

Accomack County Confined Poultry Operation Application Packet

This packet contains information needed to complete an application to construct and operate a confined poultry operation in Accomack County, Virginia. Please read the instructions given below and submit your completed application, along with the necessary supporting documentation, to the Accomack County Department of Building, Planning & Zoning. Please stop by our office or call if you have any questions about the application process. The Department of Building, Planning & Zoning is located in suite 103 of the County Administration Building, next to the courthouse at 23296 Courthouse Avenue. Telephone numbers are (804) 787-5721 or (804) 824-5223.

Instructions:

- 1. Review the zoning regulations listed below.** If you are applying for a reduced setback based on a neighbor's consent, note this on the appropriate section of the attached application and have the attached statement of consent signed by the property owner and notarized.
- 2. Obtain a Virginia Pollution Abatement General Permit for Poultry Waste Management,** in accordance with regulations established by the Virginia State Water Control Board. Contact the Eastern Shore Soil and Water Conservation District for assistance with obtaining this permit. They can be contacted at 787-1251. Their offices are in the Farm Services Building in the Accomack Office Park on Route 13, Accomack.
- 3. Complete the attached confined poultry operation permit application.** Include a site plan, drawn to scale and in sufficient detail to show that the proposed confined poultry operation meets all applicable requirements. The site plan shall show the size of the parcel, the location and size of existing and proposed buildings and structures on the parcel, the location of proposed entrances and access roads, the location of adjacent zoning district or incorporated town boundaries, and the location of any streams, ditches, or other water bodies on or adjacent to the property. The site plan shall also include a written statement by which the applicant certifies that the confined poultry operation shown on the site plan meets all applicable setback requirements of this ordinance and that the site plan is a complete and accurate depiction of the confined poultry operation as it is to be located on the parcel.
- 4. Complete the attached erosion and sediment control permit application.** Include a site plan which shows the size and shape of the parcel, the location of roads and parcel boundaries, all creeks, streams, ponds, and ditches, existing structures and driveways, the area to be cleared for the project, the location of all proposed structures, driveways, and other improvements, and the location of erosion and sediment control measures which will be used during the project. A copy of the site plan submitted with the poultry house application will be sufficient if it includes all of the required information.
- 5. Submit the poultry house permit application, erosion and sediment control permit application, and signed and notarized statement(s) of consent, if necessary, to the Accomack County Department of Building, Planning & Zoning.** The application may be submitted in person in suite 103 of the County Administration Building in Accomack or by mail to: Accomack County Department of Building, Planning & Zoning, P.O. Box 93, Accomack, Virginia 23301.

6. When your application is complete and approved, a confined poultry operation permit and erosion and sediment control permit will be issued for your project. Permits for confined poultry operations shall expire one year after the date of issuance unless substantial construction has commenced and is progressing towards completion in accordance with the approved site plan.
7. **Posting of permit:** A copy of the permit for approved confined poultry operations shall be posted at the entrance to the property in a location that is clearly visible from the roadway.
8. **Setback Verification:** The permittee shall contact the county prior to beginning construction on a confined poultry operation to arrange for an on-site verification of the required minimum setbacks.

Fees: \$100.00 for 1-4 poultry houses; \$300.00 for more than 4 houses. Payable to "Treasurer, Accomack County."

Zoning Regulations

Poultry Houses & Operations

(Article 9-7 of the Accomack County Zoning Ordinance)

1. **The minimum acreage or parcel size for commercial poultry operations shall be six (6) acres**
2. **Setback requirements:**
 - (a) 300 feet from any existing dwelling on an adjacent property, except where the tunnel fans are on the end facing the dwelling, in which case the minimum setback shall be 400 feet. Setbacks from existing dwellings may be reduced to as little as 50 feet with the written consent of the adjacent property owner.
 - (b) 400 feet from any existing business on an adjacent property, except this may be reduced to as little as 50 feet with the written consent of the adjacent property owner.
 - (c) 100 feet from any property line, except that this may be reduced to as little as 50 feet with the written consent of the adjacent property owner.
 - (d) 200 feet from the center of US Route 13, measured from the center of the northbound or southbound lane, which ever is closer. 125 feet from the center of state or county maintained roads, other than US Route 13, or 150 feet from the center of state or county maintained roads, other than US Route 13, if the tunnel fans are directed towards the road.
 - (e) 500 feet from schools, churches, nursing homes, day care centers, campgrounds, public recreation areas, and public wells. This distance may be reduced to as little as 300 feet with a special use permit.
 - (f) For poultry houses in agricultural or general business zoning districts: 400 feet from incorporated towns or residential zoning district boundaries, subdivisions of ten or more lots, and mobile home parks or travel trailer parks with ten or more units.

For poultry houses in residential zoning districts: 400 feet from incorporated towns, subdivisions of ten or more lots, and mobile home parks or travel trailer parks with ten or more units.

- 3. Poultry Waste Management:** Confined poultry operations must obtain a Virginia Pollution Abatement General Permit for Poultry Waste Management, in accordance with regulations established by the Virginia State Water Control Board.
- 4. Zoning Districts:** Confined poultry operations are allowed by right in the Agricultural zoning district and by special use permit in General Business and Residential zoning districts.
- 5.** These zoning requirements are effective for confined poultry operations constructed after July 1, 2002. Confined poultry operations in existence and operation as of July 1, 2002 that do not meet the minimum acreage and/or setback requirements, shall be considered grandfathered nonconforming uses and nonconforming structures so long as the existing use of the facilities or structures is not interrupted for more than two years.

Chesapeake Bay Overlay District:

(Article XVI of the Accomack County Zoning Ordinance)

The requirements of the Chesapeake Bay Overlay District apply to the area west of the Eastern Shore Railroad tracts and areas within 500 feet of perennial tributary streams of the Chesapeake Bay which cross the railroad tracks. A map of this district is available at the Department of Building, Planning & Zoning.

Buffer Area Requirements:

1. To minimize the adverse effects of human activities on the other components of Resource Protection Areas, state waters and aquatic life, a 100 foot buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.
2. The buffer area shall be located adjacent to and landward of other RPA components (perennial tributary streams, tidal wetlands, non tidal wetlands connected by surface flow to tidal wetlands or tributary streams, and tidal shores) and along both sides of any tributary stream. Generally, the buffer area shall be measured 100' landward from that point where there is a distinct change from predominantly wetland vegetation to non-wetland vegetation (such as the "saltbush line"), or from the mean high water point, or the top of the stream bank.

Accomack County
Confined Poultry Operation Permit
Statement of Consent

Have the following statement of consent signed by each adjacent property owner who has given permission for poultry houses to be constructed closer than 300 feet from an existing dwelling (400 feet if tunnel fans are directed towards dwelling), 400 feet from an existing business, or closer than 100 feet from a property line. Setbacks cannot be reduced to less than 50 feet.

Statement of Consent:

I understand that my neighbor, _____, is planning to build and operate **poultry houses** on the property next to mine. I hereby give my consent so that the nearest poultry house may be as close as _____ feet from our mutual property line; or as close as _____ feet from the nearest residence/business on my property.

Note: This statement of consent must be signed in the presence of a notary public.

Signature: _____

Date: _____

Printed Name: _____

Address: _____

Owner of Tax Parcel #: _____

Acknowledged before me this _____ day of _____

Notary Public

My commission expires (date)

Confined Poultry Operation Permit Application
Accomack County, Virginia

Applicant: _____

Mailing Address: _____

Telephone Number: _____

Project Description (number of houses being built, size of each house): _____

Project Location (directions to property from Route 13 and tax parcel number and/or 911 address, if known): _____

Size of parcel (must be at least six acres): _____

Explain any reductions from the required setbacks (list adjacent property owners giving consent): _____

Site Plan:

Submit a site plan, drawn to scale and in sufficient detail to show that the proposed confined poultry operation meets all applicable requirements. The site plan must show:

- the size of the parcel
- the location and size of existing and proposed buildings and structures on the parcel
- the location of proposed entrances and access roads
- the location of adjacent zoning districts or incorporated town boundaries

I certify that the proposed confined poultry operation meets all applicable setback requirements and that the submitted site plan is a complete and accurate depiction of the confined poultry operation as it is to be located on the parcel.

Applicant: _____ Owner: _____

Application Received: _____

Erosion and Sediment Control Permit Application for Poultry Houses

Applicant: _____

Address: _____

1. Project Description: Describe the nature and purpose of the land-disturbing activity and the total area to be disturbed. _____

2. Existing site conditions: Describe the existing topography, vegetation and drainage.

3. Adjacent Areas: Describe what is next to your property.

4. Off-Site Areas: Describe any off-site land-disturbances necessary for this project, such as fill areas, borrow pits, or waste site or brush piles. _____

5. Erosion and Sediment Control Measures: Describe the methods to be used to control erosion and sedimentation on the site (refer to basic minimum control measures on the attached sheet). _____

6. Permanent Stabilization: Describe how the site will be stabilized after construction (types of vegetation, gravel, or pavement). _____

7. Stormwater Run-off: Describe how stormwater run-off will be drained to prevent erosion or sedimentation of adjoining properties or water. _____

8. Describe how any driveways or roads will be built (length and width, base layer, materials). _____

Basic Soil Erosion and Sedimentation Control Measures

- **STABILIZATION:** All disturbed and denuded areas shall be permanently stabilized with permanent vegetation or a protective ground cover suitable for the time of year within seven (7) days of final grading; or temporarily seeded within seven (7) days if soil surfaces are not to be final graded for a period of thirty (30) days or more (seeding shall be performed in accordance with Reference Standards and Specifications 3.31 and 3.32 of the Virginia Erosion and Sediment Control Handbook).
- **PERIMETER CONTROLS:** Properties and waters (creeks, streams, tidal shores and wetlands) and drainage channels and ditches adjacent to the site shall be protected from deposit of sediment. This may be accomplished through the preservation of a well vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers (silt fences or straw bales) or sediment basins or dikes, or any combination of such measures.
 - * Vegetated buffer strips may be used alone only where runoff in sheet flow is expected and such strips are at least twenty (20) feet in width. If at any time the buffer strip alone is ineffective in stopping sediment movement onto an adjacent property or into adjacent waters, additional perimeter controls must be provided.
- **STORMWATER RUNOFF:** Properties and waters downstream from new development sites shall be protected from erosion or sediment deposits due to increased volume, velocity, and peak flow rate of stormwater run off. Increased sheet flows that may cause erosion or sedimentation must be diverted to a stable outlet, an adequate channel, or a detention facility. Concentrated run-off channeling from a site must be discharged directly into an adequate natural or man-made receiving channel, pipe or storm drain system. (An “adequate channel” is a ditch, stream, swale, or channel that will convey a normal amount of stormwater run-off without overflowing its banks, and without causing erosive damage to the bed, banks, and overbank sections of the watercourse).
- **DRIVEWAY CONNECTIONS:** Driveways connecting to public roads or streets must be stabilized to reduce the amount of mud, dirt and sand transported onto the public roads. This requires a pad of stone or other stable material or surface at least twelve (12) feet wide and seventy (70) feet long. Also, a Road/Highway Access Permit must be obtained from the Virginia Department of Transportation (VDOT) and the access must be installed to meet VDOT construction and drainage specification.
- **PERMANENT DRIVEWAYS AND** shall be designed, constructed and maintained to minimize erosion by providing a compacted base and stabilized surface of erosion-resistant material, including an initial base course of gravel of a least six (6) inches. Roadside ditches and swales shall be provided, designed and constructed to accomplish the above stormwater runoff objectives. All such ditches, swales, cuts and files, and disturbed areas adjacent to parking areas shall be stabilized with appropriate permanent vegetation.

MAINTENANCE: Maintenance shall be performed as required to (1) provide periodic top dressing with new gravel (2) ensure healthy and vigorous vegetation in seeded areas, and (3) ensure that all ditches, swales, and other drainage structures do not become clogged with silt or other debris.