

## Minutes

December 2, 2014

### Northampton County Planning Commission

Call to order

Present: Dixon Leatherbury, Jacqueline Chatmon, Kay Downing, Sylvia Stanley, Mark Ward

Absent: Mark Freeze

Also in attendance was Peter Stith, Long Range Planner and Nyoka Hall, Recording Secretary

Establishment of quorum

Review of agenda – The agenda was accepted as submitted

Public hearings – none

Matters from the public – none

Consideration of Minutes

August 20<sup>th</sup>, 2014 – A motion to approve the minutes with corrections was made by Commissioner Chatmon and seconded by Commissioner Stanley. The motion passed unanimously (4-0) Commissioner Downing abstained.

October 7<sup>th</sup> 2014 – A motion to approve the minutes with corrections was made by Commissioner Ward, and seconded by Commissioner Chatmon. The motion passed unanimously (4-0). Commissioner Downing abstained.

October 15<sup>th</sup> 2014 – A motion to approve the minutes with corrections was made by Commissioner Chatmon and seconded by Commissioner Downing. The motion passed unanimously (5-0).

Procedural Matters

Election of Officers for 2015- The nominating committee recommended that the current officers continue in office for another year. There were no other nominations on the floor. Commissioner Ward motioned that Commissioner Leatherbury continue as Chairman, Commissioner Chatmon continue as Vice Chair, and Peter Stith continue as Secretary. The motion was seconded by Commissioner Stanley. Discussion took place and the motion passed unanimously (5-0).

Comp Plan Review.

Part I Section 2: The land Use Plan

Peter Stith provided a clean copy of the Land Use Plan that the Commission briefly reviewed and made minor edits as follows:

## **2.1 Land Use & Community Design**

The overall land use strategies and goals identified in this Comprehensive Plan update are a result of data and information gathered from community input, the Comprehensive Plan Advisory Committee (CPAC) research and community survey, input from the Comprehensive Plan Stakeholder Group, expert advice and County staff. The Land Use Goals are based on a primary planning principle of protecting the County's rural, natural and agricultural areas by focusing new growth in the County to areas envisioned for development. Further, text provisions in this Plan are intended to take precedence over map provisions, if there are inconsistencies.

### **2.1.1 Land Use Planning Goals**

The key goals reflected on the Future Land Use Map and in land use policies are as follows:

- Conserve, preserve and protect the County's natural resources, including prime agricultural soils and the environmental attributes that contribute to a healthy coastal ecosystem, such as its wetland ecosystems, barrier islands, bird habitats and coastal shellfish areas.
- Maintain the County's predominantly rural character by promoting agriculture, aquaculture, tourism, and other commercial enterprises as economic industries in the County and as preferred land uses in the majority of the County.
- Protect the County's ground-water recharge areas and ensure that development is limited to a level that conserves the quality and quantity of the County's groundwater supply.
- Preserve the County's historic settlement pattern of distinct towns and villages surrounded by open space.
- Ensure that areas designated for new development are appropriately located according to the policies and Future Land Use Map in this Plan and scaled to be compatible with the existing towns and villages.
- Maximize utilization of infrastructure by encouraging concentration of commercial development in and around towns.

### **2.1.2 Community Design Goals**

The key goals reflected in the following Community Design [planning goals](#) and Community facilities are as follows:

- Promote infill development in existing towns and villages and rehabilitation of existing structures.
- Allow for a range of residential densities to provide housing options varied enough to meet the needs of all incomes.

- Ensure new development is appropriately located and scaled to be complementary extensions of existing settlements and structures and, where appropriate, the rural landscape.
- Minimize the creation of new entrances to improve the safety of U. S. Route 13.

### **2.1.3 Land-Use and Community Design Guidelines**

Land use policies and decisions should be based on the following rural and development areas ~~s~~ follows:

~~Land Use Areas include:~~

- Conservation ~~Areas~~
- Rural/Agricultural Areas
- Villages
- Residential
- Cottage Communities
- Towns
- Commercial Areas
- Industrial Areas
- Planned Unit Developments

The Future Land Use map identifies the boundaries and locations that are appropriate for each settlement pattern except for Planned Unit Developments.

## **2.2 Land Use Areas**

### **2.2.1 Conservation**

These are areas with significant environmental sensitivity, and/or those areas that are currently protected from development. They are established to minimize flooding impacts, maximize groundwater recharge capacity, and protect key natural resources, such as migratory bird habitats and coastal waters. Examples include tidal wetlands, freshwater wetlands, salt marsh and similar sensitive lands. These areas include but are not limited to state lands, private preserves such as the Barrier Islands and other lands subject to conservation easements and riparian areas. This planning area is the least densely developed of all of the planning areas.

The following should be considered when planning for appropriate land uses, community design, ~~and~~ facilities and utilities in Conservation areas.

- a. Appropriate land uses for Conservation Areas include permitted preserves, outdoor recreational and agricultural, seafood harvesting and similar natural resource based uses.
- b. Nonresidential uses, except those incidental to and supportive of conservation, agriculture, seafood harvesting or outdoor recreational or other preferred land uses, will be discouraged.
- c. The County may permit conservation related institutional uses that help preserve ecologically sensitive areas, farmland, seafood harvesting, open space or historic or scenic resources.
- d. Development densities in Conservation areas should not exceed 1 dwelling per 50 acres.
- e. New residential development proposed in Conservation areas should be clustered to maintain very low development densities, or exhibit other conservation design principles to preserve on-site ecological, environmental, natural, cultural, historic, scenic and open space resources. Proposals for compatible non-residential uses should also exhibit conservation design principles, employ conservation easements to limit development to specific areas and to ensure that the use proposes minimal degradation to the natural environment.
- f. Public sewer and water service generally will not be extended to Conservation areas except that the County may consider the extension of public utilities to resolve public health threats.
- g. With the exception of public parks, preserves and outdoor-recreation facilities, community facilities should not be located in Conservation areas.
- h. Transportation access and improvements in Conservation Areas should be limited to the minimum necessary to serve uses in the Conservation areas.

### **2.2.2 Rural/Agricultural**

Rural/Agricultural areas are those areas of the County that are predominantly in agricultural and forestal uses and not served by public utilities. These areas generally include the County's prime agricultural soils and viable farm and forestry operations, ~~and account for approximately of the unincorporated area in the County.~~ Rural/Agricultural areas typify the historic, managed open landscape of Northampton County that includes farm fields, pasture, wood lots and rural homesteads. These areas include active agricultural operations, forest uses and low-density rural residential uses.

The following should be considered when planning for appropriate land uses, community design, ~~and~~ facilities and utilities in Rural/Agricultural areas.

- a. Land uses for Rural/Agricultural areas include agricultural uses, and rural uses that complement and support farming. The County seeks to maintain the existing rural character of these areas.
- b. Low-density rural residential development should be permitted in Rural/Agricultural areas. Development should be buffered from adjacent agricultural uses. Rural residential development should be discouraged on prime agricultural soils.
- c. The County will continue to promote farmland retention programs in Rural/Agricultural areas and protect existing farms and farmers from nuisance complaints from neighboring rural residents.

- d. New primary non-agriculturally based industrial and commercial uses are discouraged in Rural/Agricultural areas.
- e. Low impact uses that are complementary to agriculture, nature, or heritage based tourism uses may be allowed.
- f. Development densities in the Rural/Agricultural areas ~~should~~ generally should not exceed 1 dwelling per 20 acres.
- g. New residential development proposed in Rural/Agricultural areas should be clustered to maintain very low development densities and preserve open space. To protect farmers from nuisance complaints from neighboring residents, plats for new residential lots located within the Rural/Agricultural areas should disclose that the preferred land use in the immediate vicinity of the new lot is agriculture.
- h. Proposals for compatible nonresidential uses should exhibit conservation design principles to ensure development of specific areas that will minimize conflicts between farming and non-farming uses.
- i. The County generally will not provide public sewer and water service to Rural/Agricultural areas except that the County may consider the extension of public utilities to resolve public health threats.
- j. For new development, off-site sewage disposal will be discouraged.
- k. With the exception of public parks and recreation facilities, the siting of community facilities shall be minimized in Rural/Agricultural areas.
- l. Transportation access and improvements in Rural/Agricultural areas should be limited to the minimum necessary.

### 2.2.3 Villages

Villages are unincorporated rural communities often of local historic or cultural significance, which grew up along major thoroughfares, around train stations, or at coastal locations with deep water access or at major crossroads. Although the Villages generally do not have access to central sewer and water, they usually have a higher density identifiable core that includes a mix of residential, commercial, industrial, and institutional uses ~~in a traditional development pattern~~. Villages have served as, and will continue to serve as, focal points for surrounding rural areas and for marine-related industries. Villages include:

- Bayford
- Bethel Church
- Birdsnest
- Bridgetown
- Cape Center
- Capeville
- Cedar Grove
- Cheapside
- ~~Cherrystone~~
- Cherrystone Landing
- Cobb Station
- Culls
- Fairgrounds
- Fairview
- Franktown

- Hare Valley
- Jamesville
- Johnstontown
- Kiptopeke
- Machipongo
- Magotha
- Marionville
- Martin Siding
- Oakland Park
- ~~Oyster~~
- Pat Town
- Red Bank
- Seaview
- Simpkins
- Stumptown
- Sylvan Scene
- Townsend
- Treherneville
- Wardtown
- Weirwood
- Willis Wharf
- Oyster

The following should be considered when planning for appropriate land uses, community design, ~~and~~ facilities and utilities in Villages.

a. Appropriate land uses in Villages include a compact mix of residential, water-related, commercial, industrial and institutional uses at higher densities than in surrounding rural areas. New residential development and small-scale commercial uses should be encouraged to utilize infill parcels.

b. The working waterfront areas of Villages should continue to support marine and water-related industries, such as aquaculture, fisheries, seafood businesses, nature-based tourism and other compatible businesses. Any new development that would be detrimental to the quality of area waters utilized by aquaculture or shellfish operators should be discouraged.

c. The County should encourage the maintenance and rehabilitation of existing structures in Villages to maintain property values, to provide a range of housing options for all income levels, and to provide commercial opportunities.

d. The density in Villages should not exceed 4 dwelling units per acre for single-family or multi-family development.

e. The viability and historic character of existing Villages should be maintained by encouraging preservation of historic structures and preservation of the historic pattern of developed and undeveloped areas that define the Village.

f. A mix of housing types may be appropriate in Villages. Alternative housing types such as accessory living units and live-work units (typically commercial space on the ground floor with living quarters above the work space) are encouraged in Villages to expand the range of housing options available to County residents. In general, new residential development should not be developed-permitted within the working waterfront and harbor areas, unless it replaces existing historic structures that are part of the harbor area.

g. All new development within the Village should be closely related to the existing, historic character of the Village. Design elements may include multiple uses within a single building, multiple uses adjacent

to one another, building fronts set close to the street, safe pedestrian access between sites and along sidewalks, on-street parking, and parking lots and parking areas located behind buildings. Waterfront-related uses must be designed to be compatible with the character of the existing harbor area and to relate to the streets and buildings adjacent to the harbor area.

h. Any new development in Villages must be supported in the absence of public water and sewer, ~~and so~~ ~~as~~ not ~~to~~ exceed~~ing~~ the capacities of existing natural resources and infrastructure systems.

i. The County supports the maintenance, enhancement and ~~,where appropriate,~~ the expansion of existing community facilities located in Villages.

j. Transportation access to Villages is usually via existing collectors or rural highways, with a network of smaller streets serving the Village center. New development in or adjacent to Villages must connect to and reinforce the traditional Village road network.

#### 2.2.4 Residential

Residential areas are ~~primarily~~ ~~ncipally~~ single-use residential subdivisions that are frequently located on or near the water and in rural locations throughout the County. Residential areas are not served by public utilities and are not intended for such service. Residential areas include:

- Arlington
- Bay Dunes
- Benders Road
- Butler’s Bluff
- Cherrydale
- Cherrystone Way
- Chesawadox
- Clear View
- Cobb Station
- Denwood
- Downing’s Beach
- Eastville Commons
- Eden Meadows
- Greenbriar
- Gull Point
- Harbour Lane
- Highland Heights
- Hungars Beach
- Kings Creek Landing
- Kings Meadows
- Kiptopeke Condos
- Latimer’s Bluff
- Long Point
- Miles Wharf
- Narrow Channel
- Old Neck
- The Peacefuls
- Pine Meadows
- River Woods
- Riverside Farm
- Sandhills
- Seabreeze
- Selma
- Shooting Point
- The Landings
- Tower Hill
- Townfield Meadows
- Vaucluse
- Waverly
- Wilsonia Landing

The following should be considered when planning for appropriate land uses, community design and facilities and utilities in Residential areas.

- a. Residential development should be focused on infill within existing neighborhoods. Vacating existing platted subdivisions that have never been built should be encouraged.
- b. New structures in established communities should be limited to dwellings of a scale and type that is consistent with existing surrounding structures. Densities in residential areas may range from 2 dwelling units per acre to 1 dwelling unit per 5 acres [for single-family and to for multi-family development](#).
- c. To retain property values and to maintain community stability, public and private community-design efforts should focus on enhancing the community character and quality, and improving or upgrading existing community features such as sidewalks, neighborhood facilities and open space.
- d. Non-residential development should be limited to special exception uses or home-occupation uses allowed under applicable zoning regulations; such uses shall be operated in a manner that maintains the residential character of the subdivision.
- e. The County encourages the maintenance, enhancement and ~~where appropriate,~~ the expansion of private facilities that serve residents of these communities.
- f. Transportation improvements should generally be limited to enhancements needed to improve public safety. The County or the State will not maintain private streets serving Residential areas. Accommodations should be made to allow for active transportation in Residential areas.

#### 2.2.5 Cottage Communities

Cottage Communities are existing residential subdivisions, typically of 50 or more lots located on or near the water in rural locations. Cottage Communities are not served by sewer and water utilities, and most were developed under older zoning standards. These frequently do not meet current zoning, subdivision, Health Department, Storm Water Management or Chesapeake Bay Protection standards. Cottage Communities include:

- Battle Point
- Silver Beach
- Smith Beach

The following should be considered when planning for appropriate land uses, community design and facilities and utilities in Cottage Communities.

- a. The most appropriate land use in Cottage Communities is residential infill of existing lots. [consistent with the existing development](#).

b. For redevelopment of existing homes, any increase in floor area and/or lot coverage should be discouraged, as the existing Cottage Community standards for lot size, drainfield size and separation distances, and environmental protection are generally well below current standards for development in rural coastal locations.

c. As individual lots or areas of these Cottage Communities are redeveloped, they should be brought into compliance with current health, environmental and zoning and subdivision standards.

d. New structures should be limited to single-family dwellings of a scale and type that are consistent with existing surrounding structures. Residential density should not exceed 2 dwelling units per acre.

e. Development on infill properties should be compatible with existing development in terms of scale and density.

f. To retain property values and to maintain community stability, public and private community design efforts should focus on enhancing the community character and quality, and improving existing community features such as sidewalks, neighborhood facilities and open space.

~~g. The County should study potential improvements in Cottage Communities to mitigate their negative environmental impacts, through techniques such as shoreline stabilization measures, alternative wastewater systems and native plantings for additional filtering of runoff from developed areas.~~

h. Non-residential development should be limited to special exception uses or home occupation allowed uses under applicable zoning regulations. Such uses should be operated in a manner that maintains the residential character of the community.

i. Public sewer and water service will not be extended to Cottage Communities.

j. Cottage Communities are not appropriate locations for new community facilities, except community based recreational facilities. However, the County encourages the maintenance, enhancement, and, where appropriate, the expansion of private facilities that serve residents of these communities.

k. Since little new development is anticipated in Cottage Communities, transportation improvements should be limited to enhancements needed to improve public safety. The County or the State will not maintain private streets serving Cottage Communities.

### 2.2.63 Towns

There are five incorporated towns in Northampton County: Exmore, Nassawadox, Eastville, Cheriton and Cape Charles. A portion of Belle Haven is also located in Northampton County. Towns have their own governing bodies and land-use planning and zoning controls. In 2010, the population of these towns ranged from a high of approximately 1460 residents in Exmore to as low as 157 in Eastville. The Towns have always served as social and economic focal points for the County. They have long been designated by the County as development areas and zoning reflects that expectation. The Towns continue to be the most appropriate location for development in the County.

The amount of new growth that can be accommodated within these Towns will vary substantially depending generally upon the availability of municipal sewer and water service. At this time, only Cape

Charles and Exmore offer public sewer and water service. A Southern Wastewater Commercial Node near the Cape Charles and Cheriton area is in under consideration to serve commercial properties located in this area with the possibility to serve additional parcels in the future. A similar Northern node centered near Exmore is also under consideration. The imperative is for environmental protection through management of large scale waste discharges. Eastville operates a municipal water system and will also be more likely to attract development interest than the other incorporated towns ~~that who~~ do not. Belle Haven and Nassawadox are envisioned to remain secondary development areas, as is Cheriton, until ~~such time as~~ sewer and/or water service becomes available. The County will consider each Town's Comprehensive Plan, will work cooperatively with the Towns on all land-use matters, ~~and offers the following for their consideration.~~

The following should be considered when planning for appropriate land uses, community design, and facilities and utilities in Towns.

- a. The County will work cooperatively with the Towns to attract development that is compatible with the Towns and that contributes to their economic and community vitality.
- b. ~~Towns should accommodate a full range of residential unit types and densities.~~ Residential-development densities and unit-types depend on the Town's Comprehensive Plans and zoning regulations.
- c. The County should work cooperatively with the Towns and where appropriate the Joint Industrial Development Authority to identify locations for compatible new industrial and commercial locations and/or the expansion of existing centers in the Towns.
- d. Local and regional shops and offices should be encouraged to locate in established downtown centers with residential uses integrated among these uses, including within the same buildings as live/work units.
- e. Towns are, or may in the future be, served by public sewer and water service provided by the County or by the towns, by mutual agreement. The County will work jointly with the Towns to evaluate the desirability and feasibility of upgrading or establishing central sewer and water facilities.

### 2.23.73 Commercial

~~The~~While the most appropriate locations for new commercial uses are primarily within and adjacent to Towns, but existing commercial locations are mainly found up and down the County near Route 13. While it has been the County's policy to encourage infill and expansion of the established business districts in and adjacent to Towns, supporting existing businesses, wherever they are located, should be a priority for the County.

The following list should be considered when planning for appropriate land uses, community design and facilities and utilities in Commercial areas.

- a. A mix of uses should be located in Commercial areas, with commercial uses predominating.

- b. The County should encourage the renovation, reuse and adaptive use of existing structures.
- c. Commercial areas are may be served by existing or planned public sewer and water services.

#### 2.23.84 Industrial

Existing Industrial areas are primarily located near towns. Industrial uses that are compatible with the County's rural and natural heritage are the most appropriate. The following ~~list~~ should be considered when planning for appropriate land uses, community design, ~~and~~ facilities and utilities in Industrial areas.

- a. Industrial uses should be shielded from surrounding areas by vegetative buffers.
- b. Industrial areas may be served by public sewer and water service provided by the County or by the Towns, by mutual agreement.

#### 2.2.94 Planned Unit Development (PUD)

Planned Unit Developments are areas developments characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

Planned unit developments are intended to provide for variety and flexibility in design necessary to implement the varied goals as set forth in the comprehensive plan. Through a planned unit development district approach, the regulations of this division are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts.

It is intended that planned unit development districts be established along major corridors or growth areas. ~~Planned-d~~District master plans should demonstrate a unified development with an interconnected system of internal roads, sidewalks, and paths as well as manage access points along existing roads in order to maximize safety and the efficiency of existing roads.

Benefits of a planned development include less infrastructure costs, more efficient provision of public safety services, less environmental impact, and through the provision of affordable housing achieve significant economic and social integration.

#### 2.34 Road Corridors

Specific roadway improvements, including the installation of bike paths where appropriate, and general transportation policies will also be addressed elsewhere in the Comprehensive Plan document. The following guidelines policies are for the County's primary road corridors as they relate to land use and community design issues.

### 2.34.1 U. S. Route 13 Corridor

U. S. Route 13 is the County's primary road corridor, both for regional and local traffic through the County and the Eastern Shore. In general, the County will encourage the continued improvement of the Route 13 corridor for the purposes of maintaining human safety and managing traffic capacity ~~as appropriate.~~

- a. The County should protect the functional capacity of U. S. Route 13 by ~~appropriately~~ managing traffic flow and commercial development.
- b. The County should continue to review and implement, as appropriate, the recommendations in the U. S. Route 13 Corridor Study and the Rt. 13/Wallops Island Access Management Study.
- c. New development in the U. S. Route 13 corridor should have enhancements along the road frontage, including setbacks, and landscaping with primarily native vegetation.
- d. Proliferation of billboards should be discouraged.

### 2.34.2 Seaside, Bayside, and Stone Road Corridors

Seaside and Bayside Roads are the primary rural road corridors through the agricultural areas and Villages of the County. They are relatively undeveloped outside the limited number of historic village areas, and maintain a scenic rural character. Stone Road is the primary entranceway into the Town of Cape Charles.

These road corridors are important to the scenic quality and the historic heritage of the County. In general, future road improvements and signage should minimize impacts to the historic and scenic character of the road corridors.

### 2.45.3 Livable Communities

In 2011, the County adopted the Eastern Shore Healthy Communities "Livable Communities" concept for inclusion in this Plan. The concept encourages development in towns and villages saving the rural landscape for farming and forestry. This reduces sprawl, redevelops existing downtowns, and may lead to improvements in existing infrastructure, like water, water treatment, sidewalks and roads.

Livable Communities promote construction of varied housing types for varying income and age levels. Building apartments, condos, townhouses and free-standing homes on smaller sites creates more affordable housing. Homes built in "Livable Communities" ~~may~~ appreciate faster, improving town economy and personal investment. When people of ~~all-different~~ incomes and ages live nearby in well-designed residences, socialization and neighborliness ~~may~~ produces safer and healthier outcomes ~~for all.~~

Livable Communities support ~~transportation options such as~~ pedestrian transportation ~~options~~ ~~enhancements~~ like safe sidewalks and bike lanes. ~~Bus transportation helps people to travel further.~~

The Livable Communities concept encourages desirable amenities within walking distance like grocery, medical, library, education, arts and play facilities.

## 2.6 Future-Land-Use Map

The following Future-Land-Use Map summarizes the districts and recommendations described in this Comprehensive Plan for the purpose of geographically locating and delineating specific districts. The Future Land Use Map represents [potential districts](#) ~~planned land uses~~ for the County based on policies developed during the Comprehensive Plan review process and does not necessarily reflect existing zoning or land uses.

## [2.7 Recommendations](#)

[The County should review and revise the current zoning ordinance based on the recommendations in this Plan.](#)

Chairman Leatherbury noted that Chairman Ward had drafted an introduction in lieu of paragraph 2.1. This introduction was passed along to all members by staff via e-mail for review and consideration. It was determined that the Commission would review the draft introduction at their next work session along with the map. Commissioner Ward then asked about the general introduction and Mr. Stith noted that it was drafted and would be forwarded to Commissioners for review.

### **Agri-tourism Language**

Chairman Leatherbury informed the Commission that the Board had forwarded the Agritourism language for review and comment. The language as it stands is very all encompassing in its present definition. Chairman Leatherbury read section 3.2-6400 of the Virginia Code, which defines Agritourism as: any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. Commissioner Chatmon added that she had checked the state definition against the Northampton County Zoning Ordinance and found both very similar in regard to uses. Mr. Stith provided additional recommendations from staff noting some additions of state code definitions, deletions of definitions from the current County code, standards for some of the uses, in addition to notes of what should be permitted by right, what shouldn't be permitted, and what should be removed, along with explanations to support the recommendations. Discussion took place regarding some uses such as produce stands and how they would be categorized if not selling at a farm operation. Mr. Stith then read the definition for farm stand. A seasonal business selling agricultural products and value added agricultural products. A farm stand shall not be a permanent structure, shall not be affixed to the ground, and shall comply with all applicable building codes. There was no mention of the structure having to be on the same lot as the agricultural operation. Commissioner Chatmon then noted that the definition of "Agritourism Activity" is defined as *any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities*. This being noted the State Code is not clear. Commissioner Downing then added that "Farm or ranch" is defined as one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products. The Northampton County Code and the Agricultural Forestal Code define a farm as consisting of a minimum of 5 acres of cultivated land. Chairman Leatherbury added that one can be considered a commercial farmer when you sell over \$2,000 worth of product, then

adding that this can be accomplished on just an acre of land. It was agreed that there were some inconsistencies between the codes and it ultimately came down to agricultural zoning. Further discussion took place regarding the language and proposed changes suggested by staff. Peter Stith clarified by stating the state code as follows: No locality shall regulate the carrying out of any of the following activities at an agricultural operation. Item 1, being, "Agritourism Activities" as defined. The next would be "the sale of agricultural or silvicultural products, or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation". This could be a farm stand. The other two are; "the preparation, processing, or sale of food products in compliance with the other sections and other activities or events that are usual and customary at Virginia agricultural operations". The criteria leave things pretty wide open. Commissioner Ward then inquired about an unmanned stand with cover, and it not being covered. It was presumed to be a farm market, which is defined as a use for sale of agricultural products from a farm market or farm stand and is a permanent structure. Chairman Leatherbury then inquired if an agricultural market then decided to sell plants and shrubs which turned the facility into a nursery, like Matthews at T's Corner or AppleSeeds. Peter Stith then read the definition from the VA Code for Agricultural Operation as being "any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. The definitions once again were seen as all encompassing. The Commission then moved on to items that staff could not agree on. Discussion took place about what should or could be determined to be agritourism activities. After reviewing the charts it was determined wedding venues, retreats or other activities were excluded unless they consist of primary participation in an agritourism activity. It additionally excluded other motorized vehicles except farm equipment, opening up to activities such as tractor and lawn mower races. The language as presented also permitted not only the property owner, but the leasee to operate and agritourism operation so long as there was an active farming operation taking place on site. This is sufficient as it keeps these types of activities in the agricultural arena. The next item for discussion was regulation of amplified music. The Commission addressed the issue of shutting down at sunset, as some events may have later hours in addition to daylight savings time. The Chairman suggested and the Commission consented to using decibels as a limiting factor and all activities be subject to the noise ordinance of the County and remove the limitation of time. The Commission addressed the issue of limiting the number of participants, and it was agreed that there are codes that regulate that and could be left alone. The Commissioners consented to remove Section C items 1 & 2 standards limiting operations. Peter Stith noted that the Commission needed to review the items highlighted in the grid and section B items that were not discussed regarding hours of operation. The Chairman slated these items to be reviewed at the Work Session.

Peter Stith provided a report noting all special use permits sent to the Board of Supervisors were approved and with the conditions noted by the Commission, Kiptopeke Villas application was not discussed, and zoning text amendment 2014-01 for residential facilities was approved. The Board continued their work on the zoning. Peter Stith also suggested the Commissioners review and mark up the map provided in their packets in preparation for the December 17<sup>th</sup> work session.

With no further business to discuss a motion to adjourn till December 17<sup>th</sup>, 2014 was made by Commissioner Ward and seconded by Commissioner Downing. The motion passed unanimously (5-0).