

ACCOMACK COUNTY PLANNING COMMISSION MINUTES OF MAY 11, 2016

At a meeting of the Accomack County Planning Commission held on the 11th day of May 2016 in the Accomack County Administration Building Board Chambers, Room #104, 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. C. Robert Hickman
Mr. Lynn Gayle
Mr. Stephen Corazza
Mrs. Angela Wingfield
Mr. Roy Custis
Mr. Leander Roberts, Jr.

Others Present:

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

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. 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

A. April 13, 2016

- Chairman Lumgair – Page 2, last paragraph – change the word *is* to *are*.

On a motion made by Mr. Hickman and seconded by Mr. Gayle, the Planning Commission voted to approve the minutes of the April 13, 2016 regular meeting as amended.

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5. OLD BUSINESS

A. Report to Board of Supervisors on Joint Land Use Study (JLUS) Clear Zone and Accident Potential Zones (APZ's) Overlays (Zoning)

Ms. Tremblay noted that the 'Note' on page 3 is not suggested to be included within the report, it is only to reference.

Ms. Tremblay opened the floor for a discussion period with the Planning Commission.

Mr. Gayle expressed that he believed if the Planning Commission began to make changes in these areas it would open a 'Pandora's Box' and there would be an endless cycle of changes. He stated that he believed people are at risk regardless. Mr. Morrison reiterated that the priority is limiting new development in the Clear Zone as the area is under the most active operation.

Chairman Lumgair expressed his concern with allowing people to build in the areas with known risks. He believes that the Planning Commission needs to make a decision of whether or not it wants to continue to allow people to build in these areas and what limitations/restrictions should be put in place. Discussion ensued.

Mr. Morrison noted that he had been informed that it was not expected that the County would have continued to issue building permits within the Clear Zone after presented with the study. Should the County chose to take no action, it would be a message to the Department of Defense (DoD). The judge in the Atlantic Town Center Case expressed that he found the JLUS very compelling and stated the importance of the study and referenced the Oceana base in Hampton Roads.

It was discussed that two (2) organizations should not spend time working on the same body of work. Mr. Morrison informed the Planning Commission that even if the newly formed AWWG were to work on this, by State law, their work would still come through the Planning Commission for review. Discussion ensued.

Staff recommended that the Planning Commission review the report relative to Accident Potential Zones (APZ's – including the Clear Zone), and the merits of overlay zoning, and if satisfied, forward the report to the Board of Supervisors for consideration.

On a motion by Mr. Custis and seconded by Mr. Roberts, The Planning Commission voted to forward the staff drafted report relative to Accident Potential Zones (APZ's – including the Clear Zone), and the merits of overlay zoning to the Board of Supervisors for consideration.

Ayes: Roberts, Custis, Lumgair, Hickman, Corazza, Onley, Wingfield

Nays: Gayle, Papadopoulos

The Planning Commission then held a brief discussion in regard to DoD's Readiness and Environmental Protection Integration (REPI) fund, compensation for those that own land in affected areas, drones and NASA's 20-year plan.

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6. NEW BUSINESS

A. Coastal Resiliency Discussion

Mr. Morrison made the Planning Commission aware that there are organizations looking at the Eastern Shore of Virginia for information on Coastal Resiliency.

Mr. Gayle questioned the exact definition of Coastal Resiliency. Mr. Morrison responded that he believed the label 'Coastal Resiliency' was given to a variety of topics which included, but not limited to: climate change, global warming and sea level rise; this is the least objectionable term. Discussion ensued.

Chairman Lumgair expressed that he believed that as a Commission, they should address more short-term subjects that could be constructively addressed. It was agreed upon to have a few speakers at the next regular meeting and requested additional information on the following topics:

- Hazard Mitigation Plan (A – NPDC);
- ESVA Transportation Infrastructure Inundation Vulnerability Assessment (A – NPDC);
- Sea Level Rise Planning Maps (VIMS).

B. Solar Impacts Review

Mr. Morrison stated that the Board of Supervisors had requested that the Planning Commission revisit the solar topic. Now that there is a solar project under construction the Board is receiving feedback. Since the General Assembly changed the tax structure (Mr. Morrison explained later in the discussion) there has been pressure for new solar projects and the Board would like to know if the Planning Commission would like to revisit the recommendation it made last year (2015). Discussion ensued.

Commissioners expressed and discussed that their main concerns at this time are:

- large amounts of valuable farm land being used;
- capacity of grids;
- main transmission line;
- accountability of the County for solar projects.

Mr. Morrison and staff recommended that the Planning Commission establish a field trip to the utility-scale solar energy facility that is currently under development (Eastern Shore Solar) in order to gain insight as to what utility-scale solar really entails prior to moving forward. Ms. Tremblay was assigned with contacting Mr. Mel Watson, Dominion, to schedule a tour on May 24, 2016.

7. OTHER MATTERS

A. Poultry/Solar Amendment to Board of Supervisors

As the Planning Commission had discussed Solar earlier in the meeting, Mr. Morrison stated that it may make a change to the County Comprehensive Plan. With that in mind, staff recommends that the Planning Commission delay sending the Poultry amendment to the Board until it has finalized a decision on Solar as it may cause confusion by making two (2) changes to the same section of the Comprehensive Plan in a short period.

The Planning Commission agreed to remove the 'Solar' section of the Comprehensive Plan amendment on Poultry and send to the Board; it will revisit Solar as a whole in the future.

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B. Atlantic Town Center Law Suit Update

Mr. Morrison informed the Planning Commission that the two (2) day trial was held on May 2 and 3, 2016.

There was a land use expert – former planning director of VA Beach – Rich would like to try to get his transcript for Planning Commission. In his view, Mr. Morrison thought their Planning expert witness was very fair and he would like to get the transcript for Planning Commission to review. His big objection was in the denial; he believed the Board of Supervisors did not reconcile their denial with the Comprehensive Plan. Mr. Morrison stated that closing arguments would be done by brief and he expected that they are approximately 90 days out from a decision.

Mr. Morrison also provided an update on the ‘old’ BZA Case, Nocks Landing Road property; he stated the County prevailed on all counts on that case. Mr. Papadopoulos inquired as to whether or not the case had been appealed; Mr. Morrison responded that it was unknown at this time, but Mr. Morrison will email out the ruling.

C. Tour of Tyson Facility

Mr. Morrison recommended that the Planning Commission reschedule a future date for the tour. Mr. Papadopoulos questioned what the process would be for scheduling this tour. Mr. Morrison responded that the tour will only need to be noticed to inform the Public. During the tour, the Commissioner’s will be broken into small groups to abide by the law.

The Public is welcome to attend and sit in the conference room where Commissioner’s will be assembled as a group, but will not be allowed to tour the facility.

D. Work Session

After minor discussion, the Planning Commission agreed to hold its Tuesday, May 24, 2016 work session at the Eastern Shore Solar Facility site in Oak Hall, VA.

Mr. Morrison noted for the record that the Public is welcome to attend. The Planning Commission agreed that they did expect to discuss business matters at this work session regarding solar, but would not take any action.

E. Poultry House Applications

Chairman Lumgair asked Mr. Morrison if staff was still inundated with new poultry house applications. Mr. Morrison responded that applications have slowed down since big push immediately following ordinance change, but he believes that a few new have come through. Due to weather, construction has been slow. Many only applied to receive approval prior to the ordinance change and may not receive financing for the project.

Mr. Morrison will have the number of applications for the work session.

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8. NEXT MEETING

The next Planning Commission work session is scheduled for Tuesday, May 24, 2016 at 5:00 p.m. The work session will be held at the Eastern Shore Solar, LLC site in Oak Hall.

The next regular Planning Commission meeting is scheduled for Wednesday, June 8, 2016 at 7:00 p.m. in the Accomack County Board Chambers, Room 104, in Accomac.

9. ADJOURNMENT

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

The meeting was adjourned at 8:55 p.m.

David Lumgair, Jr., Chairman

Jessica Taylor, Administrative Assistant