

## SECTION VII

### OTHER ISSUES AND POLICIES AFFECTING HOUSING DEVELOPMENT

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#### *A Zoning and Subdivision Issues*

Both Accomack and Northampton Counties have zoning and subdivision ordinances. The regulations apply unless a municipality opts to adopt its own ordinances. There are several towns in each County that have adopted their own regulations. In Accomack County, the following municipalities have adopted Zoning Ordinances: Accomac, Belle Haven, Bloxom, Chincoteague, Hallwood, Keller, Onancock, Onley, Melfa, Painter, Parksley, Saxis, Tangier and Wachapreague. The following Accomack County municipalities have adopted Subdivision Ordinances: Accomac, Belle Haven, Bloxom, Chincoteague, Hallwood, Onancock, Melfa, Painter, and Saxis. In Northampton County, the following municipalities have adopted Zoning Ordinances: Cape Charles, Cheriton, Eastville, Exmore, and Nassawadox. The following Northampton County municipalities have adopted subdivision ordinances: Cape Charles, Cheriton, Exmore, and Nassawadox.

Except for Wachapreague, all of the municipal Zoning Ordinances were adopted after 1990 and except for Belle Haven, Exmore, Onancock and Nassawadox, all of the municipal Subdivision Ordinances were adopted after 1990.

The critical zoning provision that affects all zoning, and that has impacted the housing market on the Eastern Shore occurred July 1, 1995, when Governor Allen signed into law a provision that permits a manufactured house by right to be located in any Agricultural Zoning District in the State where that Agricultural Zoning District also permits a stick built house. Manufactured housing is essentially any home built according to the HUD mobile home regulations adopted in 1976.

There does not seem to be a major issue on the Eastern Shore concerning the minimum lot size or the amount of land zoned for residential purposes. Provisions for on lot septic systems and water wells are governed by the Eastern Shore Health District.

#### *B Water and Sewer Issues*

Only Cape Charles and Onancock have public municipal sanitary sewer treatment systems. The NASA facility also has a sewer system. The system in Cape Charles has additional capacity but connections and/or extensions are reserved for use within the town limits. The Onancock system is at capacity and there is a moratorium on any new connections or extensions.

There are numerous “systems” being utilized throughout the two County area whereby septic systems release their effluent into mass drain fields. These are evident in recent projects carried out by the PDC.

Individual home septic systems are approved by the Eastern Shore Health District (ESHD). This agency services both Counties and is located in Accomac. A seasonal high water table affects the cost of septic systems. These systems require 3 feet of well drained soil. Costs range from \$2,500 to \$15,000. Northampton County and most of Accomack County have adopted the Bay Act regulations, which particularly affect sewerage permitting. As a result, the more stringent regulations have made it more difficult to build.

There are seven municipalities on the Eastern Shore that provide public municipal water treatment systems. These include Chincoteague, Parksley, Onancock, Exmore, Eastville, Cape Charles, and Tangier Island. Attached as Appendix C in Section VIII is a chart of Needs Assessment provided by the PDC.

The ESHD is also the permitting agency for individual home water wells. It would appear that most problems occur where existing shallow wells (50 feet or less) are located in proximity to on-lot septic systems. When wells have gone to a depth of 150 feet, into a good aquifer, there are limited contamination problems. The average cost of a new 150 foot well is \$2,300.

The less affluent communities on the Eastern Shore are forced to continue to utilize septic systems and wells. Funding efforts by the various citizen interest groups and the PDC has resulted in the provision of state of the art septic systems utilizing mass drain fields. These typically service 10 to 30 housing units per system. There is currently no viable alternative from a technological or financial standpoint.

The provision of deep wells and indoor plumbing has also been spearheaded by various local citizen groups and the PDC.

### ***C Public Roads***

There is not a lack of access to developable land from existing roads. Generally, housing sites must have access to a State Highway in order to secure subdivision approval. Smaller residential subdivisions may be served by a private road provided that a homeowners organization agreement or adequate restrictive covenants are in place.

The PDC in its Comprehensive Community Development Grant programs has been very successful in leveraging road improvements with funding from VDOT. These types of initiatives have been undertaken in existing neighborhoods.

While many of the rural roads are two lanes with no substantial shoulders, it was observed that these are generally in good condition. Where funding opportunities exist for road improvements they should be maximized.

### ***D Public transit***

STAR Transit operates four fixed routes on the Eastern Shore providing comprehensive public transportation to the community. The buses stop at major employers, the Eastern Shore Community College, and provide access the larger communities on the Eastern Shore. STAR Transit will also deviate from its fixed routes with 24 hours notice. There is also a demand response route that serves the central core area of the Eastern Shore. All buses are equipped with wheelchair lifts to accommodate the disabled.

Service is available Monday to Friday with no service on weekends or major holidays. Each of the four routes depart northbound and southbound three times daily. The earliest bus leaves Cape Charles daily at 5:55 a.m. with buses operating until about 5:30 p.m. One way fares are \$1.00 with children under age 4 permitted to ride without charge and those between 4 and 11 years old are charged \$0.50. STAR Transit began operations in 1997 and has provided a much needed service to the community, particularly for lower income persons who not own a vehicle.

Section VI(E) of this document contains information from supportive service providers who operate on the Eastern Shore. Many of the service providers cite lack of transportation as a problem with their clients that lack a vehicle. The service providers agree that STAR Transit has filled a void on the Eastern Shore by providing public transit. STAR Transit's routes are fairly comprehensive with most areas of the Eastern Shore accessible by the system. Because STAR Transit does not operate in the evening or on the weekends, a persons' ability to work the weekend or third shift is limited. Service providers indicate that for some special needs populations, particularly the physically and mentally disabled, the STAR Transit's para-transit services do not satisfy their transportation needs.

### ***E Public safety***

Public safety and the perception thereof is an important factor in a household's housing decision making process.

In 1998, there were 1,364 crimes committed against persons and property on the Eastern Shore. On a statistical basis, this translates to .030 crimes per person, which is slightly lower than for the State of Virginia as a whole which was .037 crimes per person.

In general, police protection is on the Eastern Shore provided through the County Sheriff's offices. These is also State Police coverage and several of the incorporated municipalities levy taxes to provide additional police coverage.

Fire and ambulance protection and service is provided at the local level through volunteers. Coverage appears to be satisfactory. However, except for Tangier Island, it is becoming more and more difficult to enlist new volunteers into the fire companies. This is a problem that is nationwide in scope.

### ***F Education***

There are two school districts on the Eastern Shore, one for each County. The school districts provide the same level and quality of education. Therefore, housing choice is not a function of choosing one school district over the other because of education quality or tax structure. There are private schools in each County, but the public school system educates approximately 90% of the school age population. There are approximately 5,400 students in the Accomack County system and approximately 2,300 students in the Northampton County system. The schools in each of the districts are well maintained.

The Accomack County Public School system consists of the Tangier Island School, which has one school for grades K through 12. The school is relatively new and currently has 90 students. The balance of the school system consists of five elementary schools for grades K through 5. The schools are located at Pungoteague, Accomac, Parksley, Mappsville, and Chincoteague. Three of these schools are relatively new (Accomac, Parksley and Chincoteague). The Middle School consists of grades 6 through 8. There are three individual and one combined middle schools. The individual middle schools are located at Painter, Accomac and Parksley. The combined (grades 6 through 12) facility is in Chincoteague. There are two other high schools (grades 9 through 12) at Onley and Oak Hall.

The Northampton County Public School system consists of two elementary schools for grades K through 5. They are located in Kiptopeke in the southern part of Northampton County and at Occohannock Elementary in Exmore in the northern part of the County. The schools are new and in excellent condition. There is one middle school, grades 6 through 8, in Machipongo. The school in Machipongo is centrally located and in good condition. There is one high school, grades 9 through 12, in Eastville. It also is in excellent condition. There is one private school in Exmore offering grades K through 12.

Busing is available for every student. Breakfast and lunch programs are also provided.

According to local school district administrator, there is a shortage of teachers on the Eastern Shore. It is difficult to attract teachers to the Eastern Shore due to low salaries and lack of rental housing units.

## ***G***      ***Taxes***

Eastern Shore property owners enjoy a relatively low rate of taxation. There does not appear to be any preference to locate in one County versus the other on the basis of the real estate tax burden. If a house is assessed at \$65,000 in Northampton County the real estate taxes would be \$396.50. The same \$65,000 of assessment in Accomack County would require anywhere from \$500.50 to \$533.00 in taxes depending on the taxing district.

In talking with personnel in the respective County offices of the Commissioners of Revenues, the one message they each imparted is that taxes are not likely to influence choice of housing. However, the availability of public infrastructure would be a more critical factor.

In Northampton County there is one county tax rate for the entire County. It is currently \$0.61/\$100 of assessment. In Accomack County there are six (6) taxing districts, including Tangier Island. The assessments currently vary from \$0.77/\$100 of assessment to \$.082/\$100 of assessment. The assessment is generally meant to reflect market value. However, with the changing housing market this would not appear to be the case. It is most likely that Accomack County is closer to 100% in ratio of assessment to market value because they employ a full time assessor who provides yearly trends in values. In Northampton there is no full time assessor. The assessments are performed periodically. The current assessment to market value ratio is estimated to be approximately 76%.

The largest portion of the County real estate taxes is used to fund the County public school systems. Public safety is the next most highly funded County service.

Incorporated municipalities also have the power to levy real estate taxes. They use the respective County assessment rate. Not all incorporated municipalities on Virginia's Eastern Shore exercise this option. Where this power is used, the purpose is typically for addition police protection, waste collection and other local services.

## ***H      Employment***

When compared with urban areas, local rural labor markets generally offer fewer job options. The types of jobs available on the Eastern Shore are more concentrated in minimum wage and part-time jobs. These jobs involve more routine work. Certain job opportunities on the Eastern Shore are seasonal.

The following chart reflects the occupational breakdown of the Eastern Shore's workforce.

<b>Occupation of Employed Persons 16 Years and Older - 1990</b>				
<b>Occupation</b>	<b>Accomack</b>		<b>Northampton</b>	
	<b>Total</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>
Managerial and Professional	2,224	16.2	1,064	20.6
Technical, Sales and Administrative Support	3,429	25.0	1,217	23.6
Service Occupations	2,203	16.1	756	14.7
Farming, Forestry and Fishing	1,082	7.9	564	10.9
Precision Production, Craft and Repair	1,721	12.6	563	10.9
Operators, Fabricators and Laborers	3,031	22.2	996	19.3
Total	13,690	100.0	5,160	100.0

Source: U.S. Bureau of the Census

Generally, the population of persons age 16 and over in Accomack County and in Northampton County were employed at occupations at similar percentages in 1990. In both Counties the 1990 Census reports that the greatest percentage of the population was employed in technical, sales and administrative support positions. In Accomack County the smallest percentage of the population was employed in farming, forestry and fishing while in Northampton County the smallest percentages were employed in farming, forestry and fishing and in precision production, craft and repair.

Besides having fewer job options, there are several other barriers that limit the economic opportunity of Eastern Shore residents, including:

- less formal levels of educational attainment
- relative absence of licensed child care services and customized job training
- greater distances to jobs and support services, requiring reliable personal transportation

In many ways, housing is a symptom of underlying economic conditions. The vicious circle of poverty and underemployment on the Eastern Shore is the most difficult challenge in terms of achieving widespread improvement in local housing conditions.

### ***I Quality of Life***

People are attracted to the Eastern Shore, largely on the basis of its open space and water-oriented outdoor recreational amenities, including boating, fishing and beach activities. Field observation

would suggest that the quality of life on the Eastern Shore is quite good. The people are friendly, considerate, hard working and seem to want and need the same things most Americans do – a safe, sanitary home, employment opportunities and education for their children.

Current and earlier generations have been tied so closely to the water, the Atlantic Ocean and the Chesapeake Bay, that living near the water is an ingrained way of life. The atmosphere is far more relaxed than the rushed pace of metropolitan areas. There is a strong sense of preservation. In spite of the many hardships and lack of basic water and sewer services that older communities have endured, there is a determination to continue and make things better for succeeding generations.

Recreation, aside from school or community sponsored, is generally related to the water. Cultural amenities are few in terms of variety.

### ***J Chesapeake Bay Bridge Tunnel toll issues***

Transportation, as well as geography, has traditionally linked the Eastern Shore more to the region to the directly north than to the rest of Virginia. Even the opening of the Chesapeake Bay Bridge-Tunnel (CBBT) in 1964, connecting the Eastern Shore at Cape Charles to the Norfolk-Virginia Beach area, has not significantly increased economic ties across the bay. The available information on existing commuting patterns between the Eastern Shore and Hampton Roads to the south suggests that there are not large numbers of residents at either end who are commuting across the CBBT to a place of employment. In *Virginia's Local Economies*, it is speculated that the \$10.00 one-way toll across the CBBT is the cause.

In December 2001, the CBBT Commission adopted a reduction in toll rates that will be effective as of March 2002. The reduced toll will be \$10.00 one-way with the driver receiving a receipt that allows the completion of the round-trip for \$4.00 if concluded within 24 hours. It is expected that a consequence of the reduced toll is to support increased commuting across the CBBT. To examine the potential impacts to the Eastern Shore communities resulting from a toll discount, in October 2001 the Bi-County CBBT Commuter Toll Impact Study Committee (Study Committee) issued a study titled *Chesapeake Bay Bridge-Tunnel Commuter Toll Impact Study* (Study). The Study was commissioned by the Study Committee on behalf of Accomack County and Northampton County.

A decrease in the cost of travel can be expected to have both short-term and long-term effects. In the short-term, the benefits of savings in travel costs can induce travelers to alter regular patterns of travel in favor of the lower cost route. In the long-term, significant savings in travel cost can induce changes in the location decisions of businesses and households, stimulating development in the vicinity of the route. Previous studies regarding the potential effects of a toll discount on the CBBT commissioned by the Virginia Department of Transportation (VDOT) and the CBBT indicate that the short-term effects of a toll reduction will be limited. The October 2001 Study finds that effects arising from a toll discount are likely to be long-term induced development effects.

Commuting across the CBBT from the Eastern Shore is feasible from a time and distance standpoint. The Study found that a CBBT commuter toll discount has the potential to make certain areas of the

Eastern Shore more attractive to residential development. The number of households locating in the southern portion of the Eastern Shore through 2025 is estimated to be higher under scenarios where a commuter toll discount is available.

The October 2001 Study finds that the enactment of a commuter toll discount on the CBBT can be expected to induce a higher level of residential growth on the Eastern Shore, producing a population of 58,000 in 2025. The Study concludes that the population growth on the Eastern Shore associated with a commuter toll discount, as adopted by the CBBT, would keep pace with the Hampton Roads region, maintaining a 3.1 percent share of total regional growth with an increase of over 13,000 persons from 1990 to 2025. The annual growth rate associated with the commuter toll discount of nearly 1.2 percent from the imposition of the discount translates into an increase of 5,400 households on the Eastern Shore between 1990 and 2025. The Study finds the commuter toll discount creates a net increase of 1,300 households on the Eastern Shore over no toll decrease on the CBBT.

The Study finds that nearly all of the growth resulting from a commuter toll discount is expected to be concentrated in Northampton County. The Study reports that about 70 percent of the growth projected for Northampton County as a result of the commuter toll discount will occur in the Cape Charles-Cheriton area.

The October 2001 Study included an examination of Northampton County subdivision records. The Study found that there were approximately 5,450 vacant subdivided lots in Northampton County, excluding the 2,000 lots at Bay Creek. When Bay Creek is included, the Study concluded that there were over 3,600 vacant lots in the Cape Charles-Cheriton area, enough to accommodate all of the residential development expected to locate in the area because of the commuter toll discount. While commuter-oriented bedroom-community development on the Eastern Shore triggered by a commuter toll discount on the CBBT would be competing with the resort interests for available land, the Study concludes that there appears to be ample vacant land in a wide range of costs that would enable these disparate interests to coexist.

The previous VDOT study finds that the area for potential development is anticipated to be concentrated along Route 13 because it has the most concentration of available lots and exists within the groundwater recharge spine. The area of potential development is expected to extend to the west side of Route 13, which also is part of the recharge spine.

Although the quantity of vacant subdivided lots is sufficient to accommodate the project development resulting the commuter toll discount on the CBBT, the Study concludes that it is unlikely that all of the development will be confined to existing subdivisions. In order to quantify the land consumption effects of residential development, the Study made low and high estimates. The Study expects that the commuter toll discount on the CBBT will result in 4,200 to 25,000 acres of land will be consumed on the Eastern Shore. Without a change in the CBBT toll, the Study concludes 3,200 to 18,000 acres of land would be consumed on the Eastern Shore.

## ***K      Tangier Island***

Because Tangier Island is a unique entity, it has been given its own freestanding section within this *Regional Housing Assessment*.

Tangier Island is accessible by boat with daily seasonal service from Onancock, VA and year-round service to Crisfield, MD. Tangier Island is also accessible by airplane from Melfa. Members of the consulting team traveled to Tangier Island to meet with Ed Parks to learn more about housing conditions and the residents' way of life on the Island.

Because of the low lying nature of Tangier Island, one of its major problems involves flooding. Tangier Island is carrying out an ongoing flood management program with the objective of elevating existing housing above the 100 year flood stage. There are approximately 14 homes that cannot be elevated. The 14 units will be acquired and demolished, and new homes will be constructed on the lots. Most older housing has been built directly on the ground without footers or foundations. As a result there is considerable long term wood rot. Homes generally need to be elevated approximately four (4) feet. FEMA is providing assistance for utility replacement. This condition exists because of a seasonal tidal high water problem. Winter soil erosion presents a big problem. There is little in the way of snow, but Tangier Island experiences occasional freezing rain.

The primary forms of transportation on Tangier Island are golf carts, bikes and mopeds. There are only three or four automobiles on the entire Island. Other motorized vehicles include a police truck and two fire fighting vehicles. The fire company is all volunteer with excellent skills. Volunteers are waiting to join the fire company. The one policeman is paid ½ by the County and ½ by Tangier Island. There is very little crime on the island, if any. Public safety problems are generally the result of tourist activities.

In terms of housing conditions, the housing stock is well maintained and pride in ownership and protection from the harsh environment is evident. A primary housing concern involves sanitary sewer conditions, as many of the old sewer lines are old and in poor condition. Tangier Island has its own central water system consisting of six artesian wells and one water tower. Many homes have cold water only. Electric water heaters predominate but there are some bottled gas water heater units. The wells are 1,000 feet deep but there is evidence of salt water infiltration. It is believed that recharge originates many miles away from within the vast Chesapeake watershed. The central sanitary sewer system is not used to its full capacity. The plant was recently upgraded. There is a community incinerator which burns all trash.

One problem with housing is title. Property has been handed down from generation to generation. It can take considerable legal expense to clear title. Another housing problem is the lack of housing for family members. This forces two housing units to be built on one lot. Frequently, two or more families live together, or families move off the island who would otherwise stay. Therefore, there is a need for new housing for young couples and not for vacation or second homes. Since the sewer and water plants have capacity, new homes could be tied into these systems. However, the problem is the availability of adequate land or land that is not partially marsh or wetland. If wetlands are

filled in, there is a one to one replacement requirement. That is, for every acre of wetland filled in, another acre of wetland must be created elsewhere. Residents of the Island believe there is a solution. The channel into the island is dredged every four years. There is more than sufficient material to fill wetlands and with the building of bulkheads, to create new wetlands. The dredged material could also be use to solve another serious problems, i.e. the lack of cemetery space. Dredged material could be used to create a cemetery to last more than 100 years.

Another problem concerning housing is the lack of contractors. There are apparently many watermen on the island who can do housing work, but they do not have the required credentials and licensing. Since all of the housing must be stick built, it is difficult to attract builders. Construction costs are exceptionally high because of the need to transport the materials and workers by water.

While there is a health clinic on the Island there is no resident doctor. A doctor visits the clinic once a week. There are two resident nurses on the Island. They are part of the rescue squad but they also work full time at other non-nursing jobs. The Island has a very good relationship with the Maryland State Police to provide helicopter service for health emergencies. The Island has a small airport which is very busy



on weekends with tourist activity. There is a post office, but no bank, real estate office or other typical commercial uses on the Island. There are restaurants, tourists shops, and two bed and breakfasts. There is one school which provides education for grades K through 12. There are 14 teachers. Most of the teachers were born and raised on the Island and returned after college. The school building is only two years old. The old school will be demolished and the land used for recreation purposes.

Housing costs fluctuate depending on location. It is estimated that construction costs run from \$30,000 to \$700,000. The higher priced housing, although the exception, occupies some of the best and most water accessible land. It would appear that this is attractive to non year round residents. The typical house on the Island consists of two bedrooms and one bath. Trash removal, water and sanitary sewer services are provided at a cost of \$45 per month.

Housing on Tangier Island is essentially located in three areas. These areas are located on the three highest land areas in terms of elevation above the water level. Access between these three areas is

provided over wetland areas by narrow wooden bridges which are only designed to carry 2 tons of weight. The bridges vary in condition. The existing fire vehicles exceed this limit. The bridges are close to the water level of the wetlands. These bridges need to be repaired and/or replaced.

Problems on Tangier Island go beyond housing and land use issues. Tangier Island's economy is based almost entirely on the fishing industry. The watermen and their families maintain a rich heritage that has survived for many generations. The future of this unique Island and its way of life are threatened. Watermen feel that the crabbing and fishing industry is over-regulated by the State of Virginia and that regulations favor sport fisherman. It is rumored that the sport fishermen can afford to pay the fines levied by the Virginia Marine Police but the working watermen comply with the catching limits. Many islanders feel that other fish, mainly rockfish and croakers are killing the crabbing business because they feed on the crabs. Rockfish and croakers are reportedly over abundant yet the State closely regulates the amount of the fish which can be caught. These species are regulated because they were nearly extinct. However, the watermen feel they are the ones that really know the extent and location of the fish bounty and should be allowed to fish more freely for these species when they are plentiful and particularly when they threaten their livelihood, i.e., the harvesting of crabs. Tangier Island watermen are trying to secure an exception from certain State laws because they have no other job opportunities to fall back on as crabbing becomes more difficult.

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