

**Northumberland County Planning Commission  
January 19, 2017  
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on January 19, 2016 at 7:00 p.m. in the 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.	Present
Ed King	Present	Heidi Wilkins	Present
Bill Kling	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 Stuart McKenzie, Secretary/Staff.

Garfield Parker gave the invocation.

Heidi Wilkins led the Commission in the Pledge of Allegiance to the Flag.

**RE: ELECTION OF 2017 OFFICERS**

Mr. McKenzie stated that this meeting is the meeting where we elect the Chairman and Vice Chairman, and asked for nominations for the Chairman position from the floor. Mr. Charles Williams nominated Mr. Alfred Fisher, if he would be interested in accepting the position. Mr. Fisher stated that yes, he was interested in accepting the position. Mr. McKenzie asked if there were any other nominations. No other nominations were offered, so Mr. McKenzie took a roll call vote, the results are as follows:

Chris Cralle	Aye	Garfield Parker	Abstain
Vivian Diggs	Aye	Albert Penley, Jr.	Aye
Alfred Fisher	Aye	Wellington Shirley, Jr.	Abstain
Ed King	Aye	Heidi Wilkins	Aye
Bill Kling	Abstain	Charles Williams	Aye
Richard Haynie	Abstain		

Mr. McKenzie stated that the Aye's have it, and asked Mr. Fisher if he would like to run the Planning Commission meeting from this point forward.

Mr. Williams stated he would like to thank Bill (Mr. Kling) for the excellent job that he has done as Chairman, and he appreciated how the meetings have run smoothly and efficiently. Mr. Kling thanked Mr. Williams. Mr. Kling continued, there was some

consternation regarding the fact that he went public with a statement that was regarded by members of this Commission and by others in the County, as speaking on behalf of the Commission in a controversy dealing with the School Board. Mr. Kling noted that his statement to the School Board, and subsequent statements, had nothing at all to do with this Commission. He mentioned in his statement about the School Board that he was chairman of this Commission as well as the Economic Development Commission, because the things that he was talking about in this statement, he thought that this put him in a position of lending credibility, and that he knew what he was talking about with regard to what the controversy on the School Board was doing to the County. The controversy was frustrating the efforts that are being made to improve the economic development and the operation of this county. Mr. Kling stated that he never said that he was speaking for this Commission, nor would he have said that at any point, without your permission to speak for this Commission. Mr. Kling indicated that nevertheless, this action has now been taken, and he stated tomorrow morning that he will submit his resignation from this Commission to the County Administrator. Mr. Kling stated that he takes this as a personal affront, stating he has made every indication that he was able to make to you folks with a subsequent letter to the editor and letting you be advised as to what that is, and therefore you have chosen evidently to not take that into consideration or to take me at my word. Mr. Kling stated he considered that a personal affront, and at the tender age of 84 years he was not in any position to take it otherwise. Mr. Kling continued, it is said in politics and even in life, that he who sticks his head up will get it shot at. Evidently that is what has happened here. Mr. Kling stated that some years ago, when he was working in another job, he had a meeting in Houston, Texas with John Connolly, former Governor of Texas, who was wounded when President Kennedy was shot, and he later became the U.S. Secretary of the Treasury. Mr. Kling said that was why he was interviewing him in Houston, and stated that he (Mr. Connolly) and I were reminiscing about the 1964 Democratic Convention in Atlantic City, where he was chairman of the Texas delegation. Mr. Kling explained that the big question then was who he (Connolly) was going to choose for the Vice-Presidential candidate, he chose Hubert Humphrey. Mr. Kling had covered the event before and had gotten to know him (Connolly), and he said there is one thing that you learn in politics and in life, that you are known by the enemies you choose to make, which is kind of a spin around of what you normally say about that sort of thing. Mr. Kling added that he hastens to assure you that I do not make you enemies, even though as I take what you have done as a personal affront, so therefore I am submitting my resignation tomorrow morning from this Commission, and I wish you well. Mr. Kling stated that there is no one at this table that loves this county, or the Northern Neck more than he does, and he wanted everyone to be assured of that. Mr. Kling added that he will not be muzzled on matters that concern himself about people that are doing damage to this county, and when he does, he will be speaking for himself, and because he is no longer a member of this Commission, all of you can be assured that he isn't going to be speaking for you either. With that, Mr. Kling stated he is going to take his leave of you and go home. Mr. Charles Williams stated that we still thank you for your service, Bill. Mr. Fisher thanked Mr. Kling as well.

Mr. Fisher brought up the position of Secretary (addressing staff), is that an elected office, or do we just thank you for doing it? Mr. McKenzie stated that the commission could choose to select someone other than staff to be Secretary, that is their prerogative. Mr. McKenzie stated that he talked with the County Administrator, and he said that if the

Commission does elect a Secretary, that staff would still be in charge of taking minutes of the meeting, but if the commission wanted to have another Secretary as opposed to having staff as the secretary, that is your choice. Mr. Fisher stated he thinks it is fine the way it is, let's see what the rest of the membership feels like. Mr. Shirley stated he felt that Stuart was doing a fine job, and I see no need for another Secretary. Mr. Penley agreed.

Chairman Fisher opened the floor for nominations for Vice-Chairman of the Planning Commission. Mr. Fisher nominated Mr. Albert Penley for the position, seconded by Mr. Shirley. Mr. Fisher asked if there was any discussion, hearing none, Mr. Fisher asked for staff to do a roll call vote for the position of Vice Chairman. Mr. Shirley noted that the chairman needs to confirm that there are no more nominations before the voting occurs. Mr. Fisher asked if there were any more nominations. None were offered, so Mr. Fisher closed the nomination process. McKenzie performed a roll call vote to elect Mr. Albert Penley as Vice Chairman and the results follow.

Chris Cralle	AYE	Garfield Parker	AYE
Vivian Diggs	AYE	Albert Penley, Jr.	AYE
Alfred Fisher	AYE	Wellington Shirley, Jr.	AYE
Ed King	AYE	Heidi Wilkins	AYE
Bill Kling	Absent	Charles Williams	AYE
Richard Haynie	Abstain		

Mr. Penley thanked the members who voted for him and stated that he has watched the leadership of this Commission under Mr. Fisher and Mr. Parker, and they both did an excellent job as chairmen, and hopefully he can do a good job of conducting the business of the Planning Commission. Mr. Fisher revisited the need for an elected Secretary position, and several members stated to leave it like it is (staff as the only Secretary). Mr. Fisher explained that he brought up the position of Secretary as it is in the By-Laws and he wanted to make we start off the year on an even keel.

#### **RE: MEETING DATE, TIME, LOCATION**

Mr. Fisher asked for a Board of Supervisor's Report from staff, and staff asked if the Chairman would like to follow the order of the Agenda and discuss whether the Commission wants to change the meeting date, time or location. Mr. Fisher proceed to query the members and Mr. Parker motioned that it stays the same, Mr. Williams seconded the motion. All members voted to keep the meeting time, date and location the same. The 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.	AYE
Ed King	AYE	Heidi Wilkins	AYE
Bill Kling	Absent	Charles Williams	AYE
Richard Haynie	Abstain		

Mr. Fisher requested that Staff reinstitute the old policy of calling the members on the telephone prior to the meeting by the Secretary or the Secretary staff, like on the Tuesday or Wednesday on the week of the meeting. Mr. Fisher continued that would give staff and indication of who was going to be at the meeting, staff would know if you are going to have a quorum, and it helps him to remember to put the meeting on his agenda. Staff stated that would be no problem, and would begin with the next meeting. Mr. Williams agreed with the request and thinks that would helpful to members.

**RE: BY-LAWS, AGENDA**

Mr. Penley requested to the chairman to make a motion to approve the By Laws and approve the agenda. Mr. Fisher stated a motion had been made to accept the By Laws as is, and approve the meeting agenda with Ed King seconding the motion. Mr. Fisher asked for a vote, 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.	AYE
Ed King	AYE	Heidi Wilkins	AYE
Bill Kling	Absent	Charles Williams	AYE
Richard Haynie	AYE		

**RE: MINUTES- October 20, 2016**

With a motion from Mr. Penley, seconded by Mr. Cralle, and approved by all, the October 20, 2016 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.	AYE
Ed King	AYE	Heidi Wilkins	AYE
Bill Kling	Absent	Charles Williams	AYE
Richard Haynie	AYE		

Mr. Penley commended staff on the quality of the minutes, and Mr. Fisher agreed, as he has used the minutes for reference several times.

**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: PUBLIC HEARINGS**

There were no Public Hearings scheduled.

**RE: WORK SESSION ITEMS**

**RE: DISCUSSION ITEMS**

Mr. McKenzie stated that he did not have the Board of Supervisors' report, but that there was a public hearing on the Callao Downtown Revitalization Project, as required by the Department of Housing and Community Development, as well as the elections for Chairman. Mr. Haynie provided additional details, that the public hearing was for information, all members are in support of the project, now they have to work on the paperwork part of the project. Mr. Haynie stated that the County Attorney, Mr. Kilduff, is stepping down and retiring. Mr. Haynie stated other routine county business was conducted, and that the members thanked VDOT for getting the roads straight after the snowstorm, and commended them on how quickly they did it. Mr. Haynie added that the pre-treatment that VDOT puts on the road before the storm really worked well. Mr. Haynie explained that he learned from VDOT that you need to put the pre-treatment down during dry road conditions, and that it has to have time for the solution to dry on the road again, to reach its maximum effectiveness. Mr. Haynie continued that VDOT can't put down the pre-treatment in high humidity because it will not work as well. Mr. Fisher said that was good, because if the main roads get clear quicker, then they can get to the back roads quicker. Mr. Fisher added that we owe a big thank you to the local farmers and so forth who get out here on their tractors to plow and help the state push the snow. Mr. Fisher stated he knows that they get paid for it, but the private dump trucks and tractors with blades on them really make a big difference in the roads when it snows. Mr. Haynie stated that the county attorney, Les Kilduff, announced his retirement, and his last meeting would be the March 2017 BOS meeting. Mr. Fisher asked whether the county has advertised for a replacement, Mr. Haynie replied no, but they would likely advertise in the paper with the requirements and base salary soon. Mr. Fisher asked whether the position was part time and Mr. Haynie replied that the position was indeed part time. Mr. Haynie explained that a county should always have counsel present at the BOS meetings, so they would likely need to choose a replacement county attorney at the March meeting.

Mr. Fisher requested the End of the Year Report presentation by staff, and instructed Planning Commission members to speak up if they have comments or questions. Mr. Shirley noted that there was a typographical error on the report, on page 3 of the Board Requests table which had two 2014's and no 2016 in the column headings. Mr. McKenzie explained that it was indeed a typo, the second 2014 in the column heading should be 2015 and the last column should be 2016 and he stated that he would make the correction to the table, and thanked Mr. Shirley for pointing that error out. Mr. McKenzie began the summary of the End of the Year Report by stated that no amendments, no rezoning's, and no public hearings were held by the Planning Commission in 2026. Staff

followed up by stating that the revision of the Comprehensive Plan was completed in 2016, and the BOS adopted it on November 10, 2016, which was a big chunk of work. Regarding the Board Requests, staff continued, there was 1 boathouse request, 2 Chesapeake Bay Act variances, 16 Conditional Use permits, no Rezoning requests, 1 Special Exception permit, no Subdivision Variances, 68 Wetland Board applications, and 8 zoning variances. Mr. McKenzie asked if there were any questions so far, hearing none, he continued. Mr. Cralle asked if the county population is shrinking. Mr. McKenzie stated that the Weldon Cooper Center creates the state population estimates and that it was his understanding that the population was growing in Northumberland 1 or 2% positive, and noted that Lancaster County was losing population. Mr. McKenzie noted that likely there were more people passing away than coming into the county. Mr. Parker asked whether this was attributed to the downturn in the economy. Mr. McKenzie stated that yes, most young persons in the Northern Neck move away for better paying jobs and that in the past, the in migration of new retirees offset that lost, which is not the case anymore. Mr. Fisher noted that from discussions with area realtors that existing houses are selling well, but Mr. Williams stated that there are very few that are building houses. Mr. Fisher stated you can tell that and pointed to the End of the Year Report. Mr. Penley noted the most disturbing thing in the End of the Year Report is that there were no commercial buildings built in the county in 2016, he stated he can't understand why the county can't get commercial construction into the county. Mr. King stated it was because we don't have sewer all over the county. Mr. Fisher stated Callao and Reedville are the only places with sewer. Mr. Haynie stated that he would like to get more sewer coverage in the county, especially in Heathsville, to make every effort in the world to try to get some grants for sewer and then expand it some more. There has to be some money available, somewhere he stated. Mr. Penley asked Mr. Haynie if the Planning Commission has a role in promoting sewer development in the county, Mr. Haynie stated that yes, the Planning Commission can be helpful in that regard. Mr. Shirley stated that Mr. Haynie stated that not having sewer was the problem, but I think everyone thought once Callao got a sewer system that we would see increase in commercial business there, but only one new business was brought in, and that was the laundromat. Mr. Shirley stated that everyone thought that commercial business would follow suit, but they have not. Mr. Fisher noted that at the same time, it is that way all over, as far as new businesses coming up (referencing the economic downturn). Mr. Penley noted that residential house sales are good last year, the company he works for did \$70 million worth of sales in 2016, on 211 pieces of property. Mr. Penley noted that he hoped that commercial property would follow, and mentioned that Kilmarnock has a lot of vacant commercial space for sale, more than he would like, and that is not the lack of water or sewer there, but lack of need. Mr. Fisher stated that a lot of real estate agencies have said, in the past, that in a 20-year period, they might sell the same house 3 or 4 times. A retiree couple comes in and buys a house, one of them passes away, the other one wants to go to a home or go back where the kids are, and puts the house up for sale, the same real estate agents get to sell it again.

Mr. McKenzie summarized the comparison of construction costs table, noting that 2016's construction cost (\$20,900,323.98) was approximately 10% less than 2015's construction cost (\$23,175,770.00). Mr. Williams asked what does this reduction in construction cost mean? Mr. McKenzie stated that less money was spent on construction in the county this year than last. Mr. McKenzie then relayed that he has discussed the total construction cost with other Building and Zoning staff, and the final construction cost value is

somewhat suspect. People come into the office to get a building permit and they estimate the cost of construction, and most think that the higher the cost, the more expensive the building permit will be, even though the county bases its fees on the square footage of the construction, not the cost of construction. Therefore, staff believe that citizens underreport construction cost when applying for a building permit, thinking that will save them money in the future on county taxes and permit fees. Mr. McKenzie added that Building and Zoning staff do not attempt to verify construction cost, and take the citizens at their word. Mr. Fisher added that what the citizens do is foolish, because the building inspector will inspect the footings and have the measurements right there for square footage calculation. Mr. McKenzie stated that staff inform citizens the fee is based on the square footage of construction, but many citizens incorrectly think that there are fees that are based on a percentage of the construction cost. Mr. McKenzie noted that it is human nature to try to minimize your risk, so you have people under report the construction cost. Mr. McKenzie stated that the 2016 total construction cost may not be entirely accurate as it is citizen reported. Ms. Wilkins stated that likewise the 2015 total construction cost is also suspect. Mr. McKenzie stated yes, but it really depends who is across the counter as to whether they report accurate construction costs.

Mr. McKenzie summarized the Comparison of Structures Table, which compares the number of different types of structure in 2015 and 2016 as well as the difference, the average square footage and average cost. Mr. McKenzie noted the average square footage of modular homes was larger in 2016 than in 2015, and the average modular home square footage was also larger than single family stick-built structures. Mr. McKenzie stated he talked with the county building inspectors, and they felt that made sense, as the modular home construction industry has become more advanced, robust and larger, and quite possibly better built than stick built homes, because you are building in controlled conditions. Overall, however, construction was down in Northumberland County in 2016. Mr. McKenzie continued detailing the End of the Year Report, summarizing the Comparison of Structures – By Magisterial District table, stating that as last year, the Fairfield Magisterial District has the most structures constructed, followed by the Heathsville District. Mr. McKenzie followed by summarizing the Comparison of Structures – By Zoning District, noting that 15 single family dwellings were built in the R-2 (Residential Waterfront) zoning district with seven single family homes built in A-1 (Agricultural) zoning district, with the several structures being built in the R-1 (Residential General) and one structure being built in the R-2 (Residential Restricted) zoning district. Mr. Penley noted that the percentage of homes built in the waterfront compares directly with the percentages of sales we had last year, mostly all waterfront. Mr. Penley asked where the residence was built in the Business (B-1) zoning category. Mr. McKenzie stated that a house was built on Village Green Drive, behind the Dollar General store in 2016.

Mr. McKenzie continued summarizing the End of the Year Report, and stated that under Permits and Inspection in 2016 a total of 276 building permits, 182 mechanical permits, 260 electrical permits, and 80 plumbing permits were issued, which resulted in approximately 1,380 building inspections during the year. Mr. Fisher asked about the electrical and plumbing permits, if someone has to rewire an old house, they need an electrical permit, so not all these permits are new construction, correct? Mr. McKenzie stated that many of these are not new construction, for instance you need an electrical permit if you install a generator or other renovations. Mr. Shirley added that if you have an upgrade in electrical service, or anything like that would need an electrical permit. Mr.

Williams questioned what work requires a mechanical permit. Mr. McKenzie responded that those permits are typically heating and air conditioning projects. Mr. McKenzie went on to describe the final section of the End of the Year Report - Piers, Wetland Projects and Boathouses. Mr. Fisher asked if the Boathouses are permitted or unpermitted projects. Mr. McKenzie stated that they are all permitted projects, we don't know about the unpermitted projects. Mr. Fisher clarified that some boathouses come to the Board of Supervisor's for approval, and others are administratively approved. Mr. McKenzie replied that only Board-approved boathouses was the boathouse on Cockrell Creek, the remaining 6 were allowed by general permit, which meet the requirements. Mr. McKenzie went on to explain that the private pier construction was evenly split between the Potomac River watershed and the Chesapeake Bay watershed at 21 piers each. Mr. Fisher asked if a pier goes out into the Potomac River, do they have to get a permit from Maryland? Mr. Shirley stated that the Department of Natural Resources in Maryland does not require a permit, although they are aware of construction into their jurisdiction. Mr. Fisher noted that low water mark is the State of Maryland. Mr. Shirley stated that the MD DNR does not enforce their jurisdiction on piers in Virginia. Mr. Penley asked if the pier permits are all new construction, or are they repairs or extensions to piers. Mr. Fisher stated that pier repairs do not need a permit unless you are adding to the pier, and asked Mr. Shirley if that was correct, and he agreed. Mr. McKenzie stated that some of the permits could be for an addition at the end of the pier, additional pilings for a boat lift, or other enhancements to what they already have and not all necessarily new construction. Mr. Fisher noted that in the table that breaks down the pier permits by creeks, that the Great Wicomico River includes 13 creeks. Mr. Williams stated that he would have included Cockrell Creek in the Great Wicomico River, instead of having it separate. Mr. McKenzie noted that he creek name reported was whatever was entered into the permit by the applicant, and he had to do some researching to find which watershed the creeks were in, as almost every arm of a creek has a name. Mr. Fisher stated that was where a lot of the building was occurring in the arms of creeks. Mr. McKenzie summarized the Wetland Applications Permitted table, with a total of 90 permits, of which 33 were located in the Potomac River watershed and 57 were located in the Chesapeake Bay watershed. This discussion concluded the summary of the End of the Year Report. Mr. Shirley made a motion to accept the End of the Year Report, and it was seconded by Mr. Williams. The planning Commission members voted and all responded "aye" the breakdown of the vote follows:

Chris Cralle	AYE	Garfield Parker	AYE
Vivian Diggs	AYE	Albert Penley, Jr.	AYE
Alfred Fisher	AYE	Wellington Shirley, Jr.	AYE
Ed King	AYE	Heidi Wilkins	AYE
Bill Kling	Absent	Charles Williams	AYE
Richard Haynie	AYE		

Mr. Fisher asked for other items to come before the commission. Mr. McKenzie noted that he sent weblinks relating to fiberglass boat disposal and recycling to the Planning Commission Members in the email announcing the meeting. These articles were an attempt to research how other communities tackled the problem of citizens who need derelict boats removed from their property, as request by Mr. Fisher at the October 2016 Planning Commission meeting. Mr. McKenzie noted that although the articles did not



directly address the question, he had hoped that it would give some background to some of the complexities involved in boat disposal and recycling. Mr. McKenzie summarized the article by stating that in the United States, you dispose of fiberglass boats in a landfill, as that is the cheapest option. In order to transport the fiberglass boat to the landfill, you need to cut the boat up into smaller pieces. Mr. McKenzie continued, in the United States there is really no incentive to recycle fiberglass, if there was profit to be made, likely there would be a company engaged in that activity. It is not cost effective. When you chop up old fiberglass and put it in new molds it can affect the curing time, it could add unwanted catalysts to the new fiberglass, which could cause impurities and voids in the mold. The labor cost to breakdown the fiberglass into useable fibers is too high, as the end product is not valuable enough to make a profit. Mr. Fisher stated that the question is who do you hire, and where do you take the boat sections to dispose. Explaining the nature of the problem, Mr. Fisher stated it is not just people with limited funds, there are also people with adequate funds that just don't know what to do with them, where to take them, who to call to begin the process. Mr. Parker asked if there was a list of private or public landfills in Northumberland. Mr. Fisher informed Mr. Parker that there hasn't been a landfill in the region for more than 20-30 years. Mr. Williams clarified Mr. Fisher's statement by saying legal landfills is what you are talking about. Mr. Fisher concurred.

Mt. Penley inquired about the newly revised Comprehensive Plan, and whether they were going to receive a clean copy that has all of the final revisions included, as the last copy had some changes to it and some sheets they were to insert into the Plan. Mr. McKenzie stated that Staff have arranged to have final copies of the revised Comprehensive Plan printed, and the Board of Supervisors and the Planning Commission will be receiving new, all inclusive, printed Comprehensive Plan documents at their next meeting. Mr. McKenzie also informed the members that the revised digital Comprehensive Plan has been given to Dana to replace the old Comprehensive Plan on the county website. Mr. Penley stated that Staff did a great job on it, he just wants a clean copy.

Mr. Parker asked if anyone is keeping an eye on the aquifer dropping, and the amount of the salinity in the groundwater. Mr. McKenzie noted that DEQ is modeling the level of the aquifer by inputting all of the water withdrawal permits to make sure water levels are sustainable. Staff noted that Mr. Nicols, from DEQ who gave the presentation to the Planning Commission last year, mentioned a JLARC report that was coming out (last year) that was to address the requested groundwater permit volume reductions that DEQ is requesting from the 14 largest groundwater users. Mr. McKenzie stated that he would send a link to that report to Planning Commissioners in the next few days. Mr. McKenzie elaborated that the report is rather long at 119 pages, but on the website, there is an executive summary, as well as the list of recommendations for the state to take to get a handle on the sustainability of our groundwater resource which would be useful to examine. Mr. McKenzie state the main finding of the JLARC report was that DEQ was 100% justified to request reductions in current groundwater permits, because the present amount of groundwater withdrawals in the coastal plain are unsustainable. Another finding of the report was that the State says in language that human consumption of groundwater is the priority use of potable water, but the permits do not reflect that, as the majority volume of use of groundwater is for industrial use. One of the recommendations of the report was that the State should codify that human consumption is the highest priority for use of groundwater, and is more important than industrial consumption.

Another recommendation was to make the groundwater permits more closely align with current groundwater withdrawals volume. Currently there are groundwater permits that allow for millions of gallons more of groundwater withdrawal in the permit than are actually used, so this “excess capacity” should be reduced, which would allow that extra water to be distributed among new users in the region. There is pushback from the current groundwater permittees as they say that they need the extra water for future growth. To summarize, DEQ wants to match the groundwater withdrawal permit to the actual groundwater use, and not have excess amounts contained in existing permits. Mr. Parker stated that eventually the lack of groundwater will affect the housing market. Mr. McKenzie stated in James City County, they cannot entice a company that is a large water user, as they do not have any excess groundwater supply. Mr. Fisher countered Mr. McKenzie’s statement by saying that Mr. Nicols from DEQ stated that Northumberland County is holding our own and is in a good situation in that we have plenty of water (in the near future). Mr. McKenzie explained that here in Northumberland County, we have the luxury of having a very thick aquifer, where the layers that hold the water are hundreds of feet thick, (500-660 feet deep). Mr. McKenzie continued explaining that the closer you get to the Fall Line, the aquifer “pinches out” and the sedimentary layers that hold the water become very thin and hold less volume of water, such as the case with Hanover and James City County. Therefore, counties west of us close to I-95 (the fall line) will start having problems (with groundwater supply) before we do, so we have a little bit of time here. Another recommendation of the JLARC report was regarding water supply planning, staff stated. If you recall, the Virginia General Assembly mandated that all jurisdictions in Virginia create a water supply plan that would eventually lead to a State Water Supply Plan after the Drought of 2002. Mr. McKenzie stated, Northumberland County partnered with the NNPDC to join into a region water supply plan for all four Northern Neck counties. Other counties in Virginia did not cooperate regionally and produced their own water supply plans. The JLARC Report stated that the local plans should be regionally grouped depending on geography and water supply source, so that there can be coordination within the region and with respect to the amount available of the shared water source. An example of the dis-jointed nature of the current water supply plans were that Chesterfield, Hanover and other Richmond surrounding counties all take water out of the James River, but did individual water supply plans. The report stated that the counties should coordinate their water supply plans in the future. Mr. Williams stated he remember asking Mr. Nicols about the reservoirs, should we continue talking about that and try to find a way to identify and implement one? Mr. Williams stated he recalled Mr. Nicols respond by saying we did not have to worry about it, has that changed any? Mr. McKenzie stated that Northumberland County has time, but when wells start to go dry, you need a new water supply and you are already behind if you have not done any planning before that time. Mr. McKenzie stated that if you are not ahead of the game, then you have serious problems while you are trying to get a new reservoir online. Mr. McKenzie stated he felt it is prudent to continue investigating reservoirs as a water supply supplement, but doesn’t feel it is time to spend money on it right now, but the Planning Commission needs to keep it as a discussion item into the future. Referencing the previously mention JLARC report, Mr. McKenzie stated that another recommendation was for the State to provide more technical assistance to localities regarding water supply planning. An additional recommendation was a possibility of loosening of the regulations in regards to reservoirs so that counties can get some reservoirs built before we run out of groundwater. Mr. McKenzie reminded those

present that these are only recommendations, and they need to be acted on by the General Assembly in order for this to happen. These two recommendations are encouraging signs that the State may bring resources to localities with regards to water supply problems, Mr. McKenzie said. Mr. Williams asked if the Planning Commission could get Mr. Nicols from DEQ to come back to give us a yearly comparison of where we were and where we are now, with respect to the groundwater situation in Virginia. Mr. McKenzie stated that he recalls Mr. Nicols stating that DEQ was hiring some regional coordinators, and I have not meet that person yet. Mr. Fisher asked if the reason Mr. McKenzie has not met these new staff persons were that he hasn't had the opportunity, or were they not hired? Mr. McKenzie stated he felt that they have been hired, but that he has not followed up to find out their names and contact information. Mr. McKenzie stated that he will find out about that and report back. Mr. Fisher wanted to clarify that the State is taking the idea that water for human consumption is more important than water for industry? Mr. McKenzie stated that this was one of the recommendations from the JLARC report. Mr. Fisher asked if the state was going to close down the West Point paper mill? Mr. McKenzie stated he was not sure that would happen. Mr. McKenzie highlighted another finding from the report, was to prioritize industrial uses of groundwater on the economic return that those businesses provide. Mr. Fisher stated that St. Mary's County in Maryland is our biggest user of water, are they commercial or are they residential? Mr. McKenzie noted that it doesn't matter, because we can't do anything about it (it is in another state, thus outside of the jurisdiction of Virginia DEQ). Mr. McKenzie noted that he could not guess which use is higher in St. Mary's County, anything would be speculation.

## **RE: PUBLIC COMMENTS**

Mr. Lee Allain stated that he thought we (the Planning Commission) should decide on a reservoir and proceed so that we have one done, and the experience of what constructing that reservoir is all about. Mr. Allain suggested that the county should choose the reservoir near Callao and fold it into the Callao Revitalization Project. Mr. Fisher stated that, for Mr. Parker's benefit (and others), that he should seek out and talk to Mr. Lynton Land. Mr. Fisher stated he believed Mr. Land to be the local expert regarding groundwater. Mr. Allain concurred with Mr. Fisher's remarks, adding that Mr. Land is a geologist. Mr. Penley asked if we could have Mr. Land at one of our meetings. Chairman Fisher stated if you have specific questions for Mr. Land, I don't see why not. Mr. Allain suggested that you (the PC) might want to bring in Mr. Land and Mr. Nicol from DEQ at the same time. Ms. Wilkins added that Mr. Land was at the Planning Commission meeting when Mr. Nicol presented, and stated that he agreed with what Mr. Nicol stated in his presentation. Mr. McKenzie noted that Mr. Land did not have any questions for Mr. Nicol, which very much surprised him.

Mr. Ron Herring stated that regarding the dollar values of construction with regards to the building permit applications, that was put on the building permit application around 1986. The builders did not want to put the construction cost on the building permit form, because that is publicly available, and the competition could look and see how much you are charging and go out and underbid you. Now the building permit is based off the number of square feet of construction, and it doesn't make any difference what the cost

is, but they do ask you the cost of construction. When they ask me I just pull out the contract and read off the number, but a lot of people are afraid Todd Thomas and the value of the contract and think that is the basis for the future assessment or whatever. So, you are not getting the true value because people are of the mentality that if I don't tell them they don't know. That is why your numbers are fluctuating a little bit, and it is going to be relevant all across the board. Honestly, builders do not want even the building official to know what they are doing. Ms. Wilkins stated that homeowners think it is going to affect their assessment. Mr. Herring agreed, that is what they think. Mr. Herring stated he has never had someone tell him not to provide the cost of construction, he just reads off the contract. Mr. Williams asked if the county has so much per square foot number that they are using, if the builders agree with that number, that that is in the ballpark, they are OK with it. Mr. Herring stated that they want to have some kind of idea of the cost but people are not forthwith in telling what the exact cost of construction is for their project. Mr. Herring stated he is only telling what he has experienced over the last 30 years. Ms. Wilkins asked couldn't contractors give an idea of a square footage price that would be more accurate? Mr. Herring stated that there is no such thing as square footage price anymore because people throw in 2,000 square foot of hardwood and that takes it up another \$10 per square foot, there's a \$20,000 variable right there. Mr. Herring then commented regarding reservoirs, stating that development is using up a lot of our reservoir potential, and what he would like to see happen is wherever there is reservoir potential and the property is looking to be developed, the developer builds to avoid the reservoir area, give riparian rights to the owner in return, and have a tree line that outlines the reservoir area as a buffer. People could use the reservoir area of their property until the reservoir is built. I will give you an example, Fawn Lake, up where Joe Gibbs house is, in Spotsylvania County, that's what was done there. All those properties around the lake that became a reservoir has an easement, as well as riparian use of the lake, and this could be done here in the county to help preserve some of these reservoir areas. I can give a couple of good examples where it has already been developed, the property line goes to the center and the only way you get that back is to go back and condemn it and take it back, and I don't want to see that happen to anybody. A little planning in this area by the zoning department and when a development nearby comes up, bring up the idea of building away from the reservoir, letting the owner know that someday, their children or grandchildren will have lakefront or reservoir property. Mr. Herring stated he didn't want to be thirsty or have anyone's children be thirsty. It is a concern of mine, because I have been hearing this for a long time, and this topic has been brought up in economic development discussions as well. Mr. Fisher said he was sorry that Mr. Kling has left us, but that was his choice, he was a good member of this commission, and he did a good job holding the meetings.

#### **RE: PUBLIC HEARING**

There were no public hearings at this meeting.

#### **RE: ADJOURNMENT**

With a motion from Charles Williams, seconded by Ed King, and approved by all, the meeting was adjourned at 8:38 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.	AYE
Ed King	AYE	Heidi Wilkins	AYE
Bill Kling	Absent	Charles Williams	AYE
Richard Haynie	AYE		