

Minutes

Northampton County Planning Commission

October 1, 2013

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, October 1, 2013, in the Board chambers located at 16404 Courthouse Road in Eastville, Va.

Those present were Chair Martina Coker, Vice-Chair Michael Ward, Sylvia Stanley, Jacqueline Chatmon, Dixon Leatherbury and Roberta Kellam.

Also attending were Peter Stith, Long Range Planner; and Kay Downing, Administrative Assistant.

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

Review and acceptance of the agenda

The agenda was revised to move consideration of minutes after Item 5 and to make Part I, Section 7 Transportation as Item 6. B. Motion to accept as revised was made by Commissioner Stanley, seconded by Commissioner Kellam, and carried 5 to 0 since Commissioner Ward had not yet arrived.

Public hearings:

The first public hearing was called to order.

- A. Special Use Permit 2013-06: Thomas E. Rayfield has applied to convert the second floor of an existing two-story garage into an accessory living unit on property located at 11310 Seaside Road near Treherneville. The property, containing 76 acres of land, is described as Tax Map 41, double circle A, parcel 6 and is zoned A/RB Agriculture/Rural Business.

Mr. Stith noted that the existing garage is proposed to be renovated on the second floor to accommodate an accessory living unit. The existing well will serve both the primary structure and the proposed unit. The applicant is waiting on Health Department approval for the accessory dwelling's septic system. He noted that clustering of dwellings is cited in the existing comprehensive plan and the proposed use will not interfere with the active agricultural operations on this farm.

Mr. Rayfield, the applicant, stated that the accessory dwelling would be a small apartment to accommodate 1 person and hoped that once the apartment was occupied it would help stop any further vandalism from occurring on the premises since there had been a recent break-in at the main house.

The Chair called for public comments. There being none the public comment portion of the hearing was closed.

Action:

Commissioner Kellam stated her agreement with the staff report findings and moved to recommend approval of SUP 2013-06 to the Board of Supervisors. Second was made by Commissioner Chatmon and the motion carried 5 to 0 since Commissioner Ward had not yet arrived.

The second hearing was called to order.

- B. Special Use Permit 2013-07: Thomas & Kim Burt have applied to construct a garage with an accessory living unit on the second floor that will be attached to a single-family dwelling in the future. The property, containing 46.10 acres, is described as Tax Map 7, double circle 4, parcel A, and zoned A/RB Agriculture/Rural Business. The property has frontage on the Chesapeake Bay and is located just north of the Battle Point area.

Mr. Stith noted that the applicants are constructing a new primary structure and the accessory living unit would be attached by a breezeway in the future. He also noted a correction to staff comments noting that one well and septic system would serve both the primary and accessory structures. He also noted that the request was in keeping with the comprehensive plan.

Mr. Dave Mitchell, contractor for the applicants, was present to answer any questions.

The Chair called for public comments. There being none the public comment period was closed.

Commissioner Kellam asked if the accessory unit was going to be occupied before the main structure was finished. Mr. Mitchell stated that he was not sure, but the main structure would be started by the end of the year. Commissioner Kellam stated that the request is consistent with the regulations of the zoning ordinance and also with the comprehensive plan.

Action:

Motion to recommend approval to the Board was made by Commissioner Kellam and seconded by Commissioner Chatmon. The motion carried 6 to 0.

Matters from the public: none.

Consideration of Minutes

The minutes of the July 17, 2013 work session were approved with the following edits: (1) On page 3, the third paragraph from the bottom should read, "The Chair noted that proposed amendments are legal when initiated by the Board although logic of doing so before comprehensive plan approval is illogical." (2) On page 4, in the third paragraph, delete the word "there" in the first line.

Commissioner Chatmon asked if the Commission would pursue including an explanation as to why each goal was chosen as discussed in the July 17th minutes. If the Commission does not intend to pursue that format then perhaps the minutes should reflect so. The Chair noted that even though that issue may not be pursued and incorporated into the comp plan, the discussion did occur and should remain part of the official record of July 17th.

When asked by Commissioner Chatmon, Mr. Stith informed the Commission that updated attendance records had been submitted to the County Administrator whose staff would be contacting Commissioner Carpenter about his status.

Motion to approve the July 17th minutes was made by Commissioner Leatherbury and seconded by Commissioner Kellam. The motion carried 6 to 0.

The minutes of the August 6, 2013 regular meeting were unanimously approved with the following corrections: capitalize the words "County" and "commission" throughout; page 4, delete the third paragraph which is a duplication of the second paragraph; and on page 5, in paragraph 2, delete the word "be" at the end of the second line. Motion to approve as corrected was made by Commissioner Kellam, seconded by Commissioner Chatmon and carried 6 to 0.

The August 19, 2013 work session minutes were approved with the following corrections made. (1) On page 2, paragraph 3, in last sentence, change "Martina" to "Chairman"; paragraph 4, in the second sentence insert a comma after "Currently"; change "include" to "includes" and delete the space before the last sentence. (2) On page 3, paragraph 5, change "The Chair" to "Chairman Coker". (3) On page 4, paragraph 2, in the third sentence change "populations" to "population"; paragraph 4, change "The Chair" to "Chairman Coker" and "County" should be capitalized in the last sentence; in the last paragraph, last sentence, change "The Chair" to "Chairman Coker". (4) On page 5, paragraph 5, change "The Chair" to "Chairman Coker"; and make the same change in the paragraph 7 as well. (5) On page 6, third paragraph from the bottom, change the sentence to read, "Concern was voiced by Commissioner Kellam about "pre-zoning" property under private ownership before an industry or business is interested." Motion to approve as corrected was made by Commissioner Chatmon and seconded by Commissioner Stanley. The motion carried 6 to 0.

It was noted that the minutes of the September 3, 2013 regular meeting were omitted from the agenda packet and would be placed on the agenda of the next regular meeting.

Unfinished business

Procedural matters were briefly discussed with the Chair noting that substantive issues with the minutes should be discussed under procedural matters.

Mr. Stith requested that if any new information needs to be submitted prior to a meeting by a Commissioner that information should be received the day before so that it is properly received, copied and assimilated. Discussion followed and the Chair suggested that new

information including proposed comp plan edits be submitted to staff by noon on the preceding Friday of a meeting if possible.

Discussion was held on what constitutes an official Commission meeting. Noted for instance was the tour invitation issued to the Commission. Mr. Stith noted that legal counsel has advised whenever an event is held and County business is discussed or presented it would constitute an official Commission meeting when two or more Commissioners are present and should be so publicized. For the record, only Commissioner Ward had accepted the invitation and attended the private event. Commissioner Ward disagreed noting that no official County business was held or discussed. It was decided that the October 16 work session would be called to order at 5:00 p.m. if 2 or more Commissioners are present at the Board's work session. However, based on the format of the Board's work sessions, no public or Commissioner comment would be entertained during the work session or on the zoning Code power point presentation.

Review of Part I, Section 3 Economic Plan was held with the following edits made.

"County" is to be capitalized throughout the draft.

On page 2, the first sentence in the fourth bullet point was reworded to, "Northampton County continues to experience a high level of persistent poverty." The first part of the sixth bullet point was reworded as, "The lack of infrastructure may inhibit There is no general consensus on location and funding for future public sewer and water services."

On page 3, in line 86, the word "that" was added before "quality".

On page 4, Section 3.1, from line 116 through 122, staff was directed to check numbers and list other basic industries along with other issues and to perhaps focus on significant or major industry instead of "basic" industry. In line 125, "near the top" was inserted prior to "in Virginia"; line 132, "fresh market" was inserted prior to "green bean"; and line 133 "demand" was inserted after "global".

On page 5, the last sentence of the first paragraph was deleted; the last sentence of the second paragraph was deleted; at the end of the third paragraph (line 165) the phrase "shoulder season" was replaced with "off season" and the last sentence was deleted; in Section 3.1, line 171, "need for" was inserted after "potential".

On Page 6, in line 206, "such as" was replaced with "including"; punctuation was corrected in line 209 and "secondly" was changed to "second" in line 210.

On page 7, in Section 3.2.2, Item 4) was deleted.

On page 8, in Section 3.2.3, line 294, a typo was corrected to “strategies”; at the end of line 295, “low cost energy” was added; and a new paragraph was added after line 298 related to energy.

On page 9, lines 308 and 309 were revised as “...Cape Charles would require a significant private investment....” In the last sentence of the second paragraph (line 317) “could” was inserted after “college”. A new paragraph after the second was inserted to address promoting the tourism industry through expanded recreation opportunities.

On page 10, the title of Goal 3.2 was clarified and reworded; in 3.2.3, “Ag Ext.” should be spelled out under Responsible Agencies; and in Stakeholders, “Farmers” was replaced with “Agricultural Industry” as well as in 3.2.6.

On page 11, the title of Goal 3.3 was clarified and reworded as was the title of Goal 3.4.

On page 12, in 3.4.7, “Citizens” was inserted under Stakeholders and “staff” deleted. The title of Goal 3.5 was clarified and reworded; and 3.5.4 was reworded to “Maintain the small business HUB zone designation.” In 3.5.4, under Responsible Agencies insert “Congressional Delegation”.

On page 13, the title of Goal 3.6 was clarified and reworded; and 3.6.4 was reworded “Provide Incentives for rehabilitation of real estate.”

On page 14, the title of Goal 3.7 was also clarified and reworded.

Brief discussion was held on how to measure growth or quantify the goals as written in the Economic Section.

Part I, Section 7 Transportation was reviewed beginning with Section 7 Needs Assessment of the draft. The following edits were made by the Commission

On page 2, Section 7 Needs Assessment was changed to Assets. In the first paragraph corrections were made to “Chesapeake Bay Bridge and Tunnel”.

While reviewing other sections (pages 3-5), it was evident to the Commission that some statements as written should be relocated as strategies such as “Land Use Planning” and “Transportation Planning” at the bottom of page 2. “Main Road Network” would be listed as Item 1 under “Assets” and “Multimodal Transportation Facilities” would be Item 2 and so on. It was noted that the Star Transit bus line should be mentioned under Multimodal as well.

On page 4, the first two lines under Section 7.4 were deleted.

Staff was instructed to re-work the draft for consideration again.

The Commission then briefly reviewed Part I, Section 5 Environment, Natural Resources & Open Space Plan. Commissioner Kellam noted that the plan update must contain VIMS language according to state Code. Several issues were more clearly defined in the draft. Commissioner Kellam is to reformat this section to be consistent with others and submit another draft for consideration.

New Business: none.

Communications

It is noted that agendas for the Cape Charles Planning Commission and Town Council had been sent electronically to each Commissioner for information purposes. No other Town information was available.

Monthly Staff Report

The staff report was reviewed as follows.

- 1. Board/Town Action on Zoning Matters: The Board did not have any public hearings at the regular meeting in September.*

- 2. Zoning Update: The Board of Supervisors has scheduled a work session on October 16, 2013 from 5:00 – 8:00 pm to hear a staff presentation of the proposed zoning updates. The Board has invited the Planning Commission to attend, not as a joint meeting but to listen to the presentation. This is the same day as your scheduled work session.*

- 3. Comprehensive Plan Review: The remaining sections Staff is working on are the introductions to Part I and Part II.*

Adjournment

Motion to recess until October 16, 2013 was made at 9:55 p.m. by Commissioner Kellam and seconded by Commissioner Chatmon. The motion carried unanimously 6 to 0.

Chair

Secretary