

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF APRIL 13, 2016

At a meeting of the Accomack County Planning Commission held on the 13<sup>th</sup> day of April 2016 in the Accomack County Administration Building Board Chambers, Room #104, in Accomac, Virginia.

### 1. CALL TO ORDER

- **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:**

Mr. Rich Morrison, Director of Planning and Community Development  
Ms. Kristen Tremblay, Assistant Planner  
Ms. Jessica Taylor, Administrative Assistant

- **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. Papadopoulos 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.

### 4. MINUTES

- **March 9, 2016**

The following changes were requested by Mr. Corazza:

- Remove Mr. Rich Morrison from the list of *Others Present* as he was not in attendance.
- Correct the date in the first sentence to reflect the correct date of March 9, 2016.

**On a motion made by Mr. Gayle and seconded by Mr. Corazza, the Planning Commission voted to approve the minutes of the March 9, 2016 regular meeting as amended.**

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF APRIL 13, 2016

### 5. OLD BUSINESS

#### A. **Joint Land Use Study (JLUS) Accident Potential Zone Overlay Discussion**

Mr. Morrison informed the Planning Commission that the Board of Supervisors named members to Accomack Wallops Working Group (AWWG) and increased the membership to nine (9), possibly more at a later date.

Mr. Morrison reported that his conclusion from the meeting was that all things JLUS would be assigned to the AAWG. This puts the Planning Commission in a precarious situation considering that some of their work began prior to formation of the AAWG. Mr. Morrison stated that he or Ms. Tremblay would be facilitating the group.

The Planning Commission discussed whether or not they wanted to pursue the topic if there would be a chance that the AAWG would address these topics. Mr. Papadopoulos preferred to wait for directive from the Board; Chairman Lumgair preferred to proceed with the work they have been assigned to ensure there would not be further delay.

Mr. Morrison reminded the Planning Commission that the Board tasked them with creating a report recommending whether or not an Overlay Zone should be pursued. Mr. Morrison also cautioned the Planning Commission that it should do just that and not go any further into the topic as the Board has formed the AAWG to handle JLUS matters, but the Zoning is a County item. An in depth discussion ensued.

Mr. Hickman recommended that while they addressed the runways currently affected, the Planning Commission should hold all runways to the same level of importance as the level of use at each runway may change in the future.

The Planning Commission requested that staff bring the acreage of each APZ to its next meeting. They would like to consider use with minimum acreage in these areas.

Mr. Morrison reminded the Planning Commission that Zoning is only moving forward. The Planning Commission agreed that their main concern is to not place citizens in harm's way with known concerns.

Chairman Lumgair expressed his frustration and stated that he has worked on this topic for over two (2) years and did not want to see it carry on for an addition number of years with no action when the data are there. He stated that he would like to have JLUS off of the Planning Commission's desk. Discussion ensued.

*Chairman Lumgair closed the conversation to conduct the public hearing at 7:30 p.m. Following the public hearing, the Planning Commission continued its discussion in regard to the JLUS.*

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF APRIL 13, 2016

**After an in depth discussion, the Planning Commission concluded the following:**

- **Clear Zone:** The Clear Zone is the priority and main concern; the Planning Commission would like to see an Overlay. New development and inhabitable structures should be prohibited and minimal activity in the area. The goal of zoning is to keep the Clear Zone clear. The Planning Commission would like to see a government agency offer an incentive for current residences/structures to move out of this area.
- **APZ 1:** Should be zoned Agricultural, this includes an evaluation rezoning all land in this area back to Agricultural. New development and inhabitable structures should be discouraged. It should be considered that no multiple dwellings or assemblies are permitted. Rezoning should not be considered and Special Use/Conditional Use Permit applications should be carefully examined as to not knowingly place citizens in harm's way. The Planning Commission would like to review the Department of Defense (DOD) Guidance to decide on land uses.
- **APZ 2:** Should be zoned Agricultural, for use as a baseline. Special Use and Conditional Use Permit applications should be carefully examined.
- **Comprehensive Plan:** Sections regarding subdivisions, Special Use Permits, and Conditional Use Permits will need to be addressed following the guidelines (if approved) especially in the section of Future Land Use.
- **Applications:** If applicable, applications for Rezoning, Special Use Permits, and Conditional Use Permits may need to be revised.

It was concluded that staff would prepare a draft report to the Board of Supervisors in regard to the Planning Commission's findings on the Clear Zones and APZ Overlays. The report should also include that further review is necessary. The Planning Commission requested that the Board assign continued review of overlay zoning to the Planning Commission or AWWG to avoid duplicated work.

**ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF APRIL 13, 2016**

**6. 7:30 P.M. PUBLIC HEARING**

**A. Comprehensive Plan Amendment – Poultry and Solar**

No one signed up to speak on this matter. Chairman Lumgair invited anyone to speak that may not have signed up.

Ms. Tremblay informed the Planning Commission that staff received a letter from Ms. Eileen Kirkwood in response to the second paragraph on page three (3) of the Comprehensive Plan Amendment and read it into the record. *(A copy of this letter may be viewed at the Department of Planning and Community Development office.)*

Mr. Onley responded to Ms. Kirkwood's letter and stated that the Planning Commission had setbacks in place and had recently expanded those setbacks.

**Chairman Lumgair closed the public hearing on Comprehensive Plan Amendment – Poultry and Solar.**

Mr. Hickman requested that the following changes be made within the Resolution:

- Second paragraph broken down with bullets to make the content easily readable.
- Combine the third and fifth paragraph to read:

*“WHEREAS, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on March 30, 2016, and April 6, 2016, and a Public Hearing was held by the Accomack County Planning Commission on April 13, 2016 to solicit public input on its proposed amendment; and”*

Discussion ensued among the Planning Commission and it requested the following change within the Resolution:

- First paragraph was edited during the meeting and should read:

*“WHEREAS, The Accomack County Planning Commission has reviewed and prepared amendments to the current Comprehensive Plan of current adoption to include elements regarding confined poultry operations and solar energy in response to recent public concerns regarding confined poultry operations and solar. The Planning Commission received public input and substantial information and opinions from experts in the poultry industry and governments and has acted accordingly in the preparation of a Comprehensive Plan amendment; and”*

**On a motion made by Mr. Papadopoulos and seconded by Mr. Hickman, the Planning Commission recommended approval of the proposed changes to the Comprehensive Plan to the Board of Supervisors for consideration as amended.**

**ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF APRIL 13, 2016**

**RESOLUTION TO RECOMMEND APPROVAL OF THE UPDATES TO THE ACCOMACK COUNTY COMPREHENSIVE PLAN OF CURRENT ADOPTION REGARDING CONFINED POULTRY OPERATIONS AND SOLAR ENERGY TO THE BOARD OF SUPERVISORS**

**WHEREAS**, The Accomack County Planning Commission has reviewed and prepared amendments to the current Comprehensive Plan of current adoption to include elements regarding confined poultry operations and solar energy in response to recent public concerns regarding confined poultry operations and solar. The Planning Commission received public input and substantial information and opinions from experts in the poultry industry and governments and has acted accordingly in the preparation of a Comprehensive Plan amendment; and

**WHEREAS**, the proposed amendment to the Accomack County Comprehensive Plan involves the addition of one or more new text elements to Chapter 6-Future Land Use Plan of the existing plan related to new economic trends in Agricultural areas including confined poultry operations and utility scale solar energy facilities.

Additions include information on:

- Confined poultry operations;
- The recent increase in new operations
- The County's response,
- Discouraging residential in proximity to operations,
- The economic impact of the poultry industry
- Consideration of the potential for competition between utility scale solar and agricultural land.

**WHEREAS**, the attached proposed ordinance has been advertised in the Eastern Shore News, a newspaper published or having general circulation in the County, on March 30, 2016, and April 6, 2016, and a Public Hearing was held by the Accomack County Planning Commission on April 13, 2016 to solicit public input on its proposed amendment; and

**WHEREAS**, The Accomack County Planning Commission has carefully reviewed and drafted updates to Chapter 6 – Future Land Use Plan - of the Comprehensive Plan that revise and include new information pertaining to the increase in confined poultry operations and utility-scale solar energy facilities; and

**WHEREAS**, the proposed ordinance amendment will further the public health, safety and welfare of citizens of Accomack County;

**NOW, THEREFORE, BE IT RESOLVED** that the Accomack County Planning Commission does hereby deem its proposed amendments to the Comprehensive Plan complete.

**BE IT FURTHER RESOLVED** that the Accomack County Planning Commission, after a public hearing on April 13, 2016, does hereby recommend that the Accomack County Board of Supervisors consider adoption of the Planning Commissions' proposed amendment to the Comprehensive Plan.

## ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF APRIL 13, 2016

### 7. OTHER MATTERS

Mr. Morrison reported on the following:

#### A. Revised Projected Workload for 2016

Mr. Morrison informed Chairman Lumgair that staff would soon have the letter to the Board of Supervisors drafted and ready for his signature.

#### B. Wildlife – Dunes

Mr. Morrison stated that he had provided the Planning Commission with an informational document regarding the history of the dunes and national seashore. *(A copy of this document may be viewed at the Accomack County Department of Planning and Community Development office.)*

Mr. Morrison informed the Planning Commission that he had been elected as the County Representative for the Fish and Wildlife Cooperating Agency for Recreational Beach Relocation Environmental Assessment. He explained that this group will assist with Fish and Wildlife Service with their environmental assessment for the beach relocation. Mr. Morrison stated that the existing recreational beach has been moved 1.5 miles north of the current site and includes a new parking lot protected by dunes.

Mr. Morrison also noted that he had been assigned to prepare the TIGER grant for the beach road relocation. The Federal Department of Transportation will assist with the funding. He explained that the Fish & Wildlife Service will write and prepare most of the report, but that it would be submitted by the County at the end of the month. Mr. Papadopoulos expressed that he found the document to be biased. Discussion ensued.

#### C. Tour of Tyson Facility

Mr. Jarrod Goodman has offered to provide a tour of the Tyson Facility. Dates were proposed and Mr. Morrison stated that he would send an email confirming a date and time to all Planning Commissioners.

#### D. Town Center Lawsuit

Mr. Morrison provided the Planning Commission with an update on the Town Center lawsuit. The trial, scheduled for May 2 and 3, 2016 in Accomack County Circuit Court, is a Bench Trial and will be open to the Public.

### 8. NEXT MEETING

The next Planning Commission work session scheduled for Tuesday, April 26, 2016 has been cancelled.

The next regular Planning Commission meeting is scheduled for May 11, 2016 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

**ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF APRIL 13, 2016**

**9. ADJOURNMENT**

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

The meeting was adjourned at 8:50 p.m.

---

David Lumgair, Jr., Chairman

---

Jessica Taylor, Administrative Assistant