



WESTMORELAND COUNTY, VIRGINIA

Land Use Administration

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Building Official
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Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

Board of Supervisors
Zoning Ordinance Amendment
Staff Report

Date: December 6, 2016
From: Bob Fink
Case #: 1509-ZA-04
Area Affected: Entire county
Authority: Sections 15.2-2200 et seq, Code of Virginia
Description: An amendment to create a new resource based
Zoning District and related regulations
Planning Commission: Public Hearing: December 5, 2016
Board of Supervisors: Public Hearing Date: To Be Determined

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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 Alternative 1 (attached), a draft amendment to the Zoning Ordinance to address resource extraction activities, particularly oil and gas extraction and hydraulic fracturing.

This issue of oil and gas extraction and hydraulic fracturing was remanded by the Board of Supervisors to the Planning Commission for further consideration and public hearings after the Board developed a set of draft concepts or strategies to address this issue. The Planning Commission has had extensive discussions and held public hearings on the draft concepts and possible draft amendments to the Zoning Ordinance on April 4, June 6, and December 5, 2016. After the December 5th hearing, the commission finalized its recommendation to the board.

Discussion:

Draft concepts for amendments to the Comprehensive Plan and Zoning Ordinance to address the impacts of resource extraction activities, particularly oil and gas extraction and hydraulic fracturing, have been developed by the county after research, consultation with the Virginia

Department of Mine, Minerals, and Energy, and considerable public input. While the Commonwealth of Virginia regulates many aspects of oil and gas drilling and extraction, the land use considerations and related impacts are the responsibility of the county to address.

The Planning Commission first began working on this issue in June of 2014. Reasons for considering this issue have been discussed elsewhere at length; but, in brief, it is clear that most persons who have been involved in this review are very concerned about the potential of short-term and long-term negative impacts to the county and its environment from resource extraction.

The recommendation of the commission is to better regulate oil and gas extraction, as well as other extractive activities in the county, through the creation of a new zoning district for such activities which could be allowed with a special exception. This is identified as “Alternative 1.”

There have been a number of substantive comments regarding this strategy, many of which have been incorporated into the current draft. While the county has received public comments supportive of the Alternative 1 approach, there have also been numerous public comments for the county to prohibit rather than regulate oil and gas extraction. An “Alternative 2” was drafted for consideration that would amend the zoning ordinance to prohibit oil and gas drilling and extraction throughout the county. The commission does not recommend this alternative.

Board Action:

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

Attachment:

*DRAFT Amendments to the Westmoreland County Zoning Ordinance Regarding
Oil and Gas Drilling and Resource Extraction, Recommended by the Planning Commission
December 5, 2016*