

VIRGINIA: At a Regular Monthly Meeting of the Board of Supervisors for the County of Accomack held in the cafeteria at Metompkin Elementary School in Parksley, Virginia on the 21st day of January, A.D., 2015 at 5:00 p.m..

Members Present: Wanda J. Thornton  
Ron S. Wolff, Vice Chair  
Grayson Chesser  
John Charles "Jack" Gray  
Kay W. Lewis  
Robert D. Crockett  
C. Reneta Major, Chair  
Donald L. Hart, Jr.

Members Absent: Laura Belle Gordy

Others Present: Steven B. Miner, County Administrator  
Mark B. Taylor, County Attorney

### **Call to Order**

The meeting was called to order by the chair, opened with a prayer by Pastor Jessie Thomas; the National Anthem sung by Jesiah Turner, after which the Pledge of Allegiance to the Flag was recited.

### **Adoption of the Agenda**

Mr. Crockett made a motion to adopt the Agenda. Mrs. Lewis seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

### **New Proposal for Substitute Teacher Pay**

Dr. Steve Miner told the Board of Supervisors at Tuesday night's School Board meeting; a reading on a new proposal for substitute teacher pay was scheduled for February 3, 2015 before it could be brought to the Board for discussion or a vote. He said that the new proposal would remove the existing program and put the new program in its place; explained that after 7 years the program would be gone all together and stated in the proposal a per day cap had been placed.

A discussion ensued and Dr. Miner stated all the details would come out after the School Board held their second meeting.

### **Public Comment**

The County Attorney read the rules governing conduct during the Public Comment period.

Mr. Crockett told the Board that Ms. Connie Burford had asked for an extended period of time to speak under public comment.

Mr. Crockett made a motion to temporarily suspend the Board of Supervisors Rules and allow Ms. Burford to speak 10 minutes rather than the allotted 4 minutes. Mr. Chesser seconded the motion.

A discussion ensued.

The vote on the motion: Ayes: Mr. Chesser, Mr. Gray, Mrs. Lewis, Mr. Crockett, Mr. Hart, Ms. Major. Nays: Mrs. Thornton, Mr. Wolff. Absent: Mrs. Gordy.

Ms. Connie Burford – Bloxom – spoke on the retirement benefits for retired teachers and gave examples of other county retirement plans.

Mr. Paul Muhley - Parksley – spoke about the early retirement program for school employees and bus driver’s health insurance.

Mrs. Margaret Hampton – Onancock – spoke about the great job Dr. Kregg Cuellar, Superintendent of Accomack County Schools, and the two new employees he had hired were doing and stated the Human Resource Department needed more help with recruiting new teachers.

Brenda Holden – Onancock - spoke on the retirement plan for the schools.

### **Minutes**

Mr. Hart made a motion to approve the Minutes of the December 17, 2014 meeting. Mrs. Thornton seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

### **Consent Agenda**

Mr. Hart made a motion to approve following items under the Consent Agenda. Mr. Crockett seconded the motion. The motion was unanimously approve with Mrs. Gordy absent.

- 5.2 The Agreement for installation & maintenance of “Watch for Children” signs – Deep Creek Road and authorize staff to execute necessary documents, procure materials, and install signs, and
- 5.3 Accepted the RSAF Grant for SPRINT replacement, 50/50 match required and identified in the current Public Safety budget.

Public Officials

### **Eastern Shore of Virginia Tourism Commission**

Kerry Allison, Executive Director of the Eastern Shore of Virginia Tourism Commission gave a presentation updating the Board on the accomplishments and future plans of the Eastern Shore of Virginia Tourism Commission and responded to questions.

### **FEMA Flood Insurance Rate Map Change and Flood Ordinance Revision**

Tom Brockenbrough, GIS Coordinator, gave a detailed presentation related to the FEMA Flood Maps and revisions to the Flood Hazard Overlay District of the Zoning Ordinance that would go in effect May 18, 2015. He told the Board that more than 1,000 parcels were being removed from the flood plain and more than 15,000 parcels were being affected with the Saxis area seeing the most negative effect, and responded to questions.

Mrs. Thornton asked that a letter to be placed in Mr. Brockenbrough's personnel file thanking him for all the work he had been doing concerning FEMA and Mrs. Major concurred.

### **Space Needs for the Eastern Shore Library**

Dr. Miner gave a presentation on space needs and the Capital Budget including the library request and requested the funding of up to \$25,000 to present a plan that would meet the future space needs of the County including the Library. He recommended that the Board establish an ad hoc Capital Improvements Plan Committee to bring back a report for action within a six month time frame.

Mr. Hart made a motion to empower the Chair to appoint a committee of 2 supervisors to look at all capital improvement plans including the Library needs and work with staff to begin the process to come up with a list of suggestions and needs that could be dealt with at budget time. Mr. Wolff seconded the motion.

A discussion ensued.

The motion, as stated, was unanimously approved with Mrs. Gordy absent.

Mr. Crockett made a motion to give specific directions to whoever is serving on the Committee to focus and concentrate on purchasing property adjacent next to the existing Library. Mrs. Thornton seconded the motion. The motion was approved with Mrs. Gordy absent.

### **Planning Commission**

Ms. Major made a motion to appoint Roy Custis to the Planning Commission for a 4-year term beginning immediately and ending December 31, 2018. Mr. Hart seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

## Onley Volunteer Fire Company Funds

Finance Director Michael T. Mason told the Board he had received a letter Onley Volunteer Fire Company Fire Chief Christopher Davis requesting that all Company funds be un-sequestered. He said it was required by County policy that fire companies undergo a financial audit on an annual basis; not designed to detect fraud; but to serve as an additional deterrent against it.

He told the Board that the criminal process against the former Treasurer had been concluded and because the Company had implemented several internal controls including segregation of duties, purchase order system, etc. as outlined in their requested letter; it was staff recommendation to approve the Company's request to unsequester funds.

Chief Christopher Davis of Onley Volunteer Fire Company submitted the following letter:

*January 15, 2015*

*Michael Mason  
Director of Finance  
Accomack County*

*Mike,*

*I am requesting that the County of Accomack end the sequestering of fire tax funds that are allotted to the Onley Fire-Rescue Company. I understand the reasons why this decision was made and why it was implemented. Please allow me to explain the financial security measures that we have employed to protect not only this company but the taxpayers as well.*

- *An independent Board of Directors has been established, comprised of local business leaders.*
- *A bookkeeping firm has been established to manage the bill paying, record keeping and accountability.*
- *Our financial records are now kept electronically, in a secure system.*
- *A purchase order system has been implemented; no purchases are made without the issuance of a PO, exclusively by the Fire Chief.*
- *The Fire Chief meets regularly with the bookkeeper, to maintain an adequate understanding of the financial situation.*
- *No company member is allowed to write or sign checks.*
- *Our bylaws have been changed to ensure that our Fire Chief and Deputy Chief are selected by qualification and not popular vote.*
- *Our treasurer is in constant communication with the bookkeeper to ensure an adequate understanding of the financial situation.*
- *We have made an honest assessment of our companies equipment needs and sold all that was not needed, clearing nearly \$370,000 of debt.*

*Respectfully,  
Christopher Davis, Fire Chief  
Onley Fire-Rescue*

Mr. Crockett made a motion to accept the recommendation of Finance Director Michael Mason to unsequester funds to the Onley Volunteer Fire Company. Mr. Wolff seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

### **Proposed Budget Meetings**

Mr. Hart made a motion to schedule February 9, 2015 at 5:00 p.m. to receive the Administrator's Proposed Budget/CIP and February 17, 2015 at 5:00 p.m. to receive budget presentation from departments and agencies. Mr. Chesser seconded the motion. The motion was approved with Mrs. Gordy absent.

### **Recess**

It was a consensus of the Board to recess until 7:30p.m.

### **Call to Order**

The Chair called the meeting back to order.

### **Public Hearings**

#### **Eastern Shore Solar Conditional Use Permit**

The Chair opened a Public Hearing to afford interested parties the opportunity to be heard or to present written comments concerning a request by Eastern Shore Solar for a Conditional Use Permit to establish a solar energy system located in the general vicinity of the Oak Hall substation on Withams Road.

A briefing was given by staff and the applicant and no public comments were offered.

The Chair closed the public hearing.

Mr. Crockett made a motion to approve the Conditional Use Permit to allow for a large solar energy system, utility scale, as shown in an application filed on October 15, 2014, as depicted in the site plan package entitled "Eastern Shore Solar I, II, III and IV Site Development Plan" developed by Community Energy Solar (which consists of sheets CS, OL, EX, OA, SP.1, SP.2, SP.3, SP.4, SP.5, SP.6, SP.7, SP.8, and AOA-EXH dated January 7, 2015, sheets CSP and DT dated January 13, 2015 and Exhibit 'A' regarding proposed conditions dated January 7, 2015 and Exhibit 'B' regarding a decommissioning agreement, dated November 3, 2014) for all or portions of properties identified on plan sheet OL as "Owners List" by owner name and tax map numbers and subject to the following conditions. Mrs. Thornton seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

1. The Conditional Use Permit is issued for areas within and depicted as the "limit of development line" (including the proposed connector station location shown on sheet OA last dated 1-7-15),

2. That a portion of tax map number 26-A-107 is conditionally rezoned (under separate application) from Residential to Agricultural in order to allow for a connector station as a component of the Conditional Use Permit,
3. That a decommissioning plan (removal of equipment/improvements and restoration of lands) be submitted within three (3) months of conditional use permit approval, and is reviewed and approved by appropriate County staff including the County Attorney within six (6) months of Conditional Use Permit approval. The decommissioning plan shall be executed by both parties prior to the issuance of any land disturbance permit by the County. In the event that staff and the applicant cannot agree to the terms of a decommissioning plan the matter will be forwarded to the Board of Supervisors for review and decision prior to the issuance of any land disturbance permit,
4. The decommissioning plan must contain the following elements in addition to those listed in both the proposed conditions (dated January 7, 2015) and exhibit 'B' (dated November 3, 2014):
  - A. A financial security in a form approved by the County Attorney and in an amount determined by a Virginia-licensed engineer, established and maintained and updated every five (5) years to cover the cost of meeting this obligation.
  - B. Following establishment of full commercial operation, if commercial generation of power from this facility is discontinued for longer than one year (or otherwise upon the abandonment of this enterprise), the owner and operator shall be jointly and severally liable for the removal of all project equipment and full restoration of the property for agricultural use,
5. That the wildlife enhancements discussed at the public hearing are shown on the final site plans,
6. That a final site plan is submitted and approved prior to the issuance of any land disturbance permits,
7. That all other applicable local, State, and Federal ordinances, laws and regulations are complied with and that all necessary permits are obtained,
8. That the applicant will work with Planning Department staff to identify any critical wildlife corridors that would need to be mitigated by the applicant prior to final site plan approval (outside assistance of other qualified persons may be sought),
9. That the applicant will include United States bidders in the solar energy equipment procurement process, and
10. That sheet 'DT' dated January 13, 2015 be replaced with sheet 'DT' dated January 20, 2015 (minor housekeeping issue).

**Eastern Shore Solar Conditional Rezoning**

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a conditional rezoning request from Eastern Shore Solar to rezone a portion of Tax Map number 26-A-107 from Residential to Agricultural to allow for a utility scale solar energy system in the area of the Oak Hall electrical substation on Withams Road.

A briefing was given by staff and the applicant and no public comments were offered.

The Chair closed the public hearing.

Mr. Wolff made a motion to approve the Conditional Rezoning request with the following proposed proffers. Mr. Crockett seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

1. The use within the rezoned area is to be limited to a Proposed Connector Station with a maximum size and other conditions as depicted on the final approved Site Development Plans Titled "SITE DEVELOPMENT PLAN FOR EASTERN SHORE SOLAR I, II, III and IV", as submitted on January 7th 2015, and subject to Final Site Plan approval, for the related proposed Conditional Use Permit,
  2. A contribution of \$200,000 to the County. \$100,000 of which is intended for the County to purchase and install a solar energy generation facility on County owned property, to be owned and controlled by the County; providing the county with electricity from the solar facility for years to come. The Applicant will also contribute educational material to be incorporated into a solar educational display suitable for school children and the general public. \$100,000 of which is intended for the County to demolish and cleanup derelict properties. The applicant requests that these funds be utilized for properties in the vicinity of the proposed project if possible. The Applicant will collaborate with County staff to consider potential locations for the use of these funds. Notwithstanding anything above, the use of all contributed funds will be at the sole discretion of the County. The above-mentioned funds, totaling \$200,000, shall be contributed to the County upon commercial operation of the Connector Station,
  3. The Applicant will incorporate a "Solar Walk" and educational display into the project layout in an area agreed to with the County Planning Department, and including 4-6 parking spaces, educational signage, and pathways to observe the project and its environment, to be designed in a manner to reduce the potential for nuisance from the public. The Solar Walk shall be depicted on and subject to the Final Site Plan. The above-mentioned Solar Walk shall be completed within 6 months commercial operation of the Connector Station, and
  4. The Applicant will offer to work with and provide guidance to Eastern Shore Community College on solar energy related entrepreneur training and solar technology adoption. These proffers are made voluntarily by the applicant to enhance the proposed undertaking of the applicant's proposed project in Accomack County. If and when the applicant's zoning application shall be approved by Accomack County the applicant shall be held firmly bound, together with their heirs and assigns, to perform these proffers as submitted (unless or until they may be amended by subsequent action of the Accomack County Board of Supervisors).
- EASTERN SHORE SOLAR LLC:

**Proposed Amendment to Chapter 106, Zoning, Article XXII, Planned Unit Developments**

The Chair opened a Public Hearing to afford interested persons the opportunity to be heard or to present written comments concerning a proposed amendment to Chapter 106, Zoning, Article XXII, Planned Unit Developments to eliminate Planned Unit Developments in the entirety.

A briefing was given by staff and no public comments were offered.

The Chair closed the public hearing.

Mr. Hart made a motion to adopt the following Ordinance. Mr. Chesser

seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

**ORDINANCE OF THE BOARD OF SUPERVISORS OF  
ACCOMACK COUNTY, VIRGINIA TO AMEND CHAPTER 106,  
ZONING, ARTICLE XXII, PLANNED UNIT DEVELOPMENTS,  
TO ELIMINATE PLANNED UNIT DEVELOPMENTS IN THE ENTIRETY**

WHEREAS, the Planning Commission of Accomack County recommended to the Board of Supervisors that the Planned Unit Development ordinance of Accomack County should be eliminated because such ordinance is not needed because, according to the 2010 census, Accomack County is no longer a high growth locality and the state law pursuant to which the ordinance was adopted is no longer applicable; and

WHEREAS, the Board of Supervisors concurs with the recommendation of the Planning Commission; and

WHEREAS, after public hearing held on January 21, 2015, the Board of Supervisors desires to eliminate Chapter 106, Zoning, Article XXII, Planned Unit Developments, in its entirety; and

NOW, THEREFORE, be it enacted as follows:

~~•~~ **Sec. 106-561. -- Specific conditions for planned unit developments.**

(a)

~~Planned unit development districts are intended to provide for variety and flexibility in design necessary to implement the varied goals and objectives of the county as set forth in the comprehensive plan and future land use map. Through a planned unit development approach, these special regulations are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts. In addition, planned unit development regulations are intended to promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations. In view of the substantial public advantages of planned unit developments, these regulations are intended to encourage the planned unit development approach in areas appropriate in terms of location and character.~~

(b)

~~Planned unit development districts shall be developed to provide for the comfort and convenience of residents; to facilitate protection of the character of surrounding neighborhoods; and to lessen traffic impact through a reasonably short travel time between origins and destinations of persons living, working or visiting in such developments. Housing, commercial and service facilities, office and light industrial facilities, places of employment, and parks shall be related either by physical proximity or by adequate street networks so as to promote these objectives.~~

(c)

~~The following provisions shall apply generally to the establishment and regulation of all planned unit developments districts. Where conflicts occur between the special provisions herein and general zoning, subdivision or other regulations or requirements, these special regulations shall apply in planned unit development districts unless the board of supervisors shall find, in the particular case that:~~

(1)

~~Provisions in this article do not serve public purposes to a degree exceeding such general zoning, subdivision or other regulations or requirements; or~~

(2)

~~Actions, designs or solutions proposed by the applicant, although not literally in accord with these special or general regulations, satisfy public purposes to a degree exceeding the county's general regulations. It is specifically provided, however, that where floor area and similar ratios have been established by these regulations, the board shall not act in a particular case to alter such ratios.~~

(d)

~~Except as provided in subsection (c) of this section, procedures and requirements as set forth in this section and standards adopted by ordinance in approving a particular planned unit development shall apply in such planned unit development.~~

(e)

~~Applications for planned unit development districts shall be submitted as for other zoning map amendments. Material submitted with the application shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. More specifically, a planned unit development application report including the following elements shall be required:~~

(1)



- (2) An archeological and historic site literature and map survey.
- (3) A traffic impact analysis.
- (4) A conceptual storm water management plan.
- (5) A solid waste stream impact assessment.
- (6) An environmental impact assessment and resource quality protection plan, pursuant to [section 106-235](#), including the wetlands delineation, and environmental site assessment required for Chesapeake/Atlantic Preservation Areas.
- (7) An economic impact assessment.
- (8) A school impact assessment.
- (9) A parks and recreation impact assessment.
- (10) A public safety impact assessment.
- (11) A NASA area impact assessment. For proposed planned unit developments located within, or within 500 feet of, the NASA Wallops Airport Accident Potential Zones or Rocket Launch Range Hazard Zones identified in the comprehensive plan, the public safety impact assessment shall include an analysis of safety issues and recommendations to mitigate impacts. Issues shall include population density, building height, noise, radio frequency, lighting, electromagnetic interference, and stormwater management pond/waterfowl conflicts. The NASA area impact statement shall be submitted by Accomack County to NASA for review and comments.
- (12) A utilities requirement and implementation plan.
- (13) The phasing schedule which defines when, within the development of the planned unit development, the proffered or required school sites, library sites, recreation and green space areas, major streets, commuter parking lots, and similar amenities or community facilities will be dedicated or reserved. The phasing schedule shall include the timing of providing all improvements as proffered. The phasing schedule shall also consider the need for future amendments, due to the trend of development in the planned unit development and the county. The director of planning and the director of public works may jointly approve minor revisions to the phasing schedule where it can be shown to be in the best interest of the planned unit development and the county. All other revisions to the phasing schedule may only be approved by an amendment of the planned development.
- (14) Existing topography accurately shown with a maximum of five foot contour intervals at a scale of not less than 100 feet to the inch. Other interval and/or scale may be required or permitted by the director of planning where topographic considerations warrant or to facilitate showing the project on a single sheet.
- (15) Floodplain limits and flood zones, which shall be established by current FEMA maps, soil survey, U.S. Army Corps of Engineers survey, and/or engineering methods.
- (16) Connection to existing and proposed state department of transportation constructed roads and to comprehensive plan proposed roads when necessary.
- (17) A minimum of two data references for elevations to be used on plans and profiles and correlated, where practical, to U.S. Geological Survey or Global Positioning System horizontal and vertical data.
- (18) A report identifying all property owners within the proposed district and giving evidence of unified control of its entire area. The report shall state agreement of all present property owners to:
  - a. Proceed with the proposed development according to regulations existing when the map amendment creating the planned unit development is approved, with such modifications as are set by the board of supervisors and agreed to by the applicant at the time of amendment;
  - b.

Provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the board of supervisors for completion of such development according to approved plans, and for continuing operation and maintenance of such areas, facilities and functions as are not to be provided, operated or maintained at general public expense; and such dedications, contributions or guarantees as are required for provision of needed public facilities or services; and

e.

Bind their successors in title to any commitments made in subsections a. or b. above.

(18)

All roads dedicated for the purpose of vehicular access will be built to standards for state-maintained paved roads.

(19)

Applications must be submitted on the form provided by the director of planning together with the requisite review fees. In addition to the stipulated fees, the applicant shall be required to reimburse the county for the costs of outside consultants that may be required to assist in the review of the application. The applicant shall remit such reimbursement within 15 days of receiving an invoice from the county; failure to do so shall cause review of the application to cease and have it returned to the applicant as incomplete.

(f) — If recreation areas, green space areas, library sites, fire and rescue station sites, streets, commuter parking areas, and other sites for necessary public facilities or services are proffered, provisions should also be proffered for maintenance of such public facilities by an association unless the county has accepted responsibility for the construction and or maintenance of such facilities. Sites proffered for elementary, middle and high schools shall be dedicated to the county.

(g)

Subsequent to approval of the planned unit development, all preliminary and final subdivision and site plans shall be submitted to the director of planning unless the approval ordinance shall stipulate otherwise. The submission of these plans must conform to the phasing schedule. These plans shall be reviewed and approved in accordance with applicable state statutes and ordinances of the county. Any required dedications, reservations or required improvements shall be made in accordance with the phasing schedule, and must be provided with the approval of final subdivision or site plans.

(h)

Applications for planned unit developments shall proceed in general as for other rezoning applications with special consideration to those aspects of the proposed planned unit development that provide for a clearly superior form of development and demonstrate a unity and cohesiveness of design.

(i)

Applicants are required to meet with the planning staff and other qualified officials to review the application plan and original proposal prior to submittal. The purpose of such pre-application conference shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with the regulations of this article and/or other regulations applying in the case, and/or to define specific variations from application of regulations which would otherwise apply which seem justified in view of equivalent service of public purposes of such regulations. Where the director of planning determines that outside consultants or other resources are required to assist or complete the county's review of the development proposed by the application, he or she shall obtain the required services in the most expeditious manner and the applicant shall promptly reimburse the county for all costs associated with such outside review services. These reimbursements shall be in addition to the application review fee paid at the time of application. Applications for planned unit developments shall incorporate a statement to this effect and applicants shall acknowledge and agree as a part of executing the application.

(j)

In the course of such pre-application conferences, any recommendations for changes shall be recorded in writing, and shall become part of the record in the case. All such recommendations shall be supported by stated reasons for the proposed changes. Applicants shall indicate, in writing, their agreement to such recommendations, or their disagreement and their reasons therefore. Response by applicants shall also be included in the record.

(k)

When the application is deemed complete by the director of planning, the staff shall proceed to prepare its recommendations to the planning commission and board of supervisors. The date of the director of planning's determination to proceed shall be deemed the formal date of submission of the application. Specifically, recommendations to the planning commission and the board of supervisors shall include findings as to:

(1)

The suitability of the tract for the general type of planned unit development proposed in terms of:

a.

Conformity to the comprehensive plan and future land use map;

- b. ~~Physical characteristics of the land;~~
- e. ~~Relationship to adjacent land uses and surrounding areas;~~
- d. ~~The supply of zoned land for the proposed uses;~~
- e. ~~Public facility capacity;~~
- f. ~~Environmental impact mitigation;~~
- g. ~~Proffered conditions;~~
- h. ~~Overall pattern of planned future development;~~
- i. ~~Density; and~~
- j. ~~Land use mix.~~

(2) ~~Relationship to major roads, utilities, public facilities and services.~~

(3) ~~Adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees or other instruments, or the need for such instruments or for amendments in those proposed; and~~

(4) ~~Specific modifications in planned unit developments or general regulations as applied to the particular case, based on determination that such modifications are necessary or justified by demonstration that the public purposes of planned unit development or general regulations as applied would be satisfied to at least an equivalent degree by such modifications.~~

(l) ~~On applications for planned unit developments, the planning commission and board of supervisors shall proceed in general as provided for other map amendments. The planning commission may recommend and board of supervisors may approve the application in accordance with planned unit development and general regulations, may include specific modifications of planned unit development or general regulations, or may deny the application.~~

(m) ~~Approval of planned developments shall be by ordinance and shall contain all the specific requirements and modifications of general zoning provisions that are to apply to the planned development. In cases of conflict between general zoning provisions and specific provisions contained in the planned unit development approval ordinance, the specific provisions of the planned unit development approval ordinance shall apply.~~

(n) ~~Unless modification is permitted by the board of supervisors' action, all site plans shall comply with [section 106-226](#) of this chapter and all subdivision plats shall comply with [chapter 78](#) of this Code. Not less than ten percent of the land area or one acre, whichever is greater, shall be shown on any final plan or plat.~~

(o) ~~Approval of site plans and subdivision plats shall be based on: Compliance with site plan or subdivision regulations applying at the time the land was designated as a planned unit development district; or at the option of the applicant, compliance with such regulations currently in effect; provided that the board of supervisors shall find that application of current regulations would satisfy the public purpose to at least an equivalent degree in the particular case.~~

(p) ~~Variations in site plans and subdivision plats from approved application plans may be permitted by the board of supervisors upon a finding by the planning commission that such variations are generally in keeping with the spirit and concept of the approved application plans; in accordance with the comprehensive plan; and in accordance with regulations currently in effect. Changes other than permitted in this section shall be made only by rezoning application.~~

(q) ~~After planned unit development designation, no building permit including special footings and foundation permits and no land disturbing permit shall be issued in such district until such time as approval of site plans or subdivision plats for the development of the area in which such permits would apply has been granted.~~

- (r) The minimum size of any planned unit development shall be 25 acres of contiguous land area, provided however, that the board of supervisors by majority vote may accept a planned unit development application of smaller size for good cause shown. Additions to existing planned unit developments shall have no minimum size requirement and shall be processed as an amendment to the planned unit development.
- (s) The preponderance of uses within any planned unit development shall be in accord with the uses envisioned by the comprehensive plan for the general area in which the planned unit development is proposed and shall bear reasonable relationship to the density and activity levels reasonably inferred from the comprehensive plan designations. Usual and typical accessory uses to the principal uses shall be permitted.
- (t) Uses, densities, heights, bulk, yards, setbacks, buffers, parking, signage, landscaping, fencing, and other development features and requirements shall be specified in the ordinance approving the planned unit development and those specifications shall form the zoning requirements for the planned unit development. Subsequent changes to these requirements shall be approved in the same manner as the original application. Architectural and design criteria may be stipulated as a part of the approval ordinance. Development criteria not stipulated in the approval ordinance shall be accomplished in accord with the relevant provisions of subdivision, zoning and other provisions of the county code.
- (u) Planned unit developments shall have no less than 25 percent of the total land area devoted to landscaped open space provided, however, that the board of supervisors may waive this minimum for planned developments with no residential component or where the open space provided is of exceptional quality (e.g. waterfront). Landscaped open space includes natural areas, trails, parks, playing fields, tennis courts and basketball courts within parks, town squares, plazas, and dedicated landscaped common areas outside of the building setbacks required by equivalent zoning districts. Tidal wetlands, velocity flood zones, street landscaping, parking lot landscaping, stormwater ditches, and above ground sewage disposal facilities shall not be credited as required open space. Nontidal wetlands, slopes greater than 25 percent, and resource protection area 100-foot buffer, may be credited as up to 50 percent of required open space. The area of stormwater management ponds with a minimum 2:1 length/width ratio and 4:1 banked slopes may be credited as up to 50 percent of the required open space. Fifty percent of the area of sub-surface sewage disposal drainfields available for year-round recreational use may be credited as required open space. In planned unit developments with residential components, no less than 7.5 percent of the total area in residential use shall be set aside for active and passive recreation and the development of recreational facilities serving the planned unit development.
- (v) Access and circulation within planned unit developments shall be designed to provide safe accommodation of all users of the transportation network including pedestrians and bicyclists. Sidewalks, crosswalks, bicycle lanes and multi-use trails shall be provided where appropriate. Intersections of the internal road system and existing public roads shall be permitted to the extent necessary to provide reasonable access and service to uses contained within the planned unit development and shall be developed using the principles of access management. In planned developments with mixed uses, the circulation system shall be designed to give priority to internal walking and bicycling trips.
- (w) Planned unit developments shall be served by public water and sewer, however the ordinance approving the development may provide for public utilities to be phased or for certain specified portions of the development to be served by private utilities. All utilities within a planned unit development shall be placed underground except for necessary above ground appurtenances.
- (x) Unless otherwise stipulated by the ordinance approving a planned unit development, all structures to be located on the outer perimeter of a planned unit development shall conform to the setback and yard regulations of the adjoining district.

*(Ord. of 1-13-2010(2))*

- Secs. 106-5612—106-600. - Reserved.

## **County Administrator's Report**

Dr. Miner informed the Board that on January 22<sup>nd</sup> an Eastern Shore Navigation Meeting was going to be held at 10:00a.m. and that Public Safety Director Jeff

Terwilliger had tendered his resignation and would be relocating to Isle of Wright County in February.

### **County Attorney's Report**

County Attorney Mark Taylor told the Board that Dr. Miner had shared a copy of the materials that had been passed out by the commenter on the schools early retirement program and he would be analyzing and commenting on them for the Boards benefits.

### **Board of Supervisors Comments**

Mr. Chesser commented on the solar energy project and in particular noting it would result in the company having to pay less taxes.

Mr. Chesser made a motion to direct staff and the Planning Commission to examine the Comprehensive Plan and Zoning Ordinances as related to renewable energy projects to determine if there were ways the County could be in better bargaining positions in the future and to write letters to the legislators and let them know how the Board feels concerning placing the burden on counties rather than the State assuming the costs. Mr. Hart seconded the motion. The motion passed unanimously with Mrs. Gordy absent.

Mrs. Thornton commented on the Board being remiss in not recognizing people that have been with the county for a long period of time. She offered comments on David Fluhart on how valuable an employee he was.

Mrs. Thornton made a motion to prepare Resolution of Appreciation for David Fluhart and ask him to come before the Board to receive it. Mr. Hart seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Mrs. Thornton made a motion that an Exit Interview Committee be formed consisting of 2 Board of Supervisors to meet with the county employees that were leaving the organization to find out the reason why. Mrs. Lewis seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

Mrs. Thornton asked Dr. Miner when Caroline Massey might be able to attend a meeting. Ms. Major asked Dr. Miner to contact Mrs. Massey and get dates that she would be available and a Special Meeting would be held, if needed.

Mrs. Lewis commented on the Hunter/Landowner Committee that had been formed to address issues with persons hunting deer with dogs. She told the Board she had received several complaints in her district concerning hunters coming in yards,

hunters being drunk and acting out poorly. She said she would like to see the Committee meet again to see if the problems could be addressed.

Mr. Chesser stated another meeting would be held shortly and would let her know of the date and time if she would like to attend the meeting.

Mr. Wolff told the Board the two Public Open House Meetings for the JLUS Study had been set for Tuesday, January 27 from 3-6p.m. and Monday, February 2<sup>nd</sup> from 5-8p.m. at the NASA Wallops Visitor’s Center.

Ms. Major said she would like the Superintendent of Accomack County Public Schools, Dr. Kregg Cuellar, to appear before the Board to give a report in the near future.

**Budget and Appropriation Items**

Mr. Hart made a motion to approve the following Resolution to amend Fiscal Year 2015 County Budget and Appropriation Items. Mr. Crockett seconded the motion.

The motion was unanimously approved with Mrs. Gordy absent.

**RESOLUTION**

**BE IT RESOLVED** by the Board of Supervisors of Accomack County, Virginia, that the Fiscal Year 2015 County budget be amended by the amounts listed below and the same amounts appropriated for the purposes include.

<b>Fund</b>	<b>Department</b>	<b>Purpose</b>	<b>Funding Source</b>	<b>Amount</b>
General Fund	EMS	To recognize the award of grant funds from the Commonwealth Dept. of Health to be used to acquire a vehicle for the Sprint program.	State funds, Local match will come from departmental funds already appropriated.	\$20,000
General Fund	EMS	To recognize the award of grant funds from the Commonwealth Department of Fire Programs to Be used to a computer.	State funds	\$ 1,000
General Fund	Building & Grounds	To recognize the award of grant from the National Park Service to be used to improve the Pitts Creek Boating Facility.	Federal Funds	\$49,000
General Fund	Sheriff	To accept insurance proceeds to Cover the cost of vehicle repairs due to an accident.	Insurance Recoveries	\$ 12,440
<b>Total</b>				<b>\$ 82,440</b>

**Payables**

Upon certification by the County Administrator, Mr. Wolff made a motion to approve the payables. Mrs. Lewis seconded the motion. The motion was unanimously approved with Mrs. Gordy absent.

**Adjournment**

Mr. Wolff made a motion to adjourn the meeting. Mr. Crockett seconded the motion. The motion was unanimously approved with Mrs. Gordy absent. The meeting adjourned at 9:02 p.m.

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C. Reneta Major, Chair

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Date