

Minutes

Northampton County Comprehensive Plan Advisory Committee

Work Session

October 11, 2012

This was a regular meeting of the Northampton County Comprehensive Plan Advisory Committee (CPAC) held on Thursday, October 11, 2012, in the main conference room located at 16404 Courthouse Road in Eastville, Virginia.

Those attending were Chairman Bill Parr, Vice-Chairman Bill Payne, Butch Bailey, Billy Moore, Peter Lawrence, Pat Coady, Charles Bell and Richard Drury. The member absent was David Long.

Also in attendance were Ava Wise, consultant; Sandra Benson Thornton, Director of Planning & Zoning; Melissa Kellam, Zoning Administrator; Peter Stith, Long Range Planner; and Kay Downing, Administrative Assistant.

The meeting was called to order at 7:47 a.m. and a quorum established.

The minutes of October 4, 2012 were unanimously approved upon motion by Mr. Payne and second by Mr. Drury.

Action:

The edited response letter to Executive Director Michael Osterling addressing the September 18th Virginia Shellfish Growers letter was unanimously approved upon motion by Mr. Payne and seconded by Mr. Drury.

Group discussion to identify emerging themes/challenges from an economic development perspective was facilitated by Ms. Wise. Various issues and topics were noted including infrastructure, workforce development and training, industry recruitment, business and labor retention, public incentives, policy and legislation and industry development and innovation.

Further discussion was deferred at 9:18 a.m. in order to meet with county staff about the nuances of county zoning and land use regulations.

Mrs. Thornton presented background information on the county zoning ordinance as formulated using the 2005 comprehensive plan. The plan goal at that time was to maintain a rural character and rural density in order to accommodate an anticipated 30% population growth over the next 10 years which never materialized. She added that the State estimates that future county population will continue to slowly decline over the next 30 years due to current trends. Mrs. Thornton explained that the comp plan identifies land use types and density ranges that translate over to zoning districts, uses and density allowances in the zoning ordinance. She added that the Code of Virginia requires that the comp plan be reviewed every 5 years and data is now being updated and reviewed. She explained that

the Board of Supervisors is charged with the authority to adopt a com plan and the planning commission is charged with developing and recommending a plan to the Board. Staff's role is not writing policy but that of a technical resource mostly.

Ms. Kellam explained the purpose and intent of the zoning ordinance which is only one tool that supports goals and objectives of the comp plan. Since the Commonwealth is a Dillon Rule state the county is restricted in adopting only what is allowed in the State code. She then read zoning ordinance Section 154.022 Intent and Purpose (B) Purposes. *The regulations that follow are part of the county's comprehensive program to guide and facilitate the orderly and economical growth of the community and to promote the public health, safety, convenience, comfort, prosperity and general welfare.*

Mrs. Thornton noted that the Board, the Planning Commission, or a private individual can propose amendments to the zoning ordinance through the public hearing process. She added that the Commission is required to forward a recommendation within 100 days and if that deadline expires then the matter is forwarded to the Board with an assumed recommendation of approval according to State code.

Ms. Kellam noted that her responsibility is to enforce land use regulations based on the zoning ordinance and zoning map adopted by the Board of Supervisors. Zoning ordinance regulations and the zoning districts map are linked to comp plan language and the future land use map contained within the comp plan. She expressed her opinion that the number of zoning districts do not matter; however, uses allowed within those districts have to match the described intent of each zoning district. She noted that the Special Use Permit process allows mitigation of any negative impacts a proposed use may create in any location and that each permit must be considered on its own merits on a case-by-case basis. When asked, she expressed her opinion that too many special use permits appear in the Use Charts and that staff is currently reviewing the Chart based on the intent of each zoning district. Staff findings will be reported to the Board. Ms. Kellam explained that a "dash" (-) mark in the Use Chart means that a specific use is not allowed; "MS" requires a minor special use permit approval from the Board; "S" requires a major use permit approval from the Board; and "R" signifies that a use is allowed by right with county zoning clearance.

Ms. Wise suggested that there may be a need to investigate the intent of each zoning district more thoroughly based on the comp plan.

Mr. Moore left the meeting at 9:56 a.m.

Mrs. Thornton added that issues exist with some uses being inadequately defined and that Use Charts may have too many restrictive or precautionary details such as limiting the size or square footage of a proposed use while also requiring special use permit approval. She added that there is currently no mapped Industrial District, only an Existing Industrial District. The ordinance also has primary zoning districts and secondary zoning districts; floating zones that require a rezoning public hearing for a particular location; and overlay districts such as the Route 13 Corridor and the Chesapeake Bay/Atlantic Ocean Overlay. She noted that the Bay overlay is mandated by State code for the bayside area of the county.

During discussion it was noted that by-right uses and infrastructure are two key factors that stimulate growth according to Mary Rae Carter because it alleviates added expense and layers of bureaucracy.

Staff was requested to provide a copy of its findings after review of existing Use Charts is completed.

Ms. Kellam noted that modifications to setbacks are now permitted in the zoning ordinance thereby providing more flexibility. However, such modifications must be justified and meet set standards.

Discussion was held on U.S. Route 13 issues such as its varying widths of right-of-way, buffering requirements, and setbacks.

Discussion was also held on the TE Town Edge District concept. Mrs. Thornton noted that previous areas around the towns were zoned under a very large Community Development District where infrastructure was planned. However, that was never developed and those areas were greatly reduced into the TE District. It was noted that even though there are five TE Districts only two districts, TE-1 and TE-CG, are mapped. All other TE Districts require an approved zoning map amendment through the public hearing process which can induce proffers from the applicant. Town edge boundaries were refined after conferring with each town. However, to date no specific town edge plan has ever been realized as originally envisioned. When asked, she agreed that the TE concept was adopted to encourage development within and around each incorporated town during the last comp plan update.

Several other points were noted including the lack of support for multi-family housing in the current zoning ordinance including condominiums.

Mrs. Thornton expressed her opinion that major changes to update all sections of the comp plan are not warranted at this point. She added that there does not appear to be enough designated industrial and commercial areas and that the current comp plan de-emphasizes development efforts. The last county industrial project was realized in the early 1990s when a SAMP grant produced the sustainable technologies industrial park (STIP) in Cape Charles. Environmental regulations and resources have been factors for a long time when considering industrial development.

Ms. Kellam stated that the current zoning ordinance has supplemental regulations that provide for orderly development, specifically Sections 154.100 through 154.113. Overlay districts, specific development standards for signage and parking, erosion and sediment control provisions, and stormwater management are also part of land use development. It was noted that dark skies lighting is required and an engineered lighting study be provided for commercial development. Landscaping requirements have no planting standards and it was her opinion that standards should be fine-tuned to suit this locality.

Ms. Wise asked about the latitude of zoning ordinance interpretation. Ms. Kellam explained that staff and the county attorney's office basically work as a team. She as the Zoning Administrator confers with the Director of Planning & Zoning and then with the county attorney.

Discussion was held on the access management and highway corridor plans. It was noted that VDOT regulations are added on top of local plans thereby creating extensive regulatory requirements. Mrs. Thornton stated that the access management plan was developed by VDOT and then adopted by the county in 2004. Current regulations ensure that there is adequate coordination with VDOT.

It was noted that all commercial site plans are submitted to the health department and VDOT for approval. It was suggested that due to health department and VDOT requirements some businesses cannot expand or be sustained due to the expense of upgrades and original construction costs such as ingress and egress requirements, commercial grade drainfields, etc.

At 11:22 a.m., members went into close session and reconvened at 11:45 at which time Mr. Payne left the meeting.

Ms. Wise was asked to consider drafting the economic development plan for the CPAC based on its findings and as it relates to the existing comp plan. She asked that a clear scope of work be defined before making her decision.

Members and staff then viewed a short video related to creative risk-taking by the town of Walla Walla, Washington in its economic development initiative. Through collaboration with its community college, Walla Walla was able to identify new workforce training programs creating more economic opportunities specifically related to its own unique agricultural, tourism/recreation, and renewable energy industries.

Discussion returned to pinpointing strategic recommendations involving access management of U.S. Route 13; future potential of Cape Charles port; collaborative initiatives needed to identify and expand workforce training; expansion of tourism; development of sustainable energy industries; integration of new businesses utilizing existing agriculture and aquaculture industries; utilizing economic development partnerships; creating a continuing care retirement industry; and addressing quality of life issues.

Action:

Motion was made by Mr. Drury that the CPAC send a memo to the Board providing link information to the Walla Walla, WA website outlining the economic development initiative that created new workforce training specifically related to its own unique agricultural, tourism/recreation, and renewable energy industries. Second was made by Mr. Bell and the motion carried unanimously.

The next meeting was scheduled for Thursday, Oct. 18, at 9:00 a.m., in the Board chambers at which time county zoning districts and future land use maps will be reviewed as charged in the Board's directive and specifically related to Items 3, 4 and 5.

Adjourn

There being no other business the meeting was adjourned at 1:15 p.m. upon proper motion by Mr. Drury and second by Mr. Coady.