

Minutes

Northampton County Planning Commission

April 2, 2013

This was a regular meeting of the Northampton County Planning Commission held on Tuesday, April 2, 2013, in the Board chambers located at 16404 Courthouse Road in Eastville, Va.

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

Also attending were Charles McSwain, Director of Economic Development; Peter Stith, Long Range Planner and Commission Secretary; and Kay Downing, Administrative Assistant.

Commissioner Ward assumed the Chair due to the absence of Commissioner Coker. The meeting was called at 7:00 p. m. and a quorum established.

Review and acceptance of the agenda

While reviewing the agenda, motion was made by Commissioner Kellam that the Monthly Staff Report be considered after Matters from the Public. Second was made by Commissioner Miller and the motion carried unanimously 6 to 0. Motion was made by Commissioner Miller and seconded by Commissioner Carpenter to accept the agenda as changed. The motion carried unanimously 6 to 0.

The first public hearing was called to order.

Public hearings:

- A. Zoning Map Amendment 2013-01: The Robert H. Wells Revocable Living Trust has applied to rezone property containing approximately 20 acres of land from C Conservation District to ESD-RVR Existing Subdivision District-Rural Village Residential. The parcel, described as Tax Map 38A1, double circle 1, lot A1, is located at 12432 Trout Lane.

Before public hearing discussion began, Commissioner Ward recused himself from discussion and voting.

Mr. Stith summarized the staff report and noted that the applicants will be submitting a proffer to the Board to restrict any subdivision of the parcel.

Cela Burge, agent for the applicant, presented the application and noted that approval of the request would: (1) identify the parcel as a true part of the Vaocluse Subdivision since it was originally recorded as part of the subdivision plat; and (2) make a lawfully non-conforming parcel legally conforming thereby allowing the owners to replace or upgrade their existing

single-family residence. She noted that the character of the existing subdivision would not be altered or impacted and the request conforms to zoning ordinance Sections 15.2-2283 and 15.2-2284. A legal proffer would be recorded in the Clerk's Office prohibiting future subdivision of the land if granted its new zoning status by the Board.

There was no comment offered from the public on this matter.

During the commission's discussion, Commissioner Kellam stated that she had visited the site and expressed concern about the site's vulnerability to sea level rise and questioned if approval would obligate the County in any way to provide access, like elevating roads. She also questioned if a tiger beetle survey had been conducted on the property given the large amount of sand being stored there. Mr. Wells explained that approximately a dozen trees had been felled by Hurricane Sandy and the sand would be used to fill the holes. When asked about the concrete barriers placed along the access road, he noted that it was a temporary measure to stabilize the gravel road due to previous hurricane impacts.

Commissioner Miller had a similar concern with emergency services being able to access the property during a major storm event. However, it was noted that there are many low-lying areas developed throughout the county already and this property is not unique.

Both Commissioners Miller and Kellam stated their support of the application.

Commissioner Leatherbury noted that an existing single-family house already exists on the property and it appears that the wrong zoning district was designated for this parcel. Commissioner Miller expressed her concern that the parcel has no map identification number connected with the Vauclose Subdivision. Mr. Stith noted that this parcel has been determined to be the remainder of the land subdivided that created the subdivision.

Mr. Wells noted that their deed requires payment of property owner association fees and affords them all rights of those living in the subdivision except voting rights. They are listed as a property owner in Vauclose Subdivision by the association. Commissioner Miller inquired if anyone had received confirmation of dues payments.

Action:

Commissioner Kellam moved to recommend approval of the rezoning along with the proposed proffer, which will restrict any further subdivision, with an acceptable agreement of the proffer between the County attorney and the applicant. Commissioner Miller proposed an amendment to the motion that the conditions cited in the proffer be recorded in the land records of the county. With a second from Commissioner Leatherbury, the amended motion carried 5 to 0 and one abstention from Commissioner Ward.

The second hearing was called to order.

- B. Special Use Permit 2013-02: Thomas W. Edmonds has applied to locate a single-wide mobile home on property located at 6550 Bayside Road in the Hare Valley area. The property, described as Tax Map 15, double circle A, parcel 12A, is zoned V-2 Village-Two District and contains approximately 1 acre of land.

A brief background of the application was presented by Mr. Stith. He then read the description of the Rural Village District from the zoning ordinance. He noted that an older structure had been removed from the property and that the applicant has filed a septic and well system application with the local Health Department.

Commissioner Miller asked why a report from the Army Corps of Engineers had been done on the property. Mr. Stith explained that some soils appeared to be poorly drained and verification was sought to determine if any wetlands existed on the property.

The applicant was not present and there were no comments from the public. A letter was received from Judith A. Graves, an adjacent property owner, stating no objection to the SUP.

Action:

A motion to recommend approval was made by Commissioner Miller citing the proposed special use permit was in line with infill development of designated population areas. With a second from Commissioner Carpenter, the motion carried unanimously 6 to 0.

Matters from the public: none.

Monthly Staff Report

Mr. Stith then reviewed the monthly staff report with the commission as follows.

- 1. Board/Town Action on Zoning Matters: The Board of Supervisors approved SUP 2013-01 at their regular March meeting. A joint meeting was held on March 25. A memo from the County Administrator is included reaffirming the Board's commitment to economic development and full consideration of the CPAC report in the Comp Plan review process.*
- 2. Comprehensive Plan Review: Continue to review and update sections of the Plan. Revised the timeline to focus on completing Part II sections before working on Part I.*
- 3. Zoning Ordinance Review: Staff is currently involved in an ongoing effort to review the zoning ordinance for potential text amendments.*

The Vice Chair asked if commissioners had any comments to share about the joint session held with the Board on March 25th. Several comments were made concerning how the meeting was depicted in the local newspaper. It was the opinion of Commissioner Kellam who had not attended the meeting that an unfair impression of the commission was being presented to the public. Also, it appeared that the meeting was conducted in an inappropriate tone, and stressed that the Board should offer funding for a professional consultant to assist in the review process if the Board is not satisfied with the progress being made. She added that the

commission has made progress and that the work being done for the community is more important than the opinion of 5 people.

Commissioner Miller regretted that the word “floundering” had been used at the meeting and then it appeared in the news article which was unfortunate. She and Commissioner Stanley agreed that the meeting would have been better conducted in the format of a “round-table discussion” as had been done in the past. Commissioner Stanley expressed her opinion that the atmosphere was one of criticism instead of sharing and discussing issues and added that she had learned much about the governance of Northampton County. Commissioner Carpenter concurred and added that more interaction between the Board and Commission would have proven more beneficial than the “blame game” scenario that occurred.

Mr. Stith noted that the Board had received ahead of time both the 2012 Annual Report of the Planning Commission and the revised Comprehensive Plan timeline.

Commissioner Leatherbury noted that the Board is actively searching to attract business and increase tax revenue that will ultimately help resolve issues facing the county. Therefore, they want the updated comp plan to assist in those endeavors. He stated his opinion that the Board may not fully grasp all of the State Code requirements that the Commission must be careful to follow.

Commissioner Miller suggested that another joint meeting be held in the near future. Commissioner Kellam suggested that all sections of data should first be updated in order to review the information with the Board. She added that there were a lot of gaps in the current comp plan and the updated version should be done in a more informed context.

Commissioner Ward stated his opinion that the Board does not want a new version of the existing comp plan that would have the same results as before. He suggested that perhaps most the Board’s comments were directed toward that assumption.

Commissioner Kellam noted that the review process is labor-intensive and the Board should not criticize the Commission for carrying out all of its responsibilities.

Commissioner Leatherbury stated that the Commission now has laid its plan to complete the review and should stay on track. However, it was his opinion that the current plan probably did “shut down” the county and showed an amazing lack of foresight.

Commissioner Ward remarked that the process started 2 years ago did not get very far. However, Commissioner Miller disagreed and noted that much time was spent gathering community information through public meetings. She added that the Board does not realize that the Commission cannot write the comp plan and that a legal process must be followed. Commissioner Kellam added that over the last two years other major work has been accomplished by the Commission along with time spent on the comp plan and the Commission has no reason to apologize about its work.

Unfinished Business

No procedural matters were considered.

The Economic Section Part II of the comp plan review was discussed and the following edits made.

It was noted that the Comprehensive Plan Advisory Committee (CPAC) report would not be referenced in the data section but would be more appropriate for the analysis section. After brief discussion, the title of the section was changed to "Economic Data". Format was discussed and the word "Summary" should replace "Conclusions".

Commissioner Miller stated that the CPAC report lacks data to support its recommendations and analysis. Commissioner Kellam added that the CPAC has no more weight than anyone else in the public and was unsure if any of those recommendations will be included in the final product.

Page 4-5, Section 4.3 the second sentence was reformatted for clarification.

All charts are to appear without page splits.

Page 4-7, the yellow highlighted language is to be relocated to Section 4.3 and should refer to both Table 4.3 and Table 4.4. Also in Table 4.4 annual figures should be cited instead of random quarters or an option would be to take an average of all quarters.

Page 4-8, in Figure 4.7 add the word "Operations" in the Title after "Farm".

Page 4-12, in the first paragraph, third line from the bottom, "the" should be inserted before the word "purchase". Also, in the first paragraph, reference should be made that tourism brings money into the county without costing the county money since little or no services are impacted.

Spelling errors are to be corrected throughout the draft.

Motion was made by Commissioner Kellam to make final approval with changes discussed tonight for inclusion in the public draft update of the comp plan. There was no second and the motion was withdrawn since the updated draft of this section was approved as part of the final draft by consensus.

A short break was taken at 8:32 p.m. at which time Charles McSwain, Director of Economic Development, introduced Stephanie Slocum, the new Eastern Shore representative for the Va. Tourism Corporation; and Robin Bass, Marketing Associate for the Va. Economic Development Partnership (VEDP).

Section II of Transportation was then reviewed with the following edits made.

For consistency purposes, the title was changed to "Transportation Data".

Page 8-4, the third paragraph in Section 8.2.1 was discussed and Commissioner Leatherbury questioned the 3:1 ratio that was referenced. Commissioner Miller noted that the ration was taken from housing information.

Page 8-5, first full paragraph, 5.77 was corrected to 5.66 and the second sentence in this paragraph was deleted; in the third paragraph, second line 42% was corrected to 24%.

Page 8-7, at the top of the page, second full sentence, the word “estimates” was added after “VDOT”.

Page 8-8, the first reference to Figure 8.3 was deleted and the second reference remained.

During discussion Commissioner Miller noted it was important to include language related to service roads.

Page 8-12, Table 5.5.1 should be separated and the yearly count put on top.

Page 8-13, language in the third paragraph was discussed and is to be verified as coming from VDOT and, if verified, it should be referenced as such.

It was noted that Section 8.5.2 was no longer applicable and would be deleted.

Page 8-18, first paragraph, sentences 4 and 5 should be condensed; last paragraph, check spelling of crape myrtle.

Page 8-20 & 21, toll rates are to be verified.

Commissioner Ward noted that Section 8.5.8 Chesapeake Bay Bridge Tunnel is not part of the county’s system and should be relocated perhaps.

Page 8-21, first paragraph, Chesapeake Bay Bridge & Tunnel District information should be included noting the decrease of traffic over the last 9 years.

Page 8-23, Section 8.6, second paragraph, in the last line change “crop dusting operations” to “aerial applicators”; and correct punctuation in the second line.

Page 8-25, Section 8.9, in the second line delete “in Exmore and Cape Charles”.

Page 8-26, the second paragraph is to be moved to the summary section; and in Section 8.10 the fourth sentence should be moved to the summary section as well.

Page 8-28, Section 8.11 Cape Charles Harbor, superfluous language related to railroad operations should be deleted.

Page 8-29, first paragraph, delete the second sentence and add “with a boat ramp at Bayford” at the end of the first sentence.

Page 8-35, Section 8.15 Historical Markers should to be reviewed and updated. Reference should be included that VDOT has jurisdiction over the installation of markers once a marker

are approved by the Historical Society. It was suggested that this section should be referenced in the Historical Research Section.

Consideration of Minutes

The minutes of the Jan. 16, 2013 work session were approved 6 to 0 as submitted upon motion by Commissioner Leatherbury and second by Commissioner Miller.

The minutes of the Feb. 20, 2012 work session were approved with the following corrections to page 1: (1) second paragraph, in the second sentence change “was” to “were”; (2) and in the sixth paragraph, in the third sentence change “to” to “be”. Motion to approve as corrected was made by Commissioner Miller, seconded by Commissioner Leatherbury and carried 6 to 0.

The minutes of March 5, 2013 were approved with the following corrections: (1) on page 1, last sentence, insert “commercial section of a” before the word “live-work”; and (2) on page 3, in the third paragraph, the sixth sentence should be reworded as follows, “Also, average daily traffic volume increased by 4% between 2002 and 2010 based on data supplied by the Chesapeake Bay Bridge & Tunnel (CBBT) District.”; and in the last paragraph, the first sentence should read, “Commissioner Ward asked if the percentage of household income spent on transportation in rural areas was available.” Motion to approve as corrected was made by Commissioner Miller, seconded by Commissioner Stanley and carried 6 to 0.

New Business: none.

Communications

It is noted for the record that the latest agendas of the Cape Charles Planning Commission and Town Council had been electronically forwarded to the commission for information purposes.

Prior to adjourning the next work session was scheduled for Wednesday, April 17, at 7:00 p.m. in the main conference room.

Adjourn/Recess

Motion to recess until April 17, 2013 at 7:00 p.m. was made at 9:58 p.m. by Commissioner Miller, seconded by Commissioner Stanley and carried 6 to 0.

Chair

Secretary