

**Northumberland County Planning Commission
August 21, 2014
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on August 21, 2014 at 7:00 p.m. in the Courthouse at Heathsville, VA with the following attendance:

| | | | |
|---------------|---------|-------------------------|---------|
| Chris Cralle | Present | Garfield Parker | Absent |
| Kevin Elmore | Present | Albert Penley, Jr. | Present |
| Alfred Fisher | Present | Wellington Shirley, Jr. | Present |
| Ed King | Present | Heidi Wilkins | Present |
| Bill Kling | Present | Charles Williams | Present |

Others in attendance:

Luttrell Tadlock (Assistant County Administrator)

Philip Marston (Zoning Administrator)

RE: CALL TO ORDER

The meeting was called to order by Bill Kling, Vice Chairman.

Kevin Elmore gave the invocation.

Bill Kling led the Commission in the Pledge of Allegiance to the Flag.

RE: AGENDA APPROVAL

With a motion from Albert Penley, seconded by Wellington Shirley, and approved by all, the August 21, 2014 agenda was approved. The vote was as follows:

| | | | |
|---------------|-----|-------------------------|--------|
| Chris Cralle | AYE | Garfield Parker | Absent |
| Kevin Elmore | AYE | Albert Penley, Jr. | AYE |
| Alfred Fisher | AYE | Wellington Shirley, Jr. | AYE |
| Ed King | AYE | Heidi Wilkins | AYE |
| Bill Kling | AYE | Charles Williams | AYE |

RE: MINUTES- May 15, 2014

With a motion from Wellington Shirley, seconded by Al Fisher, and approved by all with one correction, the May 15, 2014 minutes were approved. The vote was as follows:

| | | | |
|---------------|-----|-------------------------|--------|
| Chris Cralle | AYE | Garfield Parker | Absent |
| Kevin Elmore | AYE | Albert Penley, Jr. | AYE |
| Alfred Fisher | AYE | Wellington Shirley, Jr. | AYE |
| Ed King | AYE | Heidi Wilkins | AYE |
| Bill Kling | AYE | Charles Williams | AYE |

RE: COMMISSIONERS' COMMENTS

There were no comments from the Commission members.

RE: STAFF MEMBERS' COMMENTS

There were no Staff comments.

RE: CITIZENS' COMMENTS

There were no Citizens' comments.

RE: PUBLIC HEARINGS

1. An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article I, Section 148-5; Usages, to:

Allow "Aquaculture Facility, Commercial" as a permitted use in the Agricultural District (A-1) as required by a recent amendment to the Code of Virginia.

Bill Kling opened the Public Hearing.

Mark Hose commented he was concerned about this item and wanted to get clarification. He wanted to know if he was correct in thinking that this statement would only allow aquaculture in the Agriculture District. The Commission responded yes he was correct. He agrees with this; however, he is concerned about a commercial operation like this moving into a residential area.

Tim Moore showed a copy of the current County Zoning Map to the Commission. He stated that everything on the waterfront is zoned R-2 Residential Waterfront and there are very few areas zoned A-1 Agriculture. He would like to propose that R-2 be included in this amendment.

Matt McShane said he operates the Great Wicomico Oyster Company (with a conditional use permit). He would like to second Tim's comments regarding some way of doing aquaculture in the R-2 District. Ninety percent of the County is zoned R-2 on the waterfront. This really restricts individuals from engaging in this type of business on their property. He understands individuals' concerns about their neighborhood. There are many different ways we can look at putting some sort of guidelines in place to help business but also make sure the community is protected.

Paul McEntire noted he would be opposed to allowing this in R-2. The problem is that we have someone already doing this illegally that does not have a special use permit. He is doing this on a large scale with five or six cars there and three or four employees. Their neighborhood (Bridge Creek Circle) would be opposed to allowing it in R-2.

Tim Moore said he would like to address some of those issues. Virginia currently has restrictions on riparian rights- currently it is limited to 205 linear ft of water line. If one

has 205 ft. or greater of water line, then he or she is eligible for riparian rights. One could use this same guideline for the R-2 District, by allowing any property with 205' of waterfront line to do aquaculture by right in the R-2 District. This would eliminate the small tracts of land from being able to do this. Another option would be to authorize an acreage requirement.

Marie Armstrong stated the problem is not the size of the property; it is the fact that there is heavy commercial traffic on her neighborhood's road which is in a purely residential area.

Bill Kling asked what Ms. Armstrong's opinion was on the subject of the public hearing allowing commercial aquaculture in the Agriculture District.

Marie Armstrong commented that promoting people growing oysters is a great idea but not when a commercial enterprise is delivered into a residential neighborhood.

Matt McShane said that the size of the operation could be limited. For example, one could be running 10,000 oysters out of a place per week. This is one pickup truck load. So the County could limit the activity down to the volume of oysters that are grown.

With no other public comments, the public hearing was closed by the Chairman.

Wellington Shirley commented that commercial aquaculture is allowed in the Agriculture District. The County cannot be more restrictive than the state on this part. As to allowing it as a permitted use in the R-2 District, Shirley didn't think we (the Commission) should go there. It is allowed now with a Conditional Use Permit, which gives the Board of Supervisors the opportunity to study the proposal. This gives the Board the opportunity to hear from the individuals in that area as well.

Al Fisher asked if the individuals attending tonight live in a subdivision. Several of the audience members answered they lived in Locksley Hall on Bridge Creek Circle. Mr. Fisher asked if a subdivision chooses not to allow this in their subdivision, they could do so correct?

Luttrell Tadlock stated that is correct. They can have in their covenants and restrictions to not allow commercial ventures.

Charles Williams asked if the Commission should handle these as two different items (allowing commercial aquaculture in the A-1 and R-2). He can see where commercial aquaculture would be appropriate in some places in R-2, but sees where it wouldn't in other places.

Ed King stated we have to allow this in A-1. We have no choice about this.

With a motion from Ed King, seconded by Charles Williams, and approved by all, the Commission is recommending Commercial Aquaculture Facility be allowed in the Agriculture District. The vote was as follows:

| | | | |
|---------------|-----|-------------------------|--------|
| Chris Cralle | AYE | Garfield Parker | Absent |
| Kevin Elmore | AYE | Albert Penley, Jr. | AYE |
| Alfred Fisher | AYE | Wellington Shirley, Jr. | AYE |
| Ed King | AYE | Heidi Wilkins | AYE |
| Bill Kling | AYE | Charles Williams | AYE |

RE: WORK SESSION ITEMS

There were no Work Session Items.

RE: DISCUSSION ITEMS

Board of Supervisors Report

Luttrell Tadlock gave the Board of Supervisors' report.

Other Discussion Items

Luttrell Tadlock informed the Commission about the Flood Plain Open House meeting on August 28, 2014 from 4:00 p.m. to 7:00 p.m. at the Elementary School. He also stated that there is a Hydraulic Fracturing panel discussion at Rappahannock Community College on September 3, 2014 at 2:00 p.m.

RE: PUBLIC COMMENTS

Matt McShane commented he respects the Conditional Use Process; however, it is not as easy for the land owner as it may seem. One land owner can raise a heck of a stink, even if they are nowhere near you. What he was thinking was if there were guidelines for individuals that wanted to do this on a small scale, it would be easier for the property owner.

Tim Moore stated the County may want to look at what Mathews County has done. They have allowed small scale oyster operations.

RE: ADJOURNMENT

With a motion from Albert Penley, seconded by Al Fisher, and approved by all, the meeting was adjourned. The vote was as follows:

| | | | |
|---------------|-----|-------------------------|--------|
| Chris Cralle | AYE | Garfield Parker | Absent |
| Kevin Elmore | AYE | Albert Penley, Jr. | AYE |
| Alfred Fisher | AYE | Wellington Shirley, Jr. | AYE |
| Ed King | AYE | Heidi Wilkins | AYE |
| Bill Kling | AYE | Charles Williams | AYE |