

MINUTES
Northampton County Planning Commission
September 25, 2013

This was a work session of the Northampton County Planning Commission held on Wednesday, September 25, 2013, in the main conference room at the County Administration Building located at 16404 Courthouse Road in Eastville, Va.

In attendance were Chair Martina Coker, Jacqueline Chatmon, Roberta Kellam, Dixon Leatherbury, Sylvia Stanley and Vice-Chair Mike Ward. Absent from the meeting was Severn Carpenter. Others present were Charles McSwain, Director of Development; Long Range Planner Peter Stith and Administrative Assistant Kay Downing.

The meeting was called to order at 7:00 p.m. by the Chair and a quorum established.

The agenda was revised to allow Mr. McSwain an opportunity to report on his recent community outreach efforts before consideration of Item 4 and to change the order of Item 5 to A., D., B., & C. Motion to revise the agenda was made by Commissioner Kellam with second by Commissioner Leatherbury. The motion carried unanimously 6 to 0.

Mr. McSwain informed the Commission that the Board of Supervisors will receive the draft zoning code on Monday, Sept. 30. The code will also be forwarded to the Commission and other organizations that day. County Administrator Katie Nunez has scheduled a staff presentation of the code for the Board's information on October 16 from 5:00 p.m. until 8:00 p.m. He noted that the Commission is invited to attend; however, the meeting will not be considered a joint work session.

Mr. McSwain reported on his recent meetings with the Cape Charles Business Association as well as his participation in the Public Service Authority (PSA) information meeting held in Cheriton. He noted that the Cape Charles/Cheriton southern node sewer line project has been put on hold for now.

Commissioner Kellam questioned why infrastructure would be built when there is no need or demand. It was her opinion that better planning was needed as well as full disclosure of what the PSA is actually planning to do instead of hiding its true intent of including residential users. For full disclosure purposes, she noted that her husband owns land where the proposed tax district and southern node is proposed to go.

Commissioner Chatmon stated her opinion that citizens need better information about the project and the County should be prepared to move for the future. The down-turn in the economy has had a significant impact and there is no way to predict the future even though there are some short-term indicators that the economy may be getting better. The goal is to use good information to figure out how to move forward for the future instead of how to figure out ways or reasons not to move forward.

Mr. McSwain stated that a regional sewer project is something that will need to be addressed in the future. Such systems help to protect groundwater and the cost of maintaining individual septic systems is becoming more expensive. Funding is not available for commercial use but only for residential. Only when the sewer line gets to the residential areas can the State step in and assist Cheriton because the State cannot fund commercial or industrial uses. The more articulate speakers at the last PSA meeting noted that they are not opposed to the project as a whole, but that they do not want to fund it. He stressed that cooperation between all entities is imperative. Commissioner Kellam agreed noting that cooperation and information must be between all parties. It was her opinion that in the past representatives of the PSA were inflammatory and almost nonsensical in how it presented its plans that resulted in a lack of public trust.

Commissioner Kellam stated that the Commission has been cut out of the process for locating such infrastructure in the past. However, Commissioner Ward stated his opinion that the Commission does not exactly have the financial expertise in dealing with such matters.

The Chair noted that the only control to manage growth is through the comp plan. It was her opinion that the Commission is being rushed in its review of the comp plan. Commissioner Kellam stated that the Commission cannot consider amendments to the zoning code unless such amendments are consistent with the existing comp plan. Both Commissioners Coker and Kellam disagreed that the zoning ordinance should be amended or rewritten before the comp plan update is adopted. Commissioner Kellam stated that she wants the process of considering a new zoning code slowed down.

Mr. McSwain noted that the objective of reviewing the current zoning code is to make the document more business friendly for economic development instead of an impediment. This is the number one objective on the Board's Strategic Plan. The Board may feel a sense of urgency to get something done in that respect.

Commissioner Chatmon stated that there is already a process in place that allows people who disagree with it to resolve issues. There are two different objectives going on and it was her opinion that the comp plan vision is not clearly defined and there is no big picture of where the County is going and how it will get there in the next 20 years.

Commissioner Kellam then stated that the Board is not going to have a plan to consider unless the process is slowed down. She noted that the Board is supposed to take the Commission's advice. However, Commissioners Ward and Chatmon disagreed noting that the Commission gives advice and the Board is not required to accept that advice.

Commissioner Ward reminded everyone that it is legal to amend both the comp plan and the zoning code at any time.

Commissioner Leatherbury stated his opinion that the current comp plan and the zoning ordinance that resulted was akin to micromanagement as opposed to defined parameters. The former Board attempted to micromanage the economy of the entire County. The Commission is to look at any zoning code amendments proposed and submit its recommendations to the Board on the document put forth. That does not change anything that the Commission is

doing. However, the Commission should not be rushed in completing its comp plan review to accommodate the Board even though it may seem that the Board is putting the horse before the cart.

Commissioner Kellam stated her opinion that the current zoning code does have some inconsistencies with the existing comp plan. She concurred with Commissioner Leatherbury about the micromanagement doctrine that resulted. She stressed that the Commission should not be rushed in doing its due diligence.

Under New Business the Commission considered Variance 2013-07 as filed by David's Nursery for an after-the-fact variance of 50 feet from the required 100-foot property line setback and of 65 feet from the required 100-foot property line setback to allow two agricultural irrigation ponds to be located within 50-feet and 35-feet of a property line. Both properties are zoned A/RB – Agricultural/Rural Business District and located in the Occohannock Neck area.

Staff comments from the Zoning Administrator were read by Mr. Stith. It was noted that an adjoining property owner, Jean Foster, objected to the variance. After brief discussion, Commissioner Kellam expressed her opinion that no hardship exists and that neighboring property has been detrimentally impacted. She then moved to recommend denial of the after-the-fact variance to the Board of Zoning Appeals. Commissioner Chatmon seconded the motion noting that due diligence should have been done by the applicant. The motion to recommend denial carried by a majority vote of 4 to 2 with Commissioner Leatherbury voting "no" and Commissioner Ward abstaining. Commissioner Leatherbury was of the opinion that vegetated screening should be installed along the adjoining property line and sand piles be reduced to the height allowed in the zoning code.

The Commission then continued discussion of the comp plan beginning with Part I, Section 3 Economic Plan. New edits from Commissioners Chatmon, Ward and Coker were distributed. Commissioner Leatherbury noted that he, too, had additional economic information and hand-outs to present at the appropriate time.

The following edits were made to the document by consensus.

Page 1, line 17, edit by deletion as suggested.

Page 2, line 39, the words underlined were deleted.

Page 2, the bullet point beginning at line 53 was clarified concerning infrastructure location and funding.

Page 3, the first bullet point beginning with line 59 was edited as suggested.

Page 4, the title of 3.1 (line 92) was changed to "Existing Industries".

Page 4, Section 3.1 will be re-drafted to by Mr. McSwain to better explain local economic drivers and multipliers.

Page 5, the title of Section 3.1 was changed to "Business Development".

Page 6, all suggested edits were accepted.

Page 8, all edits were accepted and on line 249 the word "stout" was changed to "high capacity".

Page 9, all edits were accepted.

Page 10, suggested edits from line 288 through 293 were accepted.

Page 10, Goal 3.1 was edited to include “to no more than 10% of the County population”
Page 10, Goal 3.1.1 was reinstated
Page 10, Goal 3.1.3 was edited to read, “Create Poverty Task Force” and the ANPDC and ESCSB was added to Responsible Agencies list.
Page 10, Goal 3.2.1 was edited to read, “Facilitate and encourage economic growth such as a centralized farmer’s market for wholesale/retail local products”
Page 11, Goal 3.2.6 should be deleted.
Page 12, Goal 3.4.1 was reworded to read, “Continue to fund the marketing of Northampton County tourism” and to add the Northampton County Chamber of Commerce to the Stakeholders list.
Page 12, Goal 3.4.5 was modified to include the word “of” before “biking”.
Page 12, Goal 3.4.7 was amended by adding “side “ after “Sea”, to delete “runoff” and to add “Citizens” to the Stakeholders list.
Page 12, Goal 3.5 was edited to read “Existing business in Northampton County will demonstrate stable growth”
Page 13, Goal 3.5.6 is to be moved to the Part I, Transportation section.
Page 14, Goal 3.6.4 was edited by replacing “vacant space” with “real estate”.

During discussion of the Economic Section Commissioner Leatherbury distributed economic multiplier information using data from the State of California since it has major industries of farming, tourism and sea coastline.

Mr. McSwain explained that a multiplier measures how many times the dollar generated by a business/industry is turned over in the community economy.

It was noted that the Virginia Employment Commission and Census Data are not comparable on many levels.

After discussion, the Commission concluded that there is no single economic driver of the local economy.

Commissioner Kellam added that agriculture is the dominant use of the landscape and the County is a rural community.

Commissioner Ward agreed but noted that the last comp plan did not consider all industries including health care and the status quo has now changed.

Mr. McSwain noted that the updated draft does not include the health care industry because it draws from the community and is not putting dollars into the system.

Commissioner Kellam suggested that a framework to explain industry types may be useful. Commissioner Chatmon stated that the community service industry is the largest employer within the County which includes health care, teachers/education and social services.

Commissioner Ward stated that value added for agriculture and aquaculture should be included.

Commissioner Leatherbury noted that the Virginia Department of Agriculture and Consumer Services (VDACS) revised 2012 data that now includes nursery production. However, updated figures with new data will not be available until February 2014 at which time it can be included in the comp plan.

Commissioner Chatmon asked if justification language of why each goal was chosen would be included in each section. Before making a determination the Commission agreed to first review the Environment draft that includes the concept of using justification language. Commissioner Kellam added that her draft of the Environment section should be ready for distribution to staff at the end of the week.

Review of Part I, Section 7 Transportation was held with the following edits made.

Page 1, all edits were discussed and accepted. It was noted that the awkward wording appearing on lines 20 through 23 should be rewritten and be included in each section as deemed appropriate in Part I.

Page 2, the first bullet point appearing on line 32 would be checked for authenticity.

Page 2, the second bullet point would be reworded to include ingress and egress along US 13.

Page 2, Section 7.2 was deleted as suggested since it was inconsistent with existing format.

Due to the late hour the remainder of Section 7 was not considered.

Adjournment:

Upon motion by Commissioner Kellam, seconded by Commissioner Stanley, the meeting was adjourned at 10:00 p.m. by unanimous vote.

Chair

Secretary