CITIZENS FOR A BETTER EASTERN SHORE

SHORELINE™

A Journal of Natural Resources, Public Affairs and Culture on the Eastern Shore of Virginia

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Community Unity Breakfast

Martin Luther King, Jr., Day
Monday, January 20

8:30 AM – Northampton High School

Adults: $5 **Children FREE**

The 2014 keynote speaker will be outgoing Chair of the Northampton Board of Supervisors, Willie Randall.

ShoreLine Editorial

Think carefully about zoning

ShoreLine has covered zoning heavily in recent issues. That's because Northampton County has come to the brink of approving a new zoning ordinance with its Planning Commission shut out of the process so far, with virtually no opportunity for public participation or input – *and* with no apparent attention to the existing comprehensive plan or its required review.

In this issue, *ShoreLine* continues our coverage of zoning, and we hope that all our readers, wherever you live, will take note because zoning is what determines how our communities will look in 20 years – and how satisfied we will be to live in them. Some zoning decisions taken now cannot be reversed once they are put into play. Those decisions need to be carefully thought out, and some would suggest that the Northampton Supervisors have not done that.

We know that most Supervisors, the Development Director and his staff are working hard to deal with Northampton's challenges – a substantial debt burden, failing schools, loss of the hospital, a contentious sewer line issue, a CBBT rate increase, no long-term marketing plan, an aging population and an unprepared workforce. Even so, according to the *Eastern Shore News*, outgoing Supervisor Willie Randall recently touted "less zoning regulation" as one of the accomplishments of his Board. So, unfortunately, in spite of the county's broad range of serious challenges, it seems that the Supervisors have viewed zoning as an inhibiting factor to economic development and growth. But zoning really should be a primary key to being a successful community, along with successful schools and enthusiastic community participation. Unfortunately, our schools are marginal and our community has largely failed in its obligation to participate.

In this issue, we suggest that you read first the *ShoreFacts* presentation by nationally known planning and land use authority, Ed McMahon, *"The Secrets of Successful Communities."* Then compare it to how our communities here on the Shore have operated. There's something there for both pro-zoning advocates and *laissez faire* zoning, pro-development advocates.

Then read Mary Miller's opinion piece on page 2, *"Zoning – a community's operating manual."* After more than a decade on Northampton's Planning Commission, she knows zoning as few citizens, including Supervisors, do. This article is long and filled with details, but as Miller says, "It's a legal document – and these details matter," so someone has to pay attention to them.

The Board of Supervisors has agreed that additional public information meetings on the new zoning proposal are needed. That is a step in the right direction. All Northampton residents should study the draft ordinance and plan to attend these meetings: **Wednesday, February 26, 7:00 PM** and **Thursday, February 27, 7:00 PM.** They will be followed by a **Public Hearing** on **Tuesday, March 11, 7:00 PM.**

As the New Year begins and the new Northampton Supervisors take their seats, we urge all Supervisors, Planning Commissioners and citizens to come together – and work openly for a better Eastern Shore and a better Northampton County. Working hard together can, indeed, make ours a Successful Community.

Zoning – a community's operating manual

It's a legal document – and details matter

By Mary Miller, retired Planning Commissioner

Mary Miller served for over a decade on the Northampton County Planning Commission, several years as Vice-Chair. The current comprehensive plan and zoning ordinance were adopted during her tenure.

Over the years I served on the Northampton County Planning Commission, county residents invested in my certification training, continuing education and additional legal and legislative workshops on changes to Virginia land use regulations. My interest in the subject is ongoing and I continue to try to repay the community's investment by sharing the information learned.

A local Planning Commission is responsible for creating a Comprehensive (Comp) Plan, a Subdivision Ordinance and, if requested, a zoning ordinance. The Code of Virginia sets statutory responsibilities and gives considerable guidance for creating those documents. Basically, the Comprehensive Plan, using as much community input as possible, sets forth:

- Goals – what county residents want for their community over the long term and
- Strategies – ways to use the tools available, including a Zoning Code, to achieve those goals.

ShoreLine is published monthly by Citizens for a Better Eastern Shore and is distributed to members, public officials, and friends.

How to reach CBES
P.O. Box 882, Eastville, VA 23347
(757) 678-7157
info@cbes.org • www.cbes.org

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Comprehensive Plan Goals from 2009

In Northampton's case, since the 1980s there has been a general consensus that clean water and natural resources; rural community environment; prosperous towns; small villages and hamlets; preserving property values; the importance of farming, aquaculture, tourism, entrepreneurship, and research as economic drivers; decent housing; and enabling economic development that benefits community residents are all valuable features worth protecting, preserving and improving. The community then provided input on the best way to safeguard and improve what was valued and create what was missing.

Comp Plan Strategies from 2009

Comprehensive Plan strategies guide the creation of a zoning ordinance –

- **protecting surface water** by controlling run-off, setting reasonable waterfront lot widths and lot coverage ratios, extending the Bay Act to the seaside,
- **supporting towns** by directing commerce and residential growth to county-controlled areas around towns where infrastructure might be provided,
- **preserving rural residential Villages and Hamlets** by providing density and aspect compatibility guidelines,
- **permitting commercial uses** "by-right" in areas zoned for business, and adding commercial and other uses in residential districts with special use permits, including notice to nearby property owners,
- **preserving aquaculture and water-based recreational tourism resources** by ensuring that some areas are reserved for water dependent activities,
- **hiring an economic development professional** to attract compatible industry,
- **preserving farmland** by applying Agricultural and Forestal Districts (AFDs) and limiting residential development where it would conflict with general farming practices,
- **encouraging affordable housing** by providing a density bonus,
- **protecting the rural environment** with appropriate vegetative buffers, dark skies lighting requirements and reasonable residential densities,
- **safeguarding the sole source aquifer**, the only source of drinking water, by discouraging development on the recharge area.

Currently, the 2009 Comp Plan is being reviewed by the Planning Commission, as required by the state Code.

Simultaneously, a zoning ordinance revision has been drafted, ***not*** by the Planning Commission, but by county staff – even though the county no longer has an experienced, certified professional planner on staff. The proposed ordinance revision will be considered by the Planning Commission as required by the Code. The Commission will then make a recommendation to the Board of Supervisors which should be based on the adopted Comprehensive Plan in place at the time of their review.

Making things better, or just simpler?

Major changes in the draft zoning ordinance revision may reflect the current Board's directive to simplify the zoning document. However, there does not appear to be a simultaneous effort to protect residential property and its value, which provides a significant source of local tax revenue (as it does for most rural counties), nor any effort to preserve the resources needed for local industries.

Most of the sample zoning ordinances used as reference by county staff included the familiar District Use Charts or Tables to provide unambiguous clarity for what land uses are permitted – including non-compatible uses in residential areas and setbacks and densities in rural areas. The charts or use tables have been removed from the proposed draft. Does the resulting lack of specificity, performance guidelines and statutory protections provide simplicity but compromise the goals and strategies adopted by the county in its Comprehensive Plan? For instance:

- removing the growth and development areas around the Towns;
- eliminating the ordinance's "Intent" statements which describe each zoning district and types of uses to support neighborhood compatibility;
- removing the Affordable Housing Density bonus and increasing residential

See **"Zoning,"** *Cont'd on page 3*

"Zoning," *Cont'd from p. 2*

density with no requirement for low cost housing;

- eliminating protection of working waterfronts by removing areas designated for "water-dependent" uses – new uses now permitted on working waterfronts include hotels and restaurants;
- creating a Planned Unit Development (PUD) zoning designation which includes additional residential areas with unknown densities but with no PUD ordinance or performance standards;
- enlarging a commercial district on the aquifer recharge area adjacent to Rt. 13, and rezoning scattered Rt. 13 parcels to Commercial;
- removing review of Special Use Permits from the Planning Commission – whose job it is to assure that non-compatible uses work together well;
- permitting high impact commercial and recreational uses "by-right" in most rural Residential Districts, including Villages, Hamlets and Cottage Communities, with no performance standards, thereby creating the potential for a hostile environment for business owners;
- eliminating significant buffers and setbacks between high-impact agricultural uses, water resources and residential areas;
- eliminating the impervious lot coverage limitations which, especially in dense residential or low-lying areas, help prevent drainage problems across lot lines;
- removing the Chesapeake Bay Act protection from the seaside and reducing the waterfront lot widths by 50% while new stormwater regulations, which would add to the Bay Act's run-off protection to aquaculture resources, *do not apply* to building lots less than one acre.

There are also vague definitions and internal conflicts in the draft revision which could make the administration of the new ordinance difficult. There are permitted uses with no definitions and some defined uses permitted by-right in residential areas with no performance standards. The following vague definitions raise concerns:

- **Recreation, Indoor –** is permitted "by-right" in residential areas but with no definition and no performance standards, the uses could range from a local chess club to a pool hall or video arcade to a dance hall, depending on the size of the parcel;
- **Recreation, Outdoor** – is permitted "by-right" in residential areas but again, with no specifics, uses could range from a croquet lawn to a motorcycle swap meet to an event venue with a sound system, porta-potties and bright lighting;
- **Children's Residential Facility (12 or more)** – Group Homes for children from infants to 18 years old and independent living for 18-21 year olds with no maximum number of residents or staff but allowed "by-right" with no performance standards in most residential neighborhoods;
- **Uses similar to permitted uses** are permitted "by-right" in most zoning districts but with no guidelines to prevent arbitrary or coerced determinations, opening the county to challenges of decisions by the Zoning Administrator. For example, is an outdoor event venue with catering located in a Hamlet a "similar" use to a restaurant? Is a 24-hour electronic game arcade in a Village residential district a "similar" use to Recreation-Indoor?
- **Vacation Rentals –** are permitted "by-right" in most zoning districts, but is it a year-round Dwelling Unit subject to zoning district density, a business with Health Department approval and a Transient Occupancy License, or could it be a stationery camper equipped with sanitation and cooking facilities, or a temporary structure like a pavilion or a furnished yurt?
- **Nature Tourism** is permitted "by-right" in most residential areas and defined as a "wide variety" of uses, but there are no performance standards addressing parking, sanitation facilities, permanent or temporary structures, public assembly, noise, hours of operation, etc.
- **Planned Unit Developments (PUDs)** are defined according to Code of Virginia as "a mix of building types and land uses," but the draft contains no PUD Ordinance requirements – re-zoning to a single purpose PUD, (residential or industrial, etc) has sometimes been characterized as "spot zoning," which is prohibited in Virginia (a rezoning to a PUD of a few acres in an Agricultural district for building lots might benefit the landowner, but would the primary benefit to the county be adding more undeveloped building lots to the thousands already platted?)

Likewise, the following internal conflicts raise concerns:

- **Aquaculture** uses are permitted in almost every District – but *increasing* residential density and reducing waterfront lot frontage would result in increased motorized water traffic over shellfish beds;
- **Village Commercial**, including working waterfronts at Oyster and Willis Wharf, has no stated residential density, yet 16 residential uses are permitted "by-right";
- A **Planned Unit Development** is expected to adhere to the "intent of the zoning district in which it is located" – but no zoning district has a codified statement of "intent."

A few important questions

As the community begins to consider the major changes proposed for land use in the county, some questions to raise might be:

1. Is there a rational basis for these sweeping changes – such as changed circumstances like a rapidly increasing population or a plan to remove the bridge-tunnel toll?
2. Do the changes benefit the entire community, or just a few?
3. Does the format change (i.e., eliminating District Use charts) make the ordinance better, or so simplistic and imprecise that it's open to arbitrary interpretation and challenges?
4. Do the changes strip away homeowners' rights and property value protections and safeguards for the county's resources – and if so, for what community benefit?
5. Why even pursue costly comprehensive zoning changes in the middle of the Comprehensive Plan review process?

Create certainty, protect property values, safeguard resources

After years of hearing public comment about what zoning means to a community, the following modifications to the proposed draft might be considered – changes which respond to the community's input, support local businesses and industries, protect finite resources, preserve the residential property values and county tax revenue, clarify language, create harmony within neighborhoods, provide commercial and industrial areas, and

See **"Zoning,"** *Cont'd on page 5*

The Food Safety Modernization Act (FSMA)

How will it impact the Shore's innovative small farms?

By Arthur Upshur

Arthur Upshur is the current president of CBES and a member of the ShoreLine *editorial board. He is also the owner and operator of Copper Cricket Farm, a low-impact subscription farm in the Eastville area, and a leader in the Eastern Shore local foods movement, and that makes him particularly sensitive to the potential impacts of the FSMA.*

In all the discussions of our dysfunctional and grid-locked national government, we sometimes forget that the machinery of our federal government grinds on, and the policy work at the federal level has major implications for all of us. A case in point is the new Food Safety Modernization Act or FSMA. This law actually had its origins in the great consensus on anti-terrorism policy after 9/11. But after a number of contamination incidents in our food supply, the legislation shifted its focus to improvement of safety for fruits and vegetables. The poster child for the new regulations may have been the *listeria* contamination at a cantaloupe growers' facility in Colorado that killed 33 people in 2011. Ironically, that contamination came from a washing system intended to clean and disinfect produce.

The FSMA law passed in 2010, and the comment period just ended on the preliminary draft of the regulations. Farmers and consumers are waiting to see the final regulations which will be issued after the FDA has digested the thousands of comments sent in on the first draft. It will be the first time produce and fruit regulations have been overhauled since 1938.

As with most large scale legislation, there is concern about unintended consequences. It is impossible to be against food safety – but attempting to push the risk of food contamination to zero will be costly and disruptive. The new law may even outlaw some farming practices that have been in place for thousands of years – but *do* carry some risk. For example, the proposed guidelines specified a waiting period of nine months after manure application before one harvests a crop from that field. That is far longer than common today and longer than the entire growing season in many areas. It could force some farmers to stop applying manure to their fields.

This new law will have a limited impact on much of our Eastern Shore farming because grain production, which comprises most of Eastern Shore farming acreage, is not a focus of these regulations. Poultry and seafood already have regulatory frameworks in place and are unaffected. However, there may be substantial implications for large scale vegetable growers such as C&E Farms, one of the largest shippers of stringbeans on the East Coast, or potato and cucumber growers who ship consumer packages. And the new regs will certainly have implications for the new small farms that are beginning to start up on the Shore.

Typically these new farms are small scale, diverse operations, often run by young, innovative new farmers – places like Perennial Roots Farm in Accomac, for example. But we also have a number of more well-established organic, pesticide-free or low-impact producers that already play an increasingly important role in our local economy – Mattawoman Creek Farms, Picketts Harbor, Pickpenny Produce and Quail Cove Farms, to name just a few. These thriving small farms are becoming important to our community and our local economy. They bring real innovation to our farming sector, and all of these operations will be impacted by the new regulations.

While the broad-stroke FDA standards are reasonable, the key to what the real impact will be is in the details. How onerous will the burden be on farmers or farmers' markets? How much record keeping will be required? How will the FDA inspectors be trained? Will the new standards actually reduce risks to consumers? Will it be possible raise animals and produce on the same farm in the future? Keep in mind, these standards do not address pesticides, genetic modification (GMO's) or the declining nutritional values of our fruits and vegetables. The focus is strictly on bacterial contamination. These regulations do not address large-scale animal production and managing waste streams and effluent around these facilities. In short, these new regulations deal with only a relatively small slice of food risk.

The biggest concern for growers of all sizes is probably the cost of compliance. The FDA estimates a $13,000 cost for compliance each year for each facility. While small farms will usually be what is termed "qualified exempt," there is still an estimated $1000 annual cost for compliance even for exempt farms. For large industrial farms, these costs may be manageable. For small producers, they will be a significant burden. Trying to avoid these costs is going to change a lot of the industry. For example, if you add another farmer's output to your own for sale, you may meet the definition of a "facility" and have a much higher regulatory burden. This may eliminate innovative "food hubs" in which multiple small farms combine their production to meet consumer needs.

The legislation focuses on two broad areas – the Produce Rule and the Preventive Controls Rule. Following is a summary of these rules from the Sustainable Agriculture website that will give readers a flavor of the new regulations. If you are interested in learning more about the legislation you can visit the Sustainable Agriculture website at: http://sustainableagriculture.net/fsma/. You can visit the government's website at: http://www.fda.gov/Food/GuidanceRegulation/FSMA/default.htm.

What is the Produce Rule?

In its proposed Produce Rule, FDA has detailed new standards for the growing, harvesting, packing and holding of produce for human consumption. The standards apply to fruits and vegetables normally consumed raw, such as apples, carrots, lettuce, onions and tomatoes.

The proposed Produce Rule establishes standards for:

- **Agricultural Water.** Farmers would have to ensure that water that is intended or likely to contact produce or food-contact surfaces is safe and of adequate sanitary quality, with inspection and periodic testing requirements.
- **Biological Soil Amendments of Animal Origin.** The proposed rule specifies types of treatment, methods of application, and time intervals between application of certain soil

See **"Food Safety,"** *Cont'd on page 5*

"Food Safety," *Cont'd from p. 4*

amendments – including manure and composted manure – and crop harvest.

- **Health and Hygiene.** Farm personnel would have to follow hygienic practices, including hand washing, not working when sick, and maintaining personal cleanliness.
- **Domesticated and Wild Animals.** With respect to domesticated animals, the proposed rule would require certain measures, such as waiting periods between grazing and crop harvest, if there is a reasonable probability of contamination. With respect to wild animals, farmers must monitor for wildlife intrusion and not harvest produce visibly contaminated with animal feces.
- **Equipment, tools, and buildings.** The proposed rule sets requirements for equipment and tools that come into contact with produce, as well as for buildings and other facilities.
- **Training.** The proposed rule requires training for supervisors and farm personnel who handle produce covered by the rule.
- **Sprouts.** The proposed rule establishes separate standards for sprout production, including treatment of seed before sprouting and testing of spent irrigation water for pathogens.

Accompanying these standards are certain record keeping requirements that document adherence to the standards, including for training, agricultural water, biological soil amendments of animal origin, and sprouts.

What is the Preventive Controls Rule?

The Food Safety Modernization Act (FSMA) requires the Food and Drug Administration (FDA) to write new regulations for facilities that manufacture, process, pack, or hold human food. Certain on-farm activities may classify a farm as a "facility" subject to the Preventive Controls rule. "Facilities" must also register with FDA.

The proposed Preventive Controls rule has two main parts:

1. New requirements for hazard analysis and risk-based preventive controls, and
2. Revisions to existing Current Good Manufacturing Practice (GMP) requirements.

The new requirements include maintaining and implementing a written food safety plan that includes:

- **Hazard Analysis.** The plan must identify and evaluate hazards for each type of food manufactured, processed, packed, or held at the facility.
- **Preventive Controls.** The plan must identify preventive controls that significantly minimize or prevent hazards. Preventive controls include process controls, food allergen controls, sanitation controls, and a recall plan.
- **Monitoring Procedures.** The plan must document procedures to ascertain that preventive controls are consistently performed.
- **Corrective Actions.** The plan must identify steps to take if preventive controls are not adequately implemented, to minimize the likelihood of problems reoccurring, to evaluate the food for safety, and to block problem food from entering commerce.

See **"Food Safety,"** *Cont'd on page 7*

"Zoning," *Cont'd from p. 3*

which have virtually no adverse impact on the county's ability to attract compatible, job-producing economic development.

- **Remove ambiguous wording** and **clearly state permitted uses** in appropriate districts. The existing District/Uses chart provides that certainty and clarity, especially in residential neighborhoods, and almost all the zoning codes used by the staff for comparison included such tables.
- **Include "Intent" statements** in the ordinance for each zoning district in order to guide staff decisions and help protect the county against challenges.
- **Remove high-impact Industrial uses** which have the potential to harm county resources: waste sites (unknown run-off and seepage content), prisons (high water withdrawal), manure and animal waste lagoons (potential contamination), etc.
- **Restore the Bay Act to the seaside** as an additional safeguard to aquaculture resources, along with required storm water regulations.
- **Increase intensive development setbacks** from vulnerable surface water resources and residential communities, to protect resources and home values.
- **Require the Planning Commission to process special use permits** and tap members' abilities to provide recommendations to assure new uses will be welcome additions to the neighborhood.
- **Provide an Affordable Housing Incentive Bonus** as a part of increased density in Residential districts. Granting increased density and allowing smaller building lots with no low-cost housing requirement will not assure that needed housing.
- **Include a Planned Unit Development section** in the ordinance, similar to that of Northumberland County's (another rural Chesapeake Bay county), in order to assure county PUDs comply with state Code and avoid "spot zoning." (See: http://ecode360.com/7761240)
- **Include Industrial** and **Mobile Home Park floating districts** to provide new business development areas and lower cost housing options, without the PUD requirement to provide a mix of "land uses and building types."
- **Designate Mobile Home Parks as a distinct land use**, instead of rezoning them to non-conforming residential or commercial uses.
- **Include lot area ratios for development on parcels of less than one acre**. With no limits on impervious surface, no drainage requirements for single family homes and no storm sewers in most communities, drainage problems are inevitable and neighbors with driveways and basements flooded from adjacent properties are left with only legal remedies for damages.

As the zoning revision process moves forward and more property owners become aware and involved, county staff, elected and appointed officials and the general public could start to work together to provide clarity for an important legal document, certainty for business and residential investors, and as the VA Code states, "provide for the creation of a harmonious community." Working together could assure that the community retains the protections it values while creating an environment for compatible economic development.

Creating & supporting a young adult community

By Hali Plourde-Rogers

The Eastern Shore is a beautiful, unique place to live. However, like many rural areas, it struggles to attract and retain young adults. The key to attracting young adults is offering more jobs, especially entry-level positions with room to grow. In my year and a half here on the Shore, I have seen several friends leave because of a lack of jobs fitting their skill set. Once young adults have either returned home or moved here for work, how can the Shore encourage them to stay long term?

I started this article looking into the demographics of the Eastern Shore to gain a better understanding of why many of the opportunities here do not cater to young adults. However, when I sat down to write, I realized as a young woman in my late 20s who is a "come here," the demographics don't necessarily matter. What matters is that people on the Shore, young and old, want to see more young adults stay. What matters, therefore, is what they, like me and the young adults I've talked with in the last few days, are asking for and looking for in a community and a home. Right now, while there are some positive new developments (like the Bank Coffee House in Onancock and the weekly farmers' market from May to October), young adults on the Eastern Shore are underserved. What we need is a more vibrant young community.

While I picked my own brain for ideas, I also spoke with others in their 20s and 30s. Based on my conversations over the last few days, young adults on the Eastern Shore are looking for broadband, high speed internet; professional and social networking opportunities; more physically challenging activities; events and volunteering opportunities that fit their schedule; affordable entertainment; diverse dining options; better grocery stores; competitive public schools for their families or future families and public transportation. These should all be within the realm of possibility for the Eastern Shore community.

Young adults use the Internet for everything from news to entertainment. Because we use the Internet so heavily, young adults increasingly consider high speed Internet an essential tool. Broadband Internet is the new standard and the Eastern Shore has to continue to develop this resource and make it widely available. Additionally, to reach younger audiences, businesses and organizations on the Shore need to take advantage of new media, such as websites and social media outlets. Local businesses must bring their websites up to date, making them more modern, searchable, and more informative. For example, restaurants should have their full menu listed online as well as any upcoming events or promotions. Individual landlords and realtors can also take advantage of the web by working together and organizing a central website listing rentals and houses for sale on the Shore. When my husband and I moved here, we had a difficult time finding any listings online. After speaking with a couple of friends, we realized we weren't the only ones. Other communities use Craigslist or their own housing websites to list rentals and properties for sale. Either option offers a one stop shop for housing listings, which can be accessed from anywhere, and make it easy to search for a place to live. Organizations can also broaden their support and volunteer base through social media and improved websites. Information on events, volunteer days, organization mission, and contacts should be clear, to the point, and easy to locate.

Young adults, especially "come heres," need networking outlets. It's crucial to meet others your age with similar interests. The young adults I spoke with also mentioned the importance of opportunities to meet other single men and women. Networking and making friends builds social capital, increases happiness, and encourages community investment. When young adults don't feel they have a network or feel isolated, they are more likely to leave after a year or two. Networking opportunities could include young professionals' organizations or events, such as happy hours, hikes, or mixers. These activities provide a forum for building social and professional bonds. There are lots of events and workshops on the Shore run by a variety of organizations that are wonderful places to meet new people. However, many of these events are offered during the weekday. Increasing the number of events and classes or workshops that are available on the weekends or in the evenings would open up opportunities to those who work full-time, therefore, increasing the availability to young adults. While it is important to offer some events directly to young adults, a mixture of ages and backgrounds always provides more dynamic conversations and experiences.

The Eastern Shore has great potential for young adults who enjoy the outdoors. However, many of the hiking and biking trails are short (1-3 miles) and not particularly physically challenging. These easier trails offer great physical activity options, especially for older populations and young children. However, young adults are looking for harder and longer trails. Additionally, they want to see bike trails that connect communities and workplaces as well as trails for recreation. Currently, commuting by bike is dangerous with narrow roads and fast traffic. Several people I spoke with mentioned the need for well-marked long kayak trails on the seaside and the bayside. They also mentioned additional designated camping areas. Camping sites and kayaking or hiking trails could be linked together. Other activities, such as challenging exercise or fitness classes, would also cater to a younger demographic.

Young adults also want affordable entertainment and diverse restaurant options. The movie theater and playhouse could offer discounts for Sunday matinees and sometimes choose films or plays that target a younger audience. North Street Playhouse did a great job of this when they produced The Rocky Horror Picture Show in 2012. Fundraisers could reevaluate their event ticket prices by asking themselves if they are pricing out potential long-term donors. Restaurants could offer happy hour food specials on appetizers or tapas style meals, making an evening out much more affordable and appealing to a younger audience. Restaurants should expand their menu options to include more vegetarian meals as well as vegan and gluten free options. These dietary choices are no longer made by fringe populations, and offering a variety of vegetarian, vegan, and gluten free menu items will expand their customer base. In this same vein, the Shore needs a grocery store offering more variety and more unique products as well as more organic or even local produce.

The Eastern Shore can begin to implement small changes that would make a big difference to young adults while preserv-

See **"Young Adult Community,"** *Cont'd on page 7*

Perceptions of Coastal Virginia

In early January, 2014, the UVA Anheuser-Busch Coastal Research Center in the village of Oyster is hosting a Nature Writing Workshop for UVA undergraduate students. During the workshop, students will tour natural and developed areas on the Eastern Shore and take a crash course in our local history – all the while being exposed to the works of some of America's best nature writers.

The students will then be challenged to create their own writings centered on their experiences and reflecting how they perceive the Eastern Shore of Virginia. The public is invited to meet the students and hear a public reading of their works produced during the Nature Writing Workshop – Thursday, January 9, 2014, at 5:00 PM at the Barrier Islands Center.

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"Food Safety," *Cont'd from p. 5*

- **Verification.** The plan must spell out verification activities and document that preventive controls are effective and consistently implemented.

A facility is required to maintain a written food safety plan, and to keep records of preventive controls, monitoring, corrective actions, and verification. Only an individual qualified either through training or experience could write the plan. Food safety plans would be reassessed every three years, or more frequently if there are problems.

Updated Requirements

The proposed Preventive Control Rule also updates Current Good Manufacturing Practice (GMP) requirements. Updates include clarifications on protections against cross-contact of food by allergens, stylistic language changes, and deletion of certain provisions containing recommendations. Facilities that are exempt or subject to modified requirements in the new requirements for hazard analysis and preventive controls would generally be subject to GMP requirements.

New Director at VCR

The Virginia Chapter of The Nature Conservancy has announced that after an extensive search, Jill Bieri will become the new Director of the Virginia Coast Reserve (VCR) program.

Bieri comes to VCR as founder and director of Chesapeake Experiences, Inc., which provides outdoor professional development and education programs around the Chesapeake Bay for teachers, young people and the general public. She has worked with NOAA in their Chesapeake Bay Program, the Chesapeake Bay Foundation as a seagrass scientist and as a development officer and has held several other related positions.

Bieri grew up in Snow Hill, Maryland, received her BS in biology from Salisbury University and her MS from the College of William and Mary in the school of Marine Sciences. After graduation, she stayed on to work in the field and laboratory conducting research on seagrass ecosystems and eelgrass restoration. She currently lives in Williamsburg and is transitioning to the Eastern Shore. She is expected to begin work at VCR on February 3.

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"Young Adult Community," *Cont'd from p. 5*

ing the rural, natural culture. Professional and social networking opportunities; more physically-challenging activities; events and volunteering opportunities that fit a young adult's schedule; affordable entertainment; and diverse dining options are relatively simple changes while broadband, high speed internet; better grocery stores; competitive public schools for their families or future families; and public transportation may require more planning and resources. Nevertheless, offering even simple improvements will reduce feelings of isolation and increase ties to the local community. The young adults already here can take responsibility and start organizing events and communication networks. However, businesses, organizations, and individuals need to start looking for ways to offer some options for young adults.

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Community Calendar - January 2014

Note: Please verify times and places prior to attending meetings.

CBES and Other Activities

Jan	**VIMS Public Seminar** 7:30 PM, Wachapreague
Jan 14	**CBES Exec. Committee** 5 PM, CBES Office
Jan 9	**Shorekeeper Meeting** 1 PM, ES Chamber of Commerce, Melfa
Jan 9	**UVA LTER Program** 5 PM, BIC, Machipongo
Jan 2	**Community Unity Day** 8:30 AM, Eastville
Jan 21	**CBES Board Meeting** 7 PM, Eastville
Jan 21	**ES Groundwater Committee** 10 AM, Accomac

Northampton County

Jan 6	**Board of Zoning Appeals** 1 PM, Conference Room
Jan 7	**Planning Commission** 7 PM, Sup. Chambers
Jan 14	**Board of Supervisors** 7 PM, Sup. Chambers
Jan 15	**Wetlands Board** TBA, Conference Room
Jan 28	**School Board** 5:30 PM, Sup. Chambers
Jan 28	**BOS Work Session** 7 PM, Old Courtroom

Accomack County

Jan	**Board of Zoning Appeals** 10 AM, Sup. Chambers
Jan 8	**Planning Commission** 7 PM, BOS Chambers
Jan 16	**Wetlands Board** 10 AM, Sup. Chambers
Jan 21	**School Board** 7 PM, BOS Chambers
Jan 22	**Board of Supervisors** 6 PM, BOS Chambers

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The Secrets of Successful Communities

By Edward T. McMahon

Ed McMahon is one of the country's most incisive analysts of planning and land use issues and trends. He holds the Charles Fraser Chair on Sustainable Development and is a Senior Resident Fellow at the Urban Land Institute. McMahon is a frequent speaker at conferences on planning and land development. He was the speaker at the 2005 CBES Annual Meeting, has met with a number of local Eastern Shore organizations and done work for Accomack County and Chincoteague. Over the past 21 years, more than two dozen articles by McMahon have been published in the Planning Commissioners Journal *and now on* PlannersWeb.com.

The following article was published on PlannersWeb.com *on July 29, 2013, and is reprinted here with McMahon's permission. It is* ShoreLine's *hope that Eastern Shore leaders will give careful consideration to McMahon's ideas, take them to heart and incorporate them in Eastern Shore comprehensive plans and zoning ordinances.*

- **There are over 25,000 incorporated communities in America. How many of these are truly successful?**
- **How is it that some small towns and rust belt cities are prospering, while many others are suffering disinvestment, loss of identity, and even abandonment?**
- **Why are some communities able to maintain their historic character and quality of life in the face of a rapidly changing world, while others have lost the very features that once gave them distinction and appeal?**
- **How can communities, both big and small, grow without losing their heart and soul?**

From coast to coast, communities are struggling to answer these questions. After working in hundreds of communities in all regions of the country, I have come to some conclusions about why some communities succeed and others fail. There are many communities that have found ways to retain their small town values, historic character, scenic beauty and sense of community, yet sustain a prosperous economy. And they've done it without accepting the kind of cookie-cutter development that has turned many communities into faceless places that young people flee, tourists avoid and which no longer instill a sense of pride in residents.

Every "successful" community has its own strengths and weaknesses, but they all share some common characteristics. It's clear for instance that successful communities involve a broad cross-section of residents in determining and planning the future. They also capitalize on their distinctive assets – their architecture, history, natural surroundings, and home grown businesses – rather than trying to adopt a new and different identity.

Most successful communities also utilize a variety of private-sector and market incentives to influence their development, instead of relying solely on government regulations. Not every, successful community displays all of the following characteristics, but most have made use of at least three or four:

1. **Have a vision for the future.**
2. **Inventory community assets.**
3. **Use education and incentives, not just regulation.**
4. **Pick and choose among development projects.**
5. **Cooperate with neighbors for mutual benefit.**
6. **Pay attention to community aesthetics.**
7. **Have strong leaders and committed citizens.**

Have a Vision for the Future

Successful communities always have a plan for the future. Unfortunately, "planning" is a dirty word in some communities, especially in small towns and rural areas. In some places, this is the result of today's highly polarized political culture. In other places, it results from a misunderstanding of planning and its value.

The truth is, failing to plan simply means planning to fail. It is difficult to name any successful individual, organization, corporation or community that doesn't plan for the future.

Try to imagine a company that didn't have a business plan. It would have a very hard time attracting investors or staying competitive in the marketplace. The same is true of communities. A community plan is simply a blueprint for the future. People may differ on how to achieve the community's vision, but without a blueprint, a community will flounder.

Understandably, people in small towns don't like change. But change is inevitable. Technology, the economy, demographics, population growth, market trends and consumer attitudes are always changing, and they will affect a community whether people like it or not. There are really only two kinds of change in the world today: planned change and unplanned change.

Communities can grow by choice or chance. Abraham Lincoln used to say that "the best way to predict the future is to create it yourself." Communities with a vision for the future will always be more successful than communities that just accept whatever comes along.

Inventory Community Assets

Creating a vision for the future begins by inventorying a community's assets: natural, architectural, human, educational, economic, and so on.

> *Twenty-first century economic development focuses on what a community has, rather than what it doesn't have. Too many cities and towns spend all their time and money on business recruitment. They build an industrial park out by the airport and then they try like crazy to attract a plant, factory or distribution center to move there. The few communities that are "successful" at this strategy usually accomplish it by giving away the store.*

The old economic development paradigm was about cheap land, cheap gas and cheap labor. It was about shotgun recruitment and low cost positioning. In the old economy, the most important infrastructure investment was roads. Today, successful economic development is about laser recruitment and high value positioning. Today highly trained talent is more important than cheap labor and investing in education is far more valuable than widening the highway.

American communities are littered with projects that were sold as a "silver bullet" solution to a city's economic woes: the New Jersey State Aquarium in Camden, New Jersey; Vision Land Amusement Park in Birmingham, Alabama; the Galleria Mall in Worcester, Massachusetts; the Winter Garden in Niagara Falls, New York – to name just a few.

Too many communities think that economic revival is about the one big thing. Whether it is a convention center, a casino, a festival marketplace, a sports arena, or an aquarium, city after city has followed the copycat logic of competition. If your city has a big convention center, my city needs an even bigger one. Festival marketplaces worked fine in cities like Boston and Baltimore, but similar projects went bankrupt in Toledo, Richmond, and a dozen other communities [including Norfolk].

Successful economic development is rarely about the one big thing. More likely, it is about lots of little things working synergistically together in a plan that makes sense. In her award-winning book – *The Living City* – author Roberta Brandes Gratz says that "successful cities think small in a big way."

Two examples of this are Silver Spring, Maryland and Cleveland, Ohio. Cleveland had an aging, undersized convention center. Civic boosters argued for a huge new convention center that could compete with much bigger cities like Chicago, Atlanta, or Minneapolis. But small cities like Cleveland will never win in an arms race to build the biggest convention center. Instead Cleveland took a look at its assets, one of which is the Cleveland Clinic – a world renowned medical center located a short distance from downtown. Instead of trying to compete with every other convention city, Cleveland decided to build a smaller, less expensive meeting facility – the Cleveland Medical Mart and Global Center for Health Innovation – focused on medical conventions and which would have an attached medical mart affiliated with the Cleveland Clinic.

Another example of asset-based economic development is Silver Spring, Maryland. For many years, Silver Spring was among the largest suburban commercial centers in the Mid-Atlantic region. But, by the early 1990's, Silver Spring had fallen on hard times. In 1996, a story in the *Economist* said "You can see America wilting in downtown Silver Spring. Old office blocks stand empty. A grand art deco theater is frequented only by ghosts. Glitzy department stores have decamped to out-of-town shopping malls. Tattoo parlors, pawnbrokers and discounters remain."

To combat this decline, local officials and an out-of-town developer proposed to build a second Mall of America (like the one in Bloomington, Minnesota). The proposed mega-mall would have 800 stores and it would cover 27 acres. The projected cost was $800 million and it would require a $200 million public subsidy. It would also mean the demolition of most of downtown Silver Spring's existing buildings.

So what happened? The county rejected the massive American Dream Mall and set their sights on a succession of more modest developments. First, they realized that despite its decline, Silver Spring had some important assets that were probably more valuable than a giant mega-mall. First, Silver Spring was adjacent to Washington, DC, the nation's capital. Second, it was served by transit (i.e. the Washington Metro system), and third, it was surrounded by stable middle-class neighborhoods.

Rather than spending $200 million subsidizing a giant mall, county and state officials collaborated to find a site for the new headquarters for the Discovery Communications Corp, which was then housed in several different locations around the Washington area.

The site where Discovery Communications decided to build their new headquarters was adjacent to the Silver Spring Metro Station. Bringing 1500 employees to downtown Silver Spring was a huge boost to the community, but what really synergized the renewal was Discovery Corp's agreement not to build a cafeteria in their new headquarters building. This meant employees would have to patronize local restaurants.

Use Education and Incentives – not just Regulation

Successful communities use education, incentives, partnerships, and voluntary initiatives – not just regulation. To be sure, land use regulations and ordinances are essential to protecting public health and to setting minimum standards of conduct in a community.

> *Regulations prevent the worst in development, but they rarely bring out the best. Regulations are also subject to shifting political winds. Often one county commission or town council will enact tough regulations only to see them repealed or weakened by a future town council or commission with a different ideology or viewpoint.*

If regulations aren't the entire answer, how can a community encourage new development that is in harmony with local aspirations and values?

Communities need to use carrots, not just sticks. They also need to use education, partnerships, and voluntary initiatives. Successful communities have identified a variety of creative ways to influence the development process outside of the regu-

latory process. Some of the incentives they use include: conservation easements; purchase of development rights; expedited permit review; tax abatements that promote the rehabilitation of historic buildings; award and recognition programs; density bonuses for saving open space; and other techniques.

In Staunton, Virginia, the Historic Staunton Foundation offered free design assistance to any downtown business owner who would restore the façade of their building. They did this after the city council had rejected a measure to create an historic district in downtown Staunton. At first, only one business owner took advantage of the incentive, but then a second business owner restored his building facade, and then a third, and then many more. Today, there are five historic districts in Staunton including the entire downtown, but it all began with an incentive.

Successful communities also use education to encourage voluntary action by citizens. Why do cities and towns need to use education? Because education reduces the need for regulation. Also, because people and businesses will not embrace what they don't understand. Finally, community education is important because, citizens have a right to choose the future, but they need to know what the choices are.

Pick and Choose Among Development Projects

All development is not created equal. Some development projects will make a community a better place to live, work, and visit. Other development projects will not.

The biggest impediment to better development in many communities is a fear of saying "no" to anything. In my experience, communities that will not say no to anything will get the worst of everything.

The proof is everywhere – communities that set low standards or no standards will compete to the bottom. On the other hand, communities that set high standards will compete to the top. This is because they know that if they say no to bad development they will always get better development in its place.

Too many elected officials have an "it'll do" attitude toward new development. Worse yet, they'll accept anything that comes down the pike, even if the proposed project is completely at odds with the community's well thought out vision for the future. They are simply afraid to place any demands on a developer for fear that the developer will walk away if the community asks for too much. This is especially true when dealing with out of town developers or with national chain stores and franchises.

The bottom line for most developers, especially chain stores and franchises, is securing access to profitable trade areas. They evaluate locations based on their economic potential. If they are asked to address local design, historic preservation, site planning or architectural concerns they will usually do so. Bob Gibbs, one of America's leading development consultants says that "when a chain store developer comes to town they generally have three designs (A, B, or C) ranging from "Anywhere, USA" to Unique (sensitive to local character). Which one gets built depends heavily upon how much push back the company gets from local residents and officials about design and its importance."

Consider the McDonald's design we're all familiar with. Most would agree that Asheville, NC, did better with its McDonald's.

One community that has asked chain stores and franchises to fit-in is Davidson, North Carolina. Chain drugstores, like CVS, Rite Aid, and Walgreens are proliferating across the country. They like to build featureless, single-story buildings on downtown corners, usually surrounded by parking — often after one or more historic buildings have been demolished. This is what CVS proposed in Davidson.

The town could have easily accepted the cookie cutter design (Plan A), but instead it insisted on a two story brick building, pulled to the corner with parking in the rear. CVS protested, but at the end of the day they built what the town wanted because they recognized the economic value of being in a profitable location.

The lesson learned is that successful communities have high expectations. They know that community identity is more important than corporate design policy.

Cooperate With Neighbors for Mutual Benefit

Historically, elected officials have tended to view neighboring communities, the county government, and even the managers of adjacent national parks or other public lands as adversaries rather than allies. Some community leaders see economic development as a "zero-sum" game: if you win, I lose.

Successful communities know that today's world requires cooperation for mutual benefit. They know that the real competition today is between regions. They also understand that very few small towns have the resources, by themselves, to attract tourists or to compete with larger communities.

Regional cooperation does not mean giving up your autonomy. It simply recognizes that problems like air pollution, water pollution, traffic congestion and loss of green space do not respect jurisdictional boundaries. Regional problems require regional solutions.

There are numerous examples of communities working together for mutual benefit. In the Denver region, 41 communities cooperated to support funding for a regional transit system (i.e. FasTracks). Cleveland area communities cooperated to build a Metro parks system. Metro Minneapolis and St. Paul collaborate on tax base sharing.

Even small rural communities can cooperate for mutual benefit. Small towns in Mississippi have worked together to organize and promote U.S. Route 61 as "the Blues Highway." Similarly, five rural counties on Maryland's Eastern Shore collaborated with the Eastern Shore [MD] Land Conservancy to create a regional agreement to preserve farmland and open space.

Pay Attention to Community Aesthetics.

During the development boom of the 1980's, *Time Magazine* had a cover story article about what they called "America's growing slow-growth movement." The article began with a quote from a civic activist in Southern California, who said "we were in favor of progress, until we saw what it looked like." Looks count! Aesethics matter!

> *Mark Twain put it this way, "We take stock of a city like we take stock of a man. The clothes or appearance are the externals by which we judge."*

Over 80 percent of everything ever built in America has been built since about 1950 and a lot of what we have built is just plain ugly. There are still many beautiful places in America, but to get to these places we must often drive through mile after mile of billboards, strip malls, junk yards, used car lots, fry pits, and endless clutter that has been termed "the geography of nowhere."

The problem is not development *per se*; rather the problem is the patterns of development. Successful communities pay attention to where they put development, how it is arranged, and what it looks like.

The image of a community is fundamentally important to its economic well-being. Every single day in America people make decisions about where to live, where to invest, where to vacation and where to retire based on what communities look like. Consider tourism, for example. The more any community in America comes to look just like every other community the less reason there is to visit. On the other hand, the more a community does to protect and enhance its uniqueness whether natural or architectural, the more people will want to visit. Tourism is about visiting places that are different, unusual, and unique. If everyplace was just like everyplace else, there would be no reason to go anyplace.

Successful communities pay attention to aesthetics. Typically they control signs, they plant street trees, they protect scenic views and historic buildings, and they encourage new construction that fits in with the existing community.

Have Strong Leaders and Committed Citizens

Successful communities have strong leaders and committed citizens. A small number of committed people can make a big difference in a community. Sometime these people are longtime residents upset with how unmanaged growth has changed what they love about their hometown. Others times, the leaders might be newcomers who want to make sure that their adopted hometown doesn't develop the same ugliness or congestion as the one they left. More often than not, they're simply citizens who care a great deal about their community.

The problem is not development, per se*; rather the problem is the patterns of development. Successful communities pay attention to where they put development, how it is arranged, and what it looks like.*

An example of a citizen who made a big difference is Jerry Adelman. Jerry grew up in the small town of Lockport, Illinois. Almost single-handily Jerry created the Illinois and Michigan Canal National Heritage Corridor which helped restore an abandoned canal linking Lockport with Chicago. Adelman's success at building local support for the canal convinced Congress to add the canal corridor to the national park system.

What about the Naysayers? Every community has naysayers. Whatever the civic or community leaders propose to do, some people will always say things like: "you can't do it," "it won't work," "it costs too much," "we tried that already." And, *"no"* is a very powerful word in a small community, but leaders of successful communities know that *"yes"* is a more powerful word. Yes, we can make this town a better place to live in, to look at, to work in, to visit. A pessimist sees difficulty in every opportunity. An optimist sees opportunity in every difficulty.

Summing Up. We live in a rapidly changing world. In his new book, *The Great Reset*, author Richard Florida says that "the post-recession economy is reshaping the way we live, work, shop and move around." He goes on to predict that "communities that embrace the future will prosper. Those that do not will decline."

One big change is that people and businesses can now choose where to live or operate a business. In today's world, communities that cannot differentiate themselves will have no competitive advantage. This means that quality of life is more important than ever.

Successful communities know that sameness is not a plus. It is minus. Successful communities set themselves apart. They know that communities that choose their future are always more successful than those that leave their future to chance.

PlannersWeb.com may be reached at 802-864-9083, P.O. Box 4295, Burlington, VT 05406, or at: editor@plannersweb.com.