When a locality adopts a Zoning Ordinance, it is accomplished with considerable guidance from the Virginia Code:

§ 15.2-2284. Matters to be considered in drawing and applying zoning ordinances and districts.

Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.

Zoning Districts are set up, often reflecting an already established pattern of development. In Northampton County, for example, Villages, Hamlets, Town Edges, and Subdivisions are mapped where these predominantly residential areas already exist, Agricultural Districts where farming predominates, and Commercial and Industrial Districts where they are already located. The Future Land Use Map, an important part of the Comprehensive Plan, indicates where the community has agreed to locate or expand Zoning Districts in the future.

After the Zoning Districts are mapped, various Uses are designated, often By Right – various types of housing in the mapped, primarily residential areas, farm buildings and uses in the Agricultural/Rural Business District, and commercial and industrial uses in the appropriately mapped Districts. There are some “non-compatible uses,” often commercial, that the community agrees can be located in non-commercial Districts – for instance, antique shops, home businesses, B&Bs, adult daycare, art studios, and qualified rural businesses in agricultural districts and residential neighborhoods. Many of these uses require a Special Use Permit, notice to neighbors, and Public Hearings to determine the suitability of the location for the proposed use, and how the Use will impact the area.

The County Process

For example, the 3-page Northampton County Special Use application, for a Major or Minor permit, requires details of the current and proposed use, changes to be made to the property, and details of property ownership. A completed application and fee, zoning checklist, statement of justification for the proposed use, and drawings of the property are submitted. For a Major Special Use, additional information and a certified professional plat are required. The county Zoning Administrator and Director of Planning then review the application for compliance with county regulations. The application and a Staff recommendation are forwarded to the Planning Commission and the Board of Supervisors, which then hold Public Hearings.

The Public Response

The main reason for requiring a permit is that the activity proposed is a “special use” – a non-compatible Use that may have an impact on the area’s residents. So the public gets a chance to comment.
The Importance of the 2020 Census for the Shore
Submitted by Dr. William P. O’Hare, Data and Demographic Analyst

I cannot think of any other event that will shape the future of the Eastern Shore more than the results of the 2020 Census, which will be conducted by the federal government next spring. The results of the census will shape political power for a decade by helping to determine how political districts lines are drawn to meet one person-one vote guidelines – to enforce the Voting Rights Act. In addition, businesses will use census results to make decisions such as where to locate a store or what kinds of customers to expect. Faulty data could lead to faulty business decisions.

But perhaps the most important outcome of the 2020 Census for us on the Eastern Shore is the use of census data to determine the distribution of federal assistance. Nationally, in Fiscal Year (FY) 2016, census data were used to distribute almost $900 billion. More than 50 federal programs allocate money based on these data.

The amount of federal money distributed each year has been growing at about 10% a year over the past decade, so the dollar amounts will surely grow as the 2020 Census data are used to distribute money between 2021 and 2031.

The founding fathers required a census be used to allocate political power; the first census was conducted in 1790, as required by the Constitution. It has been conducted every 10 years since then. People are legally required to respond to the Census, although no one has ever been charged with failing to do so.

There are several reasons why it may be difficult to get a complete and accurate count of the population living on the Eastern Shore next spring. As hard as the Census Bureau tries to count every person in the country, some people are always missed. More importantly, some groups of people are missed at a higher rate than other groups. Two groups that are missed at a high rate are African-Americans and Hispanics, and both of these groups make up a significant share of the population on the Shore. The most recent estimates from the Census Bureau shows that roughly 33% of the population on Virginia’s Eastern Shore (Accomack and Northampton Counties) are African-Americans and about 10% are Hispanic. The Census Bureau data also show that about 2,000 residents of the Eastern Shore are not U.S. citizens, which has become a big issue in the 2020 Census. In addition, some conditions on the Shore, like roads or 2-tracks without street name signs and houses without house numbers, may make some folks on the Shore difficult to count. Also, determining whether some of the housing units here are inhabited or not may be a challenge.

There is no definitive number on this, but experts believe jurisdictions lose $1,000 to $2,000 in federal aid for each person missed in the Census. That is $10,000 to $20,000 over the 10-year period [during which] data from each census are used. Given the needs and resources of Eastern Shore residents, we cannot afford to miss out on federal funding – every dollar counts.

There are many things we can do to help make sure we get a complete and accurate count in the census next spring. Many jurisdictions around the state are establishing 2020 Census Complete Count Committees to centralize outreach efforts. Complete Count Committees bring together representatives from many sectors, such as government, business, health care providers, education, libraries, etc., to use all communication channels available to ensure that people understand the importance of being counted in the census. Given the economic situation of the Eastern Shore, we cannot afford to leave money on the table.

Over the next few months, both Northampton and Accomack Counties are likely to start forming 2020 Census Complete Count Committees to provide an organizational structure for trying to reach every resident to make sure they understand how important it is to participate in the 2020 Census.
Cape Charles Memorial Library Celebrates 100 Years
Submitted by Randy Childs, Friends of the Library member

The Cape Charles Memorial Library has reached its 100th year of operation and the town is celebrating! Since December 2018, the Friends of the Library and the Library Board have been planning and hosting events to highlight the library and its impact over the past century.

Events in the library have included a December 2018 Festive Friday visit from Mrs. Claus, conversations by and with speakers, Readers’ Sharing Evenings, a town-wide book discussion and presentation of the movie version of the book “The Magnificent Ambersons” at the Historic Palace Theater, and a tea party at the Cape Charles Christian School. There are several more events forthcoming: an evening with artist and musician Thelma Peterson in May and with world traveller Narelle Kelvin in June; an evening of storytelling and a Trivia contest at the Historic Palace Theater; and a town-wide “Olde Fashioned Picnic” in Central Park, which will be the Grand Finale of the anniversary party. A “bookshelf motif” quilt will be raffled off at the Grand Finale in remembrance of the efforts of the women who founded the library, and who also held raffles and shows and teas in the early years to raise funds for the library.

The committee’s goal for the celebration of the 100th anniversary has been to make all these events accessible to the largest possible range of citizens. Free to the public were the town-wide book read and discussion, as was the movie presentation at the Palace Theater. The speaker nights were offered at no cost; presented were stories of the library in good times and hard times and also about the legacy of Frances Bibbins Latimer and the rich history of African-Americans in Cape Charles and Northampton County. The Library also joined with the American Legion Post #56 for a ceremony at the Cape Charles War Memorial honoring our war heroes on Memorial Day.

The Story of These 100 Years

June 1919: When the call for Americans to join into World War I, “The Great War,” found its way to Northampton County, townspeople and county folk were ready. Seven hundred forty-six young men served, and 21 made the supreme sacrifice. In June 1919, to honor the sacrifice of the men of the county who died, Mrs. McGuire of Tazewell Ave (Chairwoman of the Cape Charles branch of the wartime National League for Women’s Services) opened her home to a group of 32 women for a “Book Shower.” Every attendee donated a book to start the library. That small library in Mrs. McGuire’s home became the first library in the State of Virginia to be dedicated to the memory of its fallen sons and brothers.

May 27, 1927: Dedication of a permanent home. The library’s book collection grew over the years to 3,000 volumes, and the operation was moved 7 times before it found its “permanent” home at the corner of Tazewell and Plum Streets in the former First Presbyterian Church building. Governor Harry F. Byrd and other notables dedicated the building before a crowd of nearly 6,000 people. At that time, the Northampton County Memorial Library was turned over to the Board of Supervisors.

April 3, 1929: Miss Gladys Nottingham assumed the duties of librarian. She remained on duty until she retired, and stayed involved with the library until her death in 1987.

1934: The annual cost to the County for operating the library was approximately $500. Expenses included interest on the mortgage for the property, insurance on building and books, salaries of the librarian and janitor, coal, light, and new books.

February 1935: A branch of the Northampton County Memorial Library opened in a private home in Nassawadox, which was closed 3 years later due to declining membership.

1941: The town of Cape Charles paid off the mortgage and provided $600 per year for operating expenses. During the 1940s, valuable books were donated by Father Edward Mickie of St. Charles Catholic Church and by Bernard Baruch, an influential businessman and statesman.

Late 1950s: Cape Charles Mayor George Ward appointed Virginia Savage as his library advisor. With books on long-term loan from the Eastern Shore Public Library and the faithful service of Miss Gladys, the library remained open 3 days a week. Mrs. Savage tells of the dedication of Gladys Nottingham and subsequent librarians, and attributes the longevity of the library in large part to their skills and devotion. Funds to meet expenses were often scarce and at times nonexistent. Fundraising activities over the years included paid memberships, card parties, musicals, and shows.

October 1, 1979: The Cape Charles Memorial Library first became a branch and later an associate member of the Eastern Shore Public Library.

Today: The library is open 6 days a week. Ann Rutledge and Sharon Silvey are the librarians, capably assisted by Bobby Harmon. Citizens come into the library

See Library, cont’d on p. 4
to use computers, borrow books, and use research materials in the Eastern Shore Collection.

Children come in for story time, and library staff take STEM materials into the schools to engage students in the exciting possibilities offered in science, technology, engineering, and math.

The Friends of the Cape Charles Memorial Library is an active group that maintains 5 Little Libraries in the town and holds several book sales each year to provide funds for library projects and supplement the budget for furnishings for the library. There is also a great schedule of activities in the summer months, when so many visitors and local residents are in town.

The Cape Charles Memorial Library provides a place for all members of the community to be together and to feel free to reach for their full potential.

Special Use, cont’d from p. 1

An approved Special Use Permit is recorded in the land records – it is either restricted to the current landowner or “runs with the land” and becomes permanent. More often than not, Special Use applications are reasonable and are approved. Although a denial of the Permit can be legally challenged, Virginia courts have upheld several local governments’ actions* as reasonable grounds for denying a Permit:

- If the landowner fails to meet all the relevant requirements
- If sound zoning principles justify the government’s decision, even if all requirements are met
- If the Use is inconsistent with the adopted Comprehensive Plan
- If the Use would have adverse impacts on the character of the neighborhood
- If the Use would have adverse impacts on roads or create a hazardous traffic situation
- If the Use would have an adverse impact on the abutting property

*www.albemarle.org/upload/images/Forms_Center/Departments/County_Attorney/Forms/LULH_Consolidated.pdf
As previously reported in ShoreLine, the Department of Environmental Quality (DEQ) initiated a process in 2017 to bring the poultry CAFOs (concentrated animal feeding operations) under permits for groundwater withdrawal, which is required for any operation withdrawing more than 300,000 gallons per month (GPM). A Consent Order was issued in October 2018 for 56 CAFOs; now that DEQ has completed their modeling, they have released the draft permits for 49 of the operations. Two operations did not meet the 300,000 GPM threshold; the remaining 5 CAFOs have indicated they don’t believe they will exceed the threshold, and will be monitored by DEQ. If they do in fact exceed the threshold, they will be subject to enforcement measures.

Public notices for the draft permits for the 49 CAFOs were published on May 24, and are available at https://www.deq.virginia.gov/Programs/Water/WaterSupplyWaterQuantity/WaterWithdrawalPermittingandCompliance/EasternShorePoultryFarmPermitting.aspx. Public comments will be accepted through July 12, and can be addressed to withdrawal.permitting@deq.virginia.gov. Fax and mail addresses are available on the website. Public comments will also be taken at 3 public hearings – 6:00 PM on June 24 at Arcadia High School, 6:00 PM on June 25 at Eastern Shore Community College, and 6:00 PM on June 26 at Northampton High School. The draft permits and a summary of the public comments will be presented to the State Water Control Board for final approval, currently scheduled for September 6.

Analysis of the Permits

An overview of the permits was provided by Scott Kudlas, Director, DEQ Office of Water Supply, at an Information Session on April 30. Additional analysis of the data from the permits was provided at the May 21 Eastern Shore Ground Water Committee meeting by the committee’s consultant, Britt McMillan. Key points were:

• DEQ estimates a total permitted withdrawal for these 49 CAFOs of 1.179 million gallons a day (MGD), which is lower than the preliminary estimate of 3.1 MGD, reflecting actual distribution of water use throughout the year, rather than maximum use every day.

• DEQ’s model evaluated each facility, factoring in all known users in the area (permitted or unpermitted), and simulated withdrawals for 50 years.

• The model showed areas of impact (AOIs; lateral distance from each well with drawdown of more than 1 foot) for each facility, for each of the 3 confined aquifers (Upper, Middle, and Lower Yorktown-Eastover), with the largest AOI in Pungoteague (1.4 miles) in the Upper Yorktown-Eastover. Mitigation plans will be required if the AOI extends off the property; if another user’s well within the AOI has an issue and is screened within the same aquifer, the CAFO will be responsible for mitigation.

• The model evaluated each site for the 80% drawdown criterion, i.e., to preserve 20% of the available head above each confining layer; none of the sites violated this criterion, although sites close to the Perdue and Tyson plants had the least reserve in all 3 confined aquifers.

• Modest impacts to water quality, as measured by increases in chloride, were seen mostly offshore, with one onshore site near Wallops Island. DEQ’s model did not include any estimate for increased vulnerability to saltwater intrusion from sea level rise.

No Use of Shallow Aquifer Documented

DEQ and other organizations have been working to encourage the poultry industry and others to use the shallow (Columbia) aquifer whenever possible. Although the Accomack County 2019 Annual Poultry Report identified 2 operations with wells in the Columbia, and although Tyson Foods had committed in February 2018 that their contractors would use the Columbia whenever possible, none of the 49 CAFOs had wells in the Columbia.

Over half (26) of the 49 CAFOs have a Special Condition added to their permit, to investigate an alternative source (i.e., the Columbia), with test wells required within 5 years. Once the test well data are evaluated, DEQ will determine how quickly they can move forward, and for what quantity, to switch users to the Columbia.

Numbers Still Concerning

Adding the current DEQ estimate of 1.179 MGD to the actual usage from all other permitted facilities (from 2017) of 5.72 MGD, and the current estimate for residential and all other uses of 2.06 MGD, yields 8.959 MGD, basically even with our recharge rate of 9 MGD. This is the best-case scenario, and does not include an additional 7 CAFOs identified (5 with partial applications); the usage from the CAFOs that fall below the 300,000 GPM threshold; the requested expanded withdrawal for the Tyson plant; increased usage during drought years; or additional cooling needs as temperatures rise due to climate change.
Oil Spill Preparedness
Submitted by A.H. Walker, Barrier Island Subcommittee member

Preparing for future oil or hazardous material spills off the Shore’s coasts has been a developing concern for both public and private organizations. ShoreLine readers are invited to attend a public information session on June 20, 2019, either at 1:30 PM or 6:30 PM in the meeting room at the VIMS Wachapreague Laboratory, when attendees will learn about the new Eastern Shore Annex to the Virginia Area Contingency Plan. The Barrier Island Subcommittee, led by Joe Fehrer of The Nature Conservancy, drafted the annex to help the US Coast Guard (USCG), Virginia Department of Environmental Quality (DEQ), and others prepare for any future oil spills. The current draft focuses on the seaside of the Eastern Shore; future work will expand the Annex to include the bayside. Input from Eastern Shore citizens, businesses, local agencies and health organizations, and nongovernmental organizations is sought to strengthen the Annex. This is a unique opportunity to provide your input to the draft. Please come, learn about this effort, and take the opportunity to ask questions and provide local knowledge!

The USCG Captain of the Port of Hampton Roads is responsible for many missions, including preparing for the possibility of marine oil and hazardous substance spills that could occur in his area of responsibility, which includes Virginia’s Eastern Shore. Under this leadership, the Virginia Area Committee developed the coastal Virginia Area Contingency Plan in the 1990s. The 2016 plan is accessible online from the Virginia DEQ website under the Area Committee subheading: http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness.aspx.

Additional Background

Virginia’s barrier island system supports extremely important, diverse habitats and species, in addition to fishing and eco-tourism communities that depend upon the Shore’s natural resources. They are highly sensitive to oil spills and other pollutants. Mechanical oil spill containment, protection/diversion, and recovery tactics will be difficult to implement on the seaside due to the isolation of the area, vessel-only access to the barrier islands, dynamic channels, challenging shallow-water access, and high tidal currents. Access by water to the barrier islands is essentially limited to those with local knowledge, especially fishermen, and permission from the landowners. Therefore, USCG and the Subcommittee desire to proactively consider and identify environmental tradeoffs and harmonize those tradeoffs with landowners, aquaculture businesses, and fishermen, among other stakeholders.

Please join us on June 20 at VIMS in Wachapreague at either 1:30 PM or 6:30 PM, and invite your neighbors!

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Goodbye, Hope
By Sue Mastyl

Hope the whimbrel, which captured the hearts and minds of many, is believed to have been a casualty of Hurricane Maria in 2017, according to a recent post by the Center for Conservation Biology (CCB).

Hope was captured on May 19, 2009, on Box Tree Creek near Machipongo. Over the 3½ years that her transmitter was active (through September 2012), researchers tracked her for more than 50,000 miles, from her breeding grounds on the Mackenzie Delta in far western Canada to her winter grounds on Great Pond in St. Croix, U.S. Virgin Islands. Except for her first flight south from Canada to St. Croix in the fall of 2009, every trip north or south included a stop on the Eastern Shore of Virginia, always on Box Tree Creek.

When her transmitter failed, she was recaptured in November 2012 and it was removed. After that, she was tracked by her coded leg flag.

In August 2011, Hope took off from Hudson’s Bay to begin her flight to St. Croix, and encountered Tropical Storm Gert over the open ocean off Nova Scotia. As the CCB post tells it, “Hope flew through the storm for 27 hours against tremendous headwinds. When she broke through the storm, she immediately made a right turn toward Cape Cod, demonstrating a high degree of situational awareness.”

Her faithfulness to her stopover and winter grounds, as well as her long-distance flights, provided invaluable data for researchers and earned her celebrity status, including the children’s book, Hope Is Here, by Cristina Kessler of St. John. “The life of Hope the whimbrel was instrumental in helping to tell the story of the hemispheric importance of the Virginia Coast Reserve in the life cycles of so many long-distance migrant bird populations that rely on the conserved and protected lands and waters of the Eastern Shore of Virginia,” said Jill Bieri, Director of The Nature Conservancy Virginia Coast Reserve. “Her story will live on and continue to inspire our work moving forward.”

Hope was last seen on September 11, 2017, on Great Pond in St. Croix, after Hurricane Irma hit the island as a Category 5 storm. On September 19, Hurricane Maria hit the island; Maria’s eyewall passed directly over Great Pond. Researchers on St. Croix and the Eastern Shore of Virginia have searched for Hope since then; although other whimbrels were sighted after the storm, there has been no sign of Hope.

Thanks, Hope – fly on.

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Celebrating 30 Years of ShoreLine 2011

- Following the 2010 Census, both counties prepared for the need to redraw Voting District lines before the November elections. Northampton County went from 6 to 5 districts, and lines were redrawn to create 2 minority/majority districts to satisfy Department of Justice “pre-clearance” requirements. Accomack County claimed that a 13.4% decline in population was a “serious undercount” by the Census Bureau.

- The concept of “living shorelines” to protect waterfront property was introduced by VIMS.

- Employers attending a Chamber of Commerce Job Fair found hundreds of job seekers but few with the right skills for the jobs available. Lack of computer expertise and required certifications were the most frequently mentioned issues.

- Plasticulture growers (plastic-covered row crops, particularly tomatoes) were expected to self-regulate to manage stormwater runoff. Aquaculture growers said more regulation is needed for water-quality protection.

- Some local landowners in Northampton County were offered long-term land leases, with the promise of riches, if wind farms became a reality.

- One Northampton County supervisor proposed massive zoning changes to waterfront villages at the request of an unnamed developer – to include condos, restaurants, large retail, and zero lot lines between buildings. The proposal was later withdrawn.

- Chincoteague considered ending the rebuilding of beach parking areas after major storm events.

- Wind turbines, 750 feet tall, were proposed for Northampton County. For the second time, a lone Supervisor, at the request of a developer, submitted a zoning amendment for the new Use. The State would provide $750,000 to the private developer.

- CBES established the Suzanne Wescoat Award for exemplary service to the community, as a memorial tribute to the organization’s founder.

- After many years of refusing to provide information on delinquent taxpayers, Northampton County released a list of over 13,000 names – a total of $1.9 million in taxes owed to the county over the previous 20 years.

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Community Calendar

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

Accomack County
757-787-5700
www.co.accomack.va.us

1st Wed  Board of Zoning Appeals
10 AM, Accomac

2nd Wed  Planning Commission (PC)
7 PM, Accomac

3rd Tues  School Board
6:30 PM, Accomac

3rd Wed  Board of Supervisors (BOS)
5 PM, Accomac

4th Tues  PC Work Session
7 PM, Accomac

4th Thur  Wetlands Board
10 AM, Accomac

Northampton County
757-678-0440
www.co.northampton.va.us

1st Tues  Board of Zoning Appeals
10 AM, Eastville

1st Tues  Planning Commission (PC)
7 PM, Eastville

2nd Tues  Board of Supervisors (BOS)
6 PM, Eastville

3rd Wed  Wetlands Board
Meets as needed, Eastville

3rd Wed  PC Work Session
5 PM, Eastville

3rd Wed  Board of Supervisors (BOS)
5 PM, Accomac

4th Tues  BOS Work Session
5 PM, Eastville

4th Thur  Wetlands Board
10 AM, Accomac

CBES and Other Activities

1st Wed  VIMS Public Seminar
7:30 PM, Wachapreague

3rd Tues  ES Ground Water Committee
10 AM, Accomac

3rd Tues  CBES Board Meeting
7 PM, Eastville or Belle Haven

A Reminder
Please don’t forget to renew your CBES membership! If you are unsure of your membership status, you may contact us at info@cbes.org or call 757-678-7157. Also, a gift membership to CBES is a lovely way to welcome new residents to the area.

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Coming Soon!

RECYCLING CORNER

Last month, we printed an overview of the current state of recycling. The landscape in recycling is shifting almost daily, so we’re starting a monthly post to keep everyone updated on the latest news from the field.

For membership and other CBES information: www.cbes.org