led everyone in the Pledge of Allegiance.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES – JULY 10, 2017 MEETING

Chairperson Clark asked if there were any additions or corrections to the minutes from the July 10, 2017 meeting. Walter Ball made a motion to approve the minutes, as presented. Rick Cox seconded the motion and they were approved unanimously.

FRACKING

Chairperson Clark addressed the members about the need to review proposed changes to the Zoning Ordinance. – See Exhibit A for proposed changes

Mr. Sanders noted that the changes presented were suggestions from the Southern Environmental Law Center. The changes have also been reviewed by the County Attorney. Chairperson Clark suggested a verbal vote on the language in each of the sections.

Section 2-2-2A(4)

The change in Section 2-2-2A(4) was discussed. Mr. Cox asked about the mining of vermiculite. Mr. Sanders noted that mining of vermiculite could be allowed as a special exception use. John W. Lewis suggested that the wording in the section read “Non-pressurized”. The commissioners discussed the possibility of making the language more specific. The 8-1 vote carried with the suggestion to leave the language as presented - “Sand and gravel mining activities.”

Section 2-7

The change in Section 2-7-1 was discussed, together with the suggestion from the attorney for Section 2-7-2. The 9-0 vote carried with the suggestion to move forward with the language provided by the attorney to be added to the Permitted Uses (2-7-2) section – “Extraction of oil or gas, including by means of hydraulic fracturing, is not permitted in the M-1 zoning district.”

Section 4-8-3 and Definitions

The changes in Section 4-8-3 and Definitions were discussed in numbers 4 and 5. The 9-0 vote carried with the suggestion to move forward with the suggestion to leave the language as presented – “4. Permitted surface or deep mining operations and projects., 5. Permitted oil or gas operations and projects conducted pursuant to Title 45.1 of the Virginia Code.

John W. Lewis made a motion to schedule a public hearing on October 10, 2017 at 7:00 p.m. for discussion based on changes to the zoning ordinance. Martha Hall seconded the motion. The motion carried with a vote of 9-0 (*John W. Lewis – yay; Harry Smith – yay; Glenn Bowen – yay; Rick Cox – yay; Cassandra Jackson – yay; Walter Ball – yay; Jesse Clark – yay; Darnell Clayton – yay; Martha Hall - yay*).

OTHER BUSINESS

Mr. English addressed the members and explained a possible revision to the newly revised pier and covered slip ordinance. Mr. English noted that he had been approached by a contractor who wanted to build a finger pier / walkway that was longer than the allowed 20 feet. Since the ordinance does not allow such length, a compromise was made to add a portion of the square footage as an appendage. John W. Lewis added that he thought the ordinance should remain as is. Chairperson Clark asked Mr. English to determine if the language needed to be re-worded and if so bring back revisions to the members for discussion. Mr. Ball added that he did not think it was necessary to make a change with just one request.

ADJOURNMENT

There being no further business, Chairperson Clark adjourned the meeting.

Respectfully submitted,

Hope Mothershead
Commission Secretary

Richmond County Zoning Ordinance
Recommended Changes
August 28, 2017

Recommendations appear highlighted.
Deleted passages have a strike through.

Page 8—Agricultural General, District A-1

2-2 DISTRICT REGULATIONS, AGRICULTURAL GENERAL, DISTRICT A-1

2-2-2A SPECIAL EXCEPTION USES

1. Bed and Breakfast establishments.
2. Retirement home or home nursing facility.
3. Commercial animal kennels and veterinary facility (*including animal cemeteries and animal crematoriums*). (Amended January 13, 2005)
4. Sand and gravel mining activities. ~~Mining activities including removal of sand and gravel.~~

Page 30—Industrial District, M-1

2-7 DISTRICT REGULATIONS - INDUSTRIAL DISTRICT, M-1

2-7-1 PURPOSE AND INTENT

The purpose of the Industrial District is to provide areas in which use of land and buildings is for manufacturing and assembly plants including processing, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses be conducted so that noise, odor, dust and glare of each operation is confined within an enclosed building. Where, due to the special requirements of an industry, operations must be conducted outside of an enclosed building or storage of goods and materials is necessary outside of an enclosed building, adequate measures must be taken to protect adjoining properties and the general welfare of the County. The Industrial District is designed to assist the County by attracting new employment opportunities by providing development sites for small, medium and large industrial firms in locations conducive to business and industrial activities. ~~Extraction of oil or gas, including by means of hydraulic fracturing, would not be consistent with the purpose and intent of this District and shall not be permitted.~~

4-8 EROSION AND SEDIMENT CONTROL

4-8-3 GENERAL REQUIREMENTS

B. Exemptions

The following land disturbing activities are exempt from the provisions of this section.

- (1) Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work.
- (2) Individual service connections.
- (3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced.
- (4) Permitted surface or deep mining operations and projects. ~~activities~~
- (5) Permitted oil or gas operations and projects conducted pursuant to Title 45.1 of the Virginia Code. ~~Exploration or drilling for oil and/or gas, including the well site, roads, feeder lines and off-site disposal areas.~~

Land-Disturbing Activity: Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- 1) Minor land disturbing activities such as home gardens and individual landscaping, repairs and maintenance work;
- 2) Individual service connections;
- 3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;
- 4) Permitted surface or deep mining operations and projects;
- 5) Permitted oil or gas operations and projects conducted pursuant to Title 45.1 of the Virginia Code; ~~Exploration or drilling for oil and/or gas, including the well site, roads, feeder lines and off-site disposal areas;~~

D. Barry Sanders

From: McRoberts, Andrew R. [amcroberts@sandsanderson.com]
Sent: Friday, September 08, 2017 8:13 AM
To: R. Morgan Quicke
Cc: D. Barry Sanders
Subject: Re: FW: Fracking Ban in Richmond County

Morgan, I'm not in the office today but will be back Monday but can look at this in more detail then.

However, on a first review, I think a specific prohibition in the M-1 would be far better than merely stating that fracking is "inconsistebt" with the M-1 zoning district. One idea is to add a sentence to the permitted uses paragraph in M-1... see final sentence below:

M-1 PERMITTED USES

All freestanding industrially utilized lots of record at the time of adoption of this Ordinance shall be included in the Industrial District as conditionally zoned for the use occurring at that time. New areas may be zoned Industrial, conditionally for the use intended, as the need may arise. A change in use for any industrial site may be accomplished by means of conditional rezoning for the individual property. **Extraction of oil or gas, including by means of hydraulic fracturing, is not permitted in the M-1 zoning district.**

That paragraph allows all industrial uses by conditional zoning application. **Adding the last sentence actually prohibits fracking in the M-1 district.** The intent language alone does not, although it certainly is clearly written intent.

Also, Morgan, I'm not exactly sure that including specific references to oil and gas mining in the e&s sections and in "land disturbing" makes sense if you're banning it completely. Perhaps those sections were intended to do something else. Not sure.

Let's discuss and see. I'll take a closer look.

Andrew

From: R. Morgan Quicke <rmquicke@co.richmond.va.us>
Sent: Friday, September 8, 2017 7:33:34 AM
To: McRoberts, Andrew R.
Cc: D. Barry Sanders
Subject: FW: Fracking Ban in Richmond County

Andrew-

Good morning. The BOS and PC are working on the banning of Fracking in the County. Bobby Pemberton has been working with the SELC on the issue, and they have sent some proposed zoning and comp plan changes for our PC to consider when developing the ordinance amendments. If you would glance over them when you have a second I would appreciate it.

R. Morgan Quicke
Richmond County
County Administrator
(804)-333-3415 Office
(804)-333-3408 Fax

-----Original Message-----

From: Pemberton, Robert B. (VADOC) [<mailto:Robert.Pemberton@vadoc.virginia.gov>]
Sent: Tuesday, August 29, 2017 7:41 AM
To: R. Morgan Quicke
Subject: FW: Fracking Ban in Richmond County