

Northumberland County Planning Commission
May 17, 2018
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on May 17, 2018 at 7:00 p.m. in the New Courthouse at Heathsville, VA with the following attendance:

Chris Cralle	Present	Garfield Parker	Present
Vivian Diggs	Present	Albert Penley, Jr.	Present
Alfred Fisher	Present	Wellington Shirley, Jr.	Absent
Ed King	Present	Heidi Wilkins	Present
Patrick O'Brien	Present	Charles Williams	Present
Richard Haynie	Present		

Others in attendance:
Stuart McKenzie (County Planner)

RE: CALL TO ORDER

The meeting was called to order by Mr. Fisher.

Alfred Fisher led the Commission in the Pledge of Allegiance to the Flag.

Ed King gave the invocation.

RE: AGENDA

Mr. O'Brien made a motion to adopt the Agenda. Mr. Cralle seconded the motion. All members voted for the motion, and none against. Details on the vote are below:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Albert Penley, Jr.	Aye
Alfred Fisher	Aye	Wellington Shirley, Jr.	Absent
Ed King	Aye	Heidi Wilkins	Aye
Patrick O'Brien	Aye	Charles Williams	Aye
Richard Haynie	Aye		

RE: MINUTES- April 1, 2018

Chairman Fisher asked if there were any additions or corrections to the minutes. Mr. Williams stated that he had a correction, on page four, regarding the adjournment. Mr. Williams stated he was not at the meeting, and the minutes stated that he seconded the motion to adjourn. Mr. McKenzie stated that he would correct the draft minutes from the April 19 meeting. With a motion from Mr. O'Brien, seconded by Mr. Penley, to accept

the April 19 minutes as corrected and approved by all, the April 19, 2018 minutes were approved. The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Albert Penley, Jr.	Aye
Alfred Fisher	Aye	Wellington Shirley, Jr.	Absent
Ed King	Aye	Heidi Wilkins	Aye
Patrick O'Brien	Aye	Charles Williams	Aye
Richard Haynie	Aye		

RE: COMMISSIONERS' COMMENTS

There were no Commission Member comments.

RE: STAFF MEMBERS' COMMENTS

Staff did not have any comments.

RE: CITIZENS' COMMENTS

There were no citizen's comments.

RE: WORK SESSION ITEMS

There were no Work Session Items scheduled

RE: DISCUSSION ITEMS

Mr. McKenzie noted that he had neglected to add a sentence into the draft solar facilities zoning amendment that the Commission had requested at the last meeting. That sentence, staff explained, was in relation to the bonding of the decommissioning plan. The sentence that was left out, was on page 3, section B and read "The decommissioning plan shall be updated and filed with the county every five years to account for changed circumstances, including inflation." Mr. McKenzie explained that the error was not in the public advertisement, but was located in the additional information posted on the county's webpage. Mr. McKenzie noted that he discussed his oversight with the County Administrator, and that he recommended that the best course of action was to go forward with the public hearing and materials as presented, and add the missing sentence as a recommendation when the Planning Commission sends the amendment to the Board of Supervisors for their approval. Mr. O'Brien stated that he would like to add that sentence to the solar facilities zoning ordinance amendment for the public hearing. Mr. McKenzie replied that since we advertised it without that sentence, if we want to add that sentence to the zoning ordinance amendment, we would need to re-advertise the public hearing and hold another public hearing next month, since we are making the ordinance more restrictive. Mr. Fisher explained that if we add the sentence as a recommendation, then staff would add the sentence before sending to the Board of Supervisors for final approval. Mr. McKenzie added that what we are proposing to do, would be like if citizens

spoke at the public hearing with a valid point that the commission agreed with, and wanted to add that valid point to the zoning ordinance amendment for Board of Supervisors to consider. Mr. Fisher summarized by saying that if the commission has reservations, we can add it and re-advertise and hold another public hearing, but if the commission has no concerns we can go forward with the public hearing and add it as a recommendation. Mr. O'Brien asked commission members if he was the only one that has concerns regarding the omission of the sentence. Mr. Fisher noted that he had concerns, and brought his concerns to the office, and the answer that he got seemed satisfactory. Mr. O'Brien asked the Board of Supervisor's liaison, Mr. Haynie, his comfort level with this. Mr. Haynie stated that if the commission wants it in there, put it in there and re-advertise the public hearing. Mr. O'Brien stated he would like to re-advertise and hold another public hearing next month. Ms. Wilkins stated she was OK with it going to the Board as a recommendation. Mr. Fisher noted that the Board has the ultimate power, and they can take out the recommendation, or any other part of the zoning amendment if they see fit. Mr. O'Brien asked when the solar facilities zoning ordinance amendments go into effect? Mr. McKenzie replied, as soon as the Board votes on it. Mr. O'Brien asked if, for some reason, the Board of Supervisor's leave out the language about updating the decommissioning plan, would the planning commission have the opportunity down the road to amend the zoning ordinance? Mr. McKenzie stated that he would need to consult the county attorney, as he is not sure that state law allows the planning commission to open up the zoning ordinance for amendment, he was under the impression that only the Board of Supervisor's can request amending of the zoning ordinance. Mr. Williams asked Mr. O'Brien if he was OK going forward with the ordinance with the additional recommendation, and added that if Mr. O'Brien was OK with it, the he (Mr. Williams) was OK with it. Mr. O'Brien stated that he was prepared to vote for approving the zoning ordinance and adding the recommendation regarding updating the decommissioning plan. Mr. McKenzie noted that he discussed the issue with the county attorney, and he stated that this is the way it is supposed to work. Say we had a bunch of public comments that changes the commission's view of an issue, then the language would change before it went to the Board of Supervisors. Mr. Penley made a motion to go forward with the public hearing on the solar facilities zoning amendment as is, and Mr. O'Brien seconded the motion.

The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Albert Penley, Jr.	Aye
Alfred Fisher	Aye	Wellington Shirley, Jr.	Absent
Ed King	Aye	Heidi Wilkins	Aye
Patrick O'Brien	Aye	Charles Williams	Aye
Richard Haynie	Aye		

RE: PUBLIC HEARING

Mr. Fisher opened the public hearing was at 7:20 pm. Mr. O'Brien moved to dispense of the reading of the solar facilities zoning amendment. No members of the public signed up to speak, or contacted county staff to make any comments on the public, therefore no

public comments were recorded. The public hearing was closed at 7:23 pm. Chairman Fisher formally stated that the commission wants to add a sentence to the solar ordinance under page 3, section B to read “The decommissioning plan shall be updated and filed with the county every five years to account for changed circumstances, including inflation.” to be added to the final ordinance to be considered by the Board of Supervisors, as discussed.

RE: PUBLIC COMMENTS

Citizen Lee Allain spoke to commend the planning commissioners and county staff on the work they did to craft the solar ordinance, and aside from the slight omission that will be corrected, that he feels we have a good solar zoning ordinance. Mr. Allain noted that he does feel the county should add the requirement of the five year update to the decommissioning plan for utility solar facilities to protect the county into the future. Citizen Ron Herring was worried that this ordinance would add cost to building single family residences and staff assured him that solar power is optional, and entirely up to the homeowner whether to install or not.

RE: OTHER DISCUSSION

Chairman Fisher asked staff if he had copies of the county ordinances to go over, and Mr. McKenzie replied yes. Staff noted that the Chairman wanted to periodically examine county ordinances to familiarize Planning Commission Members and the general public with the county ordinances that are currently in place. The two ordinances discussed were the sign ordinance, which staff explained are in the zoning ordinance section and the firearms ordinance, which is in the other county ordinances. There was some discussion about the firearms ordinance as it relates to hunting and other regulations. Mr. Fisher noted that people call the Sheriff’s office saying people are shooting near them. Mr. Fisher stated that if it is safe shooting range, there are no laws being broken, people are allowed to discharge firearms on their property in this county. Mr. Fisher noted that the county noise ordinance only pertains to amplified music, so gunfire is not covered under the noise ordinance.

Staff asked if the Planning Commission wanted staff to read the sign ordinance, as it was pretty long, and the members stated no. Staff suggested that the members go through the ordinance sections and ask questions if they have them. There was some discussion about the regulations regarding LED signs and message signs. Chairman Fisher encouraged all members to keep these copies of the ordinance for future reference.

RE: ADJOURNMENT

With a motion from Mr. Penley, seconded by Mr. O’Brien, and approved by all, the meeting was adjourned at 8:07 pm. The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Albert Penley, Jr.	Aye
Alfred Fisher	Aye	Wellington Shirley, Jr.	Absent
Ed King	Aye	Heidi Wilkins	Aye
Patrick O'Brien	Aye	Charles Williams	Aye
Richard Haynie	Aye		