

Accomack County Planning Commission Minutes of October 10, 2012

Virginia: At a meeting of the Accomack County Planning Commission held on the 10th day of October 2012, in the Accomack County Administration Building Board Chambers, Room #104, Accomac.

1. **CALL TO ORDER:**

A. MEMBERS PRESENT AND ABSENT

Planning Commission Members Present

Mr. E. Phillip Hickman, Chairman
Mr. George Parker, Vice-Chairman
Mr. Leander Roberts
Mr. C. Robert Hickman
Mr. Alan Silverman
Mr. Pete Onley
Mr. Tony Picardi
Mr. David Lumgair

Members Absent:

None

Others Present:

Mr. Rich Morrison, Director of Planning and Community Development
Mr. Robert Testerman, Land Use Planner
Ms. Hollis Fate, Administrative Assistant

B. DETERMINATION OF QUORUM

There being a quorum, Chairman Hickman called the meeting to order at 7:00 p.m.

2. **ADOPTION OF AGENDA:**

On a motion made by Mr. Parker and seconded by Mr. Silverman, the Planning Commission voted unanimously to adopt the agenda with the following modification:

- **Conduct the Comprehensive Plan update discussion after the public hearing and before other matters.**

3. **PUBLIC COMMENT PERIOD (Not a public hearing):**

Chairman Hickman opened the floor for the public comment period.

The following persons signed up for public comment period:

- Mr. Bedford Rogers – Mr. Rogers signed up to speak to the Planning Commission about the Comprehensive Plan update. He discussed poverty in southern Accomack County and the urgency for businesses in that area. He also noted the County's need for public water and sewer.

Chairman Hickman closed the public comment period.

Accomack County Planning Commission Minutes of October 10, 2012

4. MINUTES:

A. September 12, 2012 Minutes

On a motion made by Mr. Parker and seconded by Mr. Roberts, the Planning Commission voted unanimously to approve the minutes of September 12, 2012.

B. September 25, 2012 Minutes

Mr. Parker noted that item #3b (public utilities) of the Comprehensive Plan Item List should read “sewer plant size and scale” instead of “sewer size and scale.”

On a motion made by Mr. Parker and seconded by Chairman Hickman, the Planning Commission voted unanimously to approve the work session minutes of September 25, 2012 with the above noted change made.

5. NEW BUSINESS:

A. Proposed Convenience Center Location, Wachapreague Road

Stewart Hall of the Department of Public Works requested that the Planning Commission review the location a new proposed solid waste convenience center. The subject parcel is located at the northwest corner of the Wachapreague Road (Route 180) and Seaside Road (Route 600) intersection.

On a motion made by Mr. Parker and seconded by Mr. Roberts, the Planning Commission voted unanimously to recommend approval of the proposed convenience center location, as requested by the Department of Public Works, subject to the following recommendations to the Board of Supervisors:

- 1. If allowed by the Virginia Department of Transportation (VDOT), the convenience center entrance should be located on Seaside Road/Route 600.**
- 2. The woodlands currently located on the property should remain.**
- 3. The southern portion of the property facing Wachapreague Road/Route 180 should be landscaped.**

6. 7:30 PUBLIC HEARING:

A. Contained Fin-fish Raising Zoning Ordinance Amendment

Mr. Morrison, the Director of Planning and Community Development, gave a brief PowerPoint presentation to discuss the proposed zoning ordinance amendment to establish zoning regulations applicable to fin-fish growing, processing and/or packing operations in Accomack County, Virginia.

Chairman Hickman opened the public hearing to afford interested persons the opportunity to be heard or to present written comment concerning the proposed contained fin-fish raising zoning ordinance amendment. The following persons signed up to speak:

- Nicholas Covatta – Mr. Covatta is supportive of fin-fish operations on the Eastern Shore but objects to an ordinance that would allow large-scale plants to operate anywhere in Accomack County. He further suggested that the

Accomack County Planning Commission Minutes of October 10, 2012

Planning Commission should direct fin-fish operations to industrial zoned areas.

- Chris Bentley – Mr. Bentley is the farm manager at Mid-Atlantic Aquatic Technologies in Quinby and he attended the public hearing to speak to the Planning Commission about the operations that take place at their plant and to answer any questions the Planning Commission had.
- Michael Schwarz – Dr. Schwarz from the Virginia Seafood and Agricultural Research and Extension Center in Hampton who has been in the fin-fish operations field for many years attended the public hearing to speak to the Planning Commission about fin-fish operations and to answer any questions that the Planning Commission had.

Chairman Hickman closed the public hearing.

The Planning Commission spoke with both Chris Bentley from Mid-Atlantic Aquatic Technologies and Dr. Michael Schwarz from the Virginia Seafood and Agricultural Research and Extension Center and asked many questions pertaining to fin-fish operations.

Following the dialogue between the Planning Commission, Mr. Bentley, and Dr. Schwarz, the Planning Commission members spent a significant amount of time discussing their concerns and opinions relating to the proposed zoning ordinance amendment.

Of the many points mentioned and/or discussed, the most significant items were: operation/facility size and scale; accessory processing size, scale, and impact; and distance from heavily populated residential areas.

Immediately below is the draft ordinance showing the changes that were made by the Planning Commission. Language removed from the draft ordinance is ~~struck through~~ and language added to the draft ordinance is **bolded**:

Sec. 106-239. – Fin Fish

(a) *Intent.* It is the intent of this article to provide all residents of the county benefit from the orderly and responsible growth of the aquaculture industry, and particularly, the confined raising of fin-fish species.

(b) *Definitions.* For the purpose of this section, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accomack County Planning Commission Minutes of October 10, 2012

Adjacent properties means adjacent properties shall be defined as those properties which are either (a) contiguous, or (b) separated only by a street or road.

Confined fin-fish operation means an agricultural operation using recirculating aquaculture system within a structure for the production of fin-fish of any species grown for commercial purposes. When applicable this definition also includes associated fully-contained waste storage sites, ~~incinerators, disposal pits,~~ **and/or** composters, ~~and/or waste processing units.~~

Existing dwelling or business mean a structure, designed for residential or commercial use which is completed or in the process of being completed on the date a complete application for a confined fin-fish operation permit is received by the zoning administrator.

Processing, waste storage, and related activities mean those uses, activities, and structures that may be part of a confined fin-fish operation, which are accessory components of a confined fin-fish operation, including, ~~but not limited to~~ fully-contained waste storage sites, ~~incinerators, disposal pits,~~ outdoor storage, settling ponds, **and** composters, ~~and fully contained waste processing units.~~ **Other similar uses require a Conditional Use Permit.**

Recirculating aquaculture system means any system used for the rearing of fin-fish where 90% or more of system water is recycled on a daily basis.

(c) *Zoning permit required.* Zoning approval shall be obtained from the zoning administrator for all proposed fin-fish operations before any construction begins. To obtain a zoning permit, the owner or agent for the owner shall submit a site plan in accordance with Sec. 106-226, drawn to scale and in sufficient detail to show that the proposed confined fin-fish operation meets all applicable requirements of this section, to the zoning administrator for approval. The site plan shall show the size of the parcel, the location and size of existing and proposed buildings and structures on the parcel, the location of proposed entrances and access roads, the location of adjacent zoning district or incorporated town boundaries, and the location of any streams, ditches, or other water bodies on or adjacent to the property. The site plan shall also include a written statement by which the applicant certifies to the zoning administrator that the confined fin-fish operation shown on the site plan meets all applicable setback requirements of this ordinance and that the site plan is a complete and accurate depiction of the confined fin-fish operation as it is to be located on the parcel. The submittal shall also include any applicable applications made to or permits issued from the Department of Environmental Quality.

Zoning permits for confined fin-fish operations shall expire one year after the date of issuance unless substantial construction of the approved facilities has actually

Accomack County Planning Commission Minutes of October 10, 2012

commenced, and is progressing toward completion in accordance with the approved site plan.

(d) *Posting of permit.* A copy of the zoning permit for approved confined fin-fish operations shall be posted at the entrance to the property in a location that is clearly visible from the roadway.

(e) *Setback verification.* The permittee shall contact the county prior to beginning construction on a confined fin-fish operation to arrange for an on-site verification of the required minimum setbacks specified within this article.

(f) *Minimum standards.*

(1) *Lot size.* The minimum lot size for confined fin-fish operations shall be five acres.

(2) *Setbacks.* A recirculating aquaculture system shall be subject to the yard regulations set forth in Section 106-58 (Agriculture). The minimum setbacks shall apply to a confined fin-fish operation where processing, waste storage and related activities (as defined by this section) occur:

a. Three hundred feet from any existing dwelling on any adjacent property.

b. Three hundred feet from any existing business on any adjacent property.

c. Two hundred feet from any property line(s).

~~d. Two hundred feet from the center of US Route 13, measured from the center of the northbound or southbound lanes, whichever is closer. One hundred twenty five feet from the center of state or county maintained roads, other than US Route 13.~~

e d. ~~Four~~ **Five** hundred feet from incorporated towns or residential zoning district boundaries, subdivisions of ten or more lots, and mobile home parks or travel trailer parks with ten or more units.

~~f e.~~ Building and structure heights shall be in conformance with Section 106-59 (Agriculture).

Accomack County Planning Commission Minutes of October 10, 2012

(g) *Zoning districts.* Confined fin-fish operations **producing less than 1,000,000 pounds per year of whole fish or the processing of less than 500,000 pounds of whole fish per year** are allowed by right in the Agricultural Zoning District or as otherwise permitted by the zoning ordinance. **Confined fin-fish operations producing 1,000,000 pounds or more per year of whole fish or the processing of 500,000 pounds or more of whole fish per year will require a Conditional Use Permit in the Agricultural Zoning District or as otherwise permitted by the zoning ordinance.** ~~Confined fin-fish operations are not allowed in other zoning districts.~~

(h) *Environment.* Confined fin-fish operations shall be conducted in accord **with** current best management practices without the use of unapproved pharmaceuticals, preventative antibiotics administered in the absence of infection, or growth hormones. The County recognizes Best Management Practices for Flow-Through, Net-Pen, Recirculating and Pond Aquaculture Systems and the American Fisheries Society Fish Culture Section's Guide to Using Drugs, Biologics and Other Chemicals in Aquaculture, February 2011, ~~as current best management practices at the time of the adoption of this ordinance~~ **or as amended.**

On a motion made by Mr. Parker and seconded by Mr. Roberts, the Planning Commission voted unanimously to recommend approval of the proposed fin-fish zoning ordinance amendment (subject to the revisions made following the public hearing) that would establish zoning regulations applicable to fin-fish growing, processing and/or packaging operations in Accomack County to the Board of Supervisors.

7. OLD BUSINESS:

A. Comprehensive Plan Update Discussion

After a brief review of the updated Comprehensive Plan Item List that the Planning Commission compiled at the September 25, 2012 work session, 'groundwater recharge' and 'energy availability' were added to the list and a work session was scheduled for Tuesday, October 23, 2012.

8. OTHER MATTERS:

No other matters to discuss at this time.

9. NEXT MEETING:

The next regular Planning Commission meeting is scheduled for Wednesday, November 14, 2012 at 7:00 P.M. in the Accomack County Board Chambers, Accomac.

10. ADJOURNMENT:

On a motion made by Mr. Parker and seconded by Mr. Roberts, the Planning Commission voted unanimously to adjourn the meeting.

Chairman Hickman adjourned the meeting at 10:05 p.m.

Accomack County Planning Commission Minutes of October 10, 2012

E. Phillip Hickman, Chairman

Hollis Fate, Administrative Assistant