

Minutes

Northampton County Planning Commission

November 7, 2012

This was a regular meeting of the Northampton County Planning Commission held on Wednesday, November 7, 2012, in the Board chambers located at 16404 Courthouse Road in Eastville, Va.

Those present were Chair Martina Coker, Vice-Chair Michael Ward, Dixon Leatherbury, Mary Miller and Sylvia Stanley. Those absent were Roberta Kellam and Severn Carpenter.

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

The Chair called the meeting to order at 7:03 p. m. and established a quorum.

The revised agenda was reviewed and revised by adding the following items: (1) discussion of FOIA regulations; census data changes for the Town of Eastville; and the need to appoint a Nominations Committee. Motion to accept the agenda as revised was made by Commissioner Miller with second by Commissioner Ward. The motion carried unanimously 5 to 0.

Public hearings

- A. Special Use Permit 2012-07: Pamela Barefoot & James M. Green have applied to operate a bed and breakfast in a primary structure located on 7.828 acres of land at 6235 Osprey Lane. The property, zoned A/RB Agriculture/Rural Business District, is described as Tax Map 13, double circle A, parcel 51 in the Salt Works area.

Ms. Barefoot was present and stated that a letter of opposition has been filed by an adjacent property owner. She clarified that her property is bordered by water and is not surrounded by the adjacent property owner's land as stated in the objection.

Ms. Barefoot began by addressing comments submitted by adjacent property owner(s), Occohannock Family Farms (OFF) LLC. The letter of opposition recommended certain conditions be placed on the special use permit if approved. She noted that they constructed a driveway on the right-of-way which they continue to maintain; smoking and pets would be prohibited; and no new lighting would be necessary. It was her intent to keep existing vegetated buffer area in place around her property.

Attorney Bert Turner spoke representing Occohannock Family Farm (OFF) LLC. He went over the conditions recommended by OFF LLC and asked that the special use permit be granted with the written conditions as suggested by his client.

The Chair called for public comments.

Judy Brunk, friend and neighbor of the applicant, spoke in favor of the application stating the applicants are honorable people and they do not need to have legislated conditions put on them.

No other public comment was offered.

Mr. Turner asked for clarification that any approval for the 2 bedroom B&B pertain only to the primary structure on the property and not any accessory structure.

Action:

Discussion followed and after reviewing the feasibility and enforceability of the recommended conditions the following motion was approved unanimously 5 to 0. Commissioner Miller moved that SUP 2012-07 be recommended for approval to the Board of Supervisors with the following conditions:

- The SUP runs with the current owners
- No identification signage shall be visible from the applicants property
- Landscaping and vegetated buffer shall be maintained as it is
- “No Trespassing” signs are to be posted by the applicant to discourage intrusion into neighboring property.

Ms. Barefoot was informed that the Board would conduct its public hearing on November 21st.

Matters from the Public: none.

Unfinished Business

The Chair announced that she and Commissioner Kellam would be meeting with the Zoning Administrator and Mr. Stith to draft language that would clarify all types of housing/tourism accommodations including accessory living units and farm cottages. She added that legal advice would be solicited on this issue as well.

Commissioner Miller noted that Andrew Barbour has requested that the definition of “farm” as it pertains to agri-tourism be reviewed by the commission as well.

Nothing new was reported on Zoning Code §154.111, agricultural ponds draft language.

Mr. Stith reported that revisions to the Eastville Comp Plan have not been made yet, but will do so in the near future. Commissioner Miller added that the council hopes to hold its public hearing on this matter in February 2012. She added that council has received confirmation that the 2010 census has been revised to more accurately reflect the actual population within the corporate limits. It was explained that the original census data had included those incarcerated at the jail which is located outside the corporate limits.

Additional county comp plan revisions were distributed to those present, specifically Part II Section 3 Population & Demographic Analysis plus information from Commissioner Miller on

Section 4 Economic Analysis which is still being revised by staff and Commissioner's Kellam article on poverty. Also distributed was information on revenues collected by the Town of Exmore from FY 2009 through FY 2012. The Chair noted that she would contact Anne Sayers, Commissioner of the Revenue, about county revenue data. Commissioner Miller suggested that it needs to be determined if conclusions in the economic section should be summary language or be actionable language.

Commissioner Ward noted that he saw a different definition regarding employment statistics which includes anyone working at their own business whether paid or not based on federal data from the Bureau of Labor Statistics. It was suggested that more research is needed to ensure that employment statistics are accurately depicted in the plan and also determine which data to use. He also noted that there may be data available on part-time employment rates.

It was noted that the comp plan Vision Statement has not been reformatted yet.

Two additional information items were distributed entitled "Elements of an Economic Base Analysis" plus "What's the Market Telling Us?" from the American Planners Association.

Consideration of Minutes

The resubmitted September 11, 2012 minutes were accepted as submitted upon motion by Commissioner Ward and second from Commissioner Leatherbury. However, staff was asked to confirm that no response was made to Commissioner Miller's inquiry stated in the first paragraph of page 6. The motion carried unanimously 5 to 0.

The minutes of October 2, 2012 were approved with one correction to delete the fifth paragraph on page 5. Motion to approve as corrected was made by Commissioner Leatherbury and seconded by Commissioner Ward. The motion carried unanimously 5 to 0.

The minutes of October 23, 2012 were approved with the following corrections: on page 1, the meeting date should be corrected from September to October; and on page 3, third paragraph, second sentence change the word "base-bottom" to "leased-bottom". Motion to approve as corrected was made by Commissioner Miller and seconded by Commissioner Leatherbury. The motion carried unanimously 5 to 0.

New Business

Commissioner Miller noted that the Nominations Committee will present its recommendation at the next regular meeting in December.

A listing of General Assembly legislative changes was distributed and the Commission was informed that proposed language reflecting Code changes would be presented for review as drafted by staff.

Commissioner Miller reported that Virginia voters approved new eminent domain language.

Commissioner Miller commented that the Virginia Freedom of Information Act update distributed to the Commission is an extremely thorough explanation on how to conduct one's

self. She then expressed concern that an Economic Development Authority has nondisclosure rights and that the Commission should know details as the Authority will not be required to provide information to commissioners. She was concerned that zoning changes could be requested without specificity.

Mr. Stith noted that the Board is in the process of dismantling one Industrial Development Authority and re-organizing the joint one which will need to be approved by those towns that are participating.

Communications

The Commission had received electronic copies of Cape Charles Planning Commission and Council meetings.

The Town of Cheriton had provided prior Planning Commission and Council minutes as well that were included in agenda packets.

Director's Report

The last Director's report from Sandra Benson Thornton was submitted as follows.

1. Cape Charles cooperative planning update: *I have heard nothing further from town staff to date.*
2. Town Edge Planning: *There is nothing new to report regarding this matter at this time.*
3. Board/Town Action on Zoning Matters: *At their October 9, 2012, meeting the Board of Supervisors approved Subdivision Text Amendment 2012-01 and Zoning Text Amendment 2012-10 in accordance with the Planning Commission's recommendations.*
4. Comprehensive Plan Review: *The revised vision was mailed/emailed to the Plan Review Stakeholder Group for their information. They were advised that they would be notified of a future meeting date to be determined. The commission conducted a work session to continue discussion of plan data on October 23, 2012, at 7:00 p.m. It will be necessary that the commission and staff determine a work session/recessed meeting schedule during the transition period before my replacement is hired and during the upcoming holiday season.*
5. Comprehensive Plan Advisory Committee: *The committee is working towards compilation of its report on recommendations to the Board of Supervisors concerning zoning and comprehensive plan provisions. They expect to conclude that task by December 15, 2012. Peter Stith will continue to staff the committee with administrative support from Kay Downing.*
6. Eastville Town Plan: *A draft plan update for your review was provided for the October 23, 2012, work session. Time did not permit any discussion of the document at that meeting; commissioners were requested to save and review the draft for future discussion. Unless the*

Town Council indicates otherwise, we have agreed to work towards scheduling a joint public hearing on February 5, 2013.

7. Legislative Update: A report on ordinance revisions necessitated by amendments to the Code of Virginia will be provided under separate cover.

8. Staff Transition: As you know, my last official day of employment with Northampton County is October 31, 2012. As previously reported to you, it is the intention of County Administration to hire the new Director of Economic Development prior to hiring my replacement. This means that it will be several months before my position is filled, most likely in January or February 2013. In the interim, Peter Stith and Melissa Kellam will share Planning and Zoning departmental oversight functions, and Peter will staff the Planning Commission with continued administrative support from Kay Downing. Accordingly, if you have questions about commission business, please direct them to Peter at pstith@co.northampton.va.us, (757) 678-0443, ext. 545. I wish each of you well personally and professionally, especially as you continue your service to the County.

Commissioner Miller requested that all CPAC minutes be provided as well as the final plan when available.

Prior to adjourning it was decided that a Doodle Poll be utilized in order to ascertain when the next work session would be scheduled. The dates of November 13, 14, 27 and 28 were chosen.

It was noted that the Commission should come prepared to discuss Part I, Sections 4 and 5, and in Part II, the Environmental section.

Recess

Motion to recess until 7:00 p.m. to one of the dates to be announced was made at 8:23 p.m. by Commissioner Dixon and was seconded by Commissioner Ward. The motion carried unanimously 5 to 0.

Chair

Secretary