

Joint Public Hearing
Northampton County Planning Commission
Northampton High School, Eastville, VA
November 2, 2015 7:00 pm

This was a Joint Public Hearing of the Northampton County Planning Commission with the Northampton County Board of Supervisors held on Monday, November 2, 2015, at the Northampton High School at 16041 Courthouse Road, Eastville, Virginia. Those present were Chair Dixon Leatherbury, Vice-Chair Jacqueline Chatmon, Michael Ward, Sylvia Stanley, Kay Downing, and Dave Fauber. Commissioner Mark Freeze was absent.

The meeting was called to order by the Chairman.

The purpose of the meeting was to conduct a joint public hearing with the Northampton County Board of Supervisors, who was present and in session, with regard to the proposed 2014 Northampton County Zoning Code text and map amendments as identified below:

The proposed 2014 Northampton County Zoning Code text and map amendments consolidate, simplify and clarify Northampton County's current 2009 Zoning Code. The current 2009 Zoning Code is contained in Chapter 154 of the Northampton County Code ("NCC"). It includes and incorporates by reference the 1983 and 2000 Zoning Codes for all zoning districts prefaced by "ES". The current 2009 Zoning Code also includes the Chesapeake / Atlantic Preservation District overlay. The proposed zoning code will repeal Chapter 154, known as the 2009 Zoning Code including the incorporated 1983 and 2000 Zoning Codes, and replace it with new Chapter 154.1. Proposed Chapter 154.1 will set forth basic zoning regulations. Chesapeake / Atlantic Preservation District overlay regulations will be referenced by and incorporated into proposed Chapter 154.1 but independently set out in proposed Chapter 158 of the NCC. Proposed Chapter 158, entitled Chesapeake / Atlantic Preservation Areas, will make no substantive changes to existing Chesapeake Bay Act regulations on either the Bayside or Seaside of Northampton County. The Historic Preservation, Airport Protection and US 13 Corridor overlay districts will be eliminated. The existing 27 zoning districts, 4 floating zoning districts and 5 overlay districts will be consolidated to 17 zoning districts listed below and depicted on the proposed zoning map. Each zoning district will have a list of allowable uses with density and setback requirements. One accessory dwelling unit per principal dwelling unit will be allowed without counting towards density. More than one principal dwelling will be allowed on a parcel so long as density requirements and performance standards are met. Shoreline setbacks will be removed except in the Conservation zoning district, where a 100 foot shoreline setback is proposed. The over 6,800 very specific cells in the existing use charts will be replaced by a list of general uses. The proposed zoning code will reduce the number of uses requiring a special use permit. For a full listing of uses, please refer to the proposed Chapter 154.1. Performance standards are proposed with respect to most special use permits. Civil penalties for violations and administrative inspection warrants are added to the enforcement sections.

§§154.1-101 – 105 General Provisions. Provides that Chapter 154.1 repeals provisions previously adopted, addresses general conditions and specifies that the zoning code text and zoning map are a unified document.

§§154.1-201 – 220 Zoning Districts: Establishes 17 zoning districts and for each sets forth uses permitted subject to performance standards, uses requiring a special use permit, and dimension and density regulations. Zoning districts are Conservation (CNSV), Agricultural (AG), Hamlet (H), Village (V), Village-Commercial (V-C), Village-Waterfront Business (V-WB), Working Waterfront (WW), Cottage

Community (CTCM), Commercial (C), Industrial (I), Residential (R), Residential-1 (R-1), Residential-3 (R-3), Residential-5 (R-5), Residential Mixed (RM), Town Edge (TE) and Bayview Planned Unit Development (Bayview PUD). For a full description of uses, including setbacks, and associated definitions, see Chapter 154.1, §§154.1-201-220 and §154.1-1201 of the proposed zoning code.

Conservation (CNSV). Uses permitted in the proposed Conservation zoning district include accessory dwelling, attached or detached; accessory uses, structures and buildings; agriculture - domestic husbandry; agriculture - traditional husbandry; agriculture crop production operation; artist and artisan studio $\leq 1,000$ sq. ft.; aquaculture operation; basic utilities; emergency services; family day home (1-5 people); farm stand; commercial fishing; government offices (related to conservation or park use); home occupations; commercial hunting; nature tourism; park; agricultural irrigation ponds; recreation, outdoor; research facility; single-family dwelling, detached; single-wide mobile home; silviculture operation; temporary construction office; temporary emergency housing; temporary family health care housing; transit stop; uses similar to permitted uses; viticulture operation; wildlife and marine life preservation area; and wind turbine, small scale and wind mill ≤ 35 ft. in total height. In addition, adult day care center; child day center; civic groups; clubs and organizations; uses similar to special use permit uses; utility distribution plant or yard; wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height; wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height; and wireless communication facility are uses proposed to be allowed by special use permit. Density is 1 single-family dwelling unit per 50 acres.

Agricultural (AG). Uses permitted in the proposed Agricultural zoning district include accessory dwelling, attached or detached; accessory uses, structures and buildings; agricultural business office; agriculture crop production operation; agricultural research facility; agriculture - domestic husbandry; agriculture - intensive farming; agriculture - traditional husbandry; agriculture support business; animal shelter or pound; artist and artisan studio $\leq 1,000$ sq. ft.; aquaculture operation; basic utilities; bed and breakfast; civic groups, clubs and organizations; emergency services; family day home (1-5 people); family day home (6-12 people); farm stand; commercial fishing; floriculture operation; government offices; home occupations; horticulture operation; commercial hunting; meteorological tower; migrant labor camp; museum; nature tourism; park; agricultural irrigation ponds; recreation, outdoor; recreation, playing fields; religious institution, place of worship; residential facility (1-8 people); sales, agricultural products and accessory goods; single-family dwelling mixed use building; single-family dwelling, detached; silviculture operation; singlewide mobile home; temporary emergency housing; temporary family health care housing; temporary construction office; transit stop; uses similar to permitted uses; vacation rental home; veterinarian business; viticulture operation; waste collection center operated by local government; wildlife and marine life preservation area; wind turbine, small scale and wind mill ≤ 35 ft. in total height; wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height; wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height; licensed farm winery; and wireless communication facility. In addition, adult day care center; airfield; artist and artisan studio $> 1,000$ sq. ft.; child day center; college; dredge spoil disposal site; educational services; event venue; funeral home; heliport; inn; jail; kennel; library; medical facility; mining or excavating of soil or other natural resources; office, professional or business $\leq 2,500$ sq. ft.; shooting related recreation and sports; recreational vehicle park and camp grounds; research facility; residential facility (more than 8 people); school, primary or secondary; solar energy facility; uses similar to special use permit uses; utility distribution plant or yard; waste management; waste water treatment plant; and wind energy facilities / wind test facility / wind turbines, large scale / wind turbine, utility-scale are uses proposed to be allowed by special use permit. Density is 1 single-family dwelling unit per 20 acres, except cluster development shall be permitted at a density of 1 single-family dwelling unit per 10 acres.

Hamlet (H). Uses permitted in the proposed Hamlet zoning district will include accessory dwelling, attached or detached; accessory uses, structures and buildings; agriculture crop production operation; agriculture - domestic husbandry; artist and artisan studio; aquaculture operation; basic utilities; bed and

breakfast; civic groups, clubs and organizations; commercial services ≤ 2,500 sq. ft.; government offices; emergency services; family day home (1-5 people); family day home (6-12 people); farm stand; commercial fishing; floriculture operation; home occupations; horticulture operation; inn; library; meteorological tower; multi-family dwelling; multi-family dwelling mixed use building; museum; nature tourism; office, professional or business ≤ 2,500 sq. ft.; park; personal services ≤ 2500 sq. ft.; recreation, playing fields; religious institution, place of worship; residential facility (1-8 people); restaurant with no drive thru ≤ 2,500 sq. ft.; sales, retail general ≤ 2,500 sq. ft.; school, primary or secondary; single-family dwelling, attached; single-family dwelling mixed use building; single-family dwelling, detached; temporary emergency housing; single-wide mobile home; temporary family health care housing; silviculture operation; temporary construction office; transit stop; uses similar to permitted uses; vacation rental home; viticulture operation; wildlife and marine life preservation area; wind turbine, small scale and wind mill ≤ 35 ft. in total height; licensed farm winery; and wireless communication facility. In addition, agriculture support business; animal shelter or pound; child day center; college; commercial services > 2,500 sq. ft.; vehicle services ≤ 2,500 sq. ft.; educational services; medical facility; office, professional or business > 2,500 sq. ft.; personal services > 2,500 sq. ft.; agricultural irrigation ponds; recreation, indoor; recreation, outdoor; residential facilities (more than 8 people); retail food and beverage production; research facility; sales, retail convenience; sales, retail general >2,500 sq. ft.; uses similar to special use permit uses; and utility distribution plant or yard are uses proposed to be allowed by special use permit. Density is 2 single-family dwelling units per acre or 4 multi-family dwelling units per acre.

Villages (V). Uses permitted in the proposed Village zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; agriculture crop production operation; agriculture - domestic husbandry; artist and artisan studio; aquaculture operation; basic utilities; bed and breakfast; educational services; civic groups, clubs and organizations; commercial services ≤ 2,500 sq. ft.; emergency services; family day home (1-5 people); family day home (6-12 people); farm stand; commercial fishing; floriculture operation; home occupations; horticulture operation; inn; library; meteorological tower; multi-family dwelling; multi-family dwelling mixed use building; museum; nature tourism; office, professional or business ≤ 2,500 sq. ft.; park; personal services ≤ 2500 sq. ft.; recreation, indoor; recreation, outdoor; recreation, playing field; religious institution, place of worship; residential facility (1-8 people); sales, retail convenience ≤ 2,500 sq. ft.; sales, retail general, ≤ 2500 sq. ft.; school, primary or secondary; single-family dwelling, attached; single-family dwelling mixed use building; single-family dwelling, detached; temporary emergency housing; single-wide mobile home; temporary family health care housing; temporary construction office; transit stop; uses similar to permitted uses; vacation rental home; viticulture operation; wildlife and marine life preservation area; wind turbine, small scale and wind mill ≤35 ft. in total height; licensed farm winery; and wireless communication facility. In addition, funeral home; child day center; commercial services > 2,500 sq. ft.; vehicle services ≤ 2,500 sq. ft.; dredge spoil disposal site; government offices; medical facility; hotel or motel; office professional or business > 2,500 sq. ft.; personal services > 2,500 sq. ft.; recreational vehicle park and camp grounds; sales, retail general > 2500 sq. ft.; uses similar to special use permit uses; and utility distribution plant or yard are uses proposed to be allowed by special use permit. Density is 4 single-family dwelling units or 4 multi-family dwelling units per acre.

Village-Commercial (V-C). Uses permitted in the proposed Village-Commercial zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; adult day care center; agricultural business office; agriculture support business; artist and artisan studio; aquaculture operation; basic utilities; bed and breakfast; civic groups, clubs and organizations; commercial services; educational services; emergency services; family day home (1-5 people); family day home (6-12 people); farm stand; commercial fishing; funeral home; government offices; home occupations; industrial services; inn; library; marina; medical facility; multi-family dwelling mixed use building; museum; nature tourism; office, professional or business; park; personal services; recreation, indoor; recreation, outdoor; religious institution, place of worship; residential facility (1-8 people); residential facility (more than 8 people);

restaurant with no drive thru $\leq 2,500$ sq. ft.; retail food and beverage production; sales, wholesale and industrial; single-family dwelling, detached; sales, retail convenience; sales, retail general; school, primary or secondary; single-family dwelling mixed use building; temporary emergency housing; temporary family health care housing; temporary construction office; transit center; transit stop; uses similar to permitted uses; vacation rental home; veterinarian business; wastewater treatment plant; wildlife and marine life preservation area; wind turbine, small scale and wind mill ≤ 35 ft. in total height; and wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height. In addition, animal shelter or pound, college, vehicle services $\leq 2,500$ sq. ft., dredge spoil disposal site, kennel, hotel or motel, agricultural irrigation ponds, research facility, restaurant $> 2,500$ sq. ft., restaurant with drive thru, sales, retail bulk, uses similar to special use permit uses, wireless communications facility, and wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height are uses proposed to be allowed by special use permit. Density is 4 single-family dwelling units or 4 multi-family dwelling units per acre.

Village-Waterfront Business (V-WB). Uses permitted in the proposed Village-Waterfront Business zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; artist and artisan studio; aquaculture operation; basic utilities; bed and breakfast; civic groups, clubs and organizations; commercial services $\leq 2,500$ sq. ft.; educational services; emergency services; family day home (1-5 people); family day home (6-12 people); farm stand; commercial fishing; government offices; home occupations; inn; marina; multi-family dwelling mixed use building; museum; nature tourism; office, professional or business $\leq 2,500$ sq. ft.; park; personal services $\leq 2,500$ sq. ft.; recreation, indoor; recreation, outdoor; religious institution, place of worship; research facility; restaurant with no drive thru $\leq 2,500$ sq. ft.; residential facility (1-8 people); retail food and beverage production; sales, retail convenience $\leq 2,500$ sq. ft.; sales, retail general $\leq 2,500$ sq. ft.; single-family dwelling, attached; single-family dwelling mixed use building; single-family dwelling, detached; temporary emergency housing; single-wide mobile home; temporary family health care housing; temporary construction office; transit stop; uses similar to permitted uses; vacation rental home; veterinarian business; wildlife and marine life preservation area; wind turbine, small scale and wind mill ≤ 35 ft. in total height; wireless communication facility; and working waterfront support uses, structures and buildings. In addition, college; dredge spoil disposal site; hotel or motel; uses similar to special use permit uses; restaurant $> 2,500$ sq. ft.; restaurant with drive thru; sales, retail general $> 2,500$ sq. ft.; utility distribution plant or yard; and wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height are uses proposed to be allowed by special use permit. Density is 4 single-family dwelling units or 4 multi-family dwelling units per acre.

Working Waterfront (WW). Uses permitted in the proposed Working Waterfront district includes accessory uses, structures and buildings; artist and artisan studio; aquaculture operation; basic utilities; farm stand; commercial fishing; marina; nature tourism; temporary construction office; transit stop; uses similar to permitted uses; wildlife and marine life preservation area; working waterfront uses, structures and buildings; and working waterfront support uses, structures and buildings. In addition, dredge spoil disposal site; government offices; museum; research facility; uses similar to special use permit uses; utility distribution plant or yard; wind turbine, small scale and wind mill ≤ 35 ft. in total height; wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height; wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height; and wireless communication facility are uses proposed to be allowed by special use permit. Density is not applicable.

Cottage Community (CTCM). Uses permitted in the proposed Cottage Community zoning district includes accessory dwelling, attached or detached, accessory uses, structures and buildings, artist and artisan studio, aquaculture operation, basic utilities, bed and breakfast, child day center, civic groups, clubs and organizations, emergency services, family day home (1-5 people), family day home (6-12 people), farm stand, commercial fishing, home occupations, museum, nature tourism, park, religious institution, place of worship, residential facility (1-8 people), restaurant with no drive thru $\leq 2,500$ sq. ft.,

single-family dwelling, attached, single-family dwelling, detached, temporary emergency housing, single-wide mobile home, temporary family health care housing, temporary construction office, transit stop, uses similar to permitted uses, vacation rental home, wildlife and marine life preservation area, and wind turbine, small scale and wind mill ≤ 35 ft. in total height. In addition, adult day care center; marina; personal services $\leq 2,500$ sq. ft.; recreation, playing field; sales, retail general, $\leq 2,500$ sq. ft.; utility distribution plant or yard; uses similar to special use permit uses; wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height; and wireless communication facility are uses proposed to be allowed by special use permit. Density is 2 single-family dwelling units per acre.

Commercial (C). Uses permitted for the proposed Commercial zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; adult day care center; agricultural business office; agricultural research facility; agriculture support business; animal shelter or pound; artist and artisan studio; aquaculture operation; basic utilities; bed and breakfast; child day center; civic groups, clubs and organizations; college; commercial services; vehicle services; educational services; emergency services; family day home (1-5 people); family day home (6-12 people); farm stand; commercial fishing; floriculture operation; funeral home; golf course; government offices; home occupations; horticulture operation; hospital; inn; library; light manufacturing; marina; medical facility; multi-family dwelling mixed use building; hotel or motel; museum; nature tourism; office, professional or business; park; personal services; kennel; recreation, indoor; recreation, outdoor; recreational vehicle park and camp grounds; religious institution, place of worship; residential facility (1-8 people); residential facility (more than 8 people); restaurant; sales, agricultural products and accessory goods; retail food and beverage production; sales, retail bulk; sales, retail convenience; sales, retail general; sales, wholesale and industrial; school, primary or secondary; self-service storage; single-family dwelling mixed use building; temporary emergency housing; temporary family health care housing; temporary construction office; transit center; transit stop; uses similar to permitted uses; vacation rental home; veterinarian business; warehouse, storage and distribution; wind energy facility / wind energy test facility / wind turbine, large scale / wind turbine, utility-scale; wind turbine, small scale and wind mill ≤ 35 ft. in total height; licensed winery; and wireless communication facility. In addition, airfield; event venue; heliport; industrial services; light manufacturing; recreation and sports, motorized and motor vehicle related; recreation and sports, shooting related; research facility; uses similar to special use permit uses; utility distribution plant or yard; waste management; sales, flammable materials; vehicle services; waste water treatment plant; and wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height are uses proposed to be allowed by special use permit. Density is not applicable.

Industrial (I). Uses permitted for the proposed Industrial zoning district include accessory uses, structures or buildings; agricultural business office; agricultural research facility; agricultural support business; animal shelter or pound; artist and artisan studio; aquaculture operation; basic utilities; commercial services; vehicle services; dredge spoil disposal site; educational services; emergency services; commercial fishing; floriculture operation; government offices; horticulture operation; hospital; industrial services; light manufacturing; meteorological tower; migrant labor camp; office, professional or business; park; research facility; restaurant; retail food and beverage production; sales, flammable materials; sales, retail bulk; sales, retail convenience; sales, retail general; sales, wholesale and industrial; self-service storage; temporary construction office; transit center; transit stop; uses similar to permitted uses; warehouse, storage and distribution; waste collection center, operated by local government; waste water treatment plant; wind energy facility / wind energy test facilities / wind turbine, large scale / wind turbine, utility-scale; wind turbine, small scale and wind mill ≤ 35 ft. in total height; and wireless communication facility. In addition, airfield; electricity generation facility; event venue; heavy manufacturing; heliport; migrant labor camp; mining or excavating of soil or other natural resources; recreation and sports, motorized and motor vehicle related; religious institution, place of worship; solar energy facility; uses similar to special use permit uses; waste management; utility distribution plant or yard; and wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height are uses proposed to be allowed by special use permit.

Density is not applicable.

Residential (R). Uses permitted for the proposed Residential zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; agriculture crop production operation; artist and artisan studio; basic utilities; bed and breakfast; family day home (1-5 people); family day home (6-12 people); farm stand; floriculture operation; home occupations; horticulture operation; multi-family dwelling; multi-family dwelling mixed use building; park; religious institution, place of worship; residential facility (1-8 people); single-family dwelling, attached; single-family dwelling mixed use building; single-family dwelling, detached; temporary emergency housing; temporary family health care housing; temporary construction office; transit stop; uses similar to permitted uses; vacation rental home; viticulture operation; wildlife and marine life preservation area; wind turbine, small scale and wind mill \leq 35 ft. in total height; and wireless communication facility. In addition, nature tourism; recreation, indoor; recreation, outdoor; recreation, playing field; residential facility (more than 8 people); single-wide mobile home; uses similar to special use permit uses; utility distribution plant or yard; and wind turbine, small scale $>$ 35 ft. and \leq 120 ft. in total height are uses proposed to be allowed by special use permit. Density is 1 single-family dwelling unit or 1 multi-family dwelling unit per 20,000 square feet.

Residential-1 (R-1). Uses permitted for the proposed Residential-1 zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; agriculture crop production operation; artist and artisan studio; basic utilities; bed and breakfast; family day home (1-5 people); family day home (6-12 people); farm stand; floriculture operation; home occupations; horticulture operation; multi-family dwelling; multi-family dwelling mixed use building; park; religious institution, place of worship; residential facility (1-8 people); single-family dwelling, attached; single-family dwelling, detached; temporary emergency housing; temporary family health care housing; silviculture operation; temporary construction office; transit stop; uses similar to permitted uses; vacation rental home; viticulture operation; wind turbine, small scale and wind mill \leq 35 ft. in total height; and wireless communication facility. In addition, nature tourism; recreation, indoor; recreation, outdoor; recreation, playing field; residential facility (more than 8 people); single-wide mobile home; uses similar to special use permit uses; wildlife and marine life preservation area; and wind turbine, small scale $>$ 35 ft. and \leq 120 ft. in total height are uses proposed to be allowed by special use permit. Density is 1 single-family dwelling unit or 1 multi-family dwelling unit per acre.

Residential-3 (R-3). Uses permitted for the proposed Residential-3 zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; agriculture crop production operation; agriculture - domestic husbandry; artist and artisan studio; aquaculture operation; basic utilities; bed and breakfast; family day home (1-5 people); family day home (6-12 people); farm stand; commercial fishing; floriculture operation; home occupations; horticulture operation; multi-family dwelling mixed use building; park; recreation, playing field; religious institution, place of worship; residential facility (1-8 people); single-family dwelling, attached; single-family dwelling mixed use building; single-family dwelling, detached; temporary emergency housing; temporary family health care housing; silviculture operation; temporary construction office building; transit stop; uses similar to permitted uses; vacation rental home; viticulture operation; wildlife and marine life preservation area; wind turbine, small scale and wind mill \leq 35 ft. in total height; licensed farm winery; and wireless communication facility. In addition, agriculture - traditional husbandry; meteorological tower; nature tourism; recreation, indoor; recreation, outdoor; recreation, playing field; residential facility (more than 8 people); single-wide mobile home; and uses similar to special use permit uses are uses proposed to be allowed by special use permit. Density is 1 single-family dwelling unit or 1 multi-family dwelling unit per 3 acres.

Residential-5 (R-5). Uses permitted for the proposed Residential-5 zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; agriculture crop production operation; agriculture - domestic husbandry; agriculture - traditional husbandry; artist and artisan studio;

aquaculture operation; basic utilities; bed and breakfast; civic groups, clubs and organizations; family day home (1-5 people); family day home (6-12 people); farm stand; commercial fishing; floriculture operation; home occupations; horticulture operation; meteorological tower; multi-family dwelling mixed use building; nature tourism; park; religious institution, place of worship; residential facility (1-8 people); single-family dwelling, attached; single-family dwelling mixed use building; single-family dwelling, detached; single-wide mobile home; temporary emergency housing; temporary family health care housing; silviculture operation; temporary construction office building; transit stop; uses similar to permitted uses; vacation rental home; viticulture operation; wildlife and marine life preservation area; wind turbine, small scale and wind mill ≤ 35 ft. in total height; licensed farm winery; and wireless communication facility. In addition, golf course; heliport; agricultural irrigation ponds; recreation, indoor; recreation, outdoor; recreation, playing field; residential facility (more than 8 people); uses similar to special use permit use; and wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height are uses proposed to be allowed by special use permit. Density is 1 single-family dwelling unit or 1 multi-family dwelling unit per 5 acres.

Residential Mixed (RM). Uses permitted for the proposed Residential Mixed zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; basic utilities; bed and breakfast; emergency services; family day home (1-5 people); family day home (6-12 people); farm stand; floriculture operation; home occupations; horticulture operation; multi-family dwelling; multi-family dwelling mixed use building; office, professional or business $\leq 2,500$ sq. ft.; park; recreation, playing field; religious institution, place of worship; research facility; residential facility (1-8 people); school, primary or secondary; single-family dwelling, attached; single-family dwelling mixed use building; single-family dwelling, detached; temporary emergency housing; temporary family health care housing; temporary construction office; transit stop; uses similar to permitted uses; vacation rental home; viticulture operation; wind turbine, small scale and wind mill ≤ 35 ft. in total height; licensed farm winery; and wireless communication facility. In addition, child day center; recreation, indoor; recreation, outdoor; residential facility (more than 8 people); single-wide mobile home; wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height; and uses similar to special use permit uses are uses proposed to be allowed by special use permit. Density is 1 single-family dwelling unit per 20,000 square feet or 1 multi-family dwelling unit per 10,000 square feet.

Town Edge (TE). Uses permitted for the proposed Town Edge zoning district includes accessory dwelling, attached or detached; accessory uses, structures and buildings; agricultural business office; agriculture crop production operation; agriculture – domestic husbandry; agriculture – traditional husbandry; artist and artisan studio $\leq 1,000$ sq. ft.; aquaculture operation; basic utilities; bed and breakfast; civic groups, clubs and organizations; emergency services; family day home (1-5 people); family day home (6-12 people); farm stand; floriculture operations; government offices; home occupations; horticulture operations; meteorological tower; single-family dwelling mixed use building; recreation, playing field; religious institution, place of worship; residential facility (1-8 people); single-family dwelling, detached; singlewide mobile home; temporary emergency housing; silviculture operation; temporary construction office; uses similar to permitted uses; veterinarian business; viticulture operation; waste collection center, operated by local government; wind turbine, small scale and wind mill ≤ 35 ft. total height; and licensed farm winery. In addition, agriculture support business; commercial fishing; and wireless communication facility are uses proposed to be allowed by special use permits. Density is 1 single-family dwelling unit per acre.

Bayview Planned Unit Development (Bayview PUD). The one existing Planned Unit Development in the County, known as the Bayview Citizens for Social Justice, will be renamed “Bayview PUD”, with all of its unique attributes as created by vote of the Board of Supervisors on August 11, 1999, pursuant to Zoning Map Petition 99-10.

§§154.1-301 - 318 Design and Performance Standards for Specific Uses, Structures and Buildings. These sections provide supplemental requirements and standards for temporary construction offices; temporary emergency housing; temporary family health care housing; home occupations; unified plan of development; domestic and traditional husbandry, intensive farming uses, facilities, structures and buildings; agricultural irrigation ponds; accessory dwellings; additional single family dwellings on one lot; vehicles, containers and manufactured units converted to permanent accessory structures and buildings; wireless communications facilities and meteorological towers; wind turbines and windmills for on-site residential or commercial production and use; wind energy facilities, large and utility scale; solar energy facilities; family day homes; biomass conversion to alternate fuel – small scale and large scale; and event venues.

§§154.1-401 - 405 Supplemental and Modification Regulations: These sections provide relief in some situations from other regulations of the proposed zoning code relating to setbacks and lot measurement; building or structure height and bulk, and as to accessory uses, structure and buildings.

§§154.1-501 – 508 Administration and Procedures: These sections provide for administration by the Zoning Administrator and establish necessary administrative, inspection and enforcement procedures. These sections cover zoning administrator appointment, filing fees, zoning clearance requirements, special use permit process, zoning map amendment process, other amendments, conditional zoning and site plan requirements.

§§154.1-601 - 615 Design and Performance Standards for Improvements which are the Subject of Site Plans: These sections reference access management; roads; interior travel ways; off-street parking; off-street loading; perimeter screening; outdoor lighting; utilities; water and sewer; and fire protection. Regulations regarding Erosion and Sediment Controls, Chesapeake Bay Preservation Areas, Floodplain Management, Stormwater Management and Dam Safety are referenced and incorporated here although governed by other specifically cited sections of the NCC or the Code of Virginia.

§§154.1-701 - 709 Signs. These sections address permits required for signs, temporary signs, general sign restrictions and prohibitions, permitted signs, freestanding identification signs, computation of sign area, sign illumination and signs containing lights, maintenance of signs, nonconforming signs and removal or abandonment of signs. Generally exempt from regulation are any sign 2.5 square feet in area or less, official signs and flags, directional on premises signs, vehicle signs, historical markers and crop signs. The proposed zoning code increases the allowable size of some permitted signs, but retains construction and lighting standards for signs. An informational sign to advertise a business may be placed within one mile in either direction subject to standards and restrictions.

§§154.1-801 - 805 Board of Zoning Appeals: Addresses the establishment of the Board of Zoning Appeals (“BZA”), the composition of the BZA, its powers and duties, procedures and applications for variances.

§§154.1-901 Nonconforming Uses and Vested Rights: Addresses nonconforming uses, lots or buildings, nonconformity in general, repairs and maintenance, provisions for special uses, and vested rights.

§154.1-1001 Enforcement – Violations and Penalties: This section provides for civil and criminal penalties as well as injunctive relief for zoning violations, and sets forth the procedure for administrative inspection warrants for suspected violations.

§§154.1-1101 – 1104 Appeals: These sections address appeals from an administrative zoning decision to the BZA, appeals from the BZA to the Circuit Court, zoning conditions appealed to the Board of Supervisors and appeals from the Board of Supervisors to the Circuit Court.

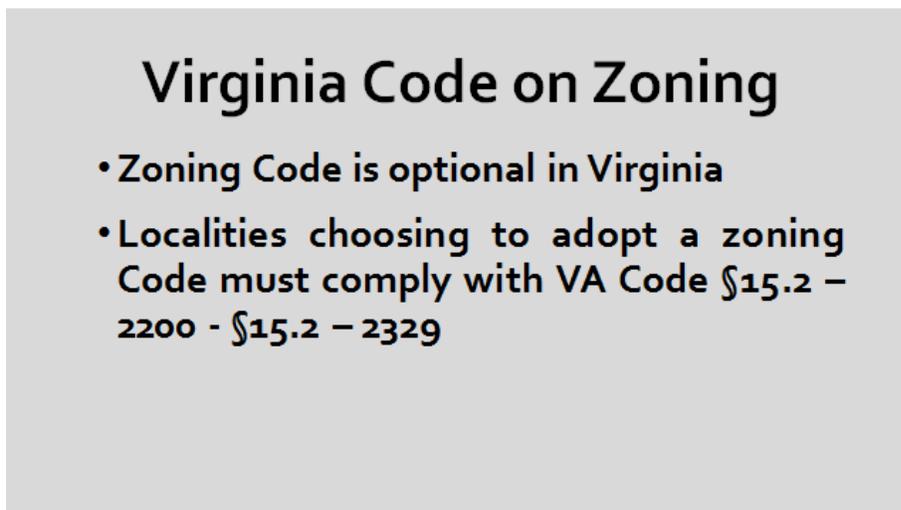
§154.1201 Definitions. This section provides definitions for numerous terms contained in the proposed zoning code.

A map showing the proposed zoning districts throughout the County is provided as part of this notice.

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The Chairman called the public hearing to order and asked if there were any present desiring to speak.

County Administrator Katherine H. Nunez, Long-Range Planner Peter Stith, and Zoning Administrator Melissa Kellam presented the following PowerPoint presentation:



VA Code §15.2 – 2284

“Zoning ordinances and districts shall be drawn and applied with **reasonable consideration** for

- the **existing use and character of property**,
- the comprehensive plan,
- the suitability of property for various uses,
- the trends of growth or change,
- the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies,
- the transportation requirements of the community,

VA Code §15.2 – 2284 (continued)

- the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services,
- the conservation of natural resources,
- the preservation of flood plains,
- the protection of life and property from impounding structure failures,
- the preservation of agricultural and forestal land,
- the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.”

2012 Board Directive

- 5 Year Strategic Plan
- Review all Ordinances – no more than required VA Code
- Goal #2, Objective #1
 - “Review and revise the zoning ordinance to promote business development by June 30, 2013”
- A draft zoning code was first submitted to the Board in July 2013

- 4 public input meetings prior to March 11 public hearing
- March 11, 2014 Public Hearing
- Between March 12, 2014 – October 5, 2015 there were 18 regular BOS meetings where the Board received comments on the zoning ordinance. There were an additional 14 work sessions dedicated to review of the zoning code addressing comments and making changes to the proposed code.
- 2 Public input meetings in February 2015

Consolidates, Simplifies and Clarifies

2009, 2000 and 1983 Zoning Codes



Proposed Zoning Code

- | | |
|--|---|
| <ul style="list-style-type: none"> • Three ordinances • 27 Zoning Districts, 4 floating districts and 5 overlay districts • 2009 Zoning Ordinance contains over 6,800 cells in use chart • Very specific uses • Special use permits required for majority of uses (PC>BOS) • Contains other state mandated land use regulations | <ul style="list-style-type: none"> • Reduced to one ordinance • Reduced 17 Zoning Districts • A list of uses for each district • General use groups combined specific uses • Special use permits only required to address complex land uses with unique impacts • Other state mandated land use regulations removed and become stand alone ordinances |
|--|---|

Map Changes



Current Zoning

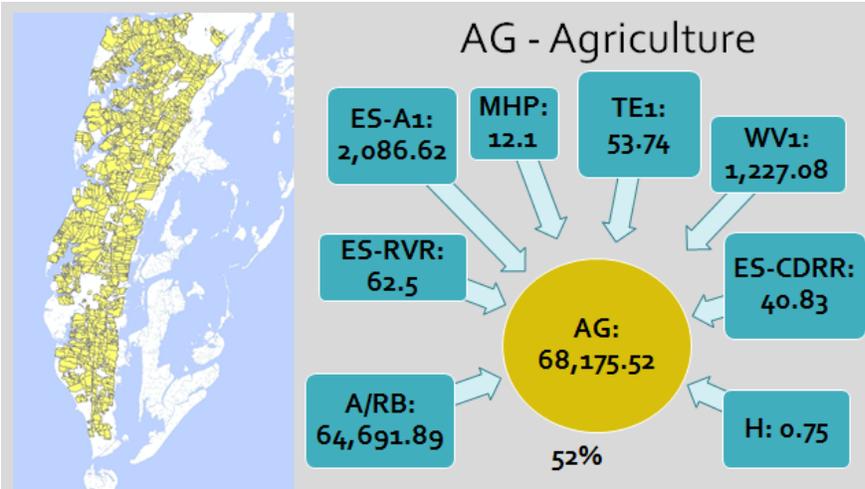
- 53% A/RB
- 34% Conservation
- 0.7% Commercial/Industrial
- 12% Residential
- 27 Zoning Districts
- 4 Overlay Districts
- 5 Floating Districts

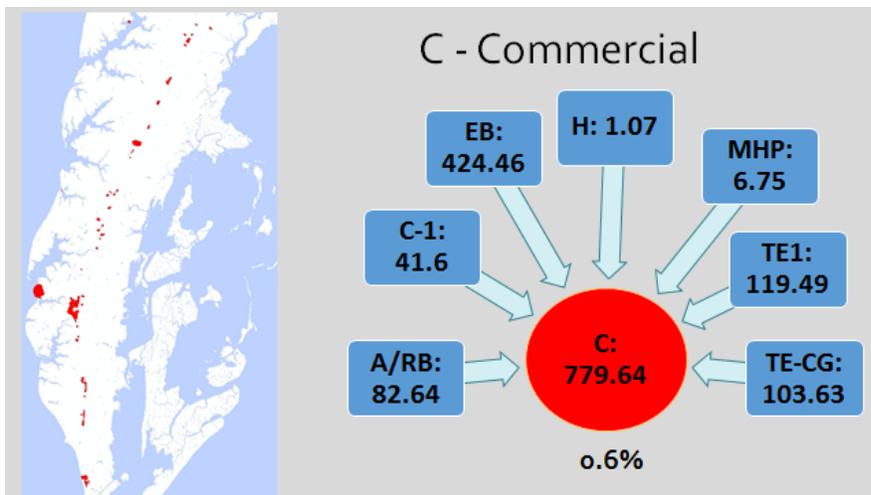
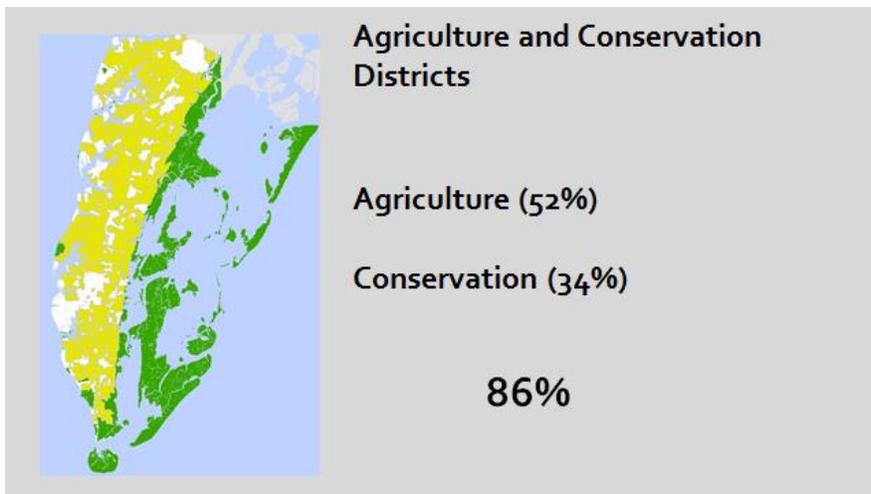
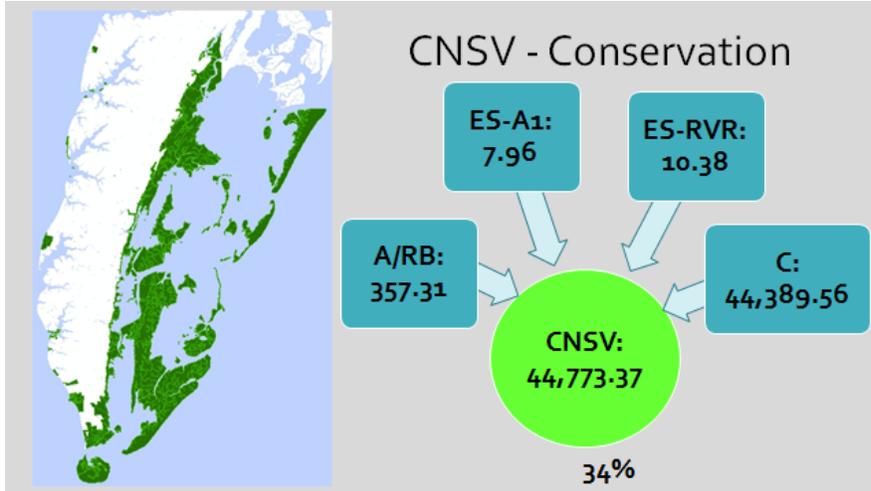
Proposed Zoning

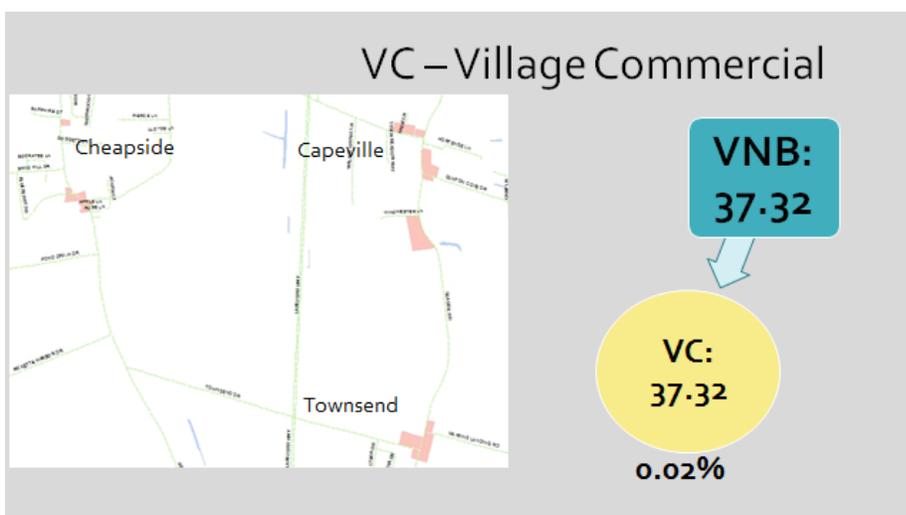
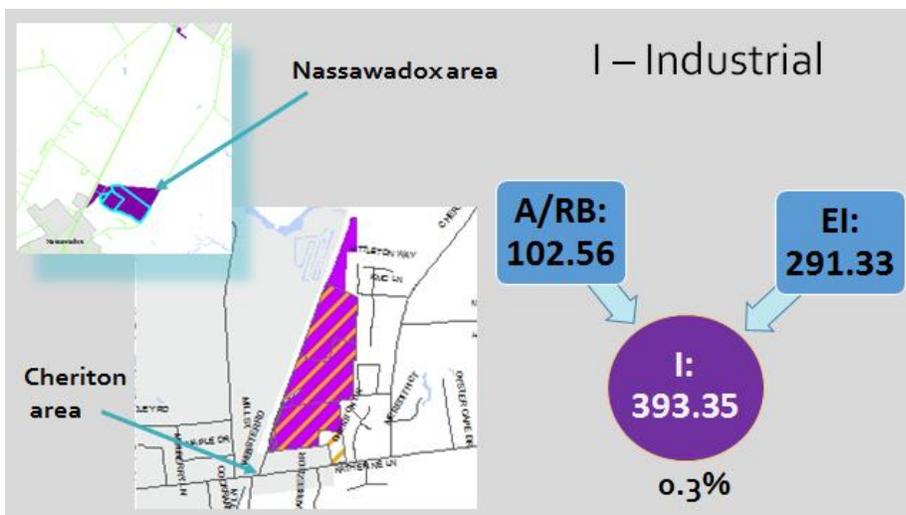
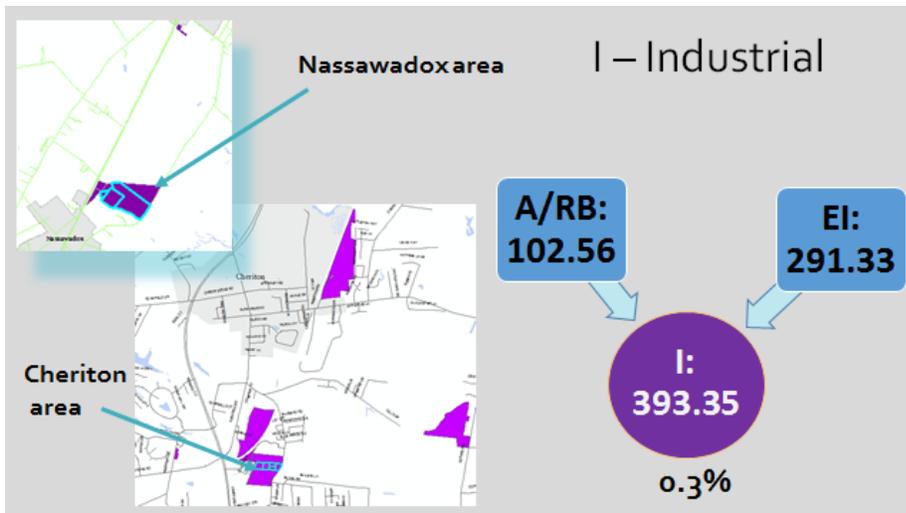
- 52% AG
- 34% Conservation
- 1% Commercial/Industrial
- 13% Residential
- 17 Zoning Districts

New Districts since March 11, 2014 Public Hearing:

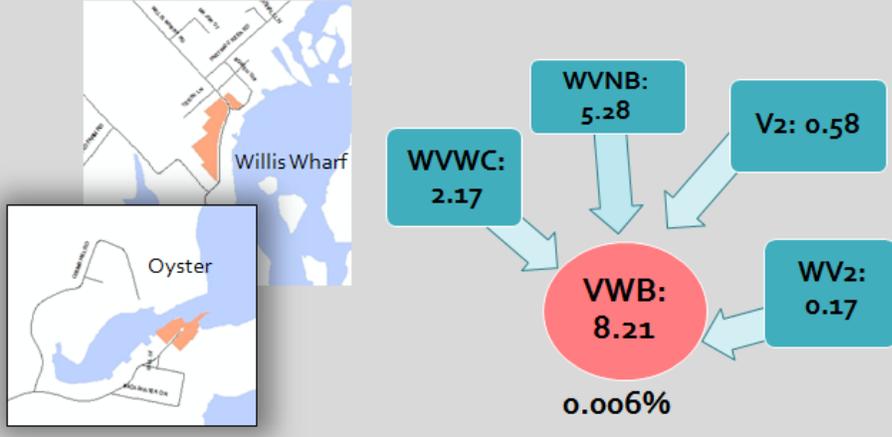
- TE – Town Edge
- WW – Working Waterfront
- VWB – Village-Waterfront Business
- Remove VWC – Village-Waterfront Commercial



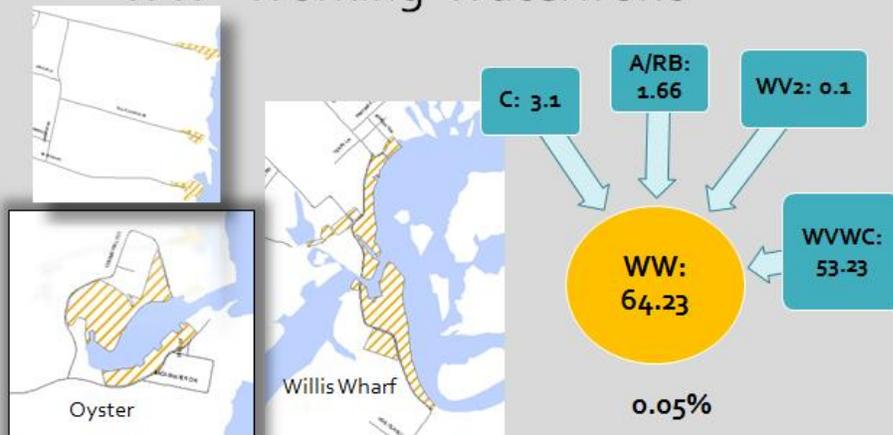




VWB – Village Waterfront Business

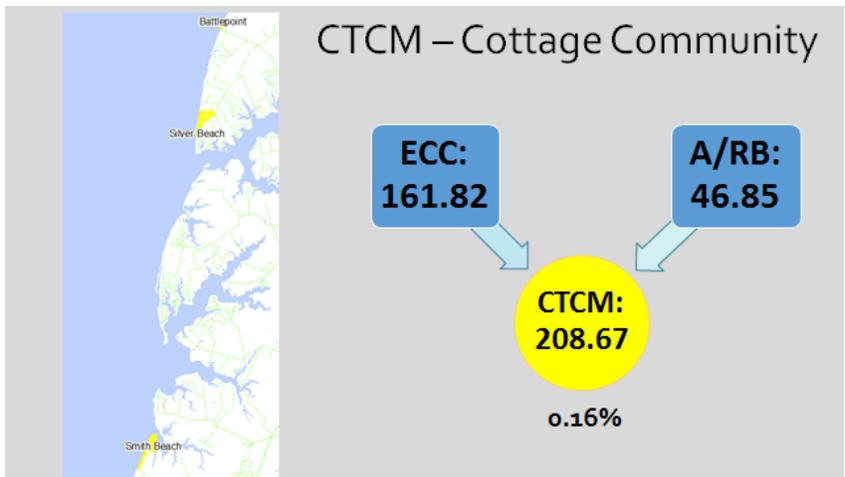
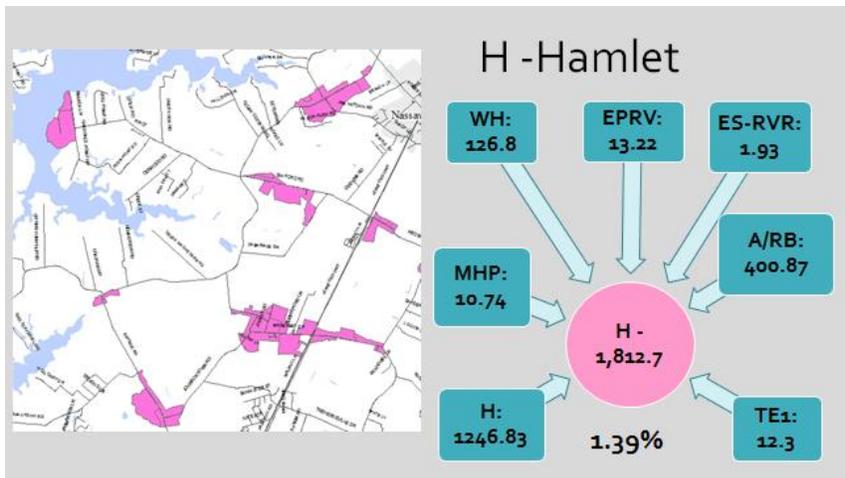
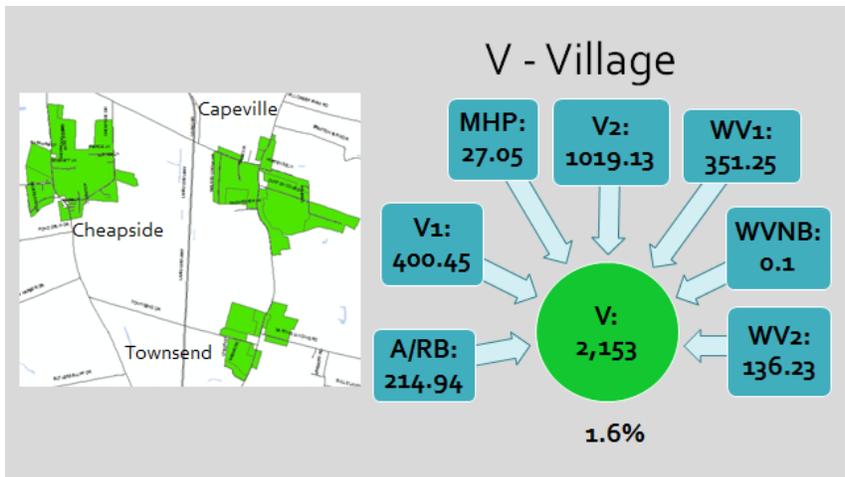


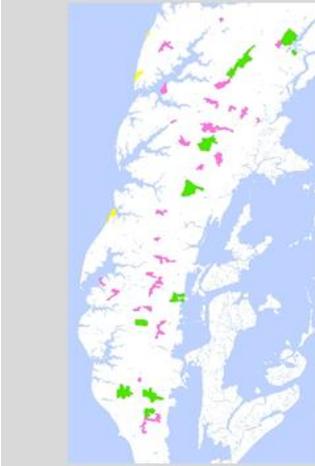
WW – Working Waterfront



Commercial/Industrial Districts

-
- Commercial (0.6%)
 - Industrial (0.3%)
 - Village Commercial (0.02%)
 - Village-Waterfront Business (0.006%)
 - Working Waterfront (0.05%)
- 0.97%**





Village (1.6%)

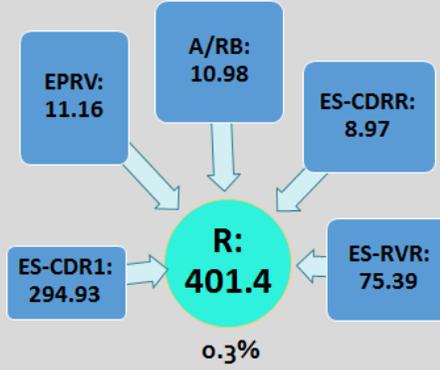
Hamlet (1.39%)

Cottage Community (0.16%)

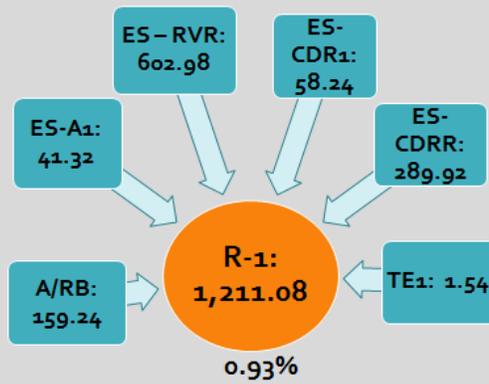
3.15%

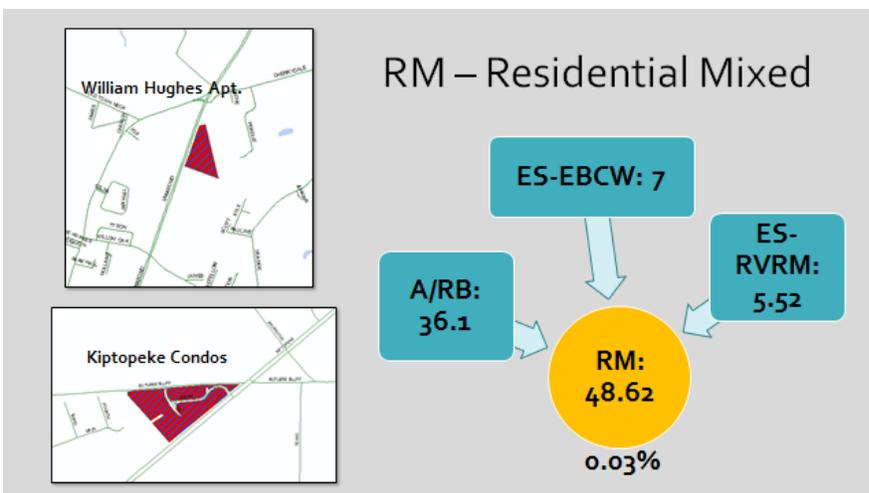
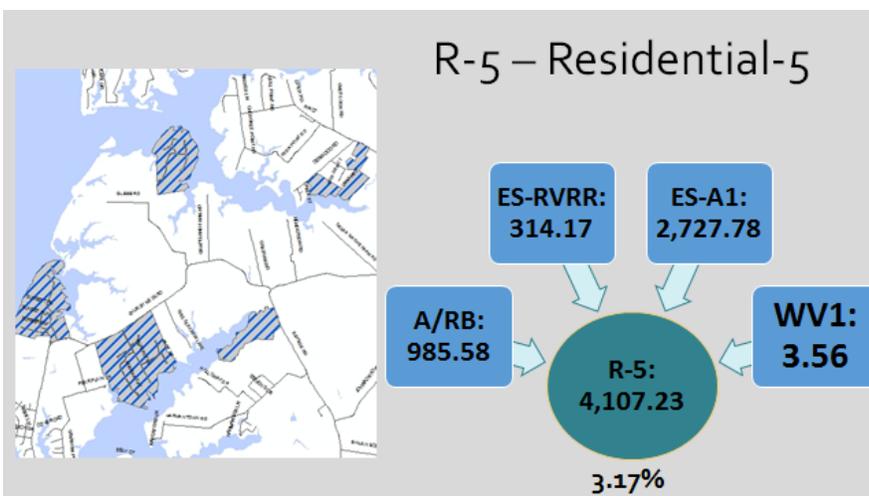
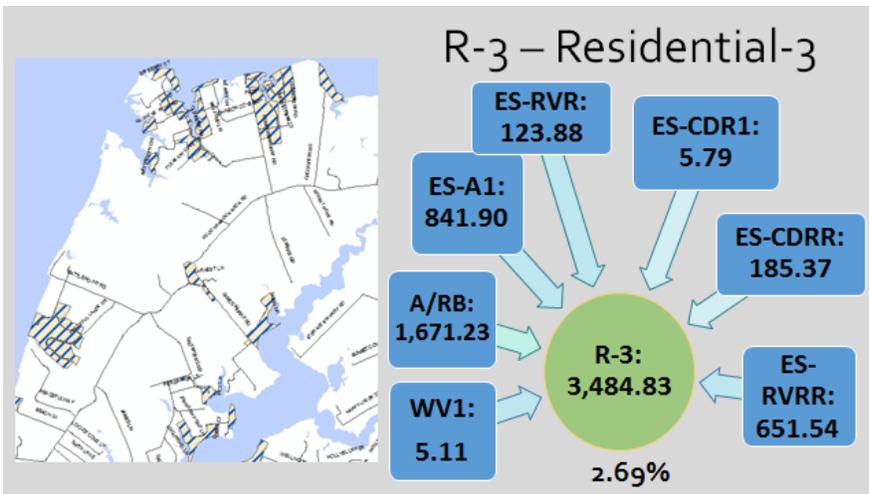


R- Residential



R-1 – Residential-1

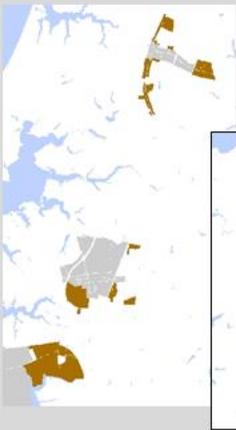




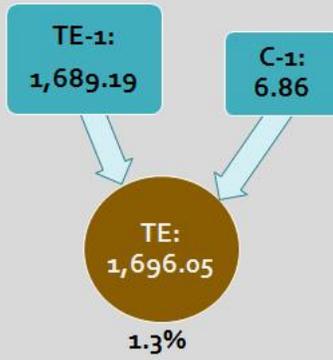


Residential Districts

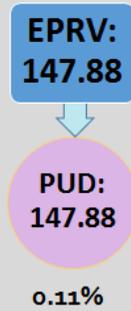
- R-Residential (0.3%)
- R-1-Residential-1 (0.93%)
- R-3 Residential-3 (2.69%) **7.12%**
- R-5 – Residential-5 (3.17%)
- RM – Residential Mixed (0.03%)



TE – Town Edge



Bayview PUD



DENSITY
CURRENT ZONING CODES VS. PROPOSED ZONING CODE

Current Zoning Districts	C	V-1 WV-1	H WH	V-2
Maximum Density	1 SFD unit per 50 acres	1 SFD unit per 20 acres AG/RB 1 SFD unit per 20 acres open space subd. 1 SFD unit per 10 acres	2 SFD units per 1 acre No MFD density	2 SFD units per 1 acre 4 MFD units per 1 acre WV-2 2 SFD units per 1 acre No MFD density
Proposed Zoning Districts	CNSV	AG	H	V
Maximum Density	1 SFD unit per 50 acres	1 SFD unit per 20 acres cluster subd. 1 SFD unit per 10 acres	2 SFD units per 1 acre 4 MFD units per 1 acre	4 SFD units per 1 acre 4 MFD units per 1 acre

DENSITY
CURRENT ZONING CODES VS. PROPOSED ZONING CODE

Current Zoning Districts	V-NB	WV-NB	WV-WC	C-1 EB	EI	TE-1
Maximum Density	2 SFD units per 1 acre 4 MFD units per 1 acre	2 SFD units per 1 acre No MFD density	N/A	N/A	N/A	1 SFD unit per 5 acre TE-2 TE-NB 1 SFD unit per 2 acre 5 MFD units per 1 acre TE-CG N/A
Proposed Zoning Districts	V-C	V-WB	WW	C	I	TE
Maximum Density	4 SFD units per 1 acre 4 MFD units per 1 acre	4 SFD units per 1 acre 4 MFD units per 1 acre	N/A	N/A	N/A	1 SFD unit per 1 acre

DENSITY
CURRENT ZONING CODES VS. PROPOSED ZONING CODE

Current Zoning Districts	ECC	ES-RV-R ES-CD-R1	ES-CD-RR	ES-RV-RR	ES-A-1	ES-RV-RM ES-CD-RM ES-EB-CW
Maximum Density	2 SFD units per 1 acre	1 SFD or MFD unit per 20,000 sq. ft.	1 SFD or MFD unit per 1 acre	1 SFD or MFD unit per 3 acres	1 SFD unit per 20 acres plus bonus lots	1 SFD unit per 20,000 sq. ft. MFD not specified
Proposed Zoning Districts	CTCM	R	R-1	R-3	R-5	RM
Maximum Density	2 SFD units per 1 acre	1 SFD or MFD unit per 20,000 sq. ft.	1 SFD or MFD unit per 1 acre	1 SFD or MFD unit per 3 acres	1 SFD or MFD unit per 5 acres	1 SFD unit per 20,000 sq. ft. 1 MFD unit per 10,000 sq. ft.

SETBACK AND OTHER DIMENSIONAL REQUIREMENTS						
CURRENT ZONING CODE VS. PROPOSED ZONING CODE						
ZONING DISTRICT	CURRENT V-1, WV-1 AG/RB	PROPOSED AG	CURRENT WV-WC	PROPOSED WV	CURRENT ECC	PROPOSED CTCM
Min. Lot Size	1 ac.	1 ac.	N/A	10,890 sq. ft.	1/2 ac.	21,780 sq. ft.
Min. Lot Frontage	X	50 ft.	X	50 ft.	X	50 ft.
Min. Lot Width	125 ft.	125 ft.	None	None	90 ft.	90 ft.
Min. Shoreline Width	250 ft.	205 ft.	60 ft.	None	250 ft.	90 ft.
Min. Front Setback Primary	P/80 ft. 60 ft.	60 ft.	P/10 ft.	P / 30 ft.	P / 20 ft.	P / 20 ft.
Min. Front Setback Accessory	P/80 ft. 60 ft.	60 ft.	P / 10 ft.	30 ft.	P / 20 ft.	20 ft.
Min. Rear Setback Primary	50 ft. 25 ft.	25 ft.	0 ft.	10 ft.	20 ft.	20 ft.
Min. Rear Setback Accessory	10 ft.	10 ft.	0 ft.	5 ft.	5 ft.	5 ft.
Min. Side Setback Primary	25 ft. 15 ft.	15 ft.	10 ft.	8 ft.	10 ft.	10 ft.
Min. Side Setback For Attached Primary Building Adjacent to a Shared Property Line	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Min. Side Setback Accessory	10 ft.	10 ft.	10 ft.	3 ft.	5 ft.	5 ft.
Min. Setback from U. S. Route 13	100 ft.	100 ft.	N/A	N/A	N/A	100 ft.
Min. Setback From Railroad Rights-Of-Ways	60 ft.	50 ft.	P/10 ft.	N/A	P/20 ft.	20 ft.
Max. Height Primary	35 ft.	35 ft.	35 ft.	35 ft.	25 ft.	25 ft.
Max. Height Accessory	25 ft.	25 ft.	25 ft.	20 ft.	16 ft.	15 ft.
Max. Height Accessory Structures / Buildings Located 15 ft. or Less From Any Property Line	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Max. Lot Coverage	15%	X	75%	X	60%	X

SPECIAL USE PERMITS:

- are issued by the Board of Supervisors to conduct certain uses on a property;
- may be subjected to unlimited and undefined conditioned;
- may be denied; and
- requires lengthy and expense.

In the current zoning code general land use issues are subject to the special use permit process and the majority of uses are subject to the special use permit process.

PERFORMANCE STANDARDS:

- are required standards that must be implemented to conduct a specific use on a property;
- are always known and don't change; and
- incorporated into normal review processes, reducing time and cost;

In the proposed zoning code performance standards used for general land uses and their impacts, special use permit used only for complex land uses to address unique impacts. Minority of uses by special use permit. Since the March 11, 2014 public hearing, special use permit uses have been added to the proposed zoning code.

PERFORMANCE STANDARDS FOR CERTAIN USES:

- §154.1-302 TEMPORARY CONSTRUCTION OFFICES
- §154.1-303 TEMPORARY EMERGENCY HOUSING
- §154.1-304 TEMPORARY FAMILY HEALTH CARE HOUSING
- §154.1-305 HOME OCCUPATIONS
- §154.1-306 UNIFIED PLAN OF DEVELOPMENT REQUIRED
- §154.1-307 DOMESTIC HUSBANDRY, TRADITIONAL HUSBANDRY & INTENSIVE FARMING USES, FACILITIES, STRUCTURES & BUILDINGS

PERFORMANCE STANDARDS FOR CERTAIN USES:

- §154.1-308 AGRICULTURAL IRRIGATION PONDS
- §154.1-309 ACCESSORY DWELLINGS
- §154.1-310 ADDITIONAL SINGLE-FAMILY DWELLINGS ON ONE LOT
- §154.1-311 VEHICLES, CONTAINERS & MANUFACTURED UNITS CONVERTED TO PERMANENT ACCESSORY STRUCTURES & BUILDINGS
- §154.1-312 WIRELESS COMMUNICATIONS FACILITIES AND METEOROLOGICAL TOWERS

PERFORMANCE STANDARDS FOR CERTAIN USES:

- §154.1-313 WIND TURBINES AND WINDMILLS FOR ON-SITE RESIDENTIAL OR COMMERCIAL PRODUCTION AND USE
- §154.1-314 WIND ENERGY FACILITIES, LARGE AND UTILITY SCALE
- §154.1-315 SOLAR ENERGY FACILITY STANDARDS
- §154.1-316 FAMILY DAY HOME 6 - 12 PEOPLE
- §154.1-317 BIOMASS CONVERSION TO ALTERNATE FUEL – SMALL SCALE AND LARGE SCALE
- §154.1-318 EVENT VENUE

PERFORMANCE STANDARDS

associated with engineered site plan regulations:

- §154.1-601 ACCESS MANAGEMENT • §154.1-610 FIRE PROTECTION
- §154.1-602 ROADS
- §154.1-603 INTERIOR TRAVEL WAYS
- §154.1-604 OFF-STREET PARKING
- §154.1-605 OFF-STREET LOADING
- §154.1-606 PERIMETER SCREENING
- §154.1-607 OUTDOOR LIGHTING
- §154.1-608 UTILITIES
- §154.1-609 WATER AND SEWAGE

PERFORMANCE STANDARDS

associated with engineered site plan regulations:

- §154.1-611 and Chapter 153 EROSION AND SEDIMENT CONTROLS
- §154.1-612 and Chapter 158 CHESAPEAKE / ATLANTIC PRESERVATION AREAS (CAP)
- §154.1-613 and Chapter 159 FLOODPLAIN MANAGEMENT
- §154.1-614 and VA Code Title 62.1 STORMWATER MANAGEMENT
- §154.1-615 and VA Code Title 10.1 DAM SAFETY

Accessory Dwellings

§154.1-309 ACCESSORY DWELLINGS

(A) An accessory dwelling may be used as a permanent or seasonal residence or for invited or paying guests. An accessory dwelling **shall not be counted as a unit when calculating density**, but shall be counted as a part of the single-family dwelling unit to which it is subordinate as one total unit, contingent upon it being designed, located, constructed and maintained in compliance with the NCC 154.1-309.

(B) General standards for all accessory dwellings.

(1) The accessory dwelling shall be **located on the same lot** as single-family dwelling to which it is accessory and the single-family dwelling may be constructed before or after the issuance of a permit for the accessory dwelling;

(2) The accessory dwelling shall be **limited to a maximum of two bedrooms**;

(3) Only **one accessory dwelling shall be permitted** for each single-family dwelling and shall **not be permitted accessory to a multi-family dwelling**;

(4) The accessory dwelling shall be **owned by the same owner** as the single-family dwelling to which it is accessory and the **owner shall reside in the single-family dwelling or the accessory dwelling**;

(5) The accessory dwelling shall be served by a water supply and septic system **approved by the Virginia Department of Health**;

(6) The accessory dwelling shall be constructed in compliance with the Virginia Uniform Statewide Building Codes requirements for dwellings and shall be **issued a certificate of occupancy** as a dwelling; and

(7) A minimum of **one off-street parking space** beyond what is required for the single-family dwelling shall be provided.

(C) An accessory dwelling shall be created through one of the following construction methods and shall meet the following **standards specific to each method** as defined below. If more than one method is used to create an accessory dwelling unit, the most restrictive standard shall apply.

(1) An **internal conversion** within a portion of an existing single-family dwelling or existing accessory structure or the total conversion of an existing accessory structure to create an accessory dwelling.

(a) The size of the accessory dwelling shall not exceed **50% of the gross heated floor area** of the existing single-family dwelling calculated prior to the internal conversion to create an accessory dwelling.

(b) When the conversion is within an existing single-family dwelling, **setback and height regulations for principle structures** shall apply.

(c) When the conversion is within an existing accessory structure, **setback and height regulations for accessory structures** shall apply.

(2) An **external attachment, connection or addition** to an existing single-family dwelling or existing accessory structure to create an accessory dwelling.

(a) The size of the accessory dwelling shall not exceed **50% of the gross heated floor area** of the existing single-family dwelling calculated prior to the external attachment, connection or addition to create an accessory dwelling.

(b) When the accessory dwelling is attached, connected or added to the existing single-family dwelling, **setback and height regulations for principle structures** shall apply.

(c) When the accessory dwelling is attached, connected or added to the existing accessory structure, **setback and height regulations for accessory structures** shall apply.

(3) Construction of an accessory dwelling **within, attached, connected or added** to a new single-family dwelling included in the initial design and construction or construction of a new detached accessory dwelling.

(a) The size of the accessory dwelling shall not exceed **50% of the gross heated floor area** of the single-family dwelling calculated excluding area which are designated to an accessory dwelling having an external entrance not shared with the area designated to the single-family dwelling.

(c) **Setback regulations for principle structures** shall apply.

(d) When the accessory dwelling is within, attached, connected or added to a new single-family dwelling, **height regulations for principle structures** shall apply.

(e) When a new detached accessory dwelling is constructed, **height regulations for accessory** structures shall apply.

§154.1-307 DOMESTIC HUSBANDRY, TRADITIONAL HUSBANDRY AND INTENSIVE FARMING USES, FACILITIES, STRUCTURES AND BUILDINGS

(Done in compliance with Code of VA § 3.2-300 et.seq. Right to Farm Act)

CURRENT SETBACKS	PROPOSED SETBACKS
300 ft. from a public right of way	300 ft. from ALL right of ways
2,000 ft. from incorporated town limits	2,000 ft. from incorporated town limits
1,500 ft. from V, WV, WH, ECC, TE districts	1,500 ft. from V, H, CTCM, TE districts
1,000 ft. from Hamlets	1,500 ft. from Hamlets
400 ft. from property lines – may be reduced to 200 ft. if there is 200 ft. of mature woodlands and ammonia scrubbers are used.	500 ft. from property lines – may be reduced to 200 ft. if there is 200 ft. of mature woodlands and ammonia scrubbers are used.
2,000 ft. from tidal waters	2,000 ft. from shorelines and perennial streams

CURRENT SETBACKS	PROPOSED SETBACKS
Open manure storage must be 100 ft. from property lines. Otherwise, storage must be enclosed and no closer than 100 ft. from property lines or ½ the average lot width, whichever is less. Must be contained so that not allowed in the RPA.	ALL intensive farming uses, structures and buildings must adhere to above setbacks
Compost sheds must be operational from the start and manure storage must be operational within 2 years	Storage facilities and disposal practices shall be maintained per VA Code
Lagoons may be permitted with a special use permit	AFOs, CAFOs, etc. must provide documentation to NHCO that proper approvals and permits have been obtained and maintained
Must have a nutrient management plan with ESSWCD and DCR	
Must have development plan and E&S plan approved by NHCO	Shall be governed by VSWP regulations

CURRENT SETBACKS	PROPOSED SETBACKS
Exempt from perimeter screening requirements	Type C perimeter screening required (opaque all year)
Ammonia scrubbers optional	Ammonia scrubbers shall be installed and operational in all animal containment buildings
9 Parcels that meet the setbacks and have a building envelope	10 Parcels that meet the setbacks and have a building envelope

Chesapeake Bay Preservation Areas

- Create a new Chapter 158 entitled Chesapeake/Atlantic Preservation Areas (CAP)
 - Retains the Bay Act across the entire County – both Bayside and Seaside.
 - Requires a Best Management Practice (BMP) for single-family development if the development exceeds 16% impervious surface

Timeline after tonight

- Planning Commission has been given until December 5, 2015 to provide a recommendation to the Board.
- Following tonight’s public hearing, the public comment period will close.
- As always, citizens can continue to submit comments, however they will not be made part of the public hearing record.



Staff Report

Proposed Zoning Code

* * * * *

Planning Commission Chairman Dixon Leatherbury commented that in addition to the total of Board of Supervisors' meetings identified in the earlier slide, the Planning Commission had held 19 meetings during the same time period during which this topic was discussed.

Mr. Robert C. Richardson of Seaview stated that a majority of people cannot understand the proposed ordinance and that based on our population, a zoning ordinance utilizing only four districts may be appropriate.

Ms. Janet Sturgis read the following comments:

Janet Sturgis
Wellington Neck Road
Franktown VA
Comments to BoS, zoning hearing
2 November 2015

PLEASE READ INTO PUBLIC RECORD

I am speaking tonight in objection to the proposed 2015 zoning.

With this proposed zoning, we see approx. 15 acres of our property (containing 14-A-36, 14-A-37A, and 14B-1-5) changed from Ag to R5, that is, ^{and} will be redefined from what was customarily Ag use to Residential use, and the "by right" activities associated with those designations. These properties were always Ag. The piece of land our home sits on was carved out of farmland. In order to obtain financing for home construction, this was and is still standard practice. Over 25 years ago, we purchased 10.23 acres from my husband's brother, when the Wellington River Woods subdivision was formed. Our terms of purchase, were that we would have neither the benefits or the responsibilities associated with that subdivision. The property was timbered and replanted for forestry products just before our purchase. Our purchase included the eastern half of the old growth Ag pond, another one quarter which was included in our original deeded home acreage, making us owners of 3/4 of that pond. The new zoning changes the pond entirely from Ag to R5!

It appears, that for all intents and purposes "someone" decided that Wellington Neck should become a suburban style cluster of subdivisions. When I checked with Peter Sith after the 2009 zoning, he confirmed the Ag. designations assigned to our properties.

I called when first notified of the proposed changes, many months ago, and inquired about the zoning changes to our properties and by what reasoning these changes were made, I was told (I can not remember who I spoke with) it was because a landowner had requested it. I never asked for the zoning change, nor was I notified of any impending changes, other than by the original notices by mail. It seems my input, even though almost half of my property was effected, was not considered.

Looking at the 2009 map and comparing it to the 2015 proposed map, it is quite evident, that Wellington Neck has been set up for a suburban style template. This template, is not in keeping with the feel and ^{character} spirit of our community. Looking at similar properties adjacent and approximate to our properties and in other bayside areas, and comparing those to ones rezoned on our neck, one can not deny inconsistent, incongruous, and arbitrary zoning. I believe this is merely pandering to real estate development interests. The result will be increased property assessments and real estate taxes, to fund the unbridled spending we have seen of late in Northampton County. I therefore request, our property be excluded from the rezoning, and remain Ag. in its entirety.



*Janet Stein Sr.
Wellington Neck - 2009 Zoning*



Janet Sturgis for
William Smith - proposed 2015 zoning

Ms. Janet Sturgis read the following comments on behalf of Charles and Bettye Smith:



Charles and Bertye Smith
5347 Wardtown Road
Exmore, Virginia 23350
(757) 442-2156

November 2, 2015

Northampton County Supervisors
County Office Building
Courthouse Road
Fastville, Virginia 23347

Re: Rezoning of Wardtown Road agricultural land to R-3
TO BE SUBMITTED INTO THE OFFICIAL RECORD

Dear Northampton County Supervisors,

We are writing as landowners and taxpayers in Northampton County regarding a notice we received in the mail that informed us our land is proposed to be rezoned from its current agricultural designation to R-3, a residential district that allows one house per 3 acres.

We purchased our property in 2001 and it consists of 17 acres in total, which includes the 1.6 acre plot on which our house is located. The remaining acres of land that we own surrounding our small house plot is, and has been, in active agriculture. We are happy with that designation, as that is the main reason we purchased the property.

The notice we received in the mail was very confusing for two important reasons. First, the difference in coloration between R-1 designation and R-3 is very hard to distinguish. Second, the notice did not explain the full importance of the change in zoning. In fact, we had to read the separate notice in the Eastern Shore News to learn about the vast differences in uses that were allowed in agriculture districts versus residential zones. A change from agriculture to residential severely limits what we can do on our property, and represents a taking of value from our property without our consent.

Finally, and most importantly, this proposed change in zoning classification appears to be entirely arbitrary and seems to be driven by much more than normal zoning practices. Indeed, the parcel just to the northwest of our 17 acre land consists of 12.5 acres approximately with an occupied house on it which sits on a 2.5 acre plot. Under the current zoning, it is classified as agricultural. However, unlike my property, it is not proposed to be rezoned into residential, even though the amount of land is smaller and the house lot is significantly bigger than ours. This disparity and inconsistency can also be observed on the parcels to the south of Milton Ames Drive on Wardtown Road, where houses that sit on as little as an acre have not been rezoned into residential and remain, under the proposed zoning, agricultural.

We strenuously object to this proposed rezoning and request that this process be halted until the proposed zoning is consistently applied across all zoning districts. (continued on pg 2)

IF YOU REZONE OUR PROPERTY, WITHOUT OUR CONSENT, FROM AGRICULTURAL TO R-3, WE LOSE THE FOLLOWING USES OF OUR LAND THAT WE WOULD HAVE "BY RIGHT" UNDER THE PROPOSED AGRICULTURAL DESIGNATION:

Allowed under Agriculture but not under R-3 (comparing page 11 of the proposed zoning ordinance to page 41 of the proposed zoning ordinance)

My # of property uses will be reduced by 29.

- 1) Agricultural Business Office
- 2) Agriculture-intensive farming
- 3) Agriculture-traditional husbandry
- 4) Agriculture support business
- 5) Animal shelter or pound
- 6) Civic groups, clubs, and organizations
- 7) Emergency Services
- 8) Government Offices
- 9) Hunting, Commercial
- 10) Meteorological tower
- 11) Migrant Labor Camp
- 12) Nature Tourism
- 13) Ponds, agricultural irrigation
- 14) Recreation, outdoor
- 15) Recreation, playing field
- 16) Sales, agricultural products and accessory goods
- 17) Veterinarian Business
- 18) Waste collection center, operated by local government
- 19) Wind turbine, small greater than 35' and less than 120' in height

★ While a few of the above uses would be allowed in R-3 with an expensive Special Use Permit, the elimination of these by-right uses that we would have if our property was NOT arbitrarily rezoned from agricultural to R-3, as is proposed, cannot be interpreted as anything other than a regulatory taking. Worse, it appears that this haphazard attempt to rezone our lands is not consistent with other similarly situated land, and is entirely inconsistent with accepted rezoning procedures and represents a discriminatory practice.

Sincerely,

Charles D. Smith
Bettye and Charles Smith

Attachment to Charles and Betty Smith

§154.1-205 AGRICULTURAL (AG).

(A) The primary intent of the Agricultural district is to provide for agricultural and forestry industries. This district also provides for other residential and non-residential uses. The following uses are permitted subject to the regulations of this Chapter and more specifically: § 154.1-101 General Provisions et seq., § 154.1-301 Design and Performance Standards for Specific Uses, Structures and Buildings et seq., § 154.1-401 Supplemental and Modification Regulations et seq., § 154.1-501 Administration and Procedures et seq., and § 154.1-601 Design and Performance Standards for Design and Performance Standards For Improvements Which Are The Subject Of Site Plans et seq.

- | | |
|--|---|
| <ul style="list-style-type: none"> Accessory dwelling, attached or detached Accessory uses, structures and buildings Adult day-care center * Agricultural business office Agriculture crop production operation Agriculture research facility Agriculture - domestic husbandry * Agriculture - intensive farming * Agriculture - traditional husbandry * Agriculture support business Agriculture—production of a crop for food, fiber or fuel * Animal shelter or penning Artist and artists studio ≤ 1,000 sq. ft. Aquaculture Aquaculture facility Aquaculture operation Assistant living facility (more than 12 people) Basic utilities Bar and breakfast Business convenience to alternate fuel—small scale Cemetery Child day center Children's residential facility (more than 12 people) * Civic groups, clubs and organizations Golfing Educational services * Emergency services Family day home (1-5 people) Family day home (6-12 people) Farm stand Fishing—fresh and shellfish Fishing, commercial Floriculture and horticulture Floriculture operation Group home Golf course * Government offices Home occupations Horticulture operation Hospital * Hunting, commercial Ice Library Manure storage structure, compost structure and lagoons Marina Medical facility | <ul style="list-style-type: none"> * Meteorological tower * Migrant labor camp * Mini-mart * Nature tourism Office, professional or business Park, may include indoor / outdoor recreation * Ponds, agricultural irrigation kennel or pound Recreation, indoor * Recreation, outdoor * Recreation, playing field Recreational vehicle park and camp grounds Religious institution, place of worship Residential facility (1-4 people) Research facility * Sales, agricultural products and accessory goods School, primary or secondary Mixed use building, SFD SFD, detached SFD detached—double / triple wide manufactured home SFD detached—Singlewide mobile manufactured home SFD detached—Temporary emergency housing SFD detached—assisted living facility (1 to 12 people) SFD detached—children's residential facility (1 to 12 people) SFD detached—family day home (1 to 12 children) SFD detached—Temporary family health care housing Silviculture operation Temporary construction office building Tenant center Traffic stop Uses similar to permitted uses Uses, structures and buildings accessory to permitted uses Vacation rental home * Veterinarian business Viticulture operation Waste water treatment plant * Waste collection center, operated by local government * Wildlife and marine life preservation area Wind turbine, small scale and wind mill ≤ 35 ft. in total height Wind turbine, small scale > 120 ft. and ≤ 199 ft. in total height * Wind turbine, small scale > 35 ft. and ≤ 120 ft. in total height Winery, licensed farm Wireless communication facility |
|--|---|

* ALLOWED BY RIGHT IN AGRICULTURE DISTRICTS
 BUT NOT IN DISTRICTS DESIGNATED
 R-3

Mr. Bob Meyers read the following comments on behalf of Mr. Leo Kellam:

November 1, 2015

6091 Wardtown Road
Exmore, Virginia 23350

Northampton County Board of Supervisors
16404 Courthouse Road
Exmore, Virginia 23350

Northampton County Supervisors:

Several years ago I purchased land at the corner of Milton Ames Drive and Wardtown Road in the vicinity of what is known as Wardtown, Virginia. The zoning designation on the property when I bought it was agriculture, and I have actively farmed it since purchasing it in 2012.

The only structure on my land is an uninhabitable old house that has not been lived in for many decades. I am utilizing the property entirely as its zoned use, agriculture, and grow crops on all 6 acres.

On or about October 23, 2015, I received a notice from the Northampton County Development Department that informed me my property MAY be affected by the proposed new zoning ordinance. Along with that letter was a map, which on one side showed current zoning designations and on the other side showed proposed changes. This map was very confusing to me, as the colors between R-1 and R-3 were very similar. In short, I knew my property was going to be rezoned, without my permission, but I assumed from the color chart it was going to be rezoned to R-1. However, after reading the county notice many times, I was still confused.

On the morning of Friday, October 30, 2015, I ran into my neighbor who lives just down the Wardtown Road from my property. He asked me if I had received a letter about the proposed rezoning and I informed him I had. He then asked me if I understood what it meant, and I answered no, I did not. He had a map of my property with him, as the map for my property also included his property. He asked me what I thought my property was proposed to be rezoned as, and I answered that I understood that it was going to be rezoned into R-1. He then showed me the very small difference in color between parcels that were R-1 and R-3. We both discovered that my property is proposed to be rezoned into R-3 which means it limits what I

Page 2 of Leo Kellam's comments on proposed zoning..to be entered into the record.

can do with this property in the future, but more importantly it changes the use of the property from agriculture as it is currently zoned. Again, there is no habitable house on the property, and the property use remains as farmland.

I am officially registering a complaint that my property is being rezoned into a designation that will change and limit what I can and cannot do on my property. I am also questioning why my neighbor's property south of me on Wardtown Road was not similarly rezoned as R-3. There are multiple small lots with active residences on them which are currently zoned agriculture....just like my property which IS proposed to be rezoned. However those lots are planned to remain agricultural zoning. There seem to be no standards that are being followed for this entire process resulting in a discriminatory action by you.

I am also placing into the record the fact that the zoning notice was very confusing, and if I had not had a chance meeting with my neighbor, I would have assumed that my property was to be rezoned R-1. The confusing nature of this notice and proceeding has to raise the question of how many of my friends and neighbors who are having their zoning designation changed by this process know how and if their property is being affected.

I am asking you to **NOT move forward** with this re-zoning attempt until the discrepancies are corrected and until everyone to be affected is notified in a clear and understandable manner.

Sincerely,



Leo Kellam

(757) 442-3802

Mr. Leo Kellam himself spoke in opposition, reiterating similar comments as contained in his written statement.

Mr. Ken Dufty presented the following comments:

November 2, 2015

6182 Wardtown Road
Exmore, Virginia 23350

Northampton County Board of Supervisors
16404 Courthouse Road
Exmore, Virginia 23350

**Proposed Zoning: Comments for the Public Record to be entered into the record
Northampton County Supervisors and Planning Commissioners:**

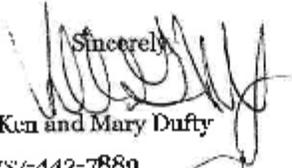
As you know, I have been working on the issue known as the Proposed Revisions to the 2009 Northampton County Zoning Ordinance nearly full time since March, 2014. I want the following comments to be made part of the public record in this proceeding:

- 1) The public notice that was sent to landowners in Northampton County on October 29, 2015 is confusing, convoluted, and does not adequately inform the recipients of the proposed use changes that will apply to their land if the new zoning is adopted.
- 2) The proposed zoning ordinance is discriminatory and racially biased. Indeed, while the agricultural properties in our primarily-white neighborhood have not been rezoned to residential, our friends and neighbors who are not white, but whose property mirrors ours in size and use, have been rezoned from agricultural to residential. This rezoning will have a profound impact on what they can or can't do on their property, even restricting them from placing an irrigation pond on their land once it is rezoned, even though these parcels are actively being farmed now. The proposed rezoning is spot zoning at its finest, or indeed, worst.
- 3) Procedural deficiencies have occurred and are proposed to be carried out. Indeed, after the close of the Public Hearing on March 11, 2014, the Board of Supervisors gave the Planning Commission 90 days to review the document and make recommendations to the Board. But at the close of the 90 day period, the Planning Commission had only had a chance to work through about half of the document and requested more time from the Board to finish their review. That request was denied by the Chairman of the Board. But while the Board continued to revise and rewrite the document over the next 14 months, they did not allow the Planning Commission to continue to review the document. Now, however, you are giving the Planning Commission only one month to review the remainder of the document, but restricting them to ONLY review the

changes to a document that they indeed never had the opportunity to review. It appears you are only going to let them review the bolded and underlined passages in the new zoning document, a denial of their role as a comprehensive advisory body to this Board.

- 4) The proposed zoning is in violation of the Fair Housing Act, Title 8 of the Civil Rights Act of 1968, as it is discriminatory against affordable housing, eliminating mobile home overlay districts and also openly discriminating against black and economically-challenged residents,
- 5) I am officially objecting to the Board's decision to close the official public comment period at the end of the public hearing tonight. The presentation by staff tonight is the first comprehensive presentation during which attendees can attempt to understand the many changes that are being proposed. But rather than being given the chance to prepare written comments on this issue, the Board has decided to close the official record as people are filing out of the auditorium. This is a constitutionally-barred denial of full public participation in a governmental action, and the Board should decide to keep the record open until the Planning Commission finishes its review.
- 6) Finally, while our property at 6182 Wardtown Road is not being rezoned into residential like that of our black neighbors, the uses in ag have changed and are different than what they were when we bought our property 9 years ago. Additionally our property at 3259 Wardtown Road, while remaining in a Hamlet district, is being harmed because the different uses proposed in a Hamlet District are markedly divergent from the uses allowed by right and SUP in the current zoning.
- 7) We are asking that this process be immediately suspended and indeed halted until more is learned about this apparently arbitrary and capricious attempt to completely rezone this county into something the majority of residents never asked it to be.

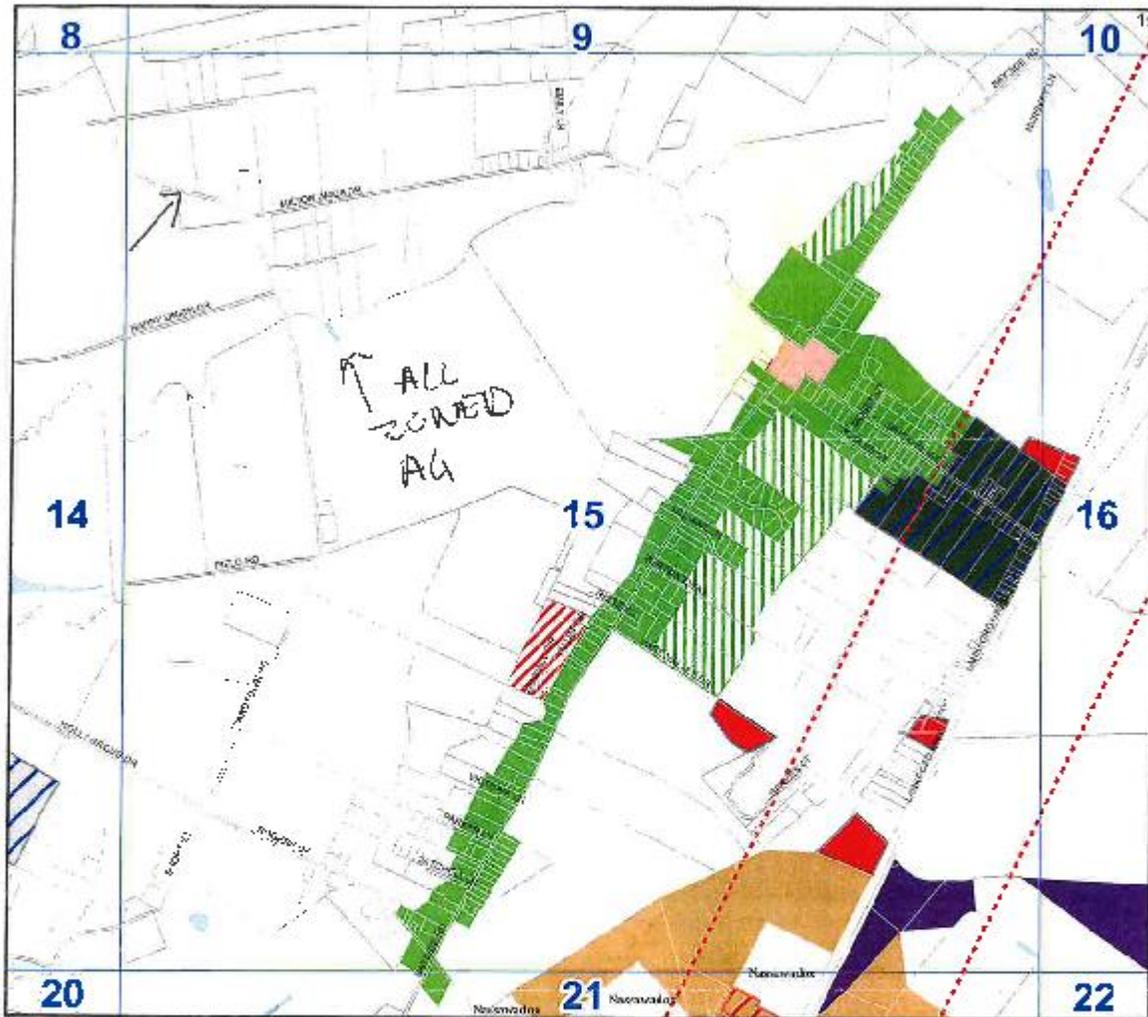
Sincerely,


Ken and Mary Dufty

757-442-7889



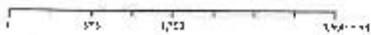
CURRENT ZONING DISTRICTS



Northampton County - Current Zoning Districts

Legend

- Tax Map Water
- Roads
- A/RB - Agriculture/Rural Business
- C - Commercial
- C-1 - Commercial
- EB - Existing Business
- EI - Existing Industrial
- EDC - Existing Cottage Community
- H - Hotel
- NH - Waterford Heights
- V2 - Village 2
- V1 - Village 1
- VNI - Village Neighborhood Business
- TE-CG - Town Edge - Commercial General
- TE-T - Town Edge 1
- VV1 - Waterford Village 1
- VV2 - Waterford Village 2
- VVNB - Waterford Village Neighborhood Business
- VVWC - Waterford Village Waterford Commercial
- MHP - Middleboro Park
- GPW - Existing Planned Rural Village
- GS-A1 - Existing Subdivision - Agriculture
- PR - CDPR - Existing Subdivision - Community Development Family Residential
- EB - CDPR - Existing Subdivision - Community Development Rural Residential
- EB - RWR - Existing Subdivision - Rural Village Residential
- EB - RWR - Existing Subdivision - Rural Village Rural Residential
- EB - RWR - Existing Subdivision - Rural Village Residential West
- EB - EBOW - Existing Subdivision - Existing Business Commercial Woodford
- Water Wells
- Concrete Drills
- U.S. Route 15 Concrete Median Overlay



Notes: All the CAD data is copy and pasted as is. It may not be 100% accurate. The information is provided for informational purposes only. The County is not responsible for any errors or omissions. The County is not responsible for any errors or omissions. The County is not responsible for any errors or omissions.

Proposed Zoning districts



Northampton County - Proposed Zoning Districts



Mr. Michael Wells said that changes being proposed to the Cherrystone area were not

conducive to the neighborhood.

Mr. David Boyd spoke in opposition and provided the following written comments:

I would like to register my objections to the proposed zoning changes.

First, I believe there has been inadequate opportunity for the public to review the changes and provide their input. The proposed changes are numerous and extensive, so the public needs ample time to provide their comments. Ending the public comment period immediately after the public hearing on this issue certainly does not provide sufficient time for comments.

Secondly, I believe a great deal of the substance in the new zoning runs counter to the wishes expressed by the public during the development of the last Comprehensive Plan, which DID allow sufficient time for comments. That process ran for a year and a half and went through a number of iterations, developing a plan on which the public had extensive input. Should these new zoning changes be approved before the required, overdue, 5 year revision of the Comp Plan, it would severely restrict the ability of the Planning Commission to do their job unhindered, since they would be constrained by the new zoning requirements.

There are major differences between the new proposed zoning regulations and the 2006-2007 Comp Plan. During development of the 2006-2007 Comp Plan the public repeatedly voiced the opinion that economic development should be promoted in the villages and towns, instead of along Route 13. The proposed zoning is diametrically opposed to that viewpoint. It is as if the authors of the proposed zoning regulations are either totally ignorant of the public input which occurred in 2006-2007, or they just don't care.

There are some other very important substantive changes in the proposed zoning. The new zoning proposes greatly increased housing density in many cases. Retaining lower density requirements, as well as maintaining shoreline setbacks and the preservation of riparian zones are a very simple, equitable method of reducing negative impacts for virtually all pollutants entering our waters. They reduce impacts from fertilizers, sediments, fecal coliforms, herbicides and pesticides, and virtually all other contaminants - by a combination of physical filtration and biological uptake, in this critical last swath of land buffering our creeks from the uplands. Loosening restrictions on commercial poultry production has the potential to pollute our aquifer, which is our sole source of drinking and irrigation water. It takes hundreds of years for recharge of our deeper aquifer, so pollution of our drinking water supply will likely go undetected until it is too late to correct matters. More immediately, bacterial and nutrient pollution from commercial scale chicken houses will likely increase the size and frequency of shellfish water closures, creating substantial problems for the county's fastest growing industry.

In an area so inherently dependent on clean waters for the preservation of our commercial and recreational fisheries, as well as for the critically important aquaculture industry, do we really want to take a chance at harming those components of our county infrastructure?

The proposed zoning also provides many instances where activities, which previously were allowed only after a permit was acquired, would now be allowed by right. Do we really want to

eliminate our inherent protections against potentially undesirable activities, for the possibility of someone making a fast buck?

Our natural resources, rural character and the slower pace of life here are what I consider the most desirable qualities of the Shore.

This zoning plan seems bent on jeopardizing those qualities in the hopes we can make a profit from doing so. I don't think that's a good trade-off. Let's try and make the best use of the unique assets we have here, instead on trying to emulate our more industrialized neighbors.

Let's slow down this zoning proposal until you have allowed the public plenty of time to provide their comments.

Thank you for your consideration of my comments.

* * * * *

Mr. Bob Meyers read the following comments:

TO Board Of Supervisors, Northampton County 2Nov 2015 Public Hearing on Zoning

Since, I believe that you have disregarded every thought I have presented to you since early last spring, I thought I should make my voice a little louder as it seems that 4 of you may be very hard of hearing.

You have been asked repeatedly by many citizens to stop your proposed zoning process because of the continuous flaws that keep coming to light. I am asking you the same again. Please stop and redo this process properly with the continuous input of citizens and complete and understandable justification for your proposals. Do this based on a Comprehensive Plan that has been written from data and input from all citizens expressing the direction they believe the County should take.

You continue to ignore everyone of those requests. Perhaps there is an attention deficit disorder at work here. On the other hand the sound of those supporting your actions is creating a deafening silence.

During the sessions to assemble the proposal you are presenting tonight, I have observed several occasions where at least two of you have obviously not read the voluminous material prepared for your meetings just a few days before discussions. I made a suggestion to the Chairman to give more time to prepare which he pushed it aside by deferring his responsibility to the Administrator. That has resulted in the Board not even remembering previous actions and not being familiar with what they had caused to be put in the proposal. This was highlighted at the last meeting by a citizen and the media after the Administrator had allowed you to continue to enter conflicting requirements regarding the chicken industry. The errors in compiling this document should have been caught and corrected by an effective Planning Commission but were not. Perhaps this is because they were not doing their job by ignoring the planning principals they were taught or maybe they were not allowed by the Board to complete their work.

In any event, the entire process of generating this document has been full of mistakes that have been repeatedly, even tonight, pointed out to you, and sloppy work by all parties. For 20 months you have tied up the County business in knots by something that was completely unnecessary as documented in the economic study you commissioned. What is even more astounding, the Chairman could not even discuss that document with familiarity a few days ago when asked about it.

Gentlemen this zoning process was not started properly, has been imperfect throughout its life and remains so today. I ask you again, if you want to do this, do it in accordance with the Virginia code that requires you to consider the health, welfare and safety of your citizens. And follow your own mission statement "to provide the necessary services to protect the health, safety, welfare, environment and quality of life of our citizens consistent with the communities' values and priorities.

Please enter this into the Public record for tonight's Public Hearing
RH Meyers, Exmore



Mr. Devlin Barrett read the following comments:

I am writing to strenuously object to the county's planned re-zoning of part of my family farm to commercial. Specifically, my property is in Machipongo, adjacent to the Barrier Islands Center. A triangle-shaped portion of the farm lies between the BIC and the defunct middle school.

It is this triangle that the county has proposed rezoning as commercial. The parcel at issue is listed on the real estate map as 40-A-21, though to be clear our farm, of which I am the sole owner, also includes the adjoining properties 40-A-22, 40-1-A2 and 40-1-A1.

I object to this proposed zoning change for the following reasons:

- 1) This property is, and always has been, wholly used for agriculture. It is a crop-growing field, and because of its particular shape, has no road access to either Young Street or Route 13. To ever be used for commercial activity, this property likely would have to be sold and combined with another. I doubt the county intends its proposed zoning changes to discourage owning property.
- 2) This property is part of a farm that has been in my family for more than 100 years. I applaud the county's overall goal of concentrating commercial development along Route 13 and connected roads, but I think applying that goal to this particular triangle of cropland is overly optimistic and contradicted by more than a century of actual use. If the county is aware of some opportunity to redevelop the middle school site, I am hopeful it comes to pass for the whole community's benefit. If the county thinks they can make the middle school property more attractive to developers by having a larger potential commercial footprint, I want to make it very clear that I have no interest in selling anything. My great-great-great grandfather is buried on this farm, as are an unknown number of people who died while staying at the Almshouse over the years. I have no plans to disrupt any of them.
- 3) As the property owner I object to a change in the zoning of my property to a category I have never sought, or even enquired about. It is a farm. Calling it something else does not make it something else. As far as I am concerned, re-zoning my property over my objections would constitute an arbitrary taking, even if that taking is a two-step process in which first the property is re-zoned and then at some later date re-assessed at a higher value.
- 4) Rezoning my property would contradict the 2013 Comprehensive Plan Advisory Committee, which targeted the other side of Route 13 as the Machipongo Economic Development Area. That map does not include my property in the economic development area.

Lastly, and most frustrating to me personally, it would not even have been possible for the county to consider this proposed zoning change had I joined my neighbors and relatives who own adjoining parcels in their Agriculture Forestry District. In essence the county is proposing to penalize me twice – first by charging me the full, undiscounted tax rate on agriculture, and again when the county decides that, as I am not in a protected and discounted tax district, it would now like to rezone me against my wishes. If the county approves this proposed zoning change, the message will be that it would have been far better for me to have simply paid less to get more from the county. That is not fairness, that is not common sense, and that is not good policy.

Thank you for your attention to this matter.

* * * * *

Mr. Rich Gliedman read the following comments:

I would like to make 2 comments regarding the proposed zoning changes along with a comment about AFDs and their relation to Intensive Farming.

1) Uniform setbacks

Currently the zoning draft proposal specifies setbacks of 2000' from incorporated towns, 1500' from "Village", "Hamlet", "Cottage Community" and "Town Edge" and 500' (or 200' with a mature woodland buffer) from "Property Lines". There is no explicit mention of setbacks for "Residential" (R1, R3, R5 and RM) so one has to assume it is only 500'. (?)

Especially in light of the recent and apparently on-going poultry manure fire in Accomack County, it would seem to me that all of the zones mentioned above, including Residential, should have the same setback and that it should be the 2000' proposed for "Incorporated Towns". What possible rationale can there be for different setbacks for what are all areas with concentrations of residential domiciles?

Please note I have attached a PDF of pages 55 and 56 with my mark-ups reflecting the above along with a suggested clarification of the wording regarding ammonia scrubbers.

2) Intensive Farming and the potential impact of vacated property lines

Currently, using 500' setbacks and existing property lines, 10 possible intensive farming sites have been identified with, in this exercise, a total of ninety one 66'x600 poultry houses. Ninety one already seems like a daunting number but is, over time, a "best case" scenario. If property lines on adjacent agricultural plots were vacated the number of possible poultry house would go up significantly!

Prior to the enactment of any new intensive farming zoning the BOS owes it to the residents of Northampton County to perform a study to determine, with vacated property lines, what the "worst case" scenario could be.

3) AFDs / Intensive Farming

I believe most Northampton taxpayers continue to support AFDs and willingly bear the additional costs because we believe in helping our **local farmers** while maintaining and supporting the views and lifestyle afforded to us by being surrounded by thousands of acres of crop farmland.

But...I (and I suspect a lot of other folks...) will not support AFDs for land use that involves intensive farming. This would amount to not only helping the farmers but also subsidizing the bottom lines of the Tysons, Purdues, Smithfields (etc) of the corporate world. I want my choice to support (or not) these companies to be voluntary, not forced on me by the BOS.

AFD designation, and the associated tax benefits (to the farmers) and costs (to the taxpayers),

should be limited to **locally owned and operated (non-intensive) farms** and the degree of tax relief should be on a sliding scale, directly related to factors such as the type of land use and whether or not a (again) local farmer is employing the best and environmentally sustainable practices available.

Thank you.

* * * * *

Mr. Tim Holloway referenced his family's farmland and noted that he does not want the proposed R-3 zoning designation; he instead would prefer the current Agriculture designation.

Mrs. Mary Miller read the following comments:

Proposed 2014 Northampton County Zoning Code text and map amendments

Public Hearing Nov. 2, 2015

Comments for the Public Record-- at: November 2015 issue of *ShoreLine*

Mary Miller, Eastville, VA

You have the authority from the Code of Virginia to create a harmonious community, consider if zoned property use is suitable, provide for public health and safety, use population studies to plan for the future, protect and preserve county assets and industries, and conserve property values.

By failing to use these tools, here are the Top 10 Ways this second attempt at rezoning can still do damage to homeowners and taxpayers

1—Upzoning and redrawing Willis Wharf, Oyster and other Village boundaries, increasing density 7.900% in what used to be called Waterfront Villages--- allowing, by right, an apartment or extra house for every homeowner, with no plans for paying for services—except to raise taxes on the rest of us.

2—Eliminating the current Town Edge zoning structure that allows planning and cost sharing with the Towns-- That's giving away a 400% housing increase with the Towns footing the bill.

3—Creating haphazard and arbitrary new Residential Districts—more empty building lots added to the thousands we already have. Real estate developers win big here—with us taxpayers footing the bill.

4—Undermining home values and historic neighborhood character by removing development standards and allowing uses like arcades, RV campgrounds and skateboard parks in places like Franktown and Treherneville.

5—Rewriting District Intent Statements to meaningless “anything goes” language, leaving homeowners legally defenseless.

6—Removing the Affordable Housing Density Bonus and the Mobile Home Park overlay, reducing subsidized housing for poor, elderly or disabled residents, and low-cost housing options for the workforce.

7—Spot zoning parcels on Rt. 13, including farm fields and empty lots, and calling them Commercial.

8—Wholesale upzoning of waterfront acreage, especially on the Bayside, to new Residential Districts.

9—Permitting By Right, Migrant Labor Camps—with only one resident required to be a migrant worker, allowing occupants to live in tents, trailers, even cars—and located within 15 feet of residential neighborhoods

10—Stifling rural economic development by removing the Industrial Floating District, the Rural Business designation, Gateway signs for town businesses and Wayfinding signs for small shops “off-13”

Not one of you had a chance to read the completed document before you voted to send it here tonight. You were still making changes 10 minutes before you voted. Are you trying to beat a deadline?

The best thing you can do now is—nothing. Leave this flawed patched-up document right there on the table. And end your year in office without doing any more damage.

Mary Miller - Eastville 2 Nov 15

* * * * *

Dr. Art Schwarzschild said that the fact that many changes have been made shows that the proposed document is flawed. He said that the barrier islands and marshes, which are not compatible with development, should not be included in the total county area when calculating area percentages as shown in the powerpoint presentation.

Mr. E. Polk Kellam read the following comments:

The following statement is intended for reading at the Public Hearing on the County’s proposed new zoning ordinance scheduled for November 2 and should be entered into the county record:

“Although I am not in favor of many provisions of the proposed rezoning, because they are not consistent with the Comprehensive Plan, tonight’s comments are limited to opposition to rezoning from Agricultural to Industrial for the following tax map tracts: 22-A-1, 22-A-75, and a portion of 22-A-75A. These three parcels are farmland, located a half mile or so north of Nassawadox, and collectively abut the Seaside Road directly across from my farm, Uppershire Farm, which is located on the east side of Route 600.

The proposed drastic change in use of these lands to Industrial would negatively impact the neighborhood in a number of ways. To begin with, these agricultural properties currently provide a buffer from the industrial activities of Branscome to the residents of the Pine Tree Road subdivision to the south. A zoning change to Industrial not only would subject area residents to potentially radical changes in use of neighboring land but would do so without residents having the opportunity to evaluate specific development proposals. Similarly, several hundred, if not thousands, of acres of land lying to the east and northeast of Nassawadox carry conservation easements, in some cases donated by property owners out of appreciation for the unique role these lands play in defining our seaside mainland, and providing both habitat and clean waters for hundreds of avian, upland, and aquatic species. To allow industrial activity as a matter of right on lands which adjoin these protected lands, without any opportunity for area land owners to evaluate proposed projects for compatibility with one of the most environmentally protected neighborhoods in private ownership in the County simply goes too far.

The more reasonable approach, I believe, is the following, and this is my recommendation: Retain the current Agriculture zoning for the subject tracts. If a property owner or any prospective property owner wishes to undertake an activity requiring a rezoning to Industrial, let the party apply for a rezoning and work with area neighbors in an effort to resolve any potential compatibility issues.

Thank you for your consideration.”

* * * * *

Mrs. Roberta Kellam read the following comments:

It is very difficult to complete my comments for the record in three minutes, and the notice that I received did not indicate that today was the last day to submit public comments on the record. I object to the staff decision to close the public hearing tonight, and I encourage all citizens to continue to submit their comments for the record.

While I appreciate the substantial effort that the Board has undertaken to consider the concerns raised by citizens to date, I must continue to object to the proposed County-wide rezoning both in terms of process and substance. There continues to be problems with proper notice to all landowners, proper procedure in initiating the Rezoning, and proper procedure in initiating an adoption of new ordinances to replace existing ordinances. None of the proposed actions are supported by studies and analysis as required by Virginia Code, and by studies and analysis I mean: pros and cons, costs and benefits, impacts and justifications that comport with the purposes of Zoning pursuant to Virginia Code. Charts showing numbers of acres and changes to

bulk densities are not a substitute for study and analysis. The proposed Zoning Code is not consistent with the Comprehensive Plan. The Rezoning Map upzones a number of parcels without any justification that comports with Virginia Code. In one egregious example, almost 100 acres of agricultural land comprised of parcels 22-A-1, 22-A-75 and 22-A-75A, are proposed to be upzoned to Industrial, with no justification. This proposed industrial property is adjacent to a residential subdivision of moderate and lower income residents. Exposing risks of industrial activities to low income and minority neighborhoods but not to higher income white majority neighborhoods triggers an environmental justice inquiry, along with other questions about how such a major upzoning could be proposed with no project application submitted. While I am not suggesting that anything improper has been done by staff, I do believe that a thorough investigation into all upzonings should be a part of the Board's review to ensure that each upzoning has a justification that comports with Virginia Code. Certainly no rezoning to industrial uses with only a 25 foot setback to these residential properties should be allowed. Furthermore, I object to the proposed new Zoning Code because it lacks an affordable housing incentive and a mobile home park district, while significantly increasing densities for high end waterfront development. Taken as a whole, the proposed new Zoning Code discourages affordable housing and encourages gentrification in a way that appears to raise issues of compliance with the Fair Housing Act and associated regulations pertaining to zoning and planning that were recently upheld by the US Supreme Court. When I questioned the Zoning Administrator about why she recommended eliminating the affordable housing density bonus, she stated that nobody has used it in the past 5 years. If the County's goal is affordable housing, shouldn't she be looking for ways to improve the affordable housing density bonus, rather than removing it in its entirety?

I am also greatly concerned about the new legislative powers to make land use decisions that the new Zoning Ordinance appears to grant to the Zoning Administrator. I do not find where this authority is granted in the Virginia Code, and it raises issues of due process and equal protection.

The more zoning issues that you leave open to interpretation by one person, the Zoning Administrator, the more risk you take in lack of transparency, inconsistent standards, back room deal making, and overall fairness in the zoning process. This is already a public concern in Northampton County and the proposed language allowing the Zoning Administrator to make determinations on what defines a similar land use will only make it worse.

As far as removing all land use regulations from the zoning code and adopting them as separate stand-alone codes, I've already commented on this that landowners are better off if you leave all of the land use regulations as part of the Zoning Code. Again, this action requires an analysis of the pros and cons which has not been done.

Thank you and please copy these comments into the record in their entirety.

* * * * *

Ms. Donna Bozza, Executive Director of Citizens for a Better Eastern Shore, read the following comments:



CITIZENS FOR A BETTER EASTERN SHORE

A Non-profit Tax Exempt Organization Serving Accomack and Northampton Counties
16388 Courthouse Road • PO Box 882 • Eastville, VA 23347-0882
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Dear Northampton County Board of Supervisors:

Nearly a thousand members strong CBES is an advocate for sustainable development, enhancing the quality of life for all our citizens, and government transparency. To that end, we enter the following to be included in the public record.

CBES position has been largely unchanged since we began this zoning discussion. While the current zoning certainly has issues and can be improved, the new rezoning proposal is simply not ready.

The process by which we got here has been seriously flawed and frankly, rather bizarre: lots of passionate debate, lots of outlay of county resources, and a Board of Supervisors trying hard to react to public concerns.

This has hardly been a process of disciplined, decision-making with data, analysis, and discussion. Rather it is a series of reactions to an initially flawed proposal.

CBES still believes we need to re-start this proposal by following a process better designed to incorporate community input and involvement.

The way this rezoning has been proposed has lost the trust of our citizenry. Many believe that the first proposals for the re-zoning were developed to favor certain groups and individuals rather than the community as a whole.

It has never been reflective of the hopes and aspirations articulated in the comprehensive plan. It is absurd to claim that those early drafts were ever consistent with the comprehensive plan.

We need a process that can regain the community's trust in our zoning administration. At a minimum, we all need more information to understand this zoning proposal. As we have said from the beginning, the right way to propose new zoning is to compare and contrast the new zoning with the current zoning so that everyone can clearly understand what decisions we are making.

We still do not have the ability to do that.

Landowners everywhere are having their zoning changed. Their questions to CBES are always in the same vein – What does this mean for my property? Am I still protected from my neighbors' activities so that I can continue to enjoy and value my property? What is changing on what I can do on my property under the new zoning?

These are legitimate questions. They need to be answered and communicated broadly throughout our community before we move forward on a re-zoning proposal.

Respectfully,

Donna Bozza, Executive Director

* * * * *

Mr. Denard Spady read the following comments:

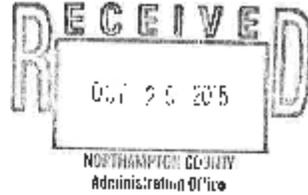
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Denard C. Spady
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Townsend, VA 23443

Dora-Weston Spady Wilkins
PO Box 646
Eastville, VA 23347

October 29, 2015

Northampton County Board of Supervisors and Planning Commission
Post Office Box 66
Eastville, Virginia 23347



Re: Public Hearing on the proposed zoning ordinance revision and the request to change the proposed zoning on Parcel # 00112-DA-00-0000039 (approximately 25 acres at the south end of Arlington Road) to Residential (R).

Dear Chairman Hubbard and Chairman Leatherbury,

The above-referenced parcel is proposed to be zoned as Agriculture (AG) in the revised ordinance. We request that the zoning be changed to Residential (R) for the following reasons:

- This parcel has been zoned some form of "residential" since the earliest county zoning ordinance at the county's initiation, not our request – until the current zoning ordinance was enacted in 2009 and changed that zoning to Agriculture (AG).
- However, the surrounding area developed under the earlier zoning scenario and now virtually surrounds the parcel with subdivisions immediately adjacent to the east and north and nearby to the west and south.
- The parcel has extensive road frontage on its longest side along Arlington Road.
- Even since the 2009 zoning change to Agriculture (AG), the parcel has continued to be assessed as if it were zoned "residential."
- Residential (R) is the closest zoning designation in what the parcel has been in the past and to the zoning scenario under which the immediate area has developed.

For these reasons, we believe that our parcel can be appropriately zoned Residential (R). We are aware that there are many existing but vacant subdivision lots in the county, but as always, location is of paramount importance in real estate matters, and this area has actually developed while others have remained vacant. In addition, this parcel has good secondary road access, is only a short distance from Rt. 13, and will be able to meet a market demand for affordable middle income housing in the southern end of the county close to Hampton Roads and to local services.

Thank you for considering our request. Please make this letter a part of the public hearing record.

Sincerely,

Denard C. Spady
Denard C. Spady

Dora-Weston Spady Wilkins
Dora-Weston Spady Wilkins

Ms. Dora Weston Spady Wilkins echoed her brother's comments immediately preceding and asked for the Board's favorable consideration of their request.

Ms. Nicki Tiffany, a resident of Benders Rowe, said that recent "bad" changes were not caused by the current zoning ordinance.

Mr. Dave Kabler read the following comments:

Thank you for the opportunity to address you this evening in regards to your proposal to rezone Northampton County. You have spent many months reviewing the original proposal to which you have made revisions that are the subject of tonight's hearing. As a county resident, property owner, and local REALTOR I still have strong objections: first, the arbitrary process by which this document was drafted without public workshops, data or studies; second, the inadequate and deceptive public notice for this meeting including its timing one day prior to an election and timing for final action just a few days before a new board of supervisors takes office; third, the many provisions contained in the body of the document that are a radical departure from our present zoning ordinance.

The proposed ordinance is not consistent with our Comprehensive Plan. The Comp Plan calls for the preservation of our natural and historic resources, our rural character, the rt. 13 traffic corridor and our main industries of farming, aquaculture and tourism. In comparing the existing zoning ordinance of 2009 with the proposal now before us, the proposed Statements of Intent are entirely inadequate for maintaining those protections. Specifically, the Statements of Intent for the Conservation and Agricultural zoning districts delete the word "protect," which is defined as "to defend or guard from attack, invasion, loss, etc. or cover or shield from injury or danger" and substitute the word "provide," which is defined as "to furnish, supply, or equip," a subtle change in wording with a distinct difference in meaning. Also, the statements for the Hamlet and Waterfront Villages and Working Waterfront are far diluted and offer no protections. The Hamlet district with the removal of the language "recognize the County's small rural settlements of historic and cultural significance..." takes away their unique identity and reason for special treatment. The Waterfront districts have removed the provision "...intrinsic nature of activity" which opens the door for all sorts of non-water related uses, clearly not the vision the locals called for. Further, the proposal also removes the provision that insures that new Cottage Communities will not proliferate. Statements of Intent are the framework of the zoning districts upon which the actual regulations rest. Weak or inadequate Statements of Intent opens wide the door for zoning official discretion and for successful legal challenges to zoning decisions.

I also object to the many increases in by-right uses, in density for proposed development in the Agricultural and Residential districts, the open invitation for accessory dwellings, the commercial and industrial uses allowed on agricultural lands, the increased development of our waterfront and Lankford Highway, and the lack of provision for affordable housing. Let's consider Ag housing density: there's no change from the 1 house per 20 acres, but there is a doubling of the open space bonus density up to 1 house per 10 acres. Allowing cluster housing is already a bonus against land and infrastructure costs while the landowner can keep 85% of his

farm. Why do we have to further encourage this rural housing development, which our Comp Plan directs us to discourage, by doubling the open space bonus density?

This patchwork quilt of that terrible first proposal has resulted in some improvements but this document still is a poor replacement for our present zoning ordinance. If this proposal is passed, I will have to change my real estate sales pitch and remove my assurances to prospects that our zoning protects our sole source aquifer, open spaces, natural and historic resources, revitalizes our small towns and villages, and preserves what makes our county different from other rural counties – because it doesn't. I remember in the '50's and '60's when Princess Anne County looked like Northampton does now, but lax zoning allowed Virginia Beach to sprawl throughout most of its rural landscape. That must not happen here. Once we lose our rural character, it's gone forever. I still recommend that you scrap this entire document and work with our present zoning in text amendments that are found to be necessary.

* * * * *

Mrs. Martina Coker read the following comments:

Comments on the proposed Rezoning of Northampton County

Martina Coker, RN, MPA

1530 Elliotts Creek Cape Charles, Virginia

On March 11, 2014 I expressed my concerns about this proposed rezoning of the County.

I pointed out then that studies had not been done supporting the changes proposed, as required by Virginia Code and expressed my concern that the proposed rezoning was not supported by the desires of the citizens of the County, as has been expressed at many public information workshops conducted in as part of the development of the current Comprehensive Plan and Zoning Ordinance. The development of a zoning ordinance is meant to be methodical and this process has been anything but.

Many concerned citizens have spent countless hours analyzing the proposed document and providing recommendations for changes to avoid the many unintended consequences that would result from the proposed rezoning. Suggestions have been brought forward and some changes have been proposed by you to the original document. This is a chaotic and hazardous approach to the development of a document as essential to the economic growth and the health and welfare of citizens as a Zoning Ordinance is. Many hazards remain including unchecked waterfront growth, causing harm to water quantity and quality which your industries and citizens depend upon; impaired recharge of our sole source aquifer with the removal of the Route 13 Highway corridor protections; harm to the businesses which are currently successful within the County; and increased taxes related to increased infrastructure needs.

Your administrator stated at a retreat that the new County strategy was to develop to be like Ocean City. No public desire for such an approach has been expressed. The public has consistently expressed support for our open spaces, rural landscape, and development in and around towns. I recently worked at the CBES Bike Tour which brought over 700 people to our shore, spending money at hotels, bed and breakfasts, restaurants and stores. Talking to those people confirmed that people come here for what we DO offer. Several of those people expressed interest in relocating to our County. One had an appointment the next morning with a realtor to look at homes and one expressed interest in a local business. The County currently has in excess of 5,000 approved lots, in addition to existing homes on the market. This inventory can certainly meet the needs of people desiring relocation to the area for many years.

You have a statutory responsibility to protect the health and welfare of your citizens. That means that you must consider issues such as increased infrastructure costs related to residential growth; health impacts such as impaired air quality related to industries such as the Industrial poultry industry; the availability of good quality water for your citizens and industries which will be impacted by out of control growth and by the elimination of the Chesapeake Bay Act, run off of phosphate due to excess chicken manure; and a lack of affordable housing related to the elimination of the Affordable Housing Bonus and the Mobile Home Park Overlay.

At a recent Board of Supervisors meeting Mr. Satterfield, of the Delmarva Poultry Industry, presented information related to his opinion of the benefits of the poultry industry. At that meeting he rebutted scientific information provided by the Johns Hopkins Center for a Livable Future. Johns Hopkins took the time to listen to what Mr. Satterfield had to say at the Board meeting and provided a response. That response, along with their initial scientific information is a matter of public record. It states in part, contrary to what Mr. Satterfield claimed that, indeed "occupational exposures (for farmers, etc) are highly relevant to community exposures and risks...because the gases and particulate matter that workers are exposed to are actively dispersed from poultry houses to the surrounding community via industrial scale ventilation fans. Additionally, workers' exposure to bacteria and viruses, especially antibiotic-resistant pathogens, is critical for the larger community to consider because these pathogens can be transmitted to the larger community via their families, peers, or in the local healthcare system." Johns Hopkins points to the value of considering epidemiological studies in the evaluation of the impacts of the industrial poultry industry in our County, despite Mr. Satterfield's attempts to discredit this accepted approach. They also point to ongoing resistance by the Delmarva Poultry Industry, to additional research studies on the Delmarva Peninsula.

The right to Farm Act states that "no County shall enact zoning ordinances that would unreasonably restrict or regulate farm structures...in an agricultural district or classification unless such restrictions bear a relationship to the health, safety and general welfare of its citizens." Herein lies your responsibility to the people of this great County. The health risks of industrial poultry are well documented as described above. Additionally, a recent chicken manure pile fire in Accomack smoldered for weeks causing respiratory distress to nearby residents and causing a stench miles from the source. The proposed setbacks for industrial poultry operations include setbacks of 1,500 feet from hamlets, and 500 feet from property lines (may be decreased to 200 feet if ammonia scrubbers and mature woodlands are present) I would recommend an increase in setbacks for industrial poultry operations, (including manure sheds) to 1,500 feet from property lines to protect the health of the citizens of this County. There are many subdivisions throughout the County, not designated as hamlets or villages but inhabited by many residents, and the health of all residents must be protected.

There are so many other issues and others will surely address them. Again, many citizens have put their own time into reviewing this document to identify the worst of the unintended consequences. There are no doubt many that will be missed and that is the risk with such a poorly executed process.

The development of this Zoning Ordinance was in fact conducted in an arbitrary and capricious manner. I suggest that you vote to rescind this proposed rezoning and proceed in a more thoughtful manner to make changes to the current Zoning document.



CENTER FOR A LIVABLE FUTURE
Department of Environmental Health Science

October 30, 2015

Chairman Rick Hubbard
Board of Supervisors
Northampton County Virginia
P.O. Box
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Disclaimer: The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University.

Re: Northampton County Board of Supervisors meeting on 9/28

Dear Mr. Hubbard,

Although we were unable to send a representative from the Johns Hopkins Center for a Livable Future (CLF) to participate in the recent Northampton County Board of Supervisors meeting, we have listened to an audio recording of the meeting and communicated with County residents. We are writing to address statements made by Mr. Bill Satterfield of Delmarva Poultry Industry, Inc., in response to a letter from public health researchers at the Johns Hopkins Center for a Livable Future. We feel it is necessary to respond to these critiques because the information provided by Mr. Satterfield conveys a fundamental misunderstanding of environmental and public health research, and the Board of Supervisors and Northampton County residents should not be misled by false information presented by industry representatives. Here, we present Mr. Satterfield's main critiques, followed by an evidence-based refutation of those arguments.

Mr. Satterfield claimed that the scientific evidence summarized in our letter was not relevant to poultry production on Delmarva. He stated that the 52 referenced articles were not solely about poultry production and thus should not be used to estimate the exposures and health risks facing residents living near industrial poultry operations on Delmarva.

CLF's response: The citations Mr. Satterfield referred to are either directly related to large-scale poultry production or are pertinent to the nutrients and contaminants found in poultry waste and litter. Some citations contained information concerning the production of poultry as well as other species; we only presented the information relevant to poultry production in our letter.

Mr. Satterfield highlighted the locations where the scientific studies cited in our letter took place in an attempt to dispute the relevance of the research.

CLF's response: In critiquing the location of studies, Mr. Satterfield misinterprets the nature, purpose, and value of exposure and epidemiologic studies, which allow researchers to estimate human exposures and risks. Exposure and epidemiologic studies are relevant to other locations when looking at consistent factors, such as poultry waste and similar, large-scale production systems.

Mr. Satterfield also criticized the applicability of a study carried out on Delmarva. Researchers drove behind poultry transport trucks and collected air and surface samples to determine if transport trucks could be exposing the community to pathogens from poultry. He states that Delmarva citizens would not drive behind poultry transport trucks in exactly the same manner as the researchers.

CLF's response: Mr. Satterfield again misses the purpose of this type of research, which aims to determine if there is an exposure route. The air and surface samples were found to contain pathogenic bacteria (including drug-resistant bacteria). This study provides a concrete example of an exposure in the community that poses a health risk.

Mr. Satterfield claimed that occupational exposure is not relevant to community exposure and concerns.

CLF's response: On the contrary, occupational exposures (for farmers, farm workers, and processing workers) are highly relevant to community exposures and risks for several reasons. First, workers' exposures and health risks are important public health considerations because workers are members of Delmarva communities. Occupational exposures are also relevant to community members who do not work for the poultry industry because the gases and particulate matter that workers are exposed to are actively dispersed from poultry houses to the surrounding community via industrial scale ventilation fans. Lastly, workers' exposure to bacteria and viruses, especially antibiotic-resistant pathogens, is critical for the larger community to consider because these pathogens can be transmitted to the larger community via their families, peers, or in the local healthcare setting.

Finally, Mr. Satterfield suggested that we do not have sufficient evidence to conclude that increased poultry production poses a risk to the health of the community.

CLF's response: Our understanding of community exposures and risk would benefit from additional studies conducted on the Delmarva Peninsula, and this is one point where we agree with Mr. Satterfield. We must point out, however, that the Delmarva Poultry Industry, Inc. and other trade groups have consistently opposed research related to food animal production, environmental impacts, and public health. Mr. Satterfield uses flawed logic to claim that research on large-scale poultry production is not relevant to the situation on Delmarva, but also rejects studies done on the Peninsula and resists efforts to conduct additional research.

We hope this letter further clarifies our statements and concerns related to poultry production on Delmarva. Please do not hesitate to contact us if you have any questions.

Sincerely,

Robert S. Lawrence, MD, MACP, FACPM

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September 9, 2015

Katherine Nunez
Northampton County Administration
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Courthouse Road, Eastville, VA 23347

Disclaimer: The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University.

To Whom It May Concern:

We are researchers at The Johns Hopkins Center for a Livable Future, based at the Bloomberg School of Public Health in the Department of Environmental Health Sciences. The Center engages in research, policy analysis, education, and other activities guided by an ecologic perspective that diet, food production, the environment, and public health are interwoven elements of a complex system. We recognize the prominent role that food animal production plays regarding a wide range of public health issues surrounding that system.

Below, we summarize the peer-reviewed scientific literature on the human health concerns associated with industrial broiler production, a model characterized in part by specialized operations designed for a high rate of production and large numbers of broilers confined at high density. This information is highly relevant to the Eastern Shore Health District, because in 2012 Accomack County had an inventory of 6.7 million broilers – the second largest of any county in Virginia (1). In 2012, there were 48 broiler operations in the county, 13 of which sold between 200,000-499,999 birds per operation, and 26 of which sold over 500,000 broilers per operation (2). Accomack is adjacent to counties with the largest (Somerset) and second largest (Worcester) broiler inventories in Maryland, with a combined 2012 inventory of more than 28 million broilers (3).

We are writing to present the known human health concerns associated with industrial broiler production, focusing on those that may affect citizens living near broiler operations in Accomack and Northampton counties.

1. Virginia Department of Agriculture and Forestry, "2012 Poultry Inventory Report," <http://www.dafs.state.va.us/Portals/0/2012%20Poultry%20Inventory%20Report.pdf>, accessed 8/24/15.

Human health concerns associated with industrial broiler production include:

- Infections resulting from the potential transmission of harmful microorganisms from broiler operations to nearby residents, for example, via flies or contaminated air and water.
- Health effects, including asthma, bronchitis, allergic reactions, associated with exposures to air pollution from broiler operations.
- Health effects (e.g. thyroid problems, methemoglobinemia, neurological impairments, liver damage) associated with exposures to nitrates, drug residues, and other hazards that may be present in ground and/or surface waters contaminated by manure from broiler operations.

Disease transmission

Crowded conditions in industrial broiler operations present opportunities for the transmission of bacterial pathogens among animals, and between animals and humans (3). Human exposure to infectious agents can occur through multiple routes, including breathing contaminated air and drinking contaminated water (4-8).

Of additional concern is exposure to pathogens that are resistant to antibiotics used in human medicine. The non-medical use of antibiotic drugs as a means for growth promotion¹ in animals has become commonplace – an estimated 80 percent of antibiotics sold for human and animal uses in the U.S. are sold for use in food-producing animals (9). Administering antibiotics to animals at levels too low to treat disease fosters the proliferation of antibiotic-resistant pathogens. Resistant infections in humans are more difficult and expensive to treat (10) and are often fatal (11) than infections with non-resistant strains.

A growing body of evidence provides support that pathogens can be found in and around broiler operations. In broiler operations that administer antibiotics for non-therapeutic purposes, broilers have been shown to be carriers of antibiotic-resistant pathogens (12-15) and these resistant pathogens have also been found in the environment in and around broiler production facilities, specifically in the litter (16), flies (17), and manure (18). Additionally, *Salmonella* and *Campylobacter* are highly prevalent among U.S. broilers, and *Campylobacter* is found in about 50% of manure samples (19). *Campylobacter* infections in people have led to gastrointestinal illness, neuromuscular paralysis, and arthritis (20).

¹ U.S. Food and Drug Administration (FDA) voluntary industry guidelines continue to endorse the use of antibiotics in livestock production for "disease prevention", which allows for dosing that is largely indistinguishable from growth promotion, thus tolerating business as usual (4).

Several studies have shown that workers in broiler operations are disproportionately exposed to pathogens: in a Dutch study, 5.6% of broiler workers were carriers of methicillin-resistant *Staphylococcus aureus* (MRSA) (20) vs. 0.01% of the general population, and broiler workers on the Delmarva Peninsula were found to have 32 times the odds of carrying gentamicin-resistant *E. coli* compared with other residents in the community (4). Colonized or infected workers may transport pathogens into their communities (4).

Manure runoff from broiler operations may introduce harmful microorganisms, such as *Campylobacter* (18), into nearby water sources. Land application of broiler manure may present an opportunity for pathogens contained in the manure to leach into the ground or run off into recreational water and drinking water sources, potentially causing a waterborne disease outbreak (18).

People living near broiler operations may be exposed to harmful microorganisms, which have been observed spreading in air up to 3,000 meters from broiler operations (5). The shape and spread of this airflow varies with changes in wind patterns, making it difficult to predict which residents might be most affected (5). Still, infectious agents have been found on deposits of particulate matter several miles from operations (5). Harmful bacteria such as *Campylobacter* have been reported to enter and leave poultry operations via insects and massive ventilation systems (7). One study on Maryland's Eastern Shore found that current methods of transporting chickens in open-air trucks releases microorganisms into the surrounding environment, likely exposing nearby residents to these pathogens (8).

The elevated presence of flies near broiler operations can be more than just a nuisance; it also may facilitate residents' exposure to pathogens, including antibiotics-resistant strains of *Enterococci* and *Staphylococci* (7, 17). One study found that residences within 0.5 mile of broiler operations were found to have 83 times the average number of flies of control households (20).

Air pollution from broiler operations

The air inside broiler operations contains elevated concentrations of gases, particulate matter, pathogens, endotoxins, and other hazards (6, 7, 17, 21-23). Airborne contaminants from broiler operations are transported from broiler houses through large exhaust fans and may pose a health risk to nearby residents (5, 7, 18, 24-29). Ammonia (30), particulate matter (18), endotoxins (28), and microorganisms (5, 7, 18) have been detected in air samples surrounding poultry operations. While there are currently few data available on odor, nitrous oxide, hydrogen sulfide, and non-methane volatile organic compound levels surrounding poultry operations, odors associated with air pollutants from intensive livestock hog operations have been shown to interfere with daily activities, quality of life, social gatherings, and community cohesion (26, 31, 32).

Exposure to airborne contaminants from broiler operations has been associated with a range of adverse health effects. Ammonia emissions have been implicated in respiratory health, with up to 50% of poultry workers suffering from upper respiratory illnesses that are believed to be due to ammonia exposure (24). Studies have shown that endotoxin exposure can exacerbate pre-existing asthma or induce new cases of asthma, and exposure was found to be a significant predictor of chronic phlegm for poultry workers (26, 33). Particulate matter—consisting mainly of down feathers, mineral crystals from urine, and poultry litter in broiler operations—may also have detrimental effects on human health, causing chronic cough and phlegm, chronic bronchitis, allergic reactions, and asthma-like symptoms in farmers, and respiratory problems in people living in the vicinities of operations (28). Additionally, poultry workers demonstrated a high prevalence of obstructive pulmonary disorders, with increasing prevalence associated with longer exposure, regardless of smoking status (27).

A 2013 USDA study measured volatile organic compounds (VOCs) inside industrial broiler operations and found that close to 70% of VOCs included acetic acid, 2,3-butanedione, methanol, acetone, and ethanol (34); similar studies have not been conducted outside of broiler operations, and would help to characterize nearby residents' exposure to VOCs. It is important to note that even industrial broiler operations that employ best management practices and mitigation techniques have been shown to generate airborne contaminants (25).

Contaminated ground and surface water

Manure from broiler operations may contain nutrients, heavy metals, drug residues, and pathogens that can leach into groundwater or runoff into surface water (6, 29, 20, 35, 36). Studies have demonstrated that humans can be exposed to waterborne contaminants from livestock and poultry operations through the recreational use of contaminated surface water and the ingestion of contaminated drinking water (23, 36). Furthermore, the disposal and decomposition of diseased poultry carcasses may contaminate water sources and pose a threat to human health (20).

The nutrients nitrogen and phosphorus—naturally occurring in chicken manure—have been found in both ground and surface water near Delmarva Peninsula broiler chicken operations (37) and can have deleterious effects on water quality and human health (18, 20, 23, 27, 36, 38-40). A University of Maryland Eastern Shore pilot study found that 67% of private wells—which residents are responsible for testing and maintaining—failed to meet drinking water standards for total coliform, 36% tested positive for *E. coli*, and 31% failed the standards for total dissolved solids and pH (41). In one study, broiler chicken and corn production were associated with higher nitrate concentrations (naturally occurring in manure) in drinking water in wells (38). Ingesting high levels of nitrate has been associated with increased risks for thyroid conditions (23, 42, 43), birth defects and other reproductive problems (23, 43, 44), diabetes (23,

43), various cancers (43, 45), and methemoglobinemia (blue baby syndrome), a potentially fatal condition among infants (23, 46). Approximately 23,000 Accomack County residents and 2,000 Northampton County residents rely on private wells for drinking water (47), so there is cause for concern regarding the spread of nitrate into groundwater drinking sources.

Nutrient runoff has also been implicated in the growth of harmful algal blooms (18, 20, 39, 48), which may pose health risks for people who swim or fish in recreational waters, or who consume contaminated seafood. Exposure to algal toxins (such as the toxic dinoflagellate, *Pfiesteria piscicida*) has been linked to neurological impairments, liver damage, stomach illness, skin lesions, and other adverse health effects (39, 40, 49).

Finally, there may be health risks associated with exposure to drug residues and excreted hormones found in chicken manure-contaminated ground and surface water. Of particular concern is estradiol, which is naturally found at high levels in chicken manure and is an endocrine-disruptor in humans (50). Environmental estrogens such as estradiol may be linked to increased incidence of male reproductive tract disorders, reduced sperm counts, and increases in the frequency of female breast cancer (50). Estradiol has been found in Chesapeake Bay tributaries in levels high enough to induce estrogenic effects on aquatic organisms (20, 50). Increasing the number of chickens produced in the bay's tributaries would likely increase the amount of estradiol entering the bay through manure runoff, thereby increasing the potential for endocrine-disruption in humans through water-borne estradiol exposure.

Conclusion

A growing body of evidence has implicated industrial broiler production in the spread of infectious diseases (including antibiotic-resistant strains), the generation and spread of airborne contaminants, and the contamination of ground and surface waters. We hope our letter is helpful in describing some of the public health concerns associated with the potential expansion of broiler operations in Accomack and Northampton counties. Through our research, we know that health departments face many barriers addressing issues surrounding industrial farm animal production (51, 52), and we are prepared to serve as a resource to your offices. Please do not hesitate to contact us if you have any questions.

Sincerely,



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Two-week manure fire still smoldering in Savageville

RACHAEL PACELLA
RPACELLA@DOWNSAVILLE.COM

The fire at a chicken house in Savageville may have been extinguished, but the manure is still smoldering, causing health concerns for nearby residents.

It has been smoldering for more than two weeks, according to local officials.

Virginia Easton Shookkeeper, Jay Ford said he talked with 10 nearby residents Wednesday morning, including 85-year-old Ruth Stuckey, who is asthmatic and currently recovering from cancer treatment.

She and her husband live about 600 feet away from the fire, according to Ford, and have been forced to stay inside their home, he said.

"It is burning manure, particulates coming off of it are respiratory and



MANURE PILE AT FORDS

A photo taken at noon Oct. 21 shows a smoldering pile of chicken manure.

upper respiratory irritants," Ford said.

The initial fire was called in around 4 p.m. on Oct. 5, according to Onan-

cock Volunteer Fire Department Chief Adam James. Multiple engines and tankers responded and within 30 minutes the

fire was under control, he said. The priority when

See **FWL Page 2A**

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Written on the Board of Supervisors' history and is a member of Christ H. Spencer, Murray in the Nov. 3

Painter Dollar General robbed at gunpoint

MALISSA WATTINSON
WWW.ACCOMACKCOUNTYSHERIFFS.COM

The Dollar General store in Painter was robbed at gunpoint on Oct. 19, according to the Accomack County Sheriff's Office.

At 9:13 p.m., the sheriff's office received a report of an armed robbery at the store. After arriving to the scene, deputies determined a black male who was either six feet or six feet one inch tall and dressed in dark clothing had robbed employees of an undisclosed amount of money.

The suspect fled on foot after robbing the store and no one was injured during the incident, police said.

Anyone with information on the robbery is asked to contact the Accomack County Sheriff's Office at 757-787-1151 or 757-824-5666. Tips may also be submitted at www.aaccomackcountysheriffs.com.

Fire

Continued from Page 1A

Firefighters arrived on scene was to extinguish the building fire, James said. Once that was complete the manure was still smoldering with the roof of the chicken house collapsed on top of it.

Typically the pile of manure would have been spread out, but that wasn't an option, he said. The firefighters worked with the property owner to try to move some of the manure, but ultimately when there was no more immediate fire danger the owner requested they leave the pile as it was, smoldering, according to James.

Since Oct. 5 they have checked the site multiple times, James said. "This is an atypical fire in our



SUBMITTED IMAGE
JAY TORO
Ruth Sindair, 85, is concerned for her health because of the nearby smoldering manure fire.

area," James said.

The department followed proper protocol for the situation, he said, and removed the fire dangers.

"At this point in time it's up to the owner of the property to handle the issue," he said.

Officials at Tyson, the integrator for the chicken farms, were unavailable for comment Wednesday afternoon.

On Twitter @rachaeljacoffia
443-270-9126

...Suzanne Institute of Marine Science will present the next in a continuing series of public seminars on natural resource, marine science and coastal ecology titled "Flagship species concepts in the ocean: using a bizarre humphead fish to conserve coral reefs" Wednesday, Nov. 4.

The seminar will be presented by Kevin Weng, assistant professor at the Virginia Institute of Marine Science.

Weng will discuss a multi-year study of humphead wrasse at Palmyra Atoll. The results of this complex research have major implications for the "flagship species" concept and suggest that most Marine Protection Areas are too small to effectively protect the humphead wrasse.

The seminar will be held at 7:30 p.m. at the Virginia Institute of Marine Science Library in Wachapreague.

It is free and open to everyone. Seating capacity is 60 people and space is available on a first come-first serve basis. For further information, call VIMS at 757-787-5816.

Interview now with Fresh Air Fund

The Fresh Air Fund, an independent not-for-profit organization, was created in 1877 to allow children living in low-income communities to get away from hot, noisy city streets and enjoy tree summer experiences in the country.

Each summer, more than 4,000 children visit the suburban, rural and small town communities from Virginia to Maine and Canada.

The Fresh Air Fund is currently interviewing host families on Virginia's Eastern Shore for our upcoming Summer 2016.

If you are interested in hosting a child, boy or girl, ages 6 to 12 years in your home in the summer for one week, please contact Shawn Hixon at 757-335-4720 or via email at shawn.hixon@friendlytown.org.

For more information on the Fresh Air Fund, visit www.freshair.org.

* * * * *

Ms. Windy Martin read the following comments:

(Good Evening, Windy Martin, 7094 Sealand Ln, Eastville 23347)

Northampton County Board of Supervisors & Planning Commission
RE: ReZoning Joint Public Hearing with our Planning Commission

Nov. 2, 2015

What is your rush to railroad through this *pat-hwork-in-progress*? In contrast to the generous 6 weeks advance notice in Jan 2014, why only 2 weeks for this highly controversial "final" hearing? All the more reason to support Mr. Dully's official objection yesterday.

As we read in Friday's *ES Pbs* p3 "why have you spent a FORTUNE driving ReZoning down our throats instead of focusing on our *critical* medical, educational, broadband and entrepreneurial job needs." In spite of our ongoing objections?

Of course you're well aware of how unsettled many county residents & investors are, given their voluminous remarks to date while talking themselves blue in the face. A tree ornament (hold up) printed with the words "Peoples Trust" when inverted I believe conveys the general opinion of the Board's *majority* IGNORING us, as a well informed objective observer. Vietnam veteran Paul R. Plante, has noticed, spot on. His military distinction includes a Silver Star, two Purple Hearts, two Air Medals and two Army Commendation Medals. He regularly testifies in another state.

I suggest a footnote to his letter appearing in the *Cape Charles Mirror* which strikes at the core of our dilemma. The footnote pertains to our welcome sign at the south end of the county. We've not yet been able to place one at our north entrance which may be sending a not so subtle message? The southern welcome boasts: 'opportunity for all' which has always jarred me. Can you tell me it is true? It seems another case of *false advertising* alongside, as Mr. Plante points out, your critical Mission Statement on the web.

As for the welcome you aim to extend the intensive factory poultry industry -- your statements to the contrary -- that indicates how far and shamefully low in this regard the white man has come since our native americans dwelled in their long houses, re-located about in season, and paddled their clean water highways. Now that the Chinese can double the birthrate, we are further compelled to safeguard what remains of our increasingly crowded fragile cosmos.

Perhaps we'd rather revert to British subjects than be servant slaves - directly or indirectly - of multi-national corporate conglomerates. As I've mentioned before, years ago the late Paul Bibbins Sr. armed with only an 8th grade education, warned us of this likelihood. So please do not set a precedent at this critical point in Northampton's history.

Please place my remarks into the public record. Thank you. 
Wini Fred R. Martin
7094 Sealand Lane
Eastville, VA 23347-0971

Mr. Pat Coady read the following comments:

Remarks to Joint Zoning Revision Hearing Nov. 2nd 2015

By Patrick Coady

Good Evening,

You have many speakers tonight so I will be brief. At your previous joint hearing on this revised zoning proposal I expressed my concerns regarding the process by which the draft was brought forward. I felt, even understanding the Supervisors wish to remove some barriers to economic development and understanding your apparent frustration with the pace of the new Comprehensive Plan being developed by the Planning Commission, that bypassing the Planning Commission would prove to be false economy. So it appears to have been.

Tonight I will not address support or opposition to particular parts of the current draft. I address the overriding issue of what zoning should accomplish and what must be the end result of a positive revision of our current zoning codes.

May we start by understanding that all zoning is an infringement of our individual property rights. We tolerate zoning on the basis of common good. Therefore, every time I see the red signs saying "Protect our property rights" I have to smile and remind myself that they are exactly backwards; they should say: "Protect me from my neighbors property rights!"

Over the past four years I have been asked to serve on three County Ad Hoc committees. Economic Development, Tax Policy, and Emergency Medical. In each case, Infrastructure, including water and sewer, education, trained work force, and lack of a positive business climate have meant that solving our basic problems is nearly impossible because we don't have even the population base to support the businesses and public services our citizens repeatedly request or bemoan. We simply do not have enough people or tax base to support our needed medical services, improved education and workforce opportunities, without even considering improved basic food shopping.

Consider just one recent statistic: Our major (and only) private employer recently has added around 200 jobs. It didn't change our unemployment rate. Why? Apparently the jobs were filled by underemployed or citizens who had stopped looking for work. The 400 or so "permanently unemployable" and unprepared potential employees remain, with all the negative outcomes that means to social services and other public services.

If we don't improve our economic climate then our inverted bell curve of population with young in poverty, a shrunken middle age and a rapidly increasing elderly will only worsen. In the recent past, the property tax burden has swung heavily toward residential property, high farm incomes will only swing that back a little and judging by current prices—not for long. Without improved commercial tax base, we are without viable options for financing new schools, paying the large increase in EMS support coming in one year with the move of the hospital.

We desperately need a simplified zoning code. One that recognizes that we need business growth. Right now we have a code that incorporates to previous codes and

extends over 500 pages with tens of pages of cells filled with minor and major special use permit requirements. But depending when your piece was classed and subdivided many of the provisions may or may not apply to your case. Some like this complexity because it benefits them if they wish to support or oppose and particular application.

* * * * *

Ms. Sally McNeilan, a Cape Charles resident, said that she was confused, in part to the colorations of the publicized maps. She said that the process needs to be stopped.

Mr. Bill Parr said that he supported the proposed ordinance; however, he does not want the proposed residential zoning for some of his property, and requested that it retain its current Agriculture zoning designation.

Mr. Andrew Barbour, a Seaview resident, said that people do not understand the re-writing of the zoning ordinance and that several economic studies have been done and did not note that the zoning code was at fault for the County's economic woes. He also had concerns with an increase in commercial zoning along Route 13, the smaller setbacks proposed for waterfront zones and the increased densities which will allow for "outstripping" of the sole source aquifer.

Mr. Arthur Upshur said that simplification of the current multiple zoning codes makes a lot of sense but that he did not feel that the draft was ready for Planning Commission review.

Ms. Jennifer Florez, a new resident of the County, said that she has purchased agricultural property and plans to set up a small operation with farm animals. She said that rezoning was not needed.

Ms. Maggie Stodghill, said that Northampton County lacks jobs and affordable housing and that she is considering moving to Accomack County due to its lower taxes and better job opportunities.

Ms. Sandra Beerends spoke in support of the proposed ordinance.

Ms. Jo Anne Molera also spoke in support, noting that she was offended by the insults she heard directed at the County's elected officials. She said that she does not see the "masses" moving to the County as was predicted over the last twenty years.

Mr. Ralph Dodd read the following comments:

November 2, 2015

Mr. Chairman, members of the board, and members of the planning commission.... My name is Ralph Dodd. I live in the town of Eastville.

I am farming 900 acres and appreciate how agricultural zoning protects agriculture. I am not here to encourage changing Ag zoning to R, R-3 or R-5. I understand the concerns of having your property changed from Ag zoning.

My daughter is interested in starting a new business on our farm. Under the current zoning ordinance it does not allow what she would like to do but under Agri-tourism, as long as it is agricultural related, the state gives their blessing. Similar to this example, over the last 6 years our current zoning ordinance has prevented local people from starting new businesses to help support their families. We need to simplify the process pertaining to zoning issues for our citizens. Having to reference in excess of 600 pages of zoning text is very confusing and often requires legal assistance. 27 districts, 4 overlay districts and 5 floating districts is not necessary for 12,000 people.

Prior to adopting the 2000 zoning ordinance, the catch phrase was "It is a living, breathing document" that will require change as we go forward. From my perspective, the 2009 zoning document was locked in, the concept of changing the 09' document was not part of the plan moving forward. We need a system where our citizens can approach the county, receive assistance and move forward with projects that are beneficial for our community. If the proposed zoning document were to be a true living and breathing document, I believe our county could prosper.

Respectfully submitted,

Ralph W. Dodd

* * * * *

For the record, it is noted that a total of sixty-eight written comments (which includes those submitted tonight) have been received with regard to this proposal; said comments are on

file in the office of the County Administrator.

There being no further comments, the public hearing was closed.

Commissioner Downing made a motion to recess to November 18, 2015 and with a second from Commissioner Fauber the motion carried unanimously.

_____ Chairman

_____ Secretary