



WESTMORELAND COUNTY, VIRGINIA  
*Land Use Administration*  
 MONTROSS, VIRGINIA 22520



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 Board of Building Appeals  
 Wetlands Board

**Board of Supervisors**  
**Comprehensive Plan Update**  
**Staff Report**

Date: December 6, 2016  
From: Bob Fink  
Case #: 1612-CP-01  
Area Affected: Entire county  
Authority: Sections 15.2-2200 et seq, Code of Virginia  
Description: Amendments to update the county Comprehensive Plan as previously adopted on December 13, 2010  
Planning Commission: Public Hearing: December 5, 2016  
Board of Supervisors: Public Hearing Date: February 15, 2017

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**Planning Commission Action**

The Planning Commission moved 4-0 (one member absent) to recommended that the Board of Supervisors consider for approval the attached amendments to the Westmoreland County Comprehensive Plan.

**Discussion:**

Attached for public comment and discussion are a number of amendments proposed to update to the county comprehensive plan as recommended by the Planning Commission. Background information on these changes has been presented to the Commission over the last two years and several public hearings have been held.

*Many of the changes are intended to recognize and incorporate state and local programs or plans that have been adopted, amended, or proposed over the last five years. These amendments are shown in Attachment #2 and include:*

**Dam Break Inundation Zones**

A new state program was adopted to identify areas of risk from dam failures. Dam break inundation maps are required for some dams and these maps are to be transmitted to counties. While the county currently has no inundation maps, information regarding such areas may be included in the comprehensive plan and must be addressed in the county subdivision ordinance. The maps may also be used during rezones or special exceptions to evaluate an application.

### **Coastal Resource Management**

As part of the state program to protect tidal wetlands as adopted in 2011, the state requires local comprehensive plans to include specific language reflecting the legislative policy that living shorelines are the preferred alternative for stabilizing eroding shorelines.

### **No Discharge Zone (NDZ) designations**

The Commonwealth of Virginia is working with the US EPA to formally designate the tidal creeks in Westmoreland County and other Northern Neck counties as NDZs. A NDZ is a water-quality improvement strategy that, under Federal law, prohibits vessels from discharging treated or untreated waste into the designated waters.

### **Military Compatibility**

In 2015, Westmoreland County accepted the final reports of two joint land use studies – one for the Naval Air Station Patuxent River (NAS PAX) and one for the Naval Support Facility Dahlgren (NSF Dahlgren). The county had participated with the naval stations and other local governments in the preparation of the reports. The purpose of the studies were to identify how the Naval facility and the neighboring communities can best cooperate to the benefit of the communities and the facility.

### **Groundwater Management Area**

The state recently designated the Eastern Virginia Groundwater Management Area, including Westmoreland County. This means that users of larger amounts of groundwater need to obtain permits from the state Department of Environmental Quality (DEQ). This applies to current uses, as well as future uses, starting in 2014.

### **Chesapeake Bay Preservation**

Recently the responsibility for the state Chesapeake Bay Preservation Program was transferred to the Virginia Department of Environmental Quality. Also, because of changes to the CBP Act, the county was required to adopt and implement a new stormwater management program – which was done in 2014.

### **Flood Ordinance**

The county adopted a new flood management ordinance and flood maps January 15, 2015.

### **Transportation**

The Transportation Plan (Chapter 5) is proposed to be updated because of new state requirements and because of recent state transportation studies of the Route 3 corridor. The changes address newly identified priorities for local transportation improvements. As provided by state law, the draft changes were transmitted to the Virginia Department of Transportation (VDOT) for review.

In a transmittal dated October 5, 2016, VDOT requested a few changes to the chapter that have been incorporated into the review draft.

*Two of the issue areas of the proposed changes address have arisen recently in the county and are needed because of the evolving national business and economic conditions. These include:*

### **Oil and Gas Extraction**

Another set of proposed changes deal with the issue of oil and gas exploration and extraction. A number of public hearings have been held on this issue already and considered both comprehensive plan changes and possible implementing regulations. Most public comment received to date have called for – at a minimum – better protections for the environment and community than currently exist. The majority of the commenters have called for a total ban on oil and gas extraction, particularly because the most likely technique for such activity in Westmoreland County will be through the use of fracking, which requires the injection of various materials into the ground to enhance the capture of the resource. A public hearing was held specifically on the fracking related comprehensive plan amendments on July 6, 2016. These amendments are shown in Attachment #3.

### **Agriculture and Composting**

Another proposed amendment to the comprehensive plan has been developed to address concerns from the public regarding the scale and nature of composting operations appropriate for agricultural areas. This amendment is shown in Attachment #2.

### *Proposed Replacement High School and New Recreation Park*

The final set of amendments relate to the proposed new high school and a proposed recreational park on a 103 acre site in the Montross area. Planning for these projects is underway as described in the amended comprehensive plan passages. Also, it should be noted that the access roads to be shared by these facilities are discussed in the Transportation Chapter.

### **Agency Reviews**

In addition to the review by VDOT discussed above, other agencies review the draft amendments relative to their interests.

Changes related to the Chesapeake Bay Preservation Act were reviewed by the Virginia Department of Environmental Quality – which found the changes consistent with the CBPA and its Regulations in an email dated January 5, 2016.

The changes related to the military land use studies and military compatibility were reviewed by representatives of the two military bases (NAS PAX and NSF Dahlgren) and supported by them at the November 2, 2015 public hearing on the draft comprehensive plan changes.

**Board Action:**

The board needs to have their own public hearing prior to acting on the commission recommendation. The board may schedule such a hearing at their discretion. A hearing has not been scheduled because of the complexity of the issues involved.

*Attachments:*

1. *Table of proposed amendments.*
2. *Excerpts from the Westmoreland County Comprehensive Plan showing proposed changes. (Dated November 2016)*
3. *Draft Amendments to the Westmoreland County Comprehensive Plan Regarding Oil and Gas Drilling and Resource Extraction. (Dated December 5, 2016)*
4. *Written comment of Miles Moran, Virginia Petroleum Council, Received 12/5/16*