

Minutes

Northampton County Planning Commission

March 6, 2012

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, March 6, 2012, in the Board chambers located at 16404 Courthouse Road in Eastville, Va.

Those present were Chair Martina Coker, Vice-Chair Michael Ward, Dixon Leatherbury, Roberta Kellam, Severn Carpenter, Mary Miller and John Wescoat, Jr. Absent from the meeting was Dave Fauber.

Also attending were Sandra G. Benson, Director of Planning & Zoning; Peter Stith, Long Range Planner; and Kay Downing, Administrative Assistant.

The Chair called the meeting to order at 7:05 p. m., established a quorum, and introduced Dixon Leatherbury, the latest appointee.

The agenda was reviewed and revised to include the following items under Unfinished Business: status of the commercial/industrial building survey; status of the Plan Review Stakeholders Group (PRSG); scheduling of commission work sessions; and discussion on public information meeting summaries. Motion to approve as amended was made by Commissioner Carpenter and seconded by Commissioner Ward.

Public hearings: none.

Matters from the public: none.

Minutes

The minutes of the February 7, 2012 meeting were approved with the following corrections: (1) page 1, delete reference to Peter Stith in paragraph 3 since he was absent; (2) page 2, in the fifth full paragraph add "to" in the first line after "go"; (3) page 4, last full paragraph, delete "are intended to" and insert "would" before "surface water"; (4) page 5, the last sentence should read, "Commissioner Kellam stated that a needs assessment has been done by the Accomack-Northampton Planning District Commission."; and page 6, paragraph 4, in the second line make "Commissioner" plural and add "and Miller" after "Ward". Motion to approve the minutes as corrected was made by Commissioner Carpenter, seconded by Commissioner Wescoat and carried 7 to 0.

New Business

Mr. Curtis W. Smith, Director of Planning at the Accomack-Northampton Planning District Commission, provided a power point presentation detailing Light Detection and Ranging (LiDAR) data specific to the Eastern Shore collected in 2010 and processed in 2011. Mr. Smith explained various aspects of LiDAR including data forms, limitations, utilization, and collection. He noted that the information is readily available not only to the county but to the public as well.

Unfinished Business

When asked about the status of the proposed building height amendment, Ms. Benson stated that the Board has asked that additional information be provided by staff as covered in her Director's Report.

The Chair asked if the commission could form an ad hoc committee utilizing both commissioners and citizens for projects such as developing a stormwater management policy. Ms. Benson replied yes, but any committee comprised of more than 2 commissioners must be publicly posted or announced. She also noted that the Board of Supervisors has the right to appoint any ad hoc committee.

When asked Ms. Benson noted that comp plan data is not yet completed by staff but should be provided in a couple of weeks.

Commissioner Ward then reported on the status of the Eastville comp plan review process. He noted that the Town Subcommittee and Ms. Benson had met with Eastville representatives and that May 14th has been scheduled as a public workshop meeting. Ms. Benson added that the town is interested in structuring this meeting similar to those recently held by the county including a written questionnaire to be drafted with staff's assistance.

The commission then discussed low Impact commercial uses (micro-business) draft language. Commissioner Ward noted that it was hard to distinguish between a home-based business and a micro-business as they are basically undetectable since there are no signs, no retail sales, no traffic impacts, etc. This type of business is basically an incubator place for a business. Commissioner Kellam added that two basic concerns were discussed: (1) that the micro-business not be disruptive to a residential area; and (2) that such a business not compete with or diminish existing commercial activity. Commissioner Ward added that the objective is to make these types of activities by-right.

Commissioner Leatherbury asked why this new language was needed. Commissioner Miller stated that this discussion started when a rural, home-based business had to obtain a special use permit based on current zoning regulations. It was her opinion that this language would eliminate the need for a special use permit, save time and money for the business owner, and still allow such a business to be located

within the confines of a home such as telecommuters, writers, artists, etc. She added that these types of businesses would not be visible to the neighborhood, would not require business signs, and retail sales would not be allowed.

While language copied for the commission was taken from the Town of Cape Charles ordinance, additional language drafted by the subcommittee would be submitted and discussed next month.

The next matter was potential discussion of Zoning Code §154.111, agricultural ponds language as drafted by the Zoning Subcommittee. Commissioner Kellam stated that consultation with staff is needed before submitting a revised proposal for consideration.

The Annual Report to Board of Supervisors was reviewed and revised a final time. Commissioner Wescoat expressed his opinion that revisions to the county subdivision ordinance should be made a priority since flaws have existed since 2009. Commissioner Miller asked that any major issues with the subdivision ordinance be listed and submitted to the commission. Ms. Benson noted that new state code provisions relative to family trust and family subdivisions are just two issues to be reviewed.

Commissioners Kellam and Miller agreed that the first priority in the annual report should be the comp plan review and then the subdivision ordinance. Commissioner Miller suggested that other matters be prioritized in order of importance. She withdrew her suggestion for a Tourism Overlay District but noted that protecting historic resources was frequently mentioned at the recent comp plan public input meetings. She also noted the importance of formulating an adequate levels of service policy.

Commissioner Miller stated for the record that not once did she remember during recent public input meetings that any comments were made about signage. However, Ms. Benson noted that the Board has directed that signage be addressed as a way to promote more local business activity.

Other suggestions were made including the need for additional resources in order to develop a Capital Improvements Plan after completion of the comp plan and zoning ordinance update if needed.

Commissioner Kellam expressed her opinion that other agencies have taken the lead in developing additional recreational trails.

Relative to stormwater management, Ms. Benson stated that staff cannot take on another major project at this time given existing deadlines. She mentioned that some preliminary work had been done several years ago on a stormwater management ordinance and that the Department of Conservation and Recreation will be contacting county staff in the near future concerning this matter.

Communications

Commissioners Miller and Kellam voiced concern that there was not adequate public information available relative to the wind turbine project that may be coming to the county. Ms. Benson stated that no special use permit application has been filed; therefore, there is no information to provide. However, when speaking to a Fugro representative she suggested that as much information as possible be provided to the public. Commissioner Leatherbury asked if providing public information was the commission's duty. Ms. Benson replied no, not until the public hearing process has begun. Commissioner Kellam added that the county ordinance does require that any wind turbine studies offered to the state be shared with the county as well since there is no county expertise in this field

It was noted that commissioners had received by email agendas for both the Cape Charles Planning Commission and Town Council meetings.

There was nothing new to report for the towns of Nassawadox and Exmore.

It was reported that the Town Council of Cheriton has appointed Kay Downing to serve as interim council member until the next election is held.

Also, in addition to the May 14th comp plan public information meeting, the Town of Eastville has scheduled a historic tour event for the weekend when the tall ships are in Cape Charles.

Committee reports/presentations

An update on the Town of Eastville was previously reported.

Director's report

1. Cape Charles update: Cape Charles Town Planner Tom Bonadeo and I have not yet outlined a process for the development of a potential Town Entrance Corridor Overlay.
2. Town Edge Planning: There is nothing new to report regarding this matter at this time.
3. Board/Town Action on Zoning Matters: The Board of Supervisors acted on the outstanding portions of Zoning Text Amendment 2012-01. They tabled action on Zoning Text Amendment 2012-03 pending receipt of staff comments on a proposal that would allow additional height up to 45 feet with the imposition of additional setbacks from all property lines. There were no zoning matters on the public hearing agenda of the Town of Eastville in February 2012, nor will there be in March.
4. Comprehensive Plan Review: Staff has begun a review of the constitution of the Plan Review Stakeholder Group but has not concluded that analysis.

The Comprehensive Plan Advisory Committee continues to meet each Thursday at 9:00 a.m. to continue efforts to develop a community survey and to acquire services from an economic development consultant to assist them in their work. They are also scheduling meetings with state economic development specialists.

Staff has compiled the public input received at the workshops conducted in January and February, and the meeting summaries are attached. Visioning work sheets/questionnaires were made available to the Northampton County Chamber of Commerce for dissemination to Chamber members; responses were requested by March 5, 2012. The online comment section was active on the county website as of February 23, 2012. The visioning work sheet is also available there, as well in in the Planning & Zoning/Building Departments (on the front counter) with responses requested by March 5, 2012.

5. Fugro Atlantic: We have learned that Fugro is conducting some preliminary geotechnical evaluations on properties in the Eastville vicinity using cone penetration technology.

6. Zoning Code: We have historically provided commissioners with hard copies of the zoning ordinance, although updates have not been routinely provided when amendments were adopted. Since there is some time lag in getting hard copies of revised pages from American Legal Publishers after adopted amendments are submitted to them, I would like to forego the practice of distributing paper copies and refer commissioners to the county website (www.co.northampton.va.us) for access to the entire County Code online. There is a tab on the upper left side of the home page that says "Code of Ordinances," which takes one directly to the American Legal site. The zoning code is Chapter 154, and the subdivision code is Chapter 156. Our process of updating the online version has now changed so that updates occur when we submit to them, as opposed to the quarterly update process that had been utilized for some time. If using the online version poses difficulties for any commissioners, please let me know and we will make hard copies of the regulations available.

A short discussion was then held on needed updates to county website information.

Mr. Stith reported that the commercial property survey is almost completed.

Ms. Benson stated that her analysis on the composition of the Plan Review Stakeholders Group (PRSG) will be ready for review at the upcoming work session.

Commissioner Miller noted that all information obtained during the the recent public workshop meetings needs to be reviewed before the work session so that a list of items not frequently mentioned can be developed. Her data on population, age, poverty, health, etc., was distributed to those present.

The commission agreed to schedule Wednesday, March 21, 2012 as a work session date to begin discussion of comp plan materials.

Adjourn/Recess

Motion to recess until March 21, 2012 at 7:00 p.m. was made by Commissioner Wescoat and seconded by Commissioner Ward at 8:45 p.m. and carried unanimously 7 to 0.

Chair

Secretary