

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF NOVEMBER 4, 2015

At a meeting of the Accomack County Planning Commission held on the 4th day of November 2015, 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. Leander Roberts, Jr.
Mr. C. Robert Hickman
Mr. Lynn Gayle
Mr. Stephen Corazza
Mr. Brantley Onley
Mr. Roy Custis
Mrs. Angela Wingfield

Planning Commission Members Absent:

None

Others Present:

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

4. MINUTES

- **October 14, 2015**

On a motion made by Mr. Roberts and seconded by Mr. Lumgair, the Planning Commission voted to approve the minutes of the October 14, 2015 regular meeting; The motion was unanimously approved.

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5. OLD BUSINESS

- **Joint Land Use Study Comprehensive Plan Amendments (Round One)**
Ms. Tremblay requested that the Planning Commission make a motion on the Joint Land Use Study (JLUS).

Staff Recommendation is to move forward on Staff recommended changes or staff draft with NASA recommended changes.

Discussion commenced on pages 1-5 of the staff draft document with NASA's suggested changes. The following requests for changes/clarifications were made:

1. Page 1, JLUS Overview: Reword the last sentence of the second paragraph, as recommended by NASA, wording it as, "...actions and strategies to *influence* future County policy-making..."
2. Page 3, Aircraft Accident Potential Zones (APZs): Second paragraph, as recommended by NASA, remove "...the NAVY encourages..." and "...uses which are compatible with aircraft operations..."
3. Page 3, Aircraft Accident Potential Zones (APZs): Remove third paragraph, NASA suggested change.
4. Page 3, Aircraft Accident Potential Zones (APZs): Clarify that items of discussion are within an aircraft noise zone.
Ms. Tremblay informed the Planning Commission that this correction has been made on the 'clean' copy.
5. Page 4, Rocket Range Hazard Areas: First paragraph, leave in "...NASA's Range Safety Program..."
6. Page 4, Rocket Range Hazard Areas: Second paragraph, include last sentence as recommended by NASA.
7. Page 4, Rocket Range Hazard Areas: Third paragraph should include "i.e.," as noted in NASA's changes.
8. Page 4, Rocket Range Hazard Area; 10,000 Feet Arc: Hazards and General Conditions: Make changes as suggested by NASA.
9. Page 4, Rocket Range Hazard Area; 20,000 Feet Arc: Hazards: Make changes as suggested by NASA.
General Conditions: Leave "generally".
10. Page 5, Rocket Range Hazard Area: Leave language stricken through by NASA.
11. Page 5, Rocket Range Hazard Area: Insert 'Antares' as recommended by NASA.

On a motion made by Mr. Papadopoulos and seconded by Mr. Onley, the Planning Commission unanimously approved to present the Joint Land Use Study Comprehensive Plan, with amendments to the Board of Supervisors.

6. NEW BUSINESS

- **Agricultural and Forestal Districts**

Ms. Tremblay informed the Planning Commission that the Hacks Neck, Hallwood, Mutton Hunk and Parramore Island Agricultural and Forestal Districts were reviewed by the Agricultural and Forestal District Advisory Committee. No (Ø) parcels were recommended for removal by staff or the Committee and one (1) parcel was requested for removal by landowner Richard C. Burroughs from the Hacks Neck District.

Staff requested that the Planning Commission review the Hacks Neck, Hallwood, Mutton Hunk and Parramore Island District materials and recommend continuation of the districts with the modifications as presented, to the Board of Supervisors.

On a motion made by Papadopoulos and seconded by Chairman Lumgair, the Planning Commission voted to recommend continuation of the Hacksneck, Hallwood, Mutton Hunk, and Parramore Island Agricultural and Forestal Districts with the modifications as presented, to the Board of Supervisors; The motion was unanimously approved.

7. 7:30 P.M. PUBLIC HEARING

Chairman Lumgair read the rules governing the public hearing guidelines and opened the floor for the public to speak, calling each person in the order in which they signed up.

- **Jay Ford**

Mr. Jay Ford – Executive Director of Virginia Eastern ShoreKeepers

Mr. Ford first addressed Chairman Lumgair to request that the Tyson representatives be required to sign-in to speak at the public hearing, allotting four (4) minutes to speak. Mr. Ford expressed that it was unfair that Tyson representatives, who benefit from the Poultry Industry, have additional time.

Mr. Ford began by requesting that the Planning Commission take a more conservative approach when discussing and recommending changes to benefit the public health concerns with the present recommendations; Mr. Ford recommends the following:

Joining properties with a business or dwelling:

Minimum setback of four hundred (400) feet

Minimum setback of six hundred (600) feet from tunnel fan

Joining properties without a structure:

Minimum setback of three hundred (300) feet

Minimum setback of four hundred (400) feet with a tunnel fan

Joining properties with a nursing home, church, school, and public recreation areas:

Minimum set back of one thousand (1,000) feet from the property line near nursing homes, school, and churches.

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- **Joe Valentine**

Mr. Joe Valentine presented the Planning Commission with a copy of his statements during the public hearing along with a packet from the National Association of Local Boards of Health (NALBOH), *Understanding Concentrated Animal Feeding Operations and Their Impact on Communities*.

A copy of the statement and packet from the National Association of Local Boards of Health submitted by Mr. Valentine may be viewed at the Department of Planning and Community Development. This document may also be found under "Links to information outside CDC" at: http://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf

- **Richard Pearsall and Doug Buckley**

Both Mr. Pearsall and Mr. Buckley requested to cancel their request to speak as their concerns had been addressed earlier in the meeting.

- **David Fick**

Mr. David Fick – Nandua Oyster Company

Mr. Rick stated that he is in agreeance with the requests made by Mr. Jay Ford to increase the buffer zones from property structures.

Mr. Fick states that tunnel fans in Maryland have caused issues with the quality of life.

Mr. Fick proceeded to inform the Planning Commission that he and his wife own a local oyster business; one rental location is in Harborton. Previously, there was a pig farm and the area containing his oyster bed was condemned. Since the closing of the pig farm, the area is no longer condemned; Mr. Fick believes that the condemnation was a result of the pig farm.

Mr. Fick believes that the increase in poultry houses will directly affect the water quality.

- **Miriam Riggs**

Ms. Riggs submitted a statement prior to the public hearing and read from the statement directly.

A copy of the statement submitted by Ms. Riggs may be viewed online at: <http://www.boarddocs.com/va/coa/Board.nsf/Public>.

- **Ken Schultz**

Mr. Ken Schultz spoke briefly to make note that he was in agreeance with Mr. Jay Ford.

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- **Bob Meyers**

Mr. Bob Meyers requested that the Planning Commission ask that the Board of Supervisors review the contract for health services between Accomack County and the Virginia Department of Health.

Mr. Meyers explained that he would like to see the contract for health services tailored to address concerns with poultry operations, to protect the citizens.

Mr. Meyers also urged the Planning Commission to make setbacks the same, whether a property have one (1) family or one hundred families.

- **Bill Satterfield**

Mr. Bill Satterfield – Delmarva Poultry Industry, Inc.

Mr. Satterfield spoke in regard to the references listed in the letter submitted to the Planning Commission by researchers at The Johns Hopkins Center for a Livable Future, based at the Bloomberg School of Public Health in the Department of Environmental Health Sciences.

Mr. Satterfield stated that these references are not related how chickens are grown on the Delmarva Peninsula. He proceeded to explain that these references refer to:

- A study that includes 360 chickens that were raised in a climate controlled room in Brazil.
- A study in which people were paid to be involved.
- Bulgarian Scientists breeding chickens.
- John Hopkins had chase vehicles tailgate live-haul tractor trailers, on the Eastern Shore, to capture bacteria. The bacterium captured was not specified as harmful bacteria.

Mr. Satterfield requested that the Planning Commission do not ‘lump’ all concentrated animal feeding operations (CAFOs) together, because some data provided includes research from hog and cattle farms.

Mr. Satterfield stated that two (2) letters included data about arsenic and antibiotics used in the poultry industry. Mr. Satterfield states that arsenic is no longer used and drastic changes have been made in the use of antibiotics, so this information is now out of date. Mr. Satterfield stated that he has a letter from Dr. Richard Raymond, former chief medical officer for the state of Nebraska and former United States Department of Agriculture (USDA) undersecretary of agriculture for food safety. Dr. Raymond has reviewed the references provided in documentation from John Hopkins and raises many concerns.

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- **Dave Lovell**

Mr. Dave Lovell – Chicken grower

Mr. Lovell stated that he supports the tree growth as a buffer zone around chicken farms. Years ago, Mr. Lovell states that a development was built very close to his chicken farm, but has never had any complaints about his farm from neighboring residents; He gave thanks to the five (5) lines of trees around his farm. He has offered to attend a future meeting to provide his input from experience with manure shed fires and buffer zones.

Mr. Lovell requested that the Planning Commission require a three (3) row buffer strip for all farms.

Mrs. Wingfield asked Mr. Jarrod Goodman, Tyson Foods, what the sizes for new chicken houses will be. Mr. Goodman stated that two (2) size houses built by Tyson Foods are: 55 feet x 600 feet or 66 feet by 600 feet, no houses will exceed those measurements. Mr. Goodman also stated that he expects the max capacity for chicken houses will be met quickly. Currently, the number of chicken houses is down by twenty-five percent from the number houses there were ten years ago.

- **Adam James**

Mr. James entered the meeting after the sign-in sheet was collected. Mr. James requested that Chairman Lumgair allow him to speak and his request was granted.

Mr. James stated that he is the Fire Chief at Onancock Fire Department, which was in charge of the manure shed fire on Savageville Road. Mr. James stands behind the process taken to extinguish the fire, stating that the main concern was the building and when the fire departments left there was no immediate danger.

Mr. James did express concern with a shortfall in the chain of command. Currently, there is not a policy specifying who is to take responsibility once the fire or immediate threat is removed and the situation is out of the fire department's jurisdiction.

8. **OTHER MATTERS**

- **Staffing Report**

Mr. Morrison introduced Jessica Taylor, the Temporary Administrative Assistant, to the Planning Commission. Mr. Morrison explained that Jessica Taylor will be filling the position until the full-time position is filled.

The Planning Commission welcomed Ms. Taylor.

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- **Poultry Related Concern**

The Planning Commission requested that staff invite Dr. Matson from the Health Department attend a future work session to discuss public health.

Chairman Lumgair requested that Commissioners prepare questions for Dr. Matson and other informed persons that may be able to assist in providing information before making any further amendments in regard to the health concerns and buffer zones.

Mr. Morrison, Director of Planning, presented and explained the below chart to document changes to the Poultry Ordinance:

Poultry Ordinance Changes Overview	
Current	Proposed
No Landscape Plan Required	Landscape Plan Required
No Density Requirements	Overall Density - 1 house per 5 acres
No Maximum Limit - Number of Houses	Maximum limit of 12 houses per parcel
No Minimum Separation Distance	Minimum Separation between operations is 400 feet
300 foot Setback from existing dwelling/ 400 feet on tunnel end - with allowance for reduction by adjacent property owner	500 foot Setback from existing dwelling/ 600 feet on sides with tunnel fans - No allowance for reduction
500 foot Setback from schools, churches, nursing homes, day care centers, campgrounds, public recreation areas, and public wells. <i>No exception for tunnel fans</i>	500 foot Setback from schools, churches, nursing homes, day care centers, campgrounds, public recreation areas, and public wells. <i>600 feet on sides with tunnel fans</i>
In AG & General Business Zoning Districts: 400 feet from incorporated towns, or Res Zoning District boundaries, subdivisions of 10 or more lots (<i>No reference to improved</i>), and mobile home parks or travel trailer parks. <i>No exception for tunnel fans.</i>	In AG & General Business Zoning Districts: 500 feet from incorporated towns, or Res Zoning District boundaries, <i>improved</i> subdivisions of 10 or more lots, and mobile home parks or travel trailer parks. <i>600 feet on sides with tunnel fans.</i>
In Residential Zoning Districts: 400 feet from incorporated towns, subdivisions of 10 or more lots (<i>No reference to improved</i>), and mobile home parks or travel trailer parks. <i>No exception for tunnel fans.</i>	In Residential Zoning Districts: 500 feet from incorporated towns, <i>improved</i> subdivisions of 10 or more lots, and mobile home parks or travel trailer parks. <i>600 feet on sides with tunnel fans.</i>
No provision for unimproved subdivisions.	In AG, Res & General Business Zoning Districts: 400 feet from <i>unimproved subdivisions</i> of 10 or more lots.
No provision for Earthen Berms	Earthen Berms may be required
No Landscape Buffer Provision	Landscape Buffer Provision: 3 Rows of plant materials for tunnel fan sides; scaled # of rows for all other sides based on # of houses; installed according to best management practices with maintenance required.
No provision for Traffic Safety and Existing Road Conditions	Provision for Traffic Safety and Existing Road Conditions

**Please note that this chart has since been updated and provided to the Board of Supervisors.*

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On a motion made by Mr. Roberts and seconded by Mr. Hickman, the Planning Commission voted to simplify the proposed poultry ordinance Section 106-232 (g)(1 through 5), Poultry, to have three (3) rows of vegetation on all sides of poultry operations.

Discussion of the types of vegetation to be included in buffer zones ensued.

On a motion made by Mr. Gayle and seconded by Mr. Hickman, the Planning Commission voted to recommend approval of the text amendments to Chapter 106 - Zoning, Article X, General Provisions, Section 106-232, Poultry, to the Board of Supervisors, as amended. The following reasons are offered to support its recommendation:

- 1. The Planning Commission finds that recent concerns regarding the surge in new larger-scale projected poultry houses have been addressed by the proposed amendments to the ordinance.**
- 2. Provisions requiring increased setbacks and landscape buffers have been included that assist in augmenting compatibility between confined poultry operations and adjacent uses.**
- 3. The Planning Commission has spent considerable time and effort on this poultry ordinance amendment and believes that its adoption will be beneficial to the health, safety, and welfare of Accomack County's citizens.**
- 4. The Planning Commission has worked to update the current poultry ordinance and address citizen concerns to the extent possible as requested by the Board of Supervisors on August 19, 2015.**
- 5. The Planning Commission believes that the proposed ordinance amendments are necessary to adopt at this time. Other poultry related matters will be discussed by the Planning Commission during upcoming meetings such as poultry operation water usage, litter disposal, public health concerns and avian influenza.**

9. NEXT MEETING

The next Planning Commission work session is scheduled for Tuesday, November 17, 2015 at 7:00 p.m. at the Accomack County Airport, 29194 Parkway N, in Melfa, VA.

The next regular Planning Commission meeting is scheduled for Wednesday, December 9, 2015 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

10. ADJOURNMENT

On a motion made by Mr. Hickman and seconded by Mr. Gayle, the Planning Commission voted to adjourn the meeting; The motion was unanimously approved.

The meeting was adjourned at 9:05 p.m.

David Lumgair, Jr., Chairman

Jessica Taylor, Temporary Administrative Assistant