

Minutes
Northampton County Planning Commission
Joint Public Hearing with the Northampton County Board of Supervisors
February 23, 2015
16404 Courthouse Road, Eastville, VA
7:00 p.m., Board Chambers

Those present – Chairman, Dixon Leatherbury, Vice Chair Jacqueline Chatmon, Mark Freeze, Kay Downing, Michael Ward

Absent - Sylvia Stanley

Also in attendance was Peter Stith, Long Range Planner

The Chairman called the meeting to order and a quorum was established
The Northampton County Planning Commission was present and its Annual Report for 2014

which includes future issues and goals for 2015 was distributed as follows:

MEMORANDUM

TO: Northampton County Board of Supervisors
FROM: Northampton County Planning Commission
SUBJECT: 2014 Annual Report DRAFT
DATE: February 3, 2015

This report is provided in accordance with VA Code §15.2-2221 to summarize the Planning Commission’s activities during the past year and to advise the Board of Supervisors of matters which the Commission believes are future work priorities. The Commission requests that a joint work session be scheduled in order to discuss the upcoming work program.

2014 Activities

The Commission held eleven (11) regular monthly meetings plus sixteen (16) recessed meetings for a total of 27 meetings in 2014. During much of the first half of the year the Commission worked on reviewing the proposed zoning ordinance and developing recommendations to the Board. During this time, the Commission put their work on the Comprehensive Plan on hold and reconvened their review in June.

The Commission held a total of twenty-four (24) public hearings during 2014. The following is a summary of the types of hearings conducted:

- Agricultural & Forestal Districts (AFDs)* – 8 hearings
- Subdivision ordinance amendments* – 0 hearing
- Joint public hearing with a town council* – 0 hearings
- Comprehensive Plan amendments* – 0 hearings
- Zoning Map Amendments (county only)* – 2 hearings
- Zoning Text Amendments (county only)* – 3 hearings
- Special Use Permits* – 11 hearings

All Commissioners have completed training through the Certified Planning Commissioner Program, with the exception of Commissioner Freeze who has completed the first session and will complete the program in April.

Future Issues and Topics for Discussion

A table follows which includes Goals for 2015 which the Commission has deemed important for consideration. With respect to the Capital Improvements Plan (CIP), the Commission notes that the local CIP is considered one of the means of implementing the local comprehensive plan. With that in mind, the Commission would suggest that the current plan review and update be completed prior to initiating work on a CIP.

2014 Goals	Progress to Date	2015 Goals
Continue required 5-year review of Comprehensive Plan including making careful and comprehensive surveys and studies of existing conditions and trends of growth as per Virginia Code §15.2-2223.	Part II has been updated since some of the data is several years old. Part I is close to being finalized. The FLUM is currently being reviewed.	Revised schedule attached.*
Review zoning ordinance following adoption of comprehensive plan revisions.	Reviewed and prepared recommendations on the proposed zoning ordinance.	Review and prepare recommendation to the BOS on changes requiring additional public hearing.
Develop an Overlay District Ordinance for Route 184.	Request from Cape Charles to pursue this has been put on hold until a later date. No action.	Review draft of Overlay District from Cape Charles. Prepare recommendation of Historic Highway Overlay district for Route 184 to the Board.

Review of Subdivision Ordinance (BOS/PC/staff roundtable approach) to ensure compliance with adopted zoning ordinance revisions.	No action.	Review Subdivision ordinance to ensure compliance with adopted zoning revisions.
Development of a Capital Improvements Plan as per VA Code §15.2-2223. Develop CIP following adoption of comprehensive plan revisions.	No action.	Develop CIP following adoption of Comprehensive Plan revisions.
	No action.	Provide recommendation to the BOS on the Bay Act and the seaside per resolution dated 10/27/14.

A timeline for the continuing Comprehensive Plan review (as of February 2015) was presented as follows:

Revised Timeline for Comprehensive Plan Review

Part 2 – Data & Analysis

- Section 1 Plan Methodology & Citizen Participation will be done at end of process

Completed To Date:

- Part II Section 2 History & Geography
- Part II Section 3 Population & Demographic Analysis
- Part II Section 4 Economic Analysis
- Part II Section 5 Housing Analysis
- Part II Section 6 Environment & Natural Resources
- Part II Section 7 Community Facilities & Services
- Part II Section 8 Transportation

Part II Sections were mailed to the Plan Review Stakeholder Group (PRSG) and the Comprehensive Plan Advisory Committee (CPAC) in July 2013 to begin review while the Commission continues work on Part I. **Part II was updated in December 2014 to reflect more recent data.**

Part I – Goals and Implementation

Current status of Part I Sections:

- Part I Section 2 The Land Use Plan – 95% Complete
- Part I Section 3 Economic Plan - COMPLETED
- Part I Section 4 Housing Plan – COMPLETED
- Part I Section 5 Environment & Natural Resources – 95% Complete

Part I Section 6 Community Facilities & Services - COMPLETED
Part I Section 7 Transportation – COMPLETED

FUTURE LAND USE MAP (FLUM) – 50% Complete

April 2015 - Part I draft sent to CPAC and PRSG once finalized.

May 2015 - Reconvene CPAC and PRSG to review and comment on draft

June 2015 - Planning Commission receives and reviews comments from PRSG and CPAC, makes additional edits and prepares public hearing draft.

August 2015 – Hold 3 Public Info Meetings (North, Middle, and South)

September 2015 - Public Hearing

Vision

- Draft Finalized on 10-2-12

CPAC work on Economic section

- Completion of Report and recommendation on Economic Section (February 12, 2013)

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With regard to the pending request from the Town of Cape Charles for consideration of an overlay district out to the traffic light, the County Administrator indicated that there needs to be an applicant, either the Board or the Planning Commission, in order to advance that petition. Mr. L. Dixon Leatherbury, Chairman of the Planning Commission, noted that the Commission wanted to finish work on the Future Land Use Map before tackling the overlay district request. Mr. Peter Stith, Long Range Planner, confirmed that this item is listed on the Commission’s work plan for the year.

Joint Public Hearing:

Vice Chairman Bennett called to order the following public hearing. The Northampton County Planning Commission and Town Council of Nassawadox were also present and in session:

Conduct a joint public hearing with the Northampton County Planning Commission and the Town Council of Nassawadox on the following revisions to the Northampton County Code of Ordinances:

- (A) Repeal Section 154.162 – Floodplain Overlay District
- (B) Insert a new Section 159: Floodplain Management

The Vice Chairman asked if there were any present desiring to speak.

The County Administrator and Mr. Peter Stith indicated that the purpose of this amendment is to repeal the existing Floodplain Overlay District language and adopt a new ordinance in compliance with the flood insurance rate maps as established by the Federal Emergency Management Agency. These changes have been reviewed by both the Department of Conservation and Recreation and FEMA Region 3. The deadline for adoption of the ordinance is March 2, 2015.

Mrs. Roberta Kellam submitted the following comments:

Please place this comment in the public record for the February 23, 2015 public hearing regarding a new Section 159 of Northampton County Code.

1. My husband and I received post cards from the County notifying us that the proposed new Section 159 might impact our properties.
2. I requested from Peter Stith, via email of February 7, 2015, a copy of the proposed Section 159 via email and received no response or reply. I noted in my February 7 email that the subject proposed Section 159 is not even provided for public review on the County's website.
3. The proposed new Section 159 is a substantial change from: (1) the existing Section 154.162, and (2) the proposed new Section 159 that was voted on "for referral to public hearing" by the Northampton County Board of Supervisors on January 14, 2014 and for which a public hearing was held.
4. I would like to know the reason why my request for a public document was ignored, and I would like to know why this proposed new Section 159 was not placed on the County's website for the public's review prior to the public hearing.
5. Attached is the model Floodplain Ordinance, as well as guidance document, published by the Virginia Department of Conservation and Recreation in **February 2014** for the use of all Virginia Counties, including Northampton. Clearly, it has been obvious since at least February 2014, if not earlier, that the January 2014 proposed Section 159 would not be adequate to satisfy FEMA. I would like to know why the County delayed the review and approval process of a statutorily required Floodplain Ordinance until 2 weeks before the March 2, 2015 deadline of when the National Flood Insurance Rate Program would be suspended (March 2, 2015).
6. Although the new proposed Section 159 is substantially similar to the Virginia DCR Model

Ordinance, any areas where it differs should be explained. Why are some of the definitions altered? (See, page 7, Start of Construction.) What is the statutory impact of page 15 - 159.107(C): if the FIRM changes, wouldn't that require an amendment to the Ordinance? What is the legal implication of Section 159.108 (A)(2)(e), and why does that section differ from the model ordinance? Why do Section 159.108(B) and (C) differ from the model ordinance? Where is the state requirement regarding Subdivisions and record retention?

7. What is the legal impact of removing the Floodplain Ordinance from the Zoning Code? What impact does that have on Vested Rights?

Thank you for including this comment on the record for the Public Hearing tonight. Roberta Kellam

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

Following conversation by members of the Planning Commission, a motion was made to that the Board adopt said ordinance for both the County and Town of Nassawadox was made by Commissioner Ward and seconded by Commissioner Freeze. The motion carried with all in favor (5-0).

The Board of Supervisors then took up the matter. A motion was made by Mr. LeMond, seconded by Mr. Trala, that the Board repeal Section 154.162 – Floodplain Overlay District and adopt a new Section 159: Floodplain Management as set out above. At this time, Vice Chairman Bennett asked for Board comment.

Supervisor Hogg questioned if the County had been in contact with the Department of Conservation & Recreation. In response, the County Administrator read an e-mail from Charley Banks, Virginia NFIP Coordinator with the Division of Dam Safety & Floodplain Management of the Virginia Department of Conservation & Recreation, indicating that he had made some recommended changes to the ordinance which will result in FEMA Region 3 having no hesitation in approving it.

Supervisor Hogg questioned if the Planning Commission had reviewed the document. In response, Planning Commission Chairman L. Dixon Leatherbury noted that the Commission had

had the document for several weeks and had reviewed same.

Supervisor Hogg questioned whether certain planning considerations for floodplain management areas had been considered by staff, by the Board, and by the Planning Commission. He referenced information contained in Title 44: Emergency Management and Assistance, Part 60—Criteria for Land Management and Use as well as the Coordinator’s Manual for the National Flood Insurance Program Community Rating System and the CRS Credit for Management of Coastal Erosion Hazards documents which are included herein by reference. These documents are on file in the Office of the County Administrator. At this point, Supervisor Trala called for the question.

All members were present with the exception of Mr. Hubbard and voted “yes,” with the exception of Supervisor Hogg who abstained. The motion was passed.

With no further business the Chairman asked that a motion be made to recess the Planning Commission. The motion was made by Commissioner Ward to recess till March 3rd, 2015 with a second from Commissioner Freeze. The motion carried with all in favor (5-0).

Chairman

Secretary