

Virginia: At a meeting of the Accomack County Planning Commission held on the 8th day of August, 2007, in the cafeteria of Metompkin Elementary School in Parksley, Virginia:

1. CALL TO ORDER:

A. MEMBERS PRESENT AND ABSENT

Members Present:

Mr. E. Phillip Hickman, Chairman
Mr. William A. Sprague, Vice-Chairman
Mr. Jim Frese
Mr. C. Robert Hickman
Mr. Robert L. Nock
Mr. Herb Thom
Mr. E. Bryan Turner
Ms. Stella Rohde

Members Absent:

Mr. Leander Roberts, Jr.

Others Present:

Mr. James M. McGowan, Director of Planning
Ms. Andrea Stone, Environmental Planner
Mr. Tom Brockenbrough, GIS Coordinator
Mr. Robert E. Testerman, Land Use Planner
Mr. Mark Taylor, County Attorney
Ms. Tonya Taylor, Administrative Assistant
Mr. Milton Herd, Planning Consultant

B. DETERMINATION OF QUORUM

There being a quorum, the meeting was called to order by the Chairman Hickman at 7:05 p.m. The Commissioners agreed to follow the Agenda.

2. PUBLIC COMMENT PERIOD (Not a Public Hearing):

Chairman Hickman opened the floor for the Public Comment Period. No one was signed up to speak. Mr. Hickman asked if anyone in the audience wished to speak. No one in the audience came forward to speak.

3. STAKEHOLDER GROUP COMMENTS:

Chairman Hickman opened the floor for the Stakeholder Group Comments.

Bruce Holland stated that the Daily Times blamed the recent well failures in Wicomico County on agriculture and the prison, but did not consider the new residential development. Agriculture was here first and needs to be kept in mind. Mr. Holland also stated that Accomack County is giving up a lot of tax money through land use value assessment. Land not in Agricultural and Forestal Districts should be assessed at full value. Mr. Holland asked for information on the percent of farmland in the agricultural zoning district. Mr. McGowan responded that the information was provided at the July meeting, and a copy would be sent to Mr. Holland.

Gene Wayne Taylor stated that he would still like to see his 5-acre affordable subdivision concept implemented. Agricultural land costs \$12,500 per acre, and affordable lots could be subdivided and sold for \$25,000 to \$30,000 per lot.

4. 7:30 PUBLIC MEETING:

A. Agricultural and Forestal Districts Review: Hack's Neck, Hallwood, and Parramore Island.

At 8:05 PM the Commission held a Public Meeting with the owners of land within the Hack's Neck, Hallwood, and Parramore Island Agricultural and Forestal Districts to review the districts. Mr. McGowan and Ms. Stone presented the Staff Report.

Chairman Hickman opened the floor for the Public Meeting. No one was signed up to speak. Mr. Hickman asked if anyone in the audience wished to speak. No one in the audience came forward to speak.

Ms. Rohde made a motion, Seconded by Mr. Thom, to recommend to the Board of Supervisors that the Hallwood Agricultural and Forestal District be continued and modified as presented to include the provisions of the Model Agricultural and Forestal District Ordinance adopted on May 16, 2007. The motion was unanimously passed by those present.

Mr. Thom made a motion, Seconded by Mr. Frese, to recommend to the Board of Supervisors that the Hack's Neck Agricultural and Forestal District be continued and modified as presented to include the provisions of the Model Agricultural and Forestal District Ordinance adopted on May 16, 2007. The motion was unanimously passed by those present.

Mr. Thom made a motion, Seconded by Mr. Frese, to recommend to the Board of Supervisors that the Parramore Island Agricultural and Forestal District be continued and modified as presented to include the provisions of the Model Agricultural and Forestal District Ordinance adopted on May 16, 2007. The motion was unanimously passed by those present.

5. OLD BUSINESS:

A. Five-Acre Affordable Subdivision Concept: County Attorney Mark Taylor discussed the Five-Acre Affordable Subdivision concept. Mr. Taylor stated that the concept conflicts with the purposes of the Agricultural Zoning District, and that affordable housing needs to be addressed in other ways.

B. Monthly Subdivision Report: The Monthly Subdivision Report was presented. Chairman Hickman asked what criteria the Subdivision Agent uses to grant extensions to subdivisions. Mr. Taylor offered to ask the Subdivision Agent for the information.

Mr. Thom made a motion to request the County Attorney to ask the Subdivision Agent what criteria are used to grant extensions for subdivision applications. Seconded by Mr. C. Robert Hickman, the motion passed unanimously by those present.

C. Comprehensive Plan Update: Mr. McGowan reported that staff is working with Planning Consultant Milton to complete the Draft Comprehensive Plan by the end of August. The plan would be distributed and presented at the September 5, 2007 Commission meeting.

County Attorney Mark Taylor discussed the Comprehensive Plan text and maps with the Commission. Mr. Taylor made the following comments on the Draft Comprehensive Plan and Future Land Use Map:

There are new State requirements to map Urban Development Areas (UDAs), with a minimum of four dwelling units per acre. The UDA requirement represents an opportunity for Accomack County and incorporated towns to encourage cooperation and extend town patterns by extending water and sewer. Planning for UDAs with water and sewer provides a customer base for utility providers, as water and sewer will be needed to implement UDAs.

The State now allows Road Impact Fees and designation of Transportation Improvement Areas. A Road Impact Needs Assessment is required to estimate the cost of improvements over a 20-year horizon. Richmond sees road impact fees as the

future of transportation funding. Counties who fail to implement road impact fees will likely get less State funding.

Road Impact Fees apply only to new development and are collected as building permits are issued. The fees fund improvements that address the impacts of new development or benefit new development. The fees can be used for projects on Route 13 or on rural roads. The 20-year Road Impact Needs Assessment will have to be prepared and adopted before implementing the Road Impact Fee.

The Comprehensive Plan planning horizon should match the state-mandated 20-year Road Impact Needs Assessment horizon. The Comprehensive Plan should also include a 50-year planning horizon for long-term planning.

Chesterfield County is already adopting a Road Impact Fee ordinance.

The Road Impact Fee authority provides a tool that might be used creatively to encourage development where you want it and to discourage development where you don't want it.

Land in an UDA does not have to pay the Road Impact Fee, but may be required to do street improvements through ordinance provisions or proffers.

The Draft Comprehensive Plan and Draft Future Land Use Map show far more area as Village Development than is needed based on population estimates. Mr. Taylor recommended strongly that the difference between the growth potential depicted on the Map and the potential discussed in the plan text's population estimates should be reconciled.

Mr. Taylor suggested that the Board of Supervisors and the Planning Commission need to consider the amount of development that we really will get, and if actual development exceeds or falls short of planned growth, we need to adjust the Future Land Use map. If Accomack grows at the state average rate of 1.5% per year, the population will double in 50 years. The Planning Commission and the Board of Supervisors have an opportunity to consider whether Accomack wants to be a community of 70,000 people, and to address what they want Accomack to be when it grows up.

We also need to look at the science of water resources. What growth can be sustained without harming ground water and surface water and their dependant resources (agriculture/fisheries).

Five-Acre Affordable Subdivision: Mr. Taylor stated that this concept is not consistent with the Comprehensive Plan or the draft update. He noted there is a difference between creating affordable lots and creating affordable dwellings, and that market forces can change affordable lots into unaffordable lots. Affordable housing is not easy to provide.

Mr. Taylor stated that the 10,000 square-foot UDA lots can help provide affordable housing, and recommended that the plan update focus on affordable dwelling units as a broad concept and address where they can fit into the community.

Regarding the amount of growth to plan for, Chairman Hickman asked how we can arrive at a figure. Mr. Taylor suggested we look at existing conditions and decide what a tolerable rate of growth is. Also look at the last economic cycle. Mr. Taylor stated that the Comprehensive Plan is aspirational. If we don't plan to go somewhere, we won't go anywhere.

Mr. Taylor suggested that the quote in the draft plan regarding land use decisions should be revised to say that the governing body gets to choose between two reasonable choices.

Mr. Thom asked if Mr. Taylor was an attorney, and why he was doing planning when Accomack has staff to do the planning. Mr. Taylor replied that he was an attorney, and that a lawyer is needed to ensure that the Comprehensive Plan, including the Future Land Use Map, is a rationally drawn, cohesive and internally consistent plan so that it can form a legally adequate basis for future land use decisions. Mr. Taylor stated that the Draft

Comprehensive Plan needs to be more clear and direct about the future of our community, and that the current plan language, numbers and map are inconsistent.

Chairman Hickman asked how we can determine the number of people and households. Mr. Taylor suggested using measures by which progress can be accurately tracked.

Mr. Frese stated that the Planning Commission is supposed to decide what to do, not lawyers. We are not here to please the court. The availability of water has never been given the consideration it deserves.

Ms. Rohde stated her profound concern for our land and its capacity to accommodate or tolerate uses, and stated that we need to look at what we want the land to be and how to take care of it. She indicated that stewardship of the land is of primary importance. She asked: "What is best for the land [of Accomack County]?"

Chairman Hickman stated that we need to look at all constraints in the county and develop a number.

Ms. Rohde asked if the land would take care of that number.

Chairman Hickman stated that we need to use transportation, ground water, fire and rescue, and clams to determine the number.

Milton Herd suggested connecting the Vision Statement to the trends and the range of expectations and pressures.

Mr. Taylor suggested that the Future Land Use Map have specific and general areas mapped. There needs to be a balance between specific and general. The text should state that a certain amount of development may be allowed in each area.

Chairman Hickman asked if we could have the text say that at one-third buildout, we need to reassess a land use area.

Mr. Taylor stated yes, that would be good.

Mr. Hickman asked if we should put the 20-Year Road Needs Assessment in the Draft Comprehensive Plan as a goal to do the assessment and develop UDAs.

Mr. Taylor said you can put it in the plan as a recommendation.

Mr. Hickman said he would like to see it in the Comprehensive Plan.

Mr. Frese said we need to talk it over with the Board of Supervisors.

Ms. Rohde stated that Road Impact Fees are good and need to be put in the Comprehensive Plan.

Mr. Thom made a motion, seconded by Ms. Rohde, to add the Road Impact Fee and Urban Development Areas to the Comprehensive Plan. The motion passed unanimously.

D. Agricultural and Forestal District Advisory Committee: The next Agricultural and Forestal District Advisory Committee meeting is scheduled for 10:00 AM on Wednesday, August 22, 2007, in the Accomack County Board Chambers.

E. Subdivision Private Road Maintenance: As requested at the August 8, 2007, Commission meeting, Mr. McGowan reported that County Attorney Mark Taylor and he will continue to work on options for subdivision private road construction and maintenance standards.

F. Central Middle School Future Land Use and Zoning Map Amendments: Mr. McGowan reported that the Board of Supervisors and Planning Commission held a Joint Public Hearing on July 18, 2007, on the Central Middle School draft Future Land Use Map and Zoning Map amendments. After the Joint Public Hearing, the Planning Commission voted to recommend approval of the amendments. After considering the Planning Commission's recommendation, the Board of Supervisors voted to approve the amendments.

6. OTHER BUSINESS:

A. BOS Comprehensive Fire and EMS Study: Mr. McGowan presented a request from the Board of Supervisors for the Planning Commission to, "consider incorporating in the Accomack County Comprehensive Plan language and a map of fire and EMS service areas and response times that would be provided to developers and/or persons desiring to locate in the County." The Commission agreed to the request.

B. Virginia Certified Planning Commissioner Training Program: Mr. McGowan reported that Commissioner Thom has completed the Virginia Certified Planning Commissioner Training Program. Mr. McGowan congratulated Mr. Thom on completing the training.

C. Distributed Land Trust Report: As requested, Mr. McGowan obtained and distributed to the Commissioners copies of the report on the *State of Growth on Maryland's Eastern Shore*.

D. Discussion on Land Use Value Assessment: Mr. Bob Hickman discussed the possibility of requiring inclusion in an Agricultural and Forestal District to qualify for land use value assessment. Chairman Hickman said he would not be opposed to the idea.

7. MINUTES:

On a Motion by Ms. Rohde, Seconded by Mr. Thom, those present voted unanimously to approve minutes of June 26, 2007.

On a Motion by Ms. Rohde, Seconded by Mr. Thom, those present voted unanimously to approve the minutes of July 11, 2007.

On a Motion by Ms. Rohde, Seconded by Mr. Thom, those present voted unanimously to approve the minutes of July 18, 2007.

8. NEXT MEETING:

The next regular Planning Commission meeting is scheduled for 7:00 PM on Wednesday, September 5, 2007.

9. ADJOURNMENT:

On a Motion by Ms. Rohde, Seconded by Mr. Frese, those present voted unanimously to adjourn the meeting.

Chairman Hickman adjourned the meeting at 8:50 PM.

E. Phillip Hickman, Chairman

Tonya Taylor, Administrative Assistant