

Letter to the Editor — Supervisors need to adopt two ordinances

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By **Letters to the Editor** (<https://www.farmvilleherald.com/author/letters-editor/>).

Dear Editor,

I am writing in response to the excellent coverage that *The Farmville Herald* has been giving to the gold mining issue in Buckingham County. As reported on Friday, Sept. 30, the State Agency Committee (of the study on the impacts of gold mining) invited Joe Lerch from the VA Association of Counties (VACO) to speak on local governance at the last meeting on Monday, Sept. 26.

At the meeting, Chairman Miles asked: “Does a county, city or town have the independent authority of their own to ban gold mining in their locality?”

Mr. Lerch responded: “In a zoning ordinance, you can say that this is not allowed activity. Or you could say it is allowed in (a certain) type of district, like an industrial district, with a special use permit. If you want to say we don’t even want to consider it, that could be in your ordinance too.”

He also said that there are very few instances where the state can preempt local authority in the case of mining and that he knew of no preemptions of local land use authority.

This sounds really good: the Board could pass an ordinance to ban gold mining based on land use and zoning.

Article 7, Section 15.2-2280 of the Virginia Code seems to confirm what Mr Lerch says:

“Any locality may, by ordinance, ... regulate, restrict, permit, prohibit, and determine ... The excavation or mining of soil or other natural resources.”

This sounds like a strong support in prohibiting – or in Mr. Lerch’s words, “banning mining.”

I respectfully ask the supervisors to consider a local ordinance to ban metallic mining based on Mr. Lerch’s comments and the VA code cited above before the General Assembly meets in January. Adopting an ordinance like this would set a strong example and send a strong message to the General Assembly about the needs of our rural community.

I also ask them to consider adopting the ban and the rights-based ordinance that they were given in August. The intentions of both these ordinances complement each other.

I am happy to hear from the County Administrator that he has agreed to invite Mr. Lerch from VACO and Ben Price from CELDF (who helped craft the rights-based ordinance) to the next Board of Supervisors meeting on Nov. 15. Mr. Lerch will be able to present his analysis of a ban based on zoning and land use and confirm the VA Code above. Mr. Price will be able to explain the power, security and complementary nature of a rights-based ordinance to an ordinance based on zoning and land use. The Supervisors will have an opportunity to ask questions of both.

It should be an interesting meeting.

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