

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF FEBRUARY 10, 2016

At a meeting of the Accomack County Planning Commission held on the 10th day of February 2016 in the Accomack County Administration Building School Board Office, Room 201, 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. Lynn Gayle
Mr. Stephen Corazza
Mr. Roy Custis
Mr. Leander Roberts, Jr.

Planning Commission Members Absent:

Mrs. Angela Wingfield
Mr. C. Robert Hickman

Others Present:

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

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. Papadopoulos and seconded by Mr. Onley, 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.

At this time, Mr. Morrison took the opportunity to introduce Ms. Kay Lewis, former Accomack County Board Supervisor, to the Planning Commission as she was in attendance.

4. MINUTES

A. January 13, 2016

On a motion made by Mr. Roberts and seconded by Mr. Gayle, the Planning Commission voted to approve the minutes of the January 13, 2016 regular meeting.

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B. January 26, 2016

On a motion made by Mr. Onley and seconded by Mr. Corazza, the Planning Commission voted to approve the minutes of the January 26, 2016 work session.

5. OLD BUSINESS

A. Poultry Report

Chairman Lumgair requested that although the Agenda was not amended, the Planning Commission address *New Business* before *Old Business*.

Chairman Lumgair requested that staff acquire information as to which aquifer poultry houses receive its water. He stated that this has been a concern for citizens and information should be available to provide to citizens at future meeting(s).

Commissioners requested the following changes to **Key Changes** (these changes are to carry throughout the Poultry Report as discussed):

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1. Poultry Litter and Groundwater Concerns:

Paragraph 1:

1. 1st sentence – change “Planning Commission has spent considerable time on understanding” to “ Planning Commission has devoted time in understanding”
2. 1st sentence – add “health, and odor related issues” to the end of the sentence.
3. 2nd sentence – add “the number and size of poultry houses in County.”
4. 3rd sentence – change “a problem” to “an issue”
5. 3rd sentence – add “should be implemented” to the end of the paragraph.

The paragraph should read:

The Planning Commission has devoted time in understanding poultry litter regulations, use as a fertilizer, storage, health, and odor related issues. The Planning Commission has concluded that issues related to poultry litter should be manageable even with the projected growth of the number and size of poultry houses in the County. If or when poultry litter becomes an issue for Accomack County, solutions such as: transporting litter out of the County, alternative energy uses, or other methods of utilization that do not require land application should be implemented.

6. Combine the last two (2) paragraphs.
7. 1st sentence – Add “also” after DEQ.
8. 2nd sentence – Change “found” to “concluded”

The paragraph should read:

The DEQ also regulates groundwater withdraw over 300,000 gallons per month. The Planning Commission concluded that there does not appear to be groundwater withdraw issues at this time.

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5. General Information, Trends and Economics:

Paragraph 4:

1. Add “as well as the Commonwealth of Virginia”.

The paragraph should read:

The poultry industry is a critical component of Accomack County’s economy as well as the Commonwealth of Virginia.

Discussion ensued in regard to **Action Items Required: 1. Annual Monitoring and Findings: Poultry Litter & Groundwater Concerns: Poultry Litter**. Commissioners agreed that staff should plan to work with integrators to keep information such as: number/location of litter sheds, owner and emergency contact numbers current. It should be considered to provide this information to the Department of Public Safety in the event of an emergency. The new applications should include a section requesting a voluntary relay of information if the poultry operation has a transfer of ownership.

At this time, Mr. Morrison took the opportunity to inform the Planning Commission that as requested at the work session, he has spoken with the Mrs. Cela Burge, Accomack County Attorney, and they will be unable to provide a ‘right of entry’. Chairman Lumgair asked if they could consider requiring poultry operations to have emergency contact numbers posted onsite.

Mr. Morrison informed the Planning Commission, in regard to **Other Action Items Proposed: 7. Poultry Litter Mass Balance Study**, that Virginia Institute of Marine Science (VIMS) is trying to partner with the Virginia Tech (VT) extension in Painter, VA to do this study.

Discussion ensued in regard to **Other Action Items Proposed: 8. Existing Operations** incentivizing existing operations to install vegetative buffers and new poultry operations having the ability to roll this funding into their loan.

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Summary:

Paragraph 3:

1. 1st and 2nd sentence are the same, remove one (1).
2. 4th sentence – change “found” to “concluded”.

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Findings: Public Health Related Concerns:

3rd Paragraph (Annotation):

1. Change to “rate per 50,000 persons” to clarify that there was a specified number of cases for every 50,000 persons.

Annotation should read:

**Noted poultry related diseases that persons may be exposed to are: Campylobacter (at a rate of 9 cases in Accomack County last year for every 50,000 persons), Salmonella (at a rate of 27 cases in Accomack County last year for every 50,000 persons), Avian Influenza (see page 8), Methicillin – Resistant Staphylococcus Aureus (MRSA) (as one study of veterinarians working with poultry and other domesticated animals suggests as well as another study of industrial livestock swine and poultry operation workers), and asthma (as triggered by mold, animal dander and dust).*

Discussion ensued in regard to methods in which staff and the Planning Commission could track the number of litter sheds in Accomack County and where fires occurred. Mr. Papadopoulos requested that staff gather the exact number of applications submitted for poultry houses. It was discussed that staff note that just because an application has been submitted does not mean that it will be constructed.

Mr. Morrison informed the Planning Commission that **Appendix Item #3**, titled *ESVA Groundwater Committee Information* was submitted directly by Mr. Curtis Smith, Regional Planner, Accomack-Northampton Planning District Commission. Discussion ensued between Commissioners and it was decided that the page should be held as a back-up item, but removed from the report.

On a motion by Mr. Papadopoulos and seconded by Mr. Corazza, the Planning Commission voted to forward the Poultry Related Concerns Report, with changes, to the Board of Supervisors.

Mr. Onley brought attention to **Appendix Item #1**, *Poultry House Location and Status – 2015*, large green dot noting a poultry operation with over ten (10) permitted, in upper left (Saxis, VA area). He noted that a few years ago, during a storm, this poultry operation was flooded with approximately two (2) foot of Chesapeake Bay water. Discussion ensued and staff agreed to check on the freeboard requirements.

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6. NEW BUSINESS

A. **Davis Wharf Agricultural and Forestal District**

Ms. Tremblay reported that the Davis Wharf Agricultural and Forestal District has been reviewed by the Agricultural and Forestal District Advisory Committee. No (Ø) parcels were recommended for removal from the Davis Wharf Agricultural and Forestal District.

Ms. Tremblay informed the Planning Commission that the Agricultural and Forestal District Committee held its last meeting, for two years, on Wednesday, January 27, 2016.

On a motion by Mr. Roberts and seconded by Mr. Corazza, the Planning Commission voted to recommend continuation of the district with no modifications, as presented, to the Board of Supervisors.

B. **Poultry Ordinance Amendment**

Mr. Morrison informed the Planning Commission that the Board of Supervisors reviewed the proposed Poultry Ordinance prepared by the Planning Commission at its January 13, 2015 work session, and scheduled a public hearing for February 3, 2016. During the work session, the Board of Supervisors determined that the setbacks regarding schools, churches, nursing homes, day care centers, campgrounds, public recreation areas and public wells should be placed from the property line, and not from the buildings.

Mr. Morrison requested the following edits:

1. Page 3, E, beginning– change “the property line” to “any property line” to ensure clarification for properties with multiple property lines.
2. Page 3, E, end – change “from the property line” to “from the property line(s)” also to ensure clarification for properties with multiple property lines.

Mr. Papadopoulos requested the following edit:

1. Page 3, E – change “tunnel fans are pointed toward” to “tunnel fans discharging toward”

Discussion ensued between Mr. Morrison and Chairman Lumgair clarifying that the property line being referred to is not the property with the poultry operation on it, but the adjacent property.

Mr. Custis inquired as to why setbacks cannot be placed from property lines across the board. Discussion ensued between Commissioners with most stating that it would become too restrictive on the industry.

On a motion by Mr. Corazza and seconded by Mr. Papadopoulos, the Planning Commission voted to adopt the Poultry Ordinance Amendment, with changes, and schedule a public hearing for its March 9, 2016 regular meeting.

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7. **OTHER MATTERS(if time permits)**

A. Discussion of Joint Land Use Study Accident Potential Zone Overlay

Mr. Papadopoulos suggested that this agenda item be discussed at the February 23, 2016 work session. Discussion ensued between Commissioners and all were in agreeance that they would like to have Mr. Hickman and/or Mrs. Wingfield in attendance as they live in the affected area; this item will be a topic of discussion at the work session.

Mr. Papadopoulos inquired about the status of the Atlantic Town Center cases. Mr. Morrison provided a brief update.

Commissioners requested that staff begin to incorporate the Poultry Ordinance into the Comprehensive Plan, also including it in the Agricultural section.

8. **NEXT MEETING**

The next Planning Commission work session is scheduled for Tuesday, February 23, 2016 at 7:00 p.m. in the School Board Conference Room, Room, 201, in Accomac.

The next regular Planning Commission meeting is scheduled for Wednesday, March 9, 2016 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

9. **ADJOURNMENT**

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

The meeting was adjourned at 8:38 p.m.

David Lumgair, Jr., Chairman

Jessica Taylor, Temporary Administrative Assistant