

Minutes
Regular Meeting
Northampton County
Planning Commission
October 6, 2009

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, October 6, 2009, in the former Northampton County Middle School auditorium located in Machipongo, Va.

Those present were Chair David Fauber, Robert Meyers, Thom Shockley, Michael Ward, James Lackie, Marshall Cox, Mary Miller and Roberta Kellam. The member absent was Martina Coker.

Also present was Sandra Benson, Director of Planning and Zoning; Peter Stith, Long Range Planner; and Kay Downing, Administrative Assistant.

The meeting was called to order at 7:02 p.m. by the Chair and a quorum established.

The agenda was then reviewed and accepted.

The scheduled public hearings were called to order and the notice was read in its entirety by the Chair as part of the official record.

No commissioners acknowledged site visits or any ex parte communications received.

Public Hearings: At each hearing the Chair shall request (1) that members report whether they have conducted site visits when applicable; and (2) that members disclose any ex parte communications. Commissioners who have received any form of written ex parte communications, including e-mail, shall place in the record copies of all written communications received as well as all written responses to those communications. In the case of oral communications, members shall prepare a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person making the ex parte communication, which shall become a part of the record of the proceedings.

- A. Zoning Text Amendment 09-03 NHCO**
- B. Zoning Map Amendment 09-02 NHCO**

On December 3, 2008, and December 10, 2008, the Planning Commission (Commission) published notice in the *Eastern Shore News* of proposed amendments to the County's Zoning Ordinance (Zoning Text Amendment 08-04 NHCO and Zoning Map Amendment 08-04 NHCO). Likewise, on December 31, 2008, and January 7, 2009, the Board of Supervisors (Board) published notice in the *Eastern Shore News* of those proposed amendments to the County's Zoning Ordinance. The advertised draft amendments were the subject of public hearings by the

Commission on December 17, 2008, and by the Board on January 13, 2009. As a result of citizen comments and matters raised at those hearings, and as authorized by the Code of Virginia, the Board now wishes to consider additional amendments and changes and corrections to the proposed amendments which were before the Board at its January 13, 2009, public hearing. These additional amendments, changes and corrections are intended to supplement, not replace, the proposed amendments that were the subject of the Board's January 13, 2009, public hearing. Because some of these amendments, changes and corrections would require public hearings by the Commission and Board before they could be adopted, this meeting tonight is being conducted so that the Commission may receive comments on the proposed amendments.

During these public hearings, the Commission and Board will consider the Zoning Ordinance text and map amendments set forth in the descriptive summary below.

I. Text Amendments (du=dwelling units; max=maximum; §=proposed Zoning Ordinance section):

The proposed Zoning Ordinance text amendments would:

- Add a new **Commercial District (C-1)**. The proposed new C-1 district would provide places for the conduct of commerce, business, and employment while controlling and limiting strip commercial development and access to public streets and protecting the groundwater aquifer recharge spine along U.S. Route 13. A mix of commercial, community service, and very light industrial uses would be allowed in this district. (§§154.081, -082, -085, -125 [and Appendices A & B])
- Revise the existing *Agriculture (A)* district to the **Agriculture/Rural Business District (A)**. Its purpose still would be to preserve prime agricultural soils and viable farm and forestry operations in areas not served and not intended to be served by public utilities. The by-right base density for this district is 1 du per 20 acres. An alternate development option, the Open Space Bonus Density Option, will be considered to allow a max density of 1 du per 10 acres with a minimum lot size of 30,000 square feet and open space of 85%. (§§154.081, -082, -085, -125 [and Appendices A & B]). The proposed text amendments differ from those considered at the Board's January 13, 2009, public hearing as follows: the district name would be *Agriculture/Rural Business*, not *Agriculture*; the density allowable under the Open Space Bonus Density Option would be 1 du per 10 acres, rather than 1 du per 15 acres.
- Revised the proposed **Town Edge Districts (TE)**. These districts are proposed to provide a mix of residential, commercial, and manufacturing/light industrial uses, adjacent to incorporated towns which may, in the future, be served by extensions of public water and sewer services from the towns. Four (4) Town Edge districts are proposed: Town Edge-1 (TE-1); Town Edge-2 (TE-2); Town Edge-Neighborhood Business (TE-NB); and Town Edge-Commercial General (TE-CG). TE-1 would allow principally residential uses at a max density of 1 du per 5 acres; TE-2, allowed with appropriate rezoning requests, would provide for a mix of residential and commercial uses with a proposed max density of 2 du per acre; TE-NB, also available with an appropriate rezoning request, would provide for a mix of neighborhood-scale commercial, community service, very light industrial, and residential uses with a proposed max density of 2 du per acre; and TE-CG would provide for a mix of commercial, community service, and light

industrial uses. (§§154.081, -082, -085, -125 [and Appendices A & B]). The proposed text amendments differ from those considered at the Board's January 13, 2009, public hearing as follows: the allowable density in the TE-1 district would be 1 du per 5 acres, rather than the originally proposed 1 du per 10 acres.

- Revise the proposed **Hamlet District (H)**. This district recognizes small rural, typically crossroads, settlements of historic or cultural significance and provides a mix of residential and low-impact commercial uses compatible with a rural setting. The proposed max density is 2 du per acre. (§§154.081, -082, -085, -125 [and Appendices A & B]). The proposed text amendments do not differ from those considered at the Board's January 13, 2009, public hearing, but remapping Bridgetown to this district is proposed.

- Revise the proposed **Existing Business District (EB)**. This district recognizes commercial uses and areas outside of Village, Waterfront Village, Hamlet, Waterfront Hamlet, and Town Edge Districts which already exist, but in areas which are not recommended by the Comprehensive Plan for such use(s) or for further development or expansion or such use(s). (§§154.081, -082, -085, -125 [and Appendices A & B]). The proposed text amendments differ from those considered at the Board's January 13, 2009, public hearing as follows: the uses allowed in the EB District would be those allowed in the TE-CG District, not those allowed in both the TE-NB and TE-CG Districts.

- Revise the proposed **Existing Subdivision Districts (ES)**. These districts are proposed to recognize principally single-use, rural residential subdivisions and condominiums which already have been developed or approved for six (6) or more lots, or in the case of condominium development, six (6) or more separate dwelling units on one parcel, on a 50-foot right-of-way or a state road, but to prohibit the enlargement of such developments under existing regulations. Developments zoned ES would retain the zoning district regulations assigned to them on December 28, 2000, or to which the property was rezoned between December 28, 2000, and the date of adoption of these proposed amendments. All use and dimensional regulations which currently apply in the existing Agricultural-1 (A-1), Rural Village-Rural Residential (RV-RR), Rural Village-Residential Mixed (RV-RM), Rural Village-Residential (RV-R), Community Development-Rural Residential (CD-RR), Community Development-Single Family Residential (CD-R1), Community Development-Residential Mixed (CD-RM), and Existing Business-Commercial Waterfront (EB-CW) districts would continue to apply to developments in their corresponding ES districts. For example, a development currently zoned CD-RR will retain its prior applicable regulations and be zoned as ES-CD-RR. (§§154.081, -082, -085). Thus, existing applicable zoning district regulations will remain the same for all ES-zoned properties. The proposed text amendments differ from those considered at the Board's January 13, 2009, public hearing as follows: existing condominiums are now specifically referenced as eligible for inclusion in the district, a new district is proposed (ES-EB-CW), and remapping of additional properties to ES districts is proposed.

- Revise the proposed **Village Districts (V)**. These districts recognize the traditional villages in the County and provides for potential growth areas for the villages, as well as to provide for a mix of residential, neighborhood business, and agricultural uses which are compatible with a rural setting. Three (3) Village districts are proposed: Village – 1 District (V-1) with a proposed max density of 1 du per 20 acres; Village-2 District (V-2) with a proposed max density of 2 du

per acre for single-family development and a max 4 du per acre for multi-family development; and Village-Neighborhood Business District (V-NB) for neighborhood businesses. (§§154.081, -082, -085, -125 [and Appendices A & B]). The proposed text amendments do not differ from those considered at the Board's January 13, 2009, public hearing, but properties are proposed to be remapped to these districts.

- Revise the proposed **Existing Industrial District (EI)**. This district recognizes existing industrial uses and zones as well as those recommended for industrial use in the adopted Comprehensive Plan. (§§154.081, -082, -085, -125 [and Appendices A & B]). The proposed text amendments do not differ from those considered at the Board's January 13, 2009, public hearing, but properties are proposed to be remapped to this district.

- Add new definitions for accessory living unit, airstrip PNU (private normal use), airstrip POU (private occasional use), helipad, heliport, wind turbine, and wind farm, Building Official, accessory goods and/or services, aquaculture, corn maze, dock, borrow pit, family, artist, aspect, flexible term rental unit, on-site construction, substantial alteration, and zoning clearance; and revise existing definitions for Certificate of Occupancy, Bed and Breakfast, agriculture, accessory living unit, dock, dwelling unit, produce stand, political sign, use, lot coverage, plat, apartment, and construction footprint. (§154.003)

- Revise **Overlay zoning districts**. Overlay districts are proposed which overlay and apply regulations above and beyond the underlying zoning district requirements. Densities and uses allowed in an overlay district are based upon a property's underlying zoning district. One of these overlay districts, the **Chesapeake/Atlantic Preservation District (CAP)** district, is intended to implement the requirements of the Code of Virginia to prevent water pollution, promote water conservation and protect the quality of state waters overlay district. The proposed text amendments differ from those considered at the Board's January 13, 2009, public hearing as follows: add provisions allowing administrative waiver provisions authorized by the Chesapeake Bay Preservation Act and provisions to allow encroachments into Resource Protection Areas for road/driveway crossings and flood control and stormwater management facilities under appropriate circumstances. (§154.164) Overlay map boundaries do not differ from those considered at the Board's January 13, 2009.

- Retain the Zoning Ordinance's existing Planned Rural Village district allowing planned unit developments (PUDs), but revise the name of the district to **Existing Planned Rural Village**. The existing Planned Rural Village in Bayview would be renamed and remapped as Existing Planned Rural Village. (§§154.081, -082, -085)

- Appendices A & B to the Zoning Ordinance set forth uses, densities, and dimension/bulk regulations applicable in various zoning districts. (§154.125, Appendices A & B) The Appendix B table at the end of this notice sets forth the density and dimension/bulk regulations proposed for the zoning districts. The proposed max building height for dwelling structures is 40 feet. (§§154.126, Appendix B). The proposed changes to the chart from the draft that was before the Board at its January 13, 2009, public hearing are shown with strike-throughs. The proposed amendments also would allow certain low-impact commercial uses to take place in residentially-zoned areas, either upon the approval of a Special Use Permit (SUP) or by right, subject to certain restrictions: home offices, with no onsite sales; home businesses; and qualifying rural

businesses (including but not limited to small business and professional offices, inns, antique shops, restaurants with less than 50 seats but not fast food restaurants; handicraft shops, artist studios, animal grooming, barber shop, beauty shop, boat building and repair, farm machinery repair, small engine repair, veterinary services, country store, retreat center/conference accommodations, and furniture production and refinishing) (§154.127).

- Provide a process to seek modifications of setback and height regulations under appropriate circumstances (§§154.142, -145) and provide that the shoreline setback requirement currently in the Zoning Ordinance would not apply to lots lawfully created prior to December 28, 2000 (§154-148).

- Make additional text changes regarding: the addition of provisions for two categories of private airstrips to be known as airstrip-private normal use and airstrip-private occasional use, as well as for heliports and helipads (§§154.003 & 154.107 and Appendix A); the deletion of perimeter screening requirements, except around industrial uses (§154.105); the regulation of political signs to eliminate size requirements and to allow for erection of such signs no more than 45 days prior to date of voting (§§154.003 and 154.190); revisions to 8 of the 9 Use Categories in Appendix A (Agricultural, Low-Impact Agri-tourism, Commercial, Community Service, Industrial, Marine-Related, Recreational, and Multi-Family Residential; no amendments are proposed to the Single-Family Residential Use Category), in the form of the addition of uses to the charts, revisions as to which districts allow certain uses, and whether the uses are by right, require a minor special use permit, or require a major special use permit; the revision of standards for livestock operations (§154.110) to reduce setbacks from tidal waters, wetlands, and perennial streams for Domestic Livestock Husbandry and Traditional Farm-based Livestock Husbandry, to require one acre per horse for equine riding/boarding and training facilities, to regulate animal waste containment and open manure storage, and to establish a new section to be known as §154.111 Standards for Ponds; changes regarding nonconforming structures damaged by natural disasters or other acts of God for consistency with new Code of Virginia requirements (§154.246); deletion of the words “approaching confiscation” regarding findings for the granting of variances, consistent with new Code of Virginia requirements (§154.228); the addition of text to allow for incremental increases in lot coverage for lawful nonconforming lots existing at the time of enactment of the proposed zoning amendments (§154.104); the addition of language that allows the Zoning Administrator to require measures such as French drains, dry wells, and storage of construction materials outside the Resource Protection Area (RPA) buffer if deemed necessary to mitigate effects of buffer encroachments (§154.164); and provision of a setback modification process for structures covered in the Americans with Disabilities Act (§154.141).

II. Map Amendments

The proposed amendments also include revisions to the County’s current official Zoning Map. Copies of the current Zoning Map and the proposed Zoning Map are included as part of this notice. Descriptions for each of the zoning districts with a proposed mapping change are provided above.

The proposed amendments are intended to protect the public health, safety, convenience, and general welfare, are consistent with good zoning practice, assist in the implementation of the

County's comprehensive plan, and accomplish numerous zoning and planning goals set forth in Va. Code §§ 15.2-2283 and -2284.

Following its October 6, 2009, public hearing, the Commission may recommend to the Board that some or all of the new draft amendments (in Zoning Text Amendment 09-03 NHCO and Zoning Map Amendment 09-02 NHCO) be adopted, or be adopted with changes. After the conclusion of the Board's October 20, 2009, public hearing on these matters (Zoning Text Amendment 09-03 NHCO and Zoning Map Amendment 09-02 NHCO), it may approve some or all of the draft amendments described in this notice, some or all of any revisions recommended by the Planning Commission, and/or may approve other appropriate changes and/or corrections of its own. In addition, the Board may adopt all or some of the amendments which were originally prepared, advertised and the subject of the Board's January 13, 2009, public hearing (Zoning Text Amendment 08-04 NHCO and Zoning Map Amendment 08-04 NHCO).

A power point presentation was made by Ms. Benson and Mr. Stith providing detailed background information along with digital maps of those properties and areas proposed for zoning district changes. Those parcels and areas were parcel 84G(1) C2 TE-1 rather than EB; designate Bridgetown Hamlet; parcels on the west side of U.S. 13 from S. R. 646 (Townsend Drive) north to include Chris' Bait & Tackle to be zoned EB, with the exception of the parcel on which a residence currently being operated as a B&B is located; include parcels 91A (2) 1A, 91A (2) 2, and 91A (2) 3 in the TE-1 District; include parcels 91A-19 in Existing Business District; include parcels 105 (3) 1-4 on Arlington Road in the Cheapside village; zone parcels 40B (9) 28 and 29 in Treherneville to V-2; include parcels 84 (A) 120 and 120B in the Bayview Existing Planned Rural Village; include 84 (A) 5 in Existing Subdivision as it is subject to the same covenants and restrictions as the rest of the subdivision, even though it was subdivided prior to the other lots; designate parcels 84 (24) 1A, 2, 2A as EB; designate Kiptopeke Condominiums as Existing Subdivision; designate Yeardeley Subdivision as Existing Subdivision; designate the entirety of parcel 91 (A) B as EB; revise mapping for Narrow Channel Existing Subdivision to include on parcel that had been omitted; property 91-A-B and 91-A-19 owned by Bayview Development Corp. should not be rezoned to AG since the property is commercial; tax parcel 105 (3) 1-4 Arlington Road, Cheapside Village (Map 5 from the Planning Commission recommendation) should all be changed to V-2, not just 200 feet west of and adjacent to Cheapside Road; tax parcel 84-A-100 should remain industrial that is located behind the Food Lion on Rt. 13 near Cape Charles light; tax parcel 84G (1) C2 should be zoned TE-CG rather than TE-1 as proposed and included in the proposed C-1 District.

The Chair called for public comments on those items only designated under the public hearing notice and noted that all other issues would be considered at a later date.

1. Shawndra Willis stated that she was representing the estate of Charles Willis and referenced parcels 58 (A) 13 & 14, currently zoned Community Development-Single-family Residential and proposed to be rezoned to Agriculture. Ms. Willis stated that the owners wished to have their comments included in the record and requested that the property be included in the nearby Hamlet. Her written comments are attached as part of the official record.

2. Charles Ames addressed the commission concerning his parcel 10 (A) 53, which is proposed to be designated Town Edge-Commercial General (TE-CG). Mr. Ames stated that the property

has been used for a cabinet and furniture manufacturing business, a use by right in the industrial district. He advised that the property is adjacent to the railroad tracks and is adjacent to industrial zoning in the Town of Exmore. Mr. Ames requested that this parcel be zoned Existing Industrial. His comments as written are attached as part of the official record.

3. Mr. Granville Hogg stated that he is opposed to the proposed Town Edge zoning for his parcel near the old school property in Eastville that is currently zoned commercial. He also stated that he is concerned about the proposed new airstrip definitions and wishes to be able to use his airstrip at any time. He requested that the limitations proposed for agricultural spraying operations be reconsidered. Mr. Hogg also stated that he had a long list of comments that he would submit.

4. Mr. Gene Thayer, Professional Engineer, requested consideration for Town Edge-Commercial General zoning or for an extension to complete the site plan process for the proposed Parsons Siding Retirement Home project. He also addressed property on Rt. 13 and Bayview Circle, the site of proposed town homes, and advised that Virginia Department of Transportation and Virginia Department of Health comments on the site plan were not resolved. Mr. Thayer requested Existing Subdivision zoning for the property or an extension to complete the site plan process.

Written comments were read by the Chair for the record as follows:

1. Bonny & Rodney Lewis, expressing objection to being included in the proposed Bridgetown Hamlet.
2. James A. and Mary Hamilton Stuart, expressing opposition to the creation of the proposed Bridgetown Hamlet.
3. Arthur C. Miles, Interim Town Manager, Town of Exmore, expressing opposition to allowing duplexes by right in the Town Edge-1 (TE-1) and Town Edge-2 (TE-2) districts, as proposed in Appendix A-Use Regulations, Category 8 MF.
4. Roger J. & Brenda L. Hurley, expressing general opposition to the 2009 Comprehensive Zoning Ordinance Amendments.

It was noted by Ms. Benson for the record that communications unrelated to those matters under consideration at the public hearing had been received from Mike Ward, Rusty Foley, Price Clarke, Hugh Cropper IV, Cindy Scheidemantel, P. H. Cox, and Roy Lee Booth, Jr. She noted that these matters will be considered at a later date.

Pursuant to the oral and written comments received, the Commission made the following recommendations:

1. Revise the Bridgetown Hamlet boundaries.

During discussion the Chair noted that poor drainage was a problem for this particular area and even though there are some small parcels there are few actual structures. Commissioner Miller stated that the area does have historical significance that should be recognized and suggested that a smaller enclave may be a better solution. Motion was made by Commissioner Lackie to amend the proposed Bridgetown Hamlet area to a smaller more concentrated area to include Hungars Church property running south along S. R. 622 (Bayside Road) on both the east and west sides a depth of 200 feet ending with parcel 31 on the tax map; and deleting any area along Church Neck Road on its north side. After further discussion Commissioner Lackie withdrew his motion. Commissioner Meyers moved to revise the Bridgetown Hamlet area as proposed starting at Hungars Church (lot 18) on Church Neck Road proceeding west a depth of 200 feet along lot 20 and continuing south on Bayside Road, including the smaller parcels south and ending through lot 31; and on the west side of Bayside Road starting with and including Shorters Chapel property, proceeding south to include only a depth of 200 feet of road frontage for lot 37 and to include lot 36A. Second was made by Commissioner Miller and the motion carried unanimously.

2. The Commission voted to recommend changing duplexes to M/S in Village-1, TE-1, and TE-2 in Appendix A, Category 8 MF. Motion was made by Commissioner Meyers and seconded by Commissioner Cox with Commissioner Ward opposed.

During discussion the Chair and Commissioner Meyers agreed with those comments submitted by Artie Miles and that most towns do not allow duplexes by right. The Chair noted that the Commission had originally proposed M/S for duplexes.

Commissioner Meyers added that it was his understanding the the Town of Exmore could not handle more duplexes and that such structures are only allowed by special use permit.

Commissioner Coker stated her opinion that by allowing duplexes by right there would be no opportunity to promote or encourage affordable work force housing. She also noted that the development of standards for work force housing as well as completion of the TE Town Edge plan as referenced in the county's comprehensive plan is urgently needed.

Ms. Benson cautioned that perhaps no TE uses should be listed at all until the TE plan is accomplished and reminded the Commission that the TE District has been chosen as the county's primary growth area.

The commission also voted to establish a date to begin developing Town Edge plans as soon as possible. Motion was also made by Commissioner Meyers and seconded by Commissioner Miller.

Motion was made by Commissioner Kellam to ask the Board of Supervisors to authorize the Commission to develop duplex standards with the purpose being to ensure availability of moderately priced workforce housing. Second was made by Commissioner Cox and carried with Commissioner Ward opposed.

At this time the Commission acknowledged the comments in general opposition of the proposed amendments as submitted by Mr. & Mrs. Hurley.

The Chair called for a brief break before resuming discussion.

3. The Commission voted to recommend zoning to Existing Industrial the portion of parcel 10 (A) 53 proposed to be zoned TE-CG. It should be noted that the commission did not discuss the portion proposed to be zoned TE-1, and that portion was not among the changes advertised for these public hearings. Considering Mr. Ames comments motion was made by Commissioner Meyers and seconded by Commissioner Ward.

4. The Commission voted to recommend retaining the TE-1 designation for the Parsons Retirement Home parcel since TE-CG would not allow the use and development proposed as referenced earlier by Mr. Thayer. During discussion it was noted that this may be a vested rights issue. Motion to recommend retaining the TE-1 designation was made by Commissioner Commissioner Meyers and seconded by Commissioner Ward.

5. The Commission voted to recommend adoption of the proposed wind turbine regulations as an interim measure and to request direction from the Board to develop standards for wind energy structures and usage in the county in order to inform special use permit decisions. Motion was made by Commissioner Kellam and seconded by Commissioner Miller.

6. The Commission voted to recommend adoption of all other text amendments as set forth and highlighted in pink in the Public Hearing Draft – 2009 Comprehensive Zoning Ordinance Amendments, September 2009. Motion to recommend adoption was made by Commissioner Meyers and seconded by Commissioner Cox.

7. Motion to recommend adoption of the proposed zoning map with amendments as advertised and other amendments as discussed pertaining to the Bridgetown Hamlet and parcel 10 (A) 53 was made by Commissioner Meyers and seconded by Commissioner Ward. The motion carried.

At this time Commissioner Kellam moved to extend the meeting beyond 10:00 p.m. Second was made by Commissioner Meyers and carried.

Matters from the Public.

The Commission then entertained general matters from the public

Bill Parr referred to the economic study that predicted negative economic impacts were certain if the proposed ordinance amendments were adopted. It was his opinion that the proposed amendments would impact the quality of life for all citizens. He hoped that implementation would be mindful of impacts on commercial activities and the need to draw new business opportunities to the county. He also stressed the need to simplify the regulations and to encourage business development.

Consideration of Minutes.

The minutes of September 1, 2009, were approved with the following corrections: correct the spelling of Thom Shockley's name on page 1, second paragraph; page 3, first full paragraph, first sentence, delete the word "taken" and insert "quoted", delete the word "Legislature" and add "Code § 15.2-2200" after "Virginia"; page 3, third full paragraph, delete the word "adding" in first line; page 3, fourth full paragraph, first sentence, delete "this code Article" and insert "Virginia Code §15.2-2200; page 6, in Section 3-2, correct nominating committee number from three to two; page 8, second full paragraph, second sentence, delete "only" and insert a comma after "permitting body"; page 8, in Section 5-3, add at the end, "The minority vote shall be recorded." and also add at the end of Section 5-4, "The agenda order may be changed at this time." Motion to approve as corrected was made by Commissioner Meyers and seconded by Commissioner Lackie.

The minutes of September 15, 2009, were approved with the following corrections: page 2, in the next to last paragraph, the additional motion made by Commissioner Meyers should be inserted that added the red circles on the FLUM map legend in order to separate it from the motion on the Oyster boat ramp facility; and on page 2, third paragraph from the bottom, the word "recreation" should be capitalized.

Motion to approve as amended was made by Commissioner Meyers and seconded by Commissioner Cox.

The minutes of September 29, 2009 work session were approved with corrections made to page 3, paragraph four, to change the word "this" to "which"; and also in paragraph six, change "exceed" to "exceeds."

Motion to approve as amended was made by Commissioner Meyers and seconded by Commissioner Lackie.

Unfinished Business.

Due to the late hour it was decided by consensus to postpone discussion on the adopted By-Laws and Code of Conduct.

New Business.

Commissioner Meyers reported that he would e-mail the power point presentation from the Chesapeake Bay seminar that he attended. He noted that Virginia is not meeting EPA requirements for pollution and clean-up of the Bay. He also reported that the EPA will be working with localities to develop new regulations in the future.

Commissioner Meyers also noted that the Town of Exmore is interested in developing the TE plan.

There was nothing new to report from the Towns of Cheriton and Nassawadox.

It was reported that the Eastville Town Council has voted to make the Northampton Planning Commission the town's commission as well.

Communications.

The Commission had received Planning Commission/Town Council agendas for Cape Charles in the agenda packet.

Board Action on Zoning Matters.

Ms. Benson reported that the Board did adopt the Future Land Use Map as recommended.

Committee Reports.

No reports were presented.

Director's Report.

Ms. Benson noted that the regular November meeting may require two nights due to the large volume of Agricultural and Forestal District (AFD) applications. She explained that the public hearings must be concluded no later than Thursday, November 5, due to scheduling deadlines for the Board's scheduled public hearings. It was noted that Velocitel would be scheduled on the November agenda as well to make a preliminary presentation on the proposed zoning text amendment related to solar energy.

Adjournment.

There being no other business motion to adjourn at 10:24 p.m. was made by Commissioner Cox and seconded by Commissioner Meyers.

ATTACHMENTS ARE ON FILE IN THE DEPARTMENT OF PLANNING & ZONING