

**VIRGINIA:**

At a joint recessed meeting of the Washington County Board of Supervisors and Washington County Planning Commission held Tuesday, March 14, 2006, at 6:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

**Board of Supervisors:**

Kenneth O. Reynolds, Chairman  
Jack R. McCrady, Jr., Vice Chairman  
Phillip B. McCall  
Dulcie M. Mumpower  
Odell Owens  
Paul O. Price  
Anthony S. Rector

Mark K. Reeter, County Administrator  
Lucy E. Phillips, County Attorney  
Charles W. "Wally" Horton, County Planner  
Naoma A. Mullins, Recording Clerk

**Planning Commission:**

Stephen Fisher, Chairman  
Joe Hutton, Vice Chairman  
Mickey Tyler  
William Canter  
Richard Rhea  
Jack C. Phelps, Jr.

**ABSENT:**

**Planning Commission:**

Phillip McCroskey

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**1. Call to Order**

**Board of Supervisors:**

The meeting was called to order by Kenneth Reynolds, Chairman of the Board, who welcomed everyone in attendance.

**Planning Commission:**

Planning Commission Chairman Stephen Fisher called the Planning Commission to order.

**2. Approval of Agenda**

**Board of Supervisors:**

*On motion of Mr. Owens, second by Mr. McCrady, it was resolved to approve the agenda as presented.*

*The vote on this motion was as follows: (7-0)*

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**Planning Commission:**

*On motion of Mr. Hutton, second by Mr. Phelps, the Commission acted to approve the agenda as presented.*

*The vote on this motion was as follows: (6-0)*

<i>Mr. Canter</i>	<i>Aye</i>
<i>Mr. Fisher</i>	<i>Aye</i>
<i>Mr. Hutton</i>	<i>Aye</i>
<i>Mr. Phelps</i>	<i>Aye</i>
<i>Mr. Rhea</i>	<i>Aye</i>
<i>Mr. Tyler</i>	<i>Aye</i>

**3. Joint Public Hearings:**

- a. Joint Public Hearing, Consideration of Planning Commission Recommendation and Adoption of an Ordinance to Amend Chapter 66, Section 66-523, of the Code of the County of Washington, Virginia, to Clarify that Quarry Activities may be allowed in association with Crushed Stone Operations and/or Sand and Gravel Operations when such Operations are allowed by Special Exception Permit in the Manufacturing, General (M-2) Zoning District

County Attorney Lucy Phillips addressed the Board and Planning Commission providing them with a review of the proposed ordinance. Ms. Phillips explained that adoption of the proposed ordinance would clarify that quarry operations may be allowed in association with “crushed stone operations” and/or “sand and gravel operations” when such operations are allowed by Special Exception Permit in the Manufacturing-General (M-2) Zoning District of the County. She further explained that the proposed

amendment came about from interest expressed by Glade Stone, Inc. in expansion of its operations in the Monroe Magisterial District. Ms. Phillips stated that Glade Stone’s current operations pre-dated adoption of the County Zoning Ordinance in 1971, but the current operation is located in the Manufacturing General (M-2) Zoning District, which allows “crushed stone operations” and “sand and gravel operations” by Special Exception Permit pursuant to County Code Sections 66-523 (4) and (12), respectively. She further stated that expansion of the operation into adjoining property would require the operation to come into compliance with all zoning regulations. Therefore, Glade Stone, Inc. has applied to rezone to M-2 the adjoining property into which it wishes to expand and has also applied for a Special Exception Permit to allow “crushed stone operations” and “sand and gravel operations” in the expanded area.

Ms. Phillips explained that action requested at this time is that after the joint public hearing the Planning Commission is asked to give their recommendation to the Board of Supervisors regarding the proposed amendment and subsequently for the Board to take action on the proposed amendment. She further explained that at the Board’s regular meeting they would consider the requests from Glade Stone to rezone property and for a Special Exception Permit.

(b). Joint Public Hearing before Planning Commission and Board of Supervisors

Mr. Fisher, Chairman of the Planning Commission, opened the Public Hearing for the Planning Commission to receive comments both in support of and in opposition to proposed ordinance.

Mr. Reynolds, Chairman of the Board of Supervisors, opened the Public Hearing for the Board to receive comments both in support of and in opposition to the proposed ordinance.

Mr. Phil Crane addressed the Board and Planning Commission explaining that he is an adjacent property owner to the existing quarry operation. Mr. Crane inquired as to why the proposed ordinance was needed. He feels that the expansion project is moving to fast and requested the project be delayed to give the property owners more time to obtain information.

County Planner Wally Horton provided explanation to the necessity of the proposed ordinance.

Discussion ensued among the Board and Commission.

There being no further comments, Mr. Fisher declared the public hearing closed.

There being no further comments, Mr. Reynolds declared the public hearing closed.

(c). Recommendation of Planning Commission

Discussion ensued among Planning Commission regarding the proposed ordinance. Subsequently the following action was taken:

***On motion of Mr. Tyler, second by Mr. Hutton, the Planning Commission acted to recommend approval of the proposed ordinance to the Board of Supervisors.***

***The vote on this motion was as follows: (6-0)***

***Mr. Canter                      Aye***  
***Mr. Fisher                      Aye***

<i>Mr. Hutton</i>	<i>Aye</i>
<i>Mr. Phelps</i>	<i>Aye</i>
<i>Mr. Rhea</i>	<i>Aye</i>
<i>Mr. Tyler</i>	<i>Aye</i>

(d). Consideration of Adoption of Ordinance by Board of Supervisors

*On motion of Mr. McCrady, second by Mr. Price, it was resolved to adopt the following ordinance:*

**ORDINANCE NO. 2006-04**

***An Ordinance To Amend Chapter 66, Section 66-523, Of The Code Of The County Of Washington, Virginia, To Clarify That Quarry Activities May Be Allowed In Association With Crushed Stone Operations And/Or Sand And Gravel Operations When Such Operations Are Allowed By Special Exception Permit In The Manufacturing—General (M-2) Zoning District***

*WHEREAS, the zoning ordinance of the County of Washington, Virginia, allows, by special exception permit, “crushed stone operations” and “sand and gravel operations” in the Manufacturing—General (M-2) zoning district but does not state that quarry activity in association with such operations is allowed; and*

*WHEREAS, two facilities in the County are involved in the enterprise of creating crushed stone and sand and gravel and have quarry operations in association with the crushed stone, sand, and gravel operations at each facility; and*

*WHEREAS, both such facilities began operations prior to adoption of the County zoning ordinance and are, therefore, considered pre-existing non-conforming uses, but expansion of at least one of the facilities is required to allow its continued operation; and*

*WHEREAS, with expansion the facility must come into compliance with current zoning regulation; and*

*WHEREAS, the use for quarry operations in association with crushed stone, sand, and gravel operations is consistent with and typically associated with the crushed stone, sand, and gravel operations currently allowed by special exception permit in the M-2 zoning district; and*

*WHEREAS, after notice and public hearing, as required by law, the Board finds that adoption of an ordinance, as set forth herein, to allow such quarrying operations by special exception permit would serve the public health, safety, and welfare;*

***NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia:***

***1. That Chapter 66, Subsection 66-523, is amended, as set forth below, with the new language to be added indicated by italics and underline:***

***DIVISION 14. INDUSTRIAL, GENERAL, DISTRICT M-2***

***Sec. 66-523. Special exception uses.***

*In the M-2 district, the following uses or structures may be permitted only if approved for the issuance of a special exception as provided in this chapter:*

- (1) Asphalt mixing plant.*
- (2) Auto salvage yards.*
- (3) Cement, lime, gypsum manufacture.*
- (4) Crushed stone operations, including quarrying in association with such operations.*
- (5) Day care center.*
- (6) Fertilizer mixing and distribution.*
- (7) Fire department offices and facilities, emergency medical rescue squad offices and facilities, law enforcement offices and facilities and other governmental offices and facilities.*
- (8) General manufacturing.*
- (9) Off-site uses related to airport safety as defined in section 66-610.*
- (10) Research and testing laboratories.*
- (11) Retail sales with a special exception as an accessory use to a permitted use. The retail sales must be of products produced by or associated with the permitted use.*
- (12) Sand and gravel operations, including quarrying in association with such operations.*
- (13) Water and wastewater treatment plants.*

*2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.*

*3. That this ordinance shall become effective immediately upon its enactment.*

**4. Consideration of Draft Amendments to the County Subdivision Ordinance Concerning Definition of “Vehicular Access Easement” and to provisions for Property Owner Associations**

County Planner Wally Horton addressed the Board and Planning Commission providing a review of the draft amendments to the County Subdivision Ordinance. Mr. Horton explained that two technical (non-substantive) changes are being proposed to the County Subdivision Ordinance. The following is a review of the proposed amendments:

- a. Draft Amendment to Definition of “Vehicular Access Easement”:

As part of the amendments to Chapter 52 concerning Family Divisions and Family Subdivision adopted December 13, 2005, the definition of “right of way” was revised to allow proof of the width of a right of way prior to or as of July 1, 2005 to be made by recordation of a plat that shows all adjoining owners’ agreement to the width of the right of way, or by recordation of a judicial opinion of the width of right of way. This revised definition, however, only pertained to right of ways serving Family Subdivisions. By contrast, the current definition for “vehicular access easement (VAE),” which is not limited to Family Subdivisions, does not allow submission of proof of right of way width if such information is not in the current land records of the County. By allowing such proof to be submitted for VAEs - either by recordation of a survey plat showing property owner agreement to the width prior to or as of July 1, 2005, or by recordation of a judicial opinion determining width prior to or as of July 1, 2005 – Chapter 52 would provide a mechanism for owners of property served by VAEs to become eligible for certain divisions of their property and would be consistent with the definition of “right of way” affecting Family Subdivisions as amended in December. This draft amendment would better serve the intent inherent in the definition of “right of way” by allowing its consistent application through the Subdivision Ordinance.

At this time, discussion ensued among the Board and Planning Commission. Among the issues discussed was the County’s role in deciding widths for right-of-ways and the affect decisions may have on individual who might have a financial need to sell their property. There was further discussion as to whether the County had taken a look at how other counties in the region are handling this issue.

It was consensus of both the Planning Commission and Board of Supervisors to direct the County Attorney to prepare the ordinance and advertise for public hearing.

b. Draft Amendment to Property Owners Association Provisions:

Mr. Horton reviewed the following:

Section 52-225(e) of the County Subdivision Ordinance presently reads as follows:

*(e) the subdivider shall submit a copy of the state certificate of incorporation from the state corporation commission and a copy of the articles of incorporation and by-laws, to the agent prior to the agent approving the final plat.*

The Virginia State Corporation Commission often takes 30 to 60 days or more to provide a state certificate of incorporation. Staff proposes that Chapter 52 be amended to only require proof of submission to the State Corporation Commission of a subdivision’s articles of incorporation and by-laws. The intent of Chapter 52, which is to provide for property owner maintenance of elements in common ownership and to provide for due notice to potential owners of lots of property owner maintenance requirements, will still be served since a note is required on the plat stating that membership in a property owners association is required of property owners in the subdivision and a copy of the articles and by-laws is recorded with the subdivision. This draft amendment would eliminate a needless delay in the approval of final subdivision plats for recordation.

Mr. Reeter proposed a technical amendment for homeowners association that states articles of incorporation has to be in hand before the county would sign off. What staff recommends is to basically allow the developer to prove to the County that he has filed for articles of incorporation so that the County could sign off on plat. This would speed up the process.

It was consensus of both the Planning Commission and Board of Supervisors to authorize the County Attorney to prepare the ordinances and advertise for public hearing.

**5. Adjourn to March 14 Regular Meeting of the Board of Supervisors**

*On motion of Mr. Rector, second by Mr. Price, the Board acted to adjourn the meeting.*

*The vote on this motion was as follows: (7-0)*

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**Adjourn to March 27 Regular Meeting of the Planning Commission**

*On motion of Mr. Tyler, second by Mr. Phelps, the Commission acted to adjourn the meeting.*

*The vote on this motion was as follows: (6-0)*

<i>Mr. Canter</i>	<i>Aye</i>
<i>Mr. Fisher</i>	<i>Aye</i>
<i>Mr. Hutton</i>	<i>Aye</i>
<i>Mr. Phelps</i>	<i>Aye</i>
<i>Mr. Rhea</i>	<i>Aye</i>
<i>Mr. Tyler</i>	<i>Aye</i>

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**Prepared by:**

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Naoma A. Mullins, Recording Clerk

**Approved by the Washington County Board of Supervisors:**

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Kenneth O. Reynolds, Chairman

**Approved by the Washington County Planning  
Commission:**

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Stephen Fisher, Chairman