

## Minutes

### Northampton County Planning Commission

March 1, 2011

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, March 1, 2011 in Conference Room #2 at the former Northampton County Middle School located at 7247 Young Street in Machipongo, Va., for the purpose of conducting regular business.

Those members present were Chair David Fauber, Vice-Chair Martina Coker, John Wescoat, Jr., Mary Miller, David Kabler, Severn Carpenter, Roberta Kellam, and Robert Meyers. The member absent was Michael Ward.

Also in attendance were Sandra Benson, AICP and Director of Planning & Zoning; and Kay Downing, Administrative Assistant.

The meeting was called to order at 7:05 p.m. and a quorum established.

The agenda was considered and approved with it being noted that a special tourism presentation be added under Item 5, Matters from the Public. Motion to approve the agenda as amended was made by Commissioner Meyers and seconded by Commissioner Miller. The motion carried 8 to 0.

Commissioner Kellam arrived at 7:10 p.m.

It is noted for the record that no public hearings were scheduled tonight.

#### **Matters from the Public**

Lynne Lochen, the new full-time Tourism Development Specialist from the Virginia Tourism Corporation, was present as was Donna Bozza, Director of the Eastern Shore of Virginia Tourism Commission. Ms. Lochen distributed a tourism brochure for the commission's information and stated that an office would soon be open on the Eastern Shore probably at the Eastern Shore Tourism Office. She explained that Governor McDonnell had approved this position for the Eastern Shore exclusively to work with both counties to promote tourism by working on existing programs and implementing new ones. After noting her past experience in the tourism field Ms. Lochen made the following points concerning her position and the tourism industry:

1. Tourism is an investment that has an average 5 to 1 return rate.
2. Visiting tourists do not use local services.
3. Effective and consistent gateway signage is a must.
4. A working partnership between all Eastern Shore localities is essential; boundaries between localities and counties are not important since people are looking for an experience and so a regional partnership conference would be very beneficial.

5. Promotion of space tourism is expected to benefit both Northampton and Accomack Counties.
6. Job creation and economic development are results of tourism.
7. Tourism programs may take years to develop but are perpetual once established.
8. The film industry supports tourism by promoting visits to actual locations and design sets as seen in major motion pictures and also utilizes local businesses during filming.
9. Tourism is a clean industry.
10. Special attention should be given to promote quality events such as OpSail 2012 to generally attract tall ships to our community to benefit the local economy and helps to develop additional tourism contacts and networks.
11. Tourist demographics should be researched thoroughly in order to find the Eastern Shore's niche market and to advertise effectively to specific groups of people.
12. Meeting the needs of the traveler or tourist is important.
13. Promoting unique shopping venues, cottage industries, artisan and local specialty food products, etc., are important to draw tourists.
14. Beautification and appeal of U. S. 13 should be improved.
15. The Virginia Tourism Corporation now has 5 tourism and film budget amendments offering tourism development funding and loans.
16. Each locality should be proactive in developing incentives that promote tourism such as making it simple to do business and offering tax incentives.
17. An assessment of tourism resources should be done.

Ms. Bozza stated that a new tourism strategy plan is being drafted and that Ms. Lochen's position is to help the Eastern Shore fully develop this plan in order for each locality to then implement and support it. The strategic plan will be submitted to the county in the near future along with a travel guide. She also stated that a new website will soon be available and that the tourism commission has joined the Virginia Coastal Tourism Alliance, a huge advocacy group and valuable resource for the Eastern Shore. She then presented written tourism data to the commission.

Commissioner Kellam stressed the need to promote eco-tourism while at the same time protecting the area's natural resources. She suggested that updated strategies in the comprehensive plan should perhaps be collaborated between the commission, Ms. Lochen's office and the tourism commission.

Commissioner Kabler then gave a brief background presentation on the on-going effort to attract tall ships on a continuing basis and Operation Sail (OpSail) 2012 to Cape Charles Harbor benefiting both the town and county.

### **Consideration of Minutes**

The minutes of December 7, 2010 were approved with the following corrections: page 2, paragraph 6, correct the spelling of Meyers; page 6, paragraph 2, first sentence, should read, "...the everyone's individual comp plan folder..."; paragraph 4, first sentence, the word "town" should be capitalized; page 7, full paragraph 2, the next to the last sentence should state, "...and a bio-solid business owner"; and

the last sentence deleted; page 8, first paragraph, replace the words, “the official” with “each individual’s plan folder .” Motion to approve as corrected was made by Commissioner Kabler and seconded by Commissioner Miller. The motion carried 8 to 0.

The minutes of January 4, 2011 were approved with the following corrections: page 1, paragraph 5, the vote taken should be noted at the end of the paragraph; page 3, paragraph 1, add, “because the work was nearly finished” at the end of the second sentence; page 4, paragraph 2, change wording in the first sentence from “has considered” to “could consider”; page 5, first full paragraph, second sentence, should read, “Ms. Benson replied no, but must meet accessory structure setbacks...”; delete the last paragraph; and page 6, paragraph 3, add the word “wind” before “mills”. Motion to approve as corrected was made by Commissioner Wescoat and seconded by Commissioner Coker. The motion carried 8 to 0.

Motion was made by Commissioner Meyers and seconded by Commissioner Coker to recommend approval of the January 20, 2011 minutes with one correction to page 3, under c., viii., the words “and tall ships” should be added. The motion carried unanimously 8 to 0.

The minutes of February 1, 2011 were corrected as follows: page 3, the number of the described public notice should read 2010-09; page 8, first full paragraph, add the words “such as recreational flying activities such as ultra-lights” at the end; paragraph 4, replace the words “voiced frustration” with “pointed out” in the first line and in the second line replace the first “was” with “had been”; last paragraph, changed Commissioner Ward to Commissioner Miller; and page 15, first full paragraph, 8<sup>th</sup> line, delete the word “stated”. Motion to approve as corrected was made by Commissioner Wescoat, seconded by Commissioner Carpenter, and carried 8 to 0.

### **New Business**

The commission then reviewed zoning definitions and use regulations related to catering, home business, and specialty food production as found in the county zoning ordinance.

The memo from Ms. Benson dated February 24, 2011 explained some inconsistencies dealing with this specific use. Questions have been raised during recent discussions between the Zoning Administrator and two property owners proposing to bake items at home for delivery and sale to customers (no on-site sales involved). Clarification is needed about the intent and consistency of zoning provisions related to the following: §154.003 Definitions – *CATERING, OFF-PREMISES SERVICE; SPECIALTY FOOD PRODUCTION*; §154.040 Zoning Clearance, subsections (A) and (B) (1) and the associated use of the designation “Z” in Appendix A, since the text in (A) requires a Zoning Clearance in all circumstances of land use; and §154.127 Low Impact Commercial Uses, whether a Minor Special Use Permit should be required for a *Home Business* [subsection (A)(7)]. Ms. Benson went on to explain that the property in question is located in the A/RB District, and the owners are arguing that their activity could be considered “catering, off premise service,” since no food is being sold or served on the premises; this is not a totally unreasonable argument. This use is currently allowed by right in the A/RB District, whereas the “Home Business,” which actually appears to be the most reasonable interpretation

for the proposed use, requires a Minor Special Use Permit. Ms. Benson added that even when this type of activity is allowed by right a county zoning clearance is still required.

Commissioner Miller submitted a proposed zoning ordinance draft for a new use, “micro-business.”

Commissioner Meyers stated his opinion that this type of entrepreneurship (home-baked goods and quilting for examples) should be encouraged without additional restrictions.

Commissioner Kellam agreed that businesses should be encouraged but consideration should be given to surrounding neighbors concerning potential impacts and Commissioner Kabler agreed. She also asked for clarification between the terms “catering” and “specialty food production”.

Ms. Benson explained the conflict and noted that health department approval would be involved as well.

Commissioner Miller explained her written comments as used in the countries of Ireland, Scotland and Australia to promote rural economies.

During discussion Commissioner Wescoat asked if there was a difference between what VDACS (Virginia Department of Agriculture Consumer Services) and what the health department requires. Ms. Benson stated that she did not know but that the county’s language should mirror what those entities require making it easier to develop criteria.

After reviewing definitions of catering and specialty food production it was determined that an overlap of language was evident. It was determined that the words “may include” should be deleted from the definition of specialty food production and it should be decided if the activity as defined includes retail sales and shipping.

The commission agreed that health department definitions of catering/food establishments should be provided for review at the next meeting.

### **Unfinished Business**

Under procedural matters there was nothing new to report from Beverly Leatherbury concerning ex parte communications. Staff will follow-up on this matter with Ms. Leatherbury.

Commissioner Kellam reported that she has not edited the last draft of the proposed Large Scale Utility Wind Energy Ordinance to reflect those revisions as discussed with Commissioner Ward. She suggested that the new draft be discussed when he is present. The commission agreed.

Commissioner Kellam also suggested that wind energy be included in the comprehensive plan strategy section plus a description of the wind energy map. However, it was the opinion of Ms. Benson, if wind energy is to be included at all, it should be in the natural resources section of the comp plan.

Commissioner Kellam mentioned that an industrial wind energy workshop is scheduled on March 4 at the Eastern Shore Community College.

The commission agreed that continuing review of the comp plan would be conducted at the next recessed meeting.

Signage was then discussed and the commission was reminded that the Board of Supervisors had concerns about existing billboards or signage becoming abandoned or derelict. By consensus, the commission agreed that the Board be urged to act on the signage information as previously forwarded since signage is a tourism focus and billboard concerns are not germane at this point.

### **Communications**

Ms. Benson distributed more meeting agendas from the Town of Cape Charles for the commission's information. Included was an agenda on the Cape Charles/ Cheriton boundary adjustment meeting. Ms. Benson stated it was her understanding that the historic highway corridor is wrapped up in the boundary adjustment discussion.

There was nothing to report from the towns of Nassawadox, Cheriton and Exmore.

Commissioner Miller reported that the Eastville Town Council would conduct its public hearing next week on its proposed zoning ordinance and zoning map amendments.

An updated Zoning Administrator's Status Report on land use projects was provided. When asked Ms. Benson stated that the word "void" on the report means that a project has expired.

### **Committee Reports/Presentations**

Ms. Benson reported that on February 16 she and Commissioners Miller and Fauber had attended a meeting at Willis Wharf concerning aqua culture business needs. She noted that the commission may be receiving a zoning text amendment soon and that a Waterfront Village Sub-committee had been appointed. The aqua culturists have expressed a need for increased lot coverage so that aqua culture activities can continue to prosper. It was her understanding that the proposed amendment(s) could include uses, lot coverage, setbacks and subdivision regulations.

The Chair noted that it was his understanding that the proposed amendment(s) would deal with water dependent activities and should specifically spell out what is allowed and what is not allowed along working waterfronts that would apply to both Oyster and Willis Wharf.

### **Director's Report**

Ms. Benson's monthly staff report was submitted as follows.

*1. King's Creek TMDL Implementation Plan : VA Department of Conservation & Recreation staff conducted a public meeting on the evening of February 23, 2011, to present the draft plan and to begin the 30-day public comment period on the draft. I can email the draft plan to interested commissioners,*

or it may be accessed on the DEQ website (<http://www.deq.virginia.gov/tmdl/ijrpts/html>). The comment period ends on March 25, 2011.

2. Royal Farms update: Staff met with Mark Baumgartner, attorney for Royal Farms, on February 10, 2011. There is no indication at this time that they are ready to proceed with the pending applications.

3. Cape Charles update: At the Transportation Technical Advisory Committee meeting on February 17, 2011, Tom Bonadeo, Town Planner, reported that the Cape Charles Planning Commission had discussed the status of the draft Historic Town Entrance Corridor Overlay District on which we had provided comments. He indicated that he was preparing a revised document to submit to us in the near future.

4. Exmore Town Edge Planning: I have not yet received any information from the town regarding their review of the Exmore Town Edge.

5. Signage proposal: As discussed at your January 4, 2011, regular meeting, your signage proposal was presented to the Board of Supervisors for their consideration at their January 11, 2011, meeting. Attached for your information and further discussion is an excerpt from the minutes of that meeting. Not reflected in the minutes are two questions posed by Supervisors Murray and Bennett regarding (1) who would pay for such advertising signs and (2) whether such signage would be available for all businesses. I explained that the matter of paying for the signage was a detail that would need to be finalized if the program went forward and that as conceived the proposed signage would be available for local businesses providing local goods and services.

6. 2010 Annual Report: Attached for your information is the final annual report provided to the Board of Supervisors. They have not yet replied regarding a joint meeting date.

7. Board/Town Action on Zoning Matters: The Town Council of Eastville will conduct a public hearing on March 7, 2011, on the proposed zoning ordinance and map amendments. Pursuant to your suggestions, they have incorporated provisions for Temporary Family Health Care Structures. The Board of Supervisors approved the Fisher Special Use Permit and Zoning Text Amendment 2011-02 providing for MET Towers pursuant to your recommendations on both matters.

## **Recess**

There being no other business the meeting was recessed at 10:05 p.m. until the joint meeting with the Board of Supervisors is convened on Wednesday, March 30, 2011 at 7:00 p.m. in conference room #2.

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Chair

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Secretary