



Accomack County Planning Commission

Angela Wingfield, Chair, District 2
Leander Roberts, Jr. Vice-Chair, District 8
John Sparkman, District 1
C. Robert "Bob" Hickman, District 3
Kelvin Pettit, District 4
Brantley "Pete" Onley, District 5
Glen "Adair" Tyler, District 6
Lynn Gayle, District 7
Berran Rogers., District 9

1
2 County Administration Building, Board Chambers, Room 104, 23296 Courthouse Avenue, Accomac, VA
3

Minutes for Wednesday, July 10, 2024 at 7:00 PM

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5
6
7 **1. CALL TO ORDER**

8 **MEMBERS PRESENT AND ABSENT**

9
10 **Planning Commission Members Present:**

11 **Mrs. Angela Wingfield, Chairwoman**
12 **Mr. Leander Roberts, Jr., Vice Chairman**
13 **Mr. Robert Hickman**
14 **Mr. Brantley Onley**

15
16 **Planning Commission Members Absent:**

17 **Mr. Lynn Gayle**
18 **Mr. John Sparkman**
19 **Mr. Kelvin Pettit**

20
21 **Others Present:**

22 **Mr. Leander "Lee" Pambid, Deputy County Administrator**
23 **Chontese Ridley, County Planner I**
24 **Pamela Dix, Administrative Assistant II**

25
26 **DETERMINATION OF A QUORUM**

27 There being no quorum Chairwoman Wingfield called the meeting of Accomack County
28 Planning Commission to order at 7:10 p.m.

29
30 **REMOTE PARTICIPATION**

31 None

32
33 **2. ADOPTION OF AGENDA**

34 Unable to approve the agenda without a quorum.

35
36 **Lee Pambid**

37 I'm going through the agenda anyway we're not going to be able to hold any public hearings.
38 But we do have some folks signed up for public comment, I think that we should still be able
39 to receive that public comment. But in light of the time. It's 7:10, 10 minutes after our usual
40 convening time, as you had mentioned, we don't have quorum. So, we're not going to be able
41 to conduct any actual business. But why don't we just go through the agenda anyways. And
42 provide the information that we've got for you.

45 3. **MINUTES**
46 Unable to approve the minutes without a quorum.

47
48 4. **PUBLIC COMMENT PERIOD**

49 **Chairwoman Wingfield**
50 Open public comment. Susan Mastyl

51
52 **Mrs. Susan Mastyl, Harborton**

53 About nine months ago, I brought the issue to the Board of Supervisors attention that the
54 poultry ordinance did not in fact allow a non-conforming confined poultry operation to be
55 reopened after being idle for more than two years, but was in fact silent on the matter. I'm
56 happy to see that tonight or next month. We're addressing this issue with the revisions being
57 proposed, with a process in place to either make sure that the reopened operation meets the
58 requirements set forth in the ordinance or else goes through a special use permit process
59 through the Board of Zoning Appeals. I'm encouraged by this citizen participation matters,
60 and this is evidence that our elected officials actually listen. I do however, have one further
61 comment on the proposed changes. In Section six state permits required, there is no mention
62 of a groundwater withdrawal permit. As you're aware, DEQ requires a groundwater
63 withdrawal permit for any facility using more than 300,000 gallons a month, which applies to
64 all but the smallest poultry operation, I believe it's either two or three houses and you go over
65 that threshold. As a member of the groundwater committee, I can say that the earlier any new
66 operator begins the conversation with DEQ regarding their groundwater withdrawals, the
67 better chance that we have to convince them that at least some of their water should be taken
68 from the shallow Columbia aquifer, which will help to preserve our unique sole source
69 aquifer, which is the main focus of the groundwater committee. This is not a minor
70 requirement and should be added to the other permits listed in this section. Thank you.

71
72 **Chairwoman Wingfield**
73 Thank you.

74
75 **Chairwoman Wingfield**
76 I'll close the public comment.
77 Any other matters.

78
79 5. **OLD BUSINESS**

80 **Lee Pambid**
81 Well, let me just run through the let me just go ahead and run through the slides. You know
82 just really quickly, with regards to old business, I presented this matrix a couple of months
83 ago.

84
85 **Chairwoman Wingfield**
86 Is the amendment to subdivision ordinance.

87
88 **Lee Pambid**
89 The amendment to subdivision ordinance in terms of validity. That's still on the that's still on
90 the books, we did provide that, that last month's staff report and board docs just to again,

91 keep that on the front burner. It's our intent to bring the language to you next month for you
92 for review. So, again, what we were going to have tonight, were public hearings for the
93 CAPA or the Chesapeake Bay ordinance and also the poultry ordinance that Mrs. Mastyl, just
94 referred to. The two pending items are the definition of subdivision and certain subdivision
95 actions. And then the other one is with regards to the terms of validity. We'll present that a
96 little bit more in in depth next month.

97
98 **CAPA Ordinance**

99 With regards to the CAPA ordinance this is essentially the same slide deck is last month, but
100 in February the Board of Supervisors approved an initiating resolution to start the
101 amendment process. And what the what these CAPA ordinances amendments are, these are
102 essentially housekeeping items. It's Chapter 106 Zoning it Article 16. I think that those
103 Roman numerals are out of order. But that's article 16. And it starts with section 106-376.
104 The county attorney, as I had mentioned, last month has reviewed this, and she has provided
105 the proposed language that was in your staff report. But she's recommending that these
106 amendments be expedited in advance of an overall comprehensive review of the zoning
107 ordinance. Madam Chair, you and I talked right before the meeting about the timing of, you
108 know, certain amendments that might happen before others. But with regards to the CAPA, it
109 was the county attorney's opinion that this needed to be done sooner rather than later. So, we
110 had mentioned what the current definition of the Chesapeake Atlantic Preservation Area or
111 CAPA is. And that's essentially any land that's designated by the Board of Supervisors,
112 pursuant to part three of the Chesapeake Bay Preservation Area designation and management
113 regulations. And we've got some Virginia administrative code and code of Virginia
114 references. The CAPA shall consists of a resource protection area and a resource
115 management area, the resource protection area or the RPA is the more restrictive of the two.
116 So that is that basically entails a 100-foot-wide buffer, there is a 50-foot sea ward or water
117 ward buffer that cannot be violated under most circumstances and then there is a landward
118 50-foot area that under certain circumstances, development can occur within that 50-feet.
119 Now, with that being said, up until now, we had not received any public comment on this
120 matter. And when the time comes, the staff will be recommending approval of the
121 amendments as presented to them. that concludes the CAPA amendments.

122
123 Last month, we had Environmental Planner, Beth Nunnally in attendance to answer any
124 questions. The Planning Commission did not have any questions on the capital ordinance at
125 that time. So, with that being said, I'll go ahead and move on to the poultry amendment.

126
127 **Poultry Amendment**

128 Board of Supervisors passed another initiating resolution to begin the amendment process. Of
129 course, we were working on that several months prior to that in September of 2023. So, the
130 timing of that was the BZA had approved a poultry operation in Savageville, that was in
131 September, and then in October, we had citizen comment, basically, indicating that it was
132 their wish to see the process, a little bit more defined in the ordinance about what happens to
133 these poultry operations after they've been out of operation for more than two years. And
134 how do we get them restarted or reactivated. The Board of Supervisors agreed with the
135 Planning Commission's assessment that at least one public hearing was needed, and that the
136 board of supervisors or the board of zoning appeals the BZA was still the correct body to

137 review and decide applications. Your other options were to leave the ordinance as is to
138 require that any applications for reactivation to require the operation to comply with the
139 ordinance there was also a special use permit option, a variance option and a conditional use
140 permit option. The conditional use permit option would require two public hearings, but the
141 Board of Supervisors went with the one public hearing option through the BZA. Again, that
142 was in accordance with the planning commission recommendation and there are some other
143 suggested minor changes for clarifications sake that the county attorney had put forth. With
144 all that being said there were no new requirements for poultry operations imposed in the
145 language. So, we did receive one public comment in favor of the proposed amendments. We
146 received that this morning, we printed those out they are at your seats for your review. We
147 are recommending approval of the amendments as presented. And, we've got that
148 recommended motion up there. Now with that being said, with regards to
149 Mrs. Mastyl suggestion that the groundwater permit be included, we can certainly float that
150 to the county attorney to see if that would be advisable. But in any case, they the operation
151 would not be able to move forward without DEQs consent, whether or not we say that it's
152 going to be in the ordinance. So, it would still be a requirement at the state level, even if we
153 don't specify that at the at the local level or in our ordinance. But we'll check with the county
154 attorney to see if that's advisable.

155

156 **Commissioner Hickman**

157 I don't remember how much water do the chicken houses use other than feeding the
158 chickens? Because I don't think I don't think you'd want the chickens drinking from the upper
159 aquifer. They don't want us drink that upper aquifer. And I don't know that that would be any
160 better to eat the chickens that have been drinking that water.

161

162 **Chairwoman Wingfield**

163 No, man. I don't know. It's not real meeting.

164

165 **Lee Pambid**

166 I think that at this point, what we'll do is we'll go ahead and discuss with the county attorney
167 to see what if anything should be changed about what has been presented so far.

168

169 **Commissioner Hickman**

170 Next month.

171

172 **Lee Pambid**

173 Right. So again, the staff was recommending approval of the amendments as presented. That
174 concludes the presentation on the poultry amendments. Unfortunately, we're not able to
175 conduct any votes tonight. So, we'll have to, we'll have to readvertise. And, and you may end
176 up having three public hearings next month, including the other item that I'll be covering in a
177 couple minutes.

178

179 **Chairwoman Wingfield**

180 We can't make a motion to have a public hearing without five.

181

182

183 **Lee Pambid**
184 That's true. Yeah,
185

186 **Commissioner Hickman**
187 We should we need three, two, we don't have to redo these two days.
188

189 **Chairwoman Wingfield**
190 We can't make a motion for the new one.
191

192 **Commissioner Hickman**
193 We have to have a public hearing. Because this is a social meeting. Okay.
194

195 **Lee Pambid**
196 I'm going to cover another item here in just a minute that kind of fills in the gaps of
197 information. So, anyway, that was the information regarding the two public hearings. And
198 then item number eight with regards to other matters. Actually, let me do this.
199

200 **Lee Pambid**
201 **Remote Participation**
202 Although it's not on the agenda for some reason. We wanted to cover the issue of the remote
203 participation policy that we had presented last month. Question last month where we left it
204 was when does the 30 days start? We checked with the County Attorney; the 30 day starts
205 when I sent out packet. So, if you had quorum, you would have been able to vote on the
206 remote participation policy and including that in your bylaws. But just as a recap, the remote
207 participation policy was flowed from a change in the in the state code. Right now, in your
208 bylaws under Article Nine, you currently have a remote participation provision. But there is a
209 provision in the state code for caregivers of disabled persons. We are not proposing any other
210 sections or articles for amendment. This is primarily a housekeeping item that is intended to
211 follow suit with the Board of Supervisors who has changed their rules of procedure, their
212 bylaws to include these new provisions or requirements from state code. So, what the Board
213 of Supervisors has requested is that all of the other major boards and commissions follow suit
214 and that's why we're bringing this to the planning commission. We brought it to the Board of
215 Zoning Appeals this morning, and next week, the Wetlands Board will be will be briefed on
216 this remote participation policy as well. And we talked with the county attorney about
217 making some changes to their bylaws and presenting language to those two boards, again, the
218 Board of Zoning Appeals and the Wetlands Board. Again, tonight, you would have been
219 enabled to vote to amend the bylaws just for that one provision, and of course staff
220 recommended approval of that change or provision.
221

222 **Lee Pambid**
223 So, other matters, we have received an application for a condition for a rezoning and a
224 conditional use permit. This is for a battery storage facility, which the closest language in the
225 zoning ordinances utility distribution facility or a utility plant facility. But this is going to be
226 in the Oak Hall area of the county. The applicant is Battery Storage Holdings LLC, the
227 application was signed by Mr. Timothy Padgett, who is the president of that LLC. They also
228 own the property. It's located at tax parcel 26-D-A-40 and 41. At the 28,300 block of

229 Withams Road in Oak Hall. And for those who are not familiar with that location, it's west of
230 route 13. Probably about a mile or so down Withams Road. It's in election district three, that's
231 Vanessa K. Johnson's district. And it's Commissioner Hickman district as well. They're
232 proposing around 2.19 acres. It's currently zoned residential but they need industrial zoning
233 to accomplish this. The future land use recommendation is agriculture the current use is a
234 vacant wooded lot and again the proposed use as a utility distribution or utility plant facility.
235 They are showing a small what I would consider a smaller 42 foot by 96-foot concrete pad
236 and I know that the Commission's point of reference for battery storage facilities is going to
237 the Jupiter Energy that the Scout Energy facility that that you all considered a couple of years
238 ago. It is in a residentially zoned area and the adjacent uses or similarly vacant wooded
239 parcels but again you also have a couple of single-family dwellings in the vicinity. So, this is
240 a vicinity map it's again consisting of two parcels and it is residential on both sides of the
241 street but you have a sense of what the surrounding vicinity is like.

242

Commissioner Hickman

243 Is that a trailer park on the top?

244

Lee Pambid

245 This right here these appear to be single family dwellings.

246

Commissioner Hickman

247 I'm trying to figure out where this is.

248

Commissioner Onley

249 It's there by the crossroads.

250

Commissioner Hickman

251 Oh, may yeah, there's a lot a lot of houses up and down in there. I figured it was probably
252 down where the power connects from the solar plant.

253

Commissioner Onley

254 Somewhere close in that neighborhood.

255

Commissioner Hickman

256 It's closer to the houses.

257

Chairwoman Wingfield

258 Are the battery pods similar?

259

Lee Pambid

260 We have the we have the specs for that but I'm not as familiar with the specs to be able to
261 answer that question definitively. But obviously we will this out the specs and the sizes of the
262 cabinets and that kind of thing. But with that being said, this is the location. This red stripe
263 right here is route 13, I believe that's route 13, this east west road is Withams Road right
264 here, that is another aerial of the proposed site.

265

275 Now when we did our pre app with the applicant, we indicated that screening, visual
276 screening a well as noise or sound attenuation trying to mitigate the effects of that would be
277 something that the planning commission would be looking at the same as it did with the with
278 the Scout Energy. We're using that very detailed process that you all went through to prep
279 applicants for this to say, Okay, well, if you, if you want to know how it went down with the
280 last applicant, then you just need to read the staff report in the minutes for the meetings, and
281 then you can kind of understand or the applicant can understand what's in store for that
282 process. This however, is a much smaller facility than the Scout Energy Facility, much, much
283 smaller. This is a conceptual layout. So again, 2.19 acres consisting of two parcels and this is
284 a gravel driveway, and a 42x96 concrete pad. This particular site has a lot of wetlands. So, I
285 would submit that there isn't going to be a lot of room for any potential expansion here.
286

287 **Commissioner Hickman**

288 I'll make a motion to take a vote on.
289

290 **Lee Pambid**

291 We can regroup with the quorum, but I'll just go ahead and continue on with the briefing on
292 other matters. So, with that being said, what we wanted to do was to just prep you on this
293 rezoning application from residential 2.19 acres from residential to industrial for this use
294 right here, which is a battery storage, you know, a utility distribution or utility plant facility.
295 Sir thing? Certainly. That's all we have with regards to other matters. Right now. We've got
296 two agenda items left. Of course, we didn't officially approve the agenda or adopt the agenda,
297 the minutes, anything like that. But now that we have quorum, I'm going to turn it back over
298 to you madam chair.
299

300 **Chairwoman Wingfield**

301 And we'll wait for Mr. Onley.
302

303 **Commissioner Hickman**

304 Quick question. Is it their intention to leave all those trees all around that pad area, are you
305 right?
306

307 **Lee Pambid**

308 We would we would highly suggest that. I have not had a chance to dig into any proffers if
309 they have submitted any. But even as a result, I think that with the conditional use permit,
310 you could impose a condition that requires the trees to be to remain. So, you can kind of see
311 where that creek is here. And all that's wetlands and to encroach on the wetlands would
312 impose another set of regulations that they're not going to want to go through. They want to
313 try to make this development as easy as possible. We recommended to the applicants when
314 they met with us in advance that we're going to want to see a significant number of trees
315 remaining on site. We had already queued them up for that.
316

317 **Commissioner Hickman**

318 And they looked at the hookup fee because that seemed to be the big stumbling block.
319
320

321 **Lee Pambid**
322 I'm sure that they're aware of the connection fee. What we're what we would be deciding on
323 is the land use of course not necessarily the financials.

324
325 **Chairwoman Wingfield**
326 Who cares who's going to pay for 16-foot wall?

327
328 **Commissioner Roberts**
329 There appears to be a lot of residential homes in that area.

330
331 **Chairwoman Wingfield**
332 There's a lot of trailers in the other area.

333
334 **Commissioner Roberts**
335 Changing that to industrial for other things coming along in residential settings, I have
336 concerns about it.

337
338 **Commissioner Hickman**
339 Like solar power.

340
341 **Lee Pambid**
342 I can continue on with the staff reports or we can just standby for Commissioner Onley.
343 Okay, so I'll go ahead and turn it back over to you.

344
345 **1. CALL TO ORDER**
346 **MEMBERS PRESENT AND ABSENT**

347
348 **Planning Commission Members Present:**
349 **Mrs. Angela Wingfield, Chairwoman**
350 **Mr. Leander Roberts, Jr., Vice Chairman**
351 **Mr. Adair Tyler**
352 **Mr. Robert Hickman**
353 **Mr. Brantley Onley**

354
355 **Planning Commission Members Absent:**
356 **Mr. Lynn Gayle**
357 **Mr. John Sparkman**
358 **Mr. Kelvin Pettit**

359
360 **Others Present:**
361 **Mr. Leander "Lee" Pambid, Deputy County Administrator**
362 **Chontese Ridley, County Planner I**
363 **Pamela Dix, Administrative Assistant II**

364
365
366

367 **DETERMINATION OF A QUORUM**

368 The meeting of the Accomack County Planning Commission called to by Chairwoman
369 Wingfield at 7:28 p.m. with a quorum after the arrival of Commissioner Tyler.

370
371 **2. ADOPTION OF AGENDA**

372 *On a motion made by Commissioner Hickman and seconded by Commissioner Tyler, the*
373 *Planning Commission voted unanimously to adopt the agenda.*

374
375 **3. MINUTES**

376 *On a motion made by Commissioner Roberts and seconded by Commissioner Tyler, the*
377 *Planning Commission voted unanimously to adopt the minutes of April 10, 2024.*

378
379 *On a motion made by Commissioner Onley and seconded by Commissioner Tyler, the*
380 *Planning Commission voted unanimously to adopt the minutes of June 12, 2024.*

381
382 **4. PUBLIC COMMENT PERIOD**

383 Susan Mastyl, Harborton. As I said, so nine months ago, I brought this issue to the Board of
384 Supervisors attention specifically that the board poultry ordinance did not in fact allow a non-
385 conforming confined poultry operation to be reopened after being idle for more than two
386 years, but was in fact silent on the issue. I'm happy to see here tonight that this issue is being
387 addressed with the revisions being proposed, with a process in place to either make sure that
388 the reopened operation meets the requirements of the ordinance or goes through a special use
389 permit process with the Board of Zoning Appeals. I'm encouraged by this citizen
390 participation matters. And this is evidence that our elected officials actually listen. I do
391 however, have one further comment on the proposed changes. In Section six state permits
392 required. There's no mention of a groundwater withdrawal permit. As you may be aware, the
393 EQ requires a groundwater withdrawal permit for any facility using more than 300,000
394 gallons a month, which applies to all but the smaller poultry operations. As a member of the
395 groundwater committee, I can say that the earlier any new operator begins the conversation
396 with DEQ regarding their withdrawals, the better chance we'll have to convince them to take
397 at least some of their water from the shallow Columbia aquifer, which will help to preserve
398 our unique sole source aquifer. This is not a minor requirement and should be added to the
399 other permit permits listed in this section. And I'll respond quickly to the comment that Mr.
400 Hickman made. The Columbia aquifer is actually good water. There are people who are
401 drinking it, people who have been drinking it their whole lives. It's very site specific, you can
402 drill a well and not get anything you can drill a well and get too much sulfur, you can roll it
403 over here and get perfectly fine water you can also drill well into the Yorktown and get really
404 bad water with a lot of iron, sulfate and other things. So, the groundwater committee has
405 spent a lot of time over the last years to try to persuade users whenever possible to use at
406 least some of their water from the Columbia because it's a much more sustainable resource
407 our Yorktown is really at a tipping point right now and we have to be very careful if we
408 screw that pooch we're really done basically. So, we have to be very careful. This is one
409 opportunity and Tyson some people may be aware when this all came to light when the
410 whole poultry expansion was happening. The representatives from Tyson actually spoke to
411 the Board of Supervisors and made a commitment that they were going to their new wells
412 were going to be drilled in the Columbia. Unfortunately, that hasn't happened. But we

413 continue to try to encourage them and as I said the earlier the poultry operators can start that
414 conversation with the DQ before they've already dug their wells, the better and opportunity
415 we have to encourage them to at least look at this for at least some of their uses including the
416 Mystic. And that's why I think it's important to include it in this list on the ordinance, so it's
417 on their radar, right from the get go. So, thank you very much.

418

419 **Chairwoman Wingfield**

420 Thank you. Okay, concludes the public comment period

421

422 Would you want to redo old business?

423

424 **Lee Pambid**

425 No, because there's no action required for that since we're not going to be doing anything.

426

427 **Chairwoman Wingfield**

428 Move on to like your public hearing for the Chesapeake Atlantic Preservation Overlay
429 District.

430

431 **Lee Pambid**

432 So, if you want me to repeat everything I can.

433

434 **Chairwoman Wingfield**

435 Yes, since it's public hearing go ahead.

436

437 **5. OLD BUSINESS**

438 **CAPA Ordinances Amendment**

439 **Lee Pambid**

440 So, we'll go ahead and go through the slide deck one more time. This is with regards to the
441 Chesapeake Atlantic preservation area or the Kappa. This is Chapter 106, article 16. The
442 Board of Supervisors passed an initiating resolution on February 21, to amend this, and
443 basically these are routine housekeeping items to keep pace with state law changes. The
444 code section or the article starts with section 106-376. There are several red line changes that
445 were presented in the staff report. We did have the county, the Environmental Planner II
446 Beth Nunnally in attendance last month to answer any technical questions with regards to
447 the ordinance amendments. And the county attorney has reviewed it was the county attorney
448 that that proposed the several changes, again, with the county attorney has also done is
449 recommended that we quote unquote expedite this amendment. Before, you know in advance
450 of a comprehensive cover to cover review of the zoning ordinance, what she's saying is that
451 we need to do this sooner rather than later to make sure that we are enforcing the correct
452 provisions in the state code. So again, some of the provisions as they are currently written are
453 not in compliance with current laws and regulations therefore, this kind of rises to the level
454 of an expedited item. Again, the current definition of what the CAPA is, is found in section
455 106-377. CAPA is the Chesapeake Atlantic Preservation Area. And it means any land
456 designated by the Board of Supervisors that's pursuant to part three of the Chesapeake Bay
457 Preservation Area designation and management regulations. Virginia Administrative Code
458 10-20 and Code of Virginia section 10.1-2107A. The Chesapeake Atlantic Preservation Area
459 shall consist of a resource protection area and resource management area. As I had

460 mentioned last month, and earlier this evening, the RPA or the resource protection area is a
461 100-foot wide buffer that consists of two 50 foot wide buffers, the more restrictive of the 100
462 foot is going to be the 50 feet that's why that seaward or waterward and that cannot be
463 encroached upon in most instances. However, there is also a 50-foot landward buffer that
464 development can occur in under certain circumstances. In any case, the RPA again is the
465 more restrictive between the resource protection area and the resource management area.
466 Staff received no public comment on this matter, it had been advertised duly advertised first
467 state code, and staff recommends approval of the amendments to the various sections of
468 chapter 106 zoning article 16 Chesapeake Bay Atlantic Preservation Overlay district as
469 presented and we've got your recommended motion up here for your convenience. That
470 concludes the staff report on the CAPA amendments. I can try to field any questions you
471 have at this time. I should also add that when we had the subject matter expert available last
472 month, the planning commission did not have any questions but this is a routine
473 housekeeping item to keep pace with state code or with state law changes.

474

Chairwoman Wingfield

475 Alright, thank you. Have any questions for Mr. Pambid.

476

Commissioner Tyler

477 Pretty cut and dry.

478

Chairwoman Wingfield

479 So would anyone like to make a motion.

480

Commissioner Tyler

481 I move to the planning commission recommend to the Board of Supervisors approval of the
482 amendments of chapter 106 zoning article 16 Chesapeake Bay land preservation overlay
483 district as presented. Second Commissioner Onley.

484

Lee Pambid

485 Okay, so that was a five to zero vote to recommend approval. Okay, the next item is with is
486 amendments to the poultry ordinance. And we'll go through the slide deck. Once again

487

Chairwoman Wingfield

488 We open the public hearing on the poultry ordinance.

489

Lee Pambid

Poultry Ordinance Amendment

490 The Board of Supervisors passed in initiating resolution to again initiate the amendment
491 process for the confined poultry ordinance. And this was done on March 20. It was done after
492 several months dating back to September of 2023. Several months of study by the planning
493 commission, lots of comments and lots of revisions to a final, quote, unquote
494 recommendation even though there was no public hearing. The Board of Supervisors asked
495 the Planning Commission to study the issue. And it did so as a result of that study period the
496 Planning Commission suggested that one public hearing would be enough to get citizen
497 comment on poultry operations that have been out of service for more than two years. So, the

506 question was what happens if someone wants to come in after more than two years has
507 elapsed? How do you get that back into production? And the interpretation by my
508 predecessor was that they had to go through the BZA in order to do that with a variance. And
509 that is a correct interpretation. And that has been the practice for some of these operations
510 that were inactive. So that that recommendation was forwarded to the Board of Supervisors
511 they agreed also that one public hearing was enough and was needed. And also, that the
512 Board of Zoning Appeals is the correct body to review and decide applications. The other
513 options included doing nothing to the ordinance, number two requiring that any new
514 reactivated facilities comply with the ordinance in its entirety. And then of course, we have
515 the variance to memorialize that an ordinance to memorialize the interpretation and the
516 practice in ordinance, special use permit. And then there was also the conditional use permit
517 process, which is a two public hearing exercise. A recommendation by the Planning
518 Commission and then a decision by the Board of Supervisors. Again, the Board of
519 Supervisors selected the special use permit option, which is again one public hearing in
520 accordance with your recommendation earlier this spring. The county attorney has also
521 suggested other minor changes for clarifications sake. And as I had mentioned last month,
522 and before and earlier tonight, these proposed minor changes do not levy any new
523 requirements on these facilities. So, the requirements still remain the same. They just have to
524 go through the special use permit process in order to get reactivated. Staff received one
525 public comment in favor of the proposed amendments that you have before you they were
526 printed the they were received this morning, and we printed them out and provided you for
527 your consumption. And of course, we also have Mrs. Mastyl's comments from earlier
528 tonight. Staff recommends approval of the amendments to Section 106232 Poultry as
529 presented and we've got your recommended motion up here. I will mention that water
530 withdrawal permits are the purview of the Virginia Department of Environmental Quality
531 and whether or not we put that in the ordinance, it would still be a requirement at the state
532 level. It's not something that we usually get involved with. So that concludes my remarks and
533 I can try to field any questions you have at this time.

534

Chairwoman Wingfield

Any questions.

537

Lee Pambid

Now, I shall add that if you decide that you want to include that in the list of permits you can
forward that recommendation to the board of supervisors or you can keep the language as is
it's a recommendation at this point. And you're able to do so.

542

Chairwoman Wingfield

Does the commissioner want to entertain Adam D Hugh requirement?

545

Commissioner Tyler

I do not.

548

549

550

551

552 **Commissioner Hickman**
553 How would we do that? If we were to do it sounds like Tyson and maybe the poultry industry
554 itself is when get involved in that. Trying to get the groundwater to come from shallow
555 aquifers.

556
557 **Commissioner Tyler**
558 The DEQ is involved from the get-go anyway.

559
560 **Commissioner Hickman**
561 To give them a requirement, I guess, or it may be even a suggestion, I'm not thinking of us
562 necessarily making it a requirement as much as some way we could do it that just encouraged
563 it, let's say.

564
565 **Commissioner Tyler**
566 I think we either make them or we don't make them.

567
568 **Lee Pambid**
569 One thing that I can add about the special use permit process is that the Board of Zoning
570 Appeals can impose conditions and one of those conditions may be that they draw from the
571 shallower depths of the aquifer,

572
573 **Commissioner Hickman**
574 They'd only be doing that the new wells, not the ones that come before them, not the new
575 ones.

576 **Commissioner Tyler**
577 This is just for the ones that have been out of service.

578
579 **Commissioner Hickman**
580 And if you go build a new poultry house now there's nothing that says you can't draw from.

581
582 **Lee Pambid**
583 The bottom line there is there isn't anywhere else that I'm aware of in the in the entire county
584 code that says that we can regulate one versus the other, or drawing from one versus the
585 other.

586
587 **Commissioner Hickman**
588 That's kind of the answer I want to hear, really sounds like it's just not something that we
589 want to get into because it's pretty heavily regulated by the state period.

590
591 **Commissioner Tyler**
592 When it comes before the BZA, they have the option dig deep in that anyway.

593
594 **Chairwoman Wingfield**
595 So, when the poultry people come before the BZA, do they have the DEQ approval already?

596
597

598 **Lee Pambid**

599 Sometimes they don't. Sometimes they don't have that with them already. Right. But the
600 state's not going to let them proceed without it. So, the counties part in the overall approval
601 process, whether those be local requirements, you know, state requirements, what have you,
602 the Board of Zoning Appeals role in the approval process is with regards to the land use
603 decision. They don't get into the finances; they don't get into the water withdrawals. So, you
604 know, it's the same thing of when you're opening up a restaurant, you know, you've got to go
605 to the health department, you've got to get so you know, other checks and other approvals
606 from other agencies as well. But just from a practical standpoint, every agency wants to be
607 the last one to approve, they want to see everybody else's approvals. And that kind of
608 becomes unsustainable, because somebody's got to say yes, first or somebody's got to
609 somebody has to approve. So, the Board of Zoning Appeals role or the county's role in this is
610 to approve the land use decision. And then you can leave the DEQ to do its job and to review
611 the water withdrawal permit on its own.

612

613 **Chairwoman Wingfield**

614 Any other questions? All right, open public comment period. You might want speak, come
615 up, say your name and where you live and you have four minutes.

616

617 **6. Public Hearing**

618 **Susan Mastyl**

619 Susan Mastyl, Harborton. I'll just respond to the comment the conversation was just
620 happening. My concern with the groundwater withdrawal permit is not specifically with
621 these operations that have been out of operation for the last more than two years. These are
622 revisions for the poultry ordinance as a whole. And there's a section in the poultry ordinance
623 that lists state permits required. Virginia Pollution Abatement, Pollution Discharge
624 Elimination, Nutrient Management Plan, you know, well, you can argue that the county
625 doesn't regulating any of those. Those are all state requirements and my thing, my only point
626 is, why not list the groundwater withdrawal permit in that paragraph as well because it is a
627 permit they're going to have to get. The sooner they get their process moving on that, the
628 better off we will all be in terms of whether we can get some of these newer operations to
629 look at using the shallow aquifer. That's the only point I was trying to make. So, it's not
630 specifically to these two-year-old operations, it's more generally in the poultry ordinance
631 language as a whole. Thank you.

632

633 **Lee Pambid**

634 One of the things that we'll do when we when we forward the Planning Commission's
635 recommendation is informed the board of supervisors have the public comment that was
636 received. And I mean, they can they can add that with or without your recommendation, and
637 it's up to them. But we will certainly forward Mrs. Mastyl's comments to the board of
638 supervisors, and then they, you know, maybe they can decide what they if they want to
639 include that. And I certainly understand her point, there are other state level permits that are
640 listed in the ordinance. So, you know, the board can insert that if they feel it's necessary.

641

642 **Chairwoman Wingfield**

643 Okay, thank you.

644 **Chairwoman Wingfield**
645 Can we make a motion to add?

646
647 **Commissioner Tyler**
648 I think so.

649
650 **Commissioner Roberts**
651 I was saying let's make the recommendation to add Mrs. Mastyl's comments to the Board of
652 Supervisors.

653
654 **Lee Pambid**
655 To forward, her comments to the board, in addition to you know, just the recommendation
656 for approval as presented.

657
658 **Chairwoman Wingfield**
659 Close the public comment period. Any other discussion? Motion.

660
661 **Commissioner Tyler**
662 Would you like that motion? Sure. I move that the planning commission recommend to the
663 Board of Supervisors approval of the amendments of section 106-232 Poultry as presented in
664 the staff report assuming that public comments will be forwarded to the board.

665
666 **Chairwoman Wingfield**
667 All in favor, say aye. Aye. All opposed? I guess we'll move on.

668
669 **Lee Pambid**
670 **Remote Participation**
671 I know it's not on the agenda, but we have the we have the bylaws. So, this is a pursuant to
672 conversation that we had last month about the remote participation policy. This proposed
673 amendment flows from a change in state code. You know, the planning commission bylaws
674 in Article Nine, you all already have a remote participation policy. We're not proposing any
675 other sections or articles for amendments at this time. But the specific amendment is with
676 regards to changes in the state code. They have made provisions for caregivers of disabled
677 persons and there is a definition in the state code for disabled persons. But this is another
678 quote-unquote housekeeping item. One of the questions from last month was that in the
679 bylaws, a 30 days' notice period to the members for any change in the bylaws is required.
680 And the question was, when does those 30 days clock start? That 30-day clock started when
681 you received when you received the staff's packet, on this matter. So, with that being said,
682 enough time has elapsed to where you can vote on this tonight. And now that you have
683 quorum, you are fully unable to do so. The Board of Supervisors has amended their bylaws to
684 include this provision, and it was their direction to those of us staff who handle other boards
685 and commissions to present this to you all, this would include the Planning Commission, the
686 Board of Zoning Appeals was briefed this morning on that and then next week, the Wetlands
687 Board will be briefed on that. So, the Planning Commission, the Board of Zoning Appeals
688 and the Wetlands Board are the three boards and commissions that my staff support. So,
689 those are the Board of Zoning Appeals and the Wetlands Board. Actually, you know, they

690 make decisions as well. So, it's important that they include this remote participation policy.
691 Staff recommends approval of what was presented by the by the county attorney. And this
692 concludes my remarks and I can try to field any questions at this time.

693
694 **Commissioner Roberts**

695 Sounds pretty straight forward.

696

697 **Chairwoman Wingfield**

698 Motion.

699

700 **Commissioner Tyler**

701 I move we approve the bylaws as stated by staff.

702

703 **Chairwoman Wingfield**

704 I have a motion in a second to approve. All in favor say aye. Aye. I can move on to

705

706 **7. NEW BUSINESS**

707 No new business.

708

709 **Chairwoman Wingfield**

710 Move onto Subdivision agent or do you have other more other matters?

711

712 **8. OTHER MATTERS**

713 **Lee Pambid**

714 **Battery Storage Facility, LLC**

715 Let me include some other matters here. Again, the rezoning and conditional use permit
716 application that we received last month is for a battery storage facility. What we have here on
717 the screen is some vital statistics on the application. The applicant, again is Battery Storage
718 Holdings LLC. And the application was signed by the president of that LLC Timothy
719 Padgett. They are also the property owners and the location is at 26D-A-40 and 41. These are
720 two separate tax parcel numbers at the 28,300 block of Withams Road in Oak Hall. It's in
721 election district three, that supervisor Vanessa K. Johnston, and that's also Commissioner
722 Hickman district. The site is 2.19 acres in the area and it's currently zoned residential
723 however, they are requesting a rezoning of that acreage. From residential to industrial the
724 future land use recommendation is agriculture and the current use is vacant wooded parcels
725 the proposed uses and utility distribution facility and right now the plans are showing a 42-
726 foot by 96-foot concrete pad and the adjacent zoning is residential. The adjacent uses are also
727 vacant wooded parcels but you have some single family residential immediately adjacent to
728 the site. This here is an aerial vicinity map or exhibit showing the two parcels and the general
729 vicinity of that intersection. Again, this is basically at the intersection of Neal Parker Road
730 and Withams Road. As you can see, the parcels are fully wooded right now. And then to the
731 east and the south. You have vacant but wooded parcels. And to the west and the north. You
732 have some structures and some single-family dwellings. This is an exhibit that we received
733 from the applicant back in March when we first discussed, you know when they were doing
734 their due diligence on this application. And it is a broader view of the facility vicinity. This
735 red stripe along the right side of the exhibit is US Route 13. And this heavier line right here is

736 the railroad right of way. But again, this is in the Oak Hall vicinity. And it is west of route
737 13, not east but west of route 13.

738

739 **Commissioner Onley**

740 The purple shaded areas, is that existing solar panels?

741

742 **Lee Pambid**

743 These are yes, they appear to be solar farms. This is another exhibit we received from the
744 applicant back in March and it shows the outline of the proposed development area. As you
745 can see from this next exhibit the area to be cleared consists of basically two parts, you've got
746 a gravel driveway leading off of leading off of the south line of Withams Road to the 42 by
747 96 concrete pad. Question earlier tonight was what's going to be on this pad. And we're going
748 to get those specs in those diagrams to you as to what those cabinets are going to look like
749 how many that kind of thing. But one another thing to note with the site is the presence of
750 wetlands. So approximately, I would say about half of the site is encumbered by nontidal
751 wetlands we need to specify that in nontidal wetlands.

752

753 We request the Planning Commission's consent to have a public hearing next month on this
754 item on this matter. And we of course will provide you with a more in-depth staff report and
755 information in the ensuing weeks. That concludes my briefing on this. And I can try to
756 answer any questions you have at this time. I actually have a copy of the application if you'd
757 like to see that as well.

758

759 **Chairwoman Wingfield**

760 Any questions? Again, get a motion to have a public hearing on August 14.

761

762 **Lee Pambid**

763 August 14. Yes, ma'am.

764

765 **Chairwoman Wingfield**

766 Okay, motion a second for August 14, public hearing, all in favor say aye. Aye. I'll pose Yes.

767

768 **9. STAFF REPORTS**

769 **Lee Pambid**

770 **Subdivision Agent**

771 Staff Reports with regards to subdivision agent. We don't have any major subdivision
772 applications in process at this time. However, we are constantly reviewing some of the more
773 minor subdivision actions, lot line, adjustments, consolidations of two lots into one, that kind
774 of thing. Lot splits. One of the things that we are on standby for is pursuant to the coastal
775 squaring residences development. They're going to want to submit a preliminary plat showing
776 the layout of all of the lots. And once that is reviewed, I believe that comes to the Planning
777 Commission. I will have to get back to you on that. But I'm pretty sure that comes back to the
778 Planning Commission. After that has been reviewed and approved. We're going to be looking
779 at that at the proposed preliminary plat layout in conjunction with the conceptual plan that was
780 approved by the Board of Supervisors last month. So that there are no surprises there.

781

782

783 **Zoning Administrator**

784 With regards to the zoning administrator report, the board of zoning appeals met this morning.
785 Their meeting was pushed from July 3 to July 10, earlier this morning. So, we've had a busy
786 day with the planning staff. They had one, they had one special use permit for an RV for a
787 temporary RV to locate on a piece of property that also contains a house that was destroyed by
788 fire. So, they approved that four to zero, and they have no applications for next month for the
789 month of August.

790
791 **Deputy County Administrator**

792 As Deputy County Administrator, we've already introduced some new staff. I would like to
793 report, the staff found out earlier tonight that we submitted an application of Virginia housing
794 for a \$500,000 Innovation Grant, which is to go two, maybe three modular units. The partner's
795 name is Bryce LaConte. He's out of Northern Virginia, and he has selected Parksley as an area
796 to demonstrate his modular housing product and Virginia housing has advanced that
797 application and is recommending an award of \$500,000 for that. So that is more of an
798 affordable housing demonstration project, if you will, but it's their concept is to provide I
799 wouldn't call it net zero energy consumption housing, but it's a green building type concept
800 that Bryce brings to the brings to the market. So high efficiency with regards to energy
801 consumption, that kind of thing. But we were just very pleased to receive that that news just
802 really just a couple of hours ago, that is that we had to apply on his behalf the county is the
803 quote-unquote, pass through agency for those funds. But Bryce and I'd also like to say that
804 Chontese Ridley was heavily involved in submitting that application. And I just wanted to
805 congratulate the county and Chontese specifically on getting that \$500,000. With that there are
806 no other staff comments, I can field any questions that you've got at this time.

807
808 **Commissioner Tyler**

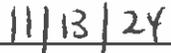
809 I'd like to make a formal apology to the public for being 28 minutes late. I had a 1st Sergeant
810 in the Army who only tolerated death as an excuse. I have none.

811
812 **10. NEXT MEETING**

813 Next meeting will be August 14, 2024 @ 7:00 p.m.

814
815 **11. ADJOURNMENT**

816 *On a motion made by Commissioner Tyler and seconded by Commissioner Hickman, the*
817 *Planning Commission voted unanimously adjourn the meeting at 8:10 pm.*

818
819  
820 _____
821 Angela Wingfield, Chairwoman Date

822
823
824 _____
825 Pamela Dix Date
826 Administrative Assistant II, Building, Planning and Economic Development
827