

## **ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF MARCH 9, 2016**

At a meeting of the Accomack County Planning Commission held on the 9<sup>th</sup> of March 2016 in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

### **1. CALL TO ORDER**

#### **A. MEMBERS PRESENT AND ABSENT**

##### **Planning Commission Members Present:**

Mr. David Lumgair, Jr., Chairman  
Mr. Spyridon Papadopoulos, Vice-Chairman  
Mr. Brantley Onley  
Mr. C. Robert Hickman  
Mr. Lynn Gayle  
Mr. Stephen Corazza  
Mrs. Angela Wingfield  
Mr. Roy Custis  
Mr. Leander Roberts, Jr.

##### **Others Present:**

Ms. Kristen Tremblay, Assistant Planner  
Ms. Laurie Perry, Recording Secretary

#### **B. DETERMINATION OF A QUORUM**

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

### **2. ADOPTION OF AGENDA**

On a motion made by Mr. Hickman and seconded by Mr. Corazza, the Planning Commission voted to adopt the agenda.

### **3. PUBLIC COMMENT PERIOD (not a public hearing)**

Chairman Lumgair opened the floor for the public comment period.

No one signed up or requested to speak. Chairman Lumgair closed the public comment period.

### **4. MINUTES**

#### **A. February 10, 2016**

**On a motion made by Mr. Papadopoulos and seconded by Mr. Gayle, the Planning Commission voted to approve the minutes of the February 10, 2016 regular meeting.**

#### **B. February 23, 2016**

**On a motion made by Mr. Papadopoulos and seconded by Mr. Corazza, the Planning Commission voted to approve the minutes of the February 23, 2016 work session.**

### **5. OLD BUSINESS**

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF MARCH 9, 2016

### A. Comprehensive Plan Amendment on Poultry

Ms. Tremblay stated that during the Planning Commission's work session on February 23, 2016, staff handed out proposed amendments to Chapter three (3) and six (6) of the Comprehensive Plan as it related to the recent poultry dialog. After discussion, it appeared that the Planning Commission wished to focus solely on an amendment to Chapter 6 – 'Future Land Use Plan.' Staff incorporated the comments that had been made at the work session into Chapter 6.

Ms. Tremblay explained that since Chapter 3 is no longer under consideration, staff did not go back and track the proposed changes. Chapter 3 will be left as currently adopted, until the required five (5) year review.

**On a motion made by Mr. Gayle and seconded by Mr. Hickman, the Planning Commission voted to adopt the changes to Chapter 6 only.**

Ms. Tremblay asked if the Planning Commission would like to incorporate the solar energy information into the Comprehensive Plan at this time. After a brief discussion on tax exemptions, the Planning Commission agreed to leave the solar energy information in for the time being. Mr. Papadopoulos recommended that solar energy information stay in the section, but move to the end of Chapter 6.

Staff recommended that the Planning Commission review the proposed amendment to the Comprehensive Plan relating to poultry. If the Planning Commission is satisfied, and its review is complete, staff recommended that the Planning Commission schedule a public hearing for its April 13, 2016 meeting.

Chairman Lumgair opened discussion on the changes made to the section "**Growth in Poultry: New Economic Trends in Agriculture**"

The Planning Commission decided that:

- The title should be changed back to "**New Economic Trends in Agricultural Areas:**"
- In the first sentence, remove the word 'pressure' and add "an increase".
- In the second sentence, the word "and" should be inserted between "manure sheds, composting facilities".

The title and first two (2) sentences will now read as:

**New Economic Trends in Agricultural Areas:**

*Beginning in late 2014, the County experienced an increase in confined poultry operations construction. Confined poultry operations are facilities where large numbers of poultry are grown in buildings (known as houses) often accompanied by manure sheds, and composting facilities.*

**On a motion made by Mr. Corazza and seconded by Mr. Roberts, the Planning Commission voted to hold a public hearing at its Wednesday, April 13, 2016 meeting on the Draft Comprehensive Plan Amendment on Poultry (Chapter 6: Future Land Use Plan). All members were in favor.**

### B. Joint Land Use (JLUS) Accident Potential Overlay Zone Discussion

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF MARCH 9, 2016

*Ms. Tremblay suggested that the Planning Commission address 6. A. Projected Workload for 2016, prior to discussing B. Joint Land Use (JLUS) Accident Potential Overlay Zone Discussion, as it is expected to be a lengthy discussion.*

Ms. Tremblay reminded the Planning Commission that its focus should be on the Wallops Flight Facility Airfield, and its corresponding Accident Potential Zones (APZ's #1 & #2, and the Clear Zone).

Staff recommended that the Planning Commission:

1. Review additional data (current zoning, current land uses, and future land use plans) in the area considered for an overlay.
2. Consider whether an Accident Potential Zone Overlay is warranted.
3. In the event that an overlay (or something similar) merits further consideration the following should be evaluated:
  - a. What is the area to be considered (i.e. use the APZ lines, or an amorphous blob);
  - b. What is the appropriate treatment of each zone (Clear Zone, APZ1 and APZ2 – i.e. more restrictions placed on the clear zones and less restrictive as the accident potential decreases)?
  - c. The land uses allowed (i.e. use the AICUZ guidance – all or in part, or by category – special uses/conditional uses).

The Planning Commission discussed some rezoning options.

Mr. Gayle and Mr. Hickman expressed that there should be notices and waivers given to those that currently reside within the Accident Potential Zones (APZ's) and paperwork signed in the future should someone decide to reside in this area when it has been determined that residential zoning is not recommended.

Mr. Custis expressed concern with addressing only one airport; he recommended considering all public airports. Mrs. Wingfield stated that there should also be consideration of clear zone guidelines for existing and future private airports.

Mr. Papadopoulos reminded the Planning Commission that the pilots flying in the Wallops Flight Facility Airfield are in training, which is why there should be more focus on it versus a regular commercial (public) airport with experienced pilots.

Mrs. Wingfield requested that staff present the Planning Commission images each clear zone and point out properties within it currently (i.e., how many residential lots).

Members of the Planning Commission discussed that they would like to see NASA and/or the Navy purchase land within the clear zone or the government invoke eminent domain. The Planning Commission would also like to know the options for making the clear zone a no build zone so that there would be no future building of structures in the area.

Chairman Lumgair requested that staff present draft(s) giving the Planning Commission options, recognizing that this will be an extended process. Ms. Tremblay responded that she

## **ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF MARCH 9, 2016**

would recommend that the Planning Commission first prepare something for the Board of Supervisors to consider and send back for the Planning Commission to continue to work on. She also recommended that the Planning Commission look at what specific uses it would like to have within the clear zone and gather thoughts. Discussion ensued.

Ms. Tremblay suggested that the Planning Commission should focus on whether or not an APZ Overlay is warranted, as the Accomack Wallops Working Group (AWWG) would address the Clear Zone (Strategic Action Plan) to address existing issues within the Clear Zone.

The Planning Commission requested that staff consult with Mrs. Cela Burge, County Attorney, to see exactly how strict of guidelines they are able to place on the Clear Zone. They will use this information to later recommend guidelines for the Accident Potential Zones (APZ's).

### **C. Appoint Planning Commissioner to Accomack Wallops Working Group (AWWG)**

Mr. Roberts suggested that if no members had a great desire to sit on the Accomack Wallops Working Group (AWWG), that the Planning Commission's Chairman or Vice-Chairman fill the position.

Chairman Lumgair stated that two (2) members of the Planning Commission represent that area and should one (1) of them have time, they would be the best options. Mr. Hickman reminded the Planning Commission that his term ends in December 2016 and someone that will be with the Planning Commission for a longer period may be a better candidate, but he would take the position until the end of his term if needed. Discussion ensued.

It was determined that Mrs. Wingfield would be the best candidate for the position (Mr. Hickman and Mr. Papadopoulos would fill-in should she not be able to attend).

## **6. NEW BUSINESS**

### **A. Projected Workload for 2016**

Chairman Lumgair inquired as to whether or not the Board of Supervisors created a new committee for the Joint Land Use Study (JLUS). No one present attended the Board of Supervisors' meeting, but staff stated that it would check to confirm. Chairman Lumgair stated that he would rather not begin working on this item if there is a committee designated to do so.

Chairman Lumgair stated that while the schedule is light, it allows for items that may arise and time to begin working on the five (5) year Comprehensive Plan update. It was decided that the Planning Commission would use the Comprehensive Plan review as filler and begin an extensive rewrite.

Mr. Papadopoulos requested that storm water issues be addressed at the May 2016 work session. He noted that discussion should include: guidelines for Storm water management, a solution for the Chincoteague area, regulations for joint applications, and Storm water ordinance.

## **7. 7:30 P.M. PUBLIC HEARING**

### **A. Poultry Ordinance Amendment**

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF MARCH 9, 2016

Chairman Lumgair opened the public hearing. No one had signed up to speak. Chairman Lumgair closed the public hearing.

Ms. Tremblay reminded the Planning Commission that at its February 10, 2016 meeting, it was presented with minor changes to the recently proposed Poultry Ordinance (Section 106-232). This change was directed by the Board of Supervisors (at its January 13, 2016 work session) in which setbacks from schools, churches, nursing homes, day care centers, campgrounds, public recreation areas and public wells were to be placed from the property line, and not from the buildings as previously recommended by the Planning Commission.

The following is the proposed text:

*Five hundred (500) feet from any property line of schools, churches, nursing homes, day care centers, campgrounds, public recreation areas, and public wells, except where tunnel fans discharge toward the school, church, nursing home, day care center, campground, public recreation area, and public well, in which case the minimum setback shall be six hundred (600) feet from the property line(s).*

Staff recommended that the Planning Commission review the proposed changes to the Poultry Ordinance and hold the required public hearing.

**On a motion made by Mr. Hickman and seconded by Mr. Corazza, the Planning Commission voted to amend the Poultry Ordinance as recommended by the Board of Supervisors and presented by staff. The Planning Commission recommends approval of the text amendments to Chapter 106 - Zoning, Article X, General Provisions, Section 106-232, Poultry, to the Board of Supervisors.**

### **8. NEXT MEETING**

The Planning Commission work session that was scheduled for Tuesday, March 22, 2016 has been canceled.

The next regular Planning Commission meeting is scheduled for Wednesday, April 13, 2016 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

### **9. ADJOURNMENT**

**On a motion made by Mr. Onley and seconded by Mr. Corazza, the Planning Commission voted to adjourn the meeting.**

The meeting was adjourned at 8:41 p.m.

---

David Lumgair, Jr., Chairman

---

Jessica Taylor, Administrative Assistant