

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF FEBRUARY 23, 2016

At a meeting of the Accomack County Planning Commission held on the 23rd day of February 2016 in the Accomack County Administration Building School Board Office, Room 201, in Accomac, Virginia.

1. CALL TO ORDER

1. 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
Mrs. Angela Wingfield
Mr. Roy Custis

Planning Commission Members Absent:

Mr. Leander Roberts, Jr.
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

2. 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. Onley and seconded by Mr. Custis, the Planning Commission voted to adopt the agenda.

3. DISCUSSION ITEMS

A. Comprehensive Plan Amendment on Poultry

Mr. Morrison began the meeting by expressing to the Planning Commission that at its previous meeting on February 10, 2016 staff was questioned as to whether or not the current Comprehensive Plan had a section to address poultry. Staff has found that poultry is mentioned in the current Comprehensive Plan.

Staff provided the Planning Commission with copies of Chapter three (3) and six (6) of the Comprehensive Plan with proposed amendments; both chapters mention the topic of poultry.

A copy of the additional material provided to the Planning Commission may be viewed at the Accomack County Department of Planning and Community Development.

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Ms. Tremblay and Mr. Morrison reviewed the hand-outs with the Planning Commission regarding the tracking of changes from information currently in the Comprehensive Plan to the revision. Staff agreed there were a few untracked changes and they will be sure to note those changes in tracking.

Mr. Papadopoulos requested that the Planning Commissioners Comprehensive Plan be updated with all changes adopted since 2014.

The following options to amend the Comprehensive Plan were presented to the Planning Commission:

1. As it is now known that there are references to the poultry industry within the Comprehensive Plan, it may be wise to consider its contents and decide on whether any changes should be made at this time. In this instance, the Planning Commission may wish to consider delaying making any changes until the next required five (5) year review of the Comprehensive Plan - which is scheduled to begin relatively soon.
2. The Planning Commission may wish to consider a brief update of the existing text in Chapter 3 - 'The Developed Environment' related to the poultry industry and its impacts with a more thorough amendment to be conducted during the required five (5) year review. Considerations for a brief economic summary amendment may include:
 - Importance of poultry industry to the overall economy of the County and its importance to the agricultural sector of the economy;
 - Up-to-date employment figures;
 - Other relevant data.
3. Finally, the Planning Commission may wish to hold off on making changes to Chapter 3 and instead address the items in Chapter 6 - 'Future Land Use Plan' (with a section containing information on economics). Currently, when inquiries are made regarding information in the Comprehensive Plan, staff typically directs the user to Chapter 6, which was the focus of the last five (5) year review and is the section with the most recent information pertaining to the County. It is recommended that an update of this section follow a similar format as the last Comprehensive Plan review (incorporating new information with minimal change to existing text).
 - Overview of recent poultry house increase, steps taken in response and associated impacts;
 - A 'New Trends in Agricultural Areas' section which emphasizes the changes seen throughout the County's landscape - such as the impact of large scale poultry houses and solar energy facilities;
 - Close with the economic relationship between poultry and the County (to be placed in Chapter 6 instead of updating Chapter 3);

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Chairman Lumgair noted that throughout the proposed changes the term poultry 'house' had been used and should be changed to 'confined poultry operation' throughout the document. A brief discussion ensued in regard to Concentrated Animal Feeding Operation (CAFO) versus Confined Poultry Operation. Chairman Lumgair requested that staff include a paragraph in the Comprehensive Plan explaining the use of 'Confined Poultry Operation' instead of 'Concentrated Animal Feeding Operation (CAFO)'.

Chairman Lumgair noted that in the hand-out covering Chapter six (6), Page three (3), second paragraph, it states: "**New residential development in close proximity to existing and planned confined poultry operations is not recommended and should be discouraged.**" Chairman Lumgair expressed that he would like to see more emphasis on this paragraph to discourage residences and subdivisions from building near existing confined poultry operations.

While Mr. Morrison expressed that he agreed, he did remind the Planning Commission that the Comprehensive Plan is not law, only a general guiding document.

Mrs. Wingfield recommended that the word 'proximity' be removed and a set number of 1,000 feet be inserted.

Mr. Papadopoulos suggested changing the wording to: "Any new development for residential use planned within 1,000 feet of existing and planned confined poultry operations is not recommended and should be discouraged." Mr. Papadopoulos also recommended removing the word 'close' from the existing paragraph. Chairman Lumgair corrected Mr. Papadopoulos stating if a number is inserted, it should be 500 feet, not 1,000 feet. Mr. Morrison recommended not including an exact number.

Mr. Gayle recommended using the same guidelines as the Poultry Ordinance; residents should adhere to the same guidelines as the poultry industry. Chairman Lumgair was in agreement that the Comprehensive Plan should be consistent with the current Poultry Ordinance.

Mr. Morrison suggested that the amendment to the current Comprehensive Plan should be made in Chapter six (6). Mr. Morrison also informed the Planning Commission that some of the recommendations would require an ordinance amendment. Commissioner's agreed that they would address this at a future date.

Chairman Lumgair expressed that the Planning Commission should soon begin addressing updates to the Comprehensive Plan (required every five (5) years) as the last update was minimal due to staff changes and time constraints. Over two-thirds (2/3rds) of the Comprehensive Plan will need to be updated at that time.

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Mr. Papadopoulos requested that staff remove 'New Trends in Agricultural Areas' (the third (3rd) paragraph 'Solar Energy').

Mr. Gayle asked Mr. Morrison what the process is to make an amendment to the Comprehensive Plan. Mr. Morrison stated that the process is as follows:

- Choose language;
- Planning Commission to set a public hearing;
- Send to the Board of Supervisors;
- Board of Supervisors to set a public hearing;
- Amendment is inserted into the Comprehensive Plan.

Mrs. Wingfield suggested that contractors listed within the Chapter 3 be grouped together and names something along the lines of 'NASA Contractors' or a general name considering how often the contractors change names. Chairman Lumgair stated that he would prefer to leave the names listed.

The Planning Commission discussed how the list of *Largest Employers in Accomack County* (Page 3-23) was organized. Chairman Lumgair requested that staff make note to have the Comprehensive Plan mention that contractors are different and may employ temporary employees.

The Planning Commission discussed whether or not the Comprehensive Plan amendment on Poultry needed to be addressed immediately. Chairman Lumgair recommended that the change be addressed now while staff that is familiar with poultry is available.

B. Joint Land Use Study (JLUS)

Discussion shifted to focus on the Joint Land Use Study (JLUS). The Planning Commission was provided a packet of the JLUS Executive Summary and reminded that they have previously reviewed the JLUS and send recommendations to the Board of Supervisors.

A copy of the additional material provided to the Planning Commission may be viewed at the Accomack County Department of Planning and Community Development. Related material from earlier meetings may be viewed online at: <http://www.boarddocs.com/va/coa/Board.nsf/Public>

Mr. Papadopoulos recommended having staff create a synopsis and then discuss the JLUS topic from there.

Chairman Lumgair reiterated that he would like to have both Mr. Hickman and Mrs. Wingfield in attendance prior to addressing the JLUS in depth as they represent that area.

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Mr. Morrison provided the Planning Commission with a brief refresher on the topic and update from the Board of Supervisors February meeting. He also reminded the Planning Commission, as he did the Board, that the JLUS is not exclusively about rockets. The Planning Commission should focus on the airfield, overlay (currently an undefined term) district (change rules, consider potential requirements) and Accident Potential Zones (APZ's); Air Installation Compatible Use Zones (AICUZ) Guidelines were included in the material provided to the Planning Commission. Mr. Morrison asked the Planning Commission to consider whether or not they would like to use the charts. The Board of Supervisors has requested that the Planning Commission review and recommend whether or not this is something that the County should do.

The Planning Commission discussed cases that would require Special Use Permits, Conditional Use Permits, deed disclosures, and level of regulations, if any.

Mr. Morrison made the recommendation that, if nothing else, the Planning Commission address the current Clear Zone (closest to the runway) and make adjustments to the section as they should not knowingly allow persons to live in harms way.

Mrs. Wingfield stated that there should be no residents residing in the Clear Zone. She asked if citizens be notified by mailing notices or holding a public hearing.

Chairman Lumgair requested that staff work on wording for an ordinance for the Clear Zone and Accident Potential Zones (APZ's), which is the next most dangerous. He also suggested that staff create an amorphous blob for the overlay. Chairman Lumgair stated that their job is to protect the people and encourage the best land use practice.

Mr. Custis recommended that staff consider wording that future owners cannot extend the current runways; staff will research to see if this is an option.

Mr. Papadopoulos suggested that staff provide the hotline phone number to make complaints.

Mrs. Wingfield reminded the Planning Commission that NASA does not control the air operations. The current pilots flying are in training and learning to fly.

Mr. Papadopoulos provided a brief update from the Groundwater Committee meeting.

Mrs. Wingfield requested an update on the Atlantic Town Center lawsuit. Mr. Morrison responded that closing briefs on the 'old' Board of Zoning Appeals' (BZA) appeal are filed. A decision on that case is expected by the end of March 2016. The main lawsuit on the rezoning is scheduled for May 2, 2016 and May 3, 2016.

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4. NEXT MEETING

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

The next Planning Commission work session is scheduled for Tuesday, March 22 at 7:00 p.m. in the School Board Conference Room, Room, 201, in Accomac.

5. ADJOURNMENT

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

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

David Lumgair, Jr., Chairman

Jessica Taylor, Temporary Administrative Assistant