

**Northumberland County Planning Commission**  
**August 18, 2022**  
**Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on August 18, 2022 at 7:00 p.m. in person at the Northumberland Courts Building and using Zoom (telephonic meeting) with the following attendance:

Chris Cralle	Present	Garfield Parker	Present
Vivian Diggs	Present	Roger McKinley	Present
Alfred Fisher	Present	Heidi Wilkins-Corey	Present
Ed King	Present	Charles Williams	Present
Richard Haynie	Present	Patrick O'Brien	Absent

Others in attendance:  
Stuart McKenzie (County Planner)

**RE: CALL TO ORDER**

The meeting was called to order by Chairman Fisher.

Mr. King gave the invocation, followed by Mr. Fisher leading the commission in the Pledge of Allegiance.

**RE: AGENDA**

Mr. Parker made a motion to approve the agenda as is, and Mr. King seconded the motion. All voted in favor of accepting the agenda.

**RE: MINUTES- July 21, 2022**

Mr. Parker motioned to approve the minutes, and that was seconded by Mrs. Diggs. All voted in favor of accepting the minutes from June 21, 2022.

**RE: COMMISSIONERS' COMMENTS**

There were no Commission member comments.

**RE: STAFF MEMBERS' COMMENTS**

Staff did not have any comments.

**RE: CITIZENS' COMMENTS**

Mr. Jim Johnson, who lives at 403 Judith Sound Rd., stated that there is a commercial tent platform for rent on a national tent rental site near his house, and the property with

the tent does not have access to water or sewage, with no zoning, with no building codes. Mr. Johnson stated it was a canvas tent on a platform on a low lying lot that floods during rainstorms. Mr. Johnson stated he does not think a commercial tent site is compatible in a community that has had a house that recently sold for \$690,000. Mr. Johnson stated that the rules and regulations in Northumberland County for tent camping are less strict than an RV Trailer, as the trailer must be hooked to a septic system to be occupied. Mr. Johnson reiterated he does not think such a use is appropriate in a residential area.

Mrs. Sharla Pence, who lives in Chesapeake Beach subdivision, stated the subdivision is governed by a civic club, and they are having problems with short term rentals in the County. Mrs. Pence indicated that the civic club hired an attorney that advised them to look into transitioning to a HOA (Home Owners Association), but in order to become an HOA, they would need 100% of the property owners to agree. Mrs. Pence said that in the 1950 deed for the subdivision, it stated that there would be no commercial or manufacturing in Chesapeake Beach. Ms. Pence stated that in 1969 civic club was ceded land for a clubhouse and in 1994 common areas for all property owners. Mrs. Pence stated in 1997 they were incorporated. Mrs. Pence stated that within the past year five short term rentals began operating, with no notification of the civic club. After being confronted by the civic club (about renters using communal resources), 2 of the renters agreed to take content about the beach and pavilion from their web rental advertisements. Three of the renters have not complied, and stated that the civic club can't stop them from using the communal facilities. The civic club rules state that renters cannot use it, unless accompanied by a property owner. Mrs. Pence stated that they would like the Board of Supervisors to not allow short term rentals in the county.

Mrs. Pence then asked the commission members; Do you have a vacation home? Do you live in a subdivision with an HOA? Are there any short term rentals near you?

Mrs. Pence stated that businesses are selling community beach space to make a profit off the community (Chesapeake Beach property owners). Mrs. Pence stated that her and her neighbors have to lock their doors, when they didn't have to before there were short term rentals. Mrs. Pence read a list of grievances they recently had with short term renters, and stated that luckily they have not had to call the Sheriff. (Chairman Fisher told Mrs. Pence to call the Sheriff if there are laws being broken.) Mrs. Pence stated that they would like the county to ban short term rentals in Chesapeake Beach subdivision.

Chairman Fisher advised Mrs. Pence to hire an attorney, as the use of the communal resources of a subdivision civic club is a civil matter, not a criminal matter. Mr. Fisher then informed Mrs. Pence that the Planning Commission works as an advisory entity to the Board of Supervisors. Mr. Fisher further explained that the planning commission works on issues only if the Board requests them to. Mr. Fisher stated that they have a citizen comment period at each Board of Supervisor meeting, and that she could state her case there, as the Planning Commission lacks any power to act.

## **RE: PUBLIC HEARINGS**

Mr. McKenzie stated that the public hearing tonight was a revision to the Northumberland County Zoning Ordinance to allow administrative zoning approval of

chickens and/or livestock within the Residential, General (R-1) Zoning District, provided they meet certain conditions. Applications that do not meet the conditions will go to the Board of Supervisors for consideration of a conditional use permit.

Mr. McKenzie read the details of the revision to the R-1 Residential Zoning District:

Allow zoning administrator approval of up to 12 chickens per 2 acres of land in Residential, General, R-1 provided the applicant meets these minimum requirements:

- Chickens must be fenced inside an enclosure outside of the Chesapeake Bay Resource Protection Area to keep them under control and protected from predators
- No Roosters allowed
- Waste must be cleaned up weekly and disposed of in an environmentally sound fashion (prohibition of disposing of waste in waterways and within the Chesapeake Bay RPA)
- Deceased chicken disposal must be addressed
- Chicken Coops must be setback from the neighboring property line at least 25 feet
- Fencing must be setback from the property lines at least 10 feet

Allow zoning administrator approval of 1 livestock animal per 5 acres of land in Residential, General R-1 provided the applicant meets these minimum requirements:

- Animals must be fenced inside an enclosure outside of the Chesapeake Bay Resource Protection Area to keep them under control and protected from predators
- Waste must be cleaned up weekly and disposed of (prohibited from disposing in waterways and within the Chesapeake Bay RPA)
- Applicant must outline disposal method in case of deceased livestock
- Animal housing structures must be setback from the neighboring property line at least 25 feet
- Fencing must be setback from the property lines at least 10 feet

Requests to allow animals in Residential, General Zoning (R-1) that do not conform to the above parameters will go before the Board of Supervisors for a conditional use permit.

Mr. Fisher opened the public hearing at 7:30 pm, and Mrs. Pam Hagy who lives at 212 Shep Point Dr., stated she has a problem that the revision to the zoning ordinance states that no roosters are allowed. Ms. Hagy stated she has to listen to neighbors shooting ranges, as well as jet noise, which is much louder than a rooster, but she doesn't have a problem with it as it is a rural area. Ms. Hagy stated that we are an agricultural community and not allowing roosters does not make sense, as the roosters protect the chickens.

Mr. Fisher closed the public hearing at 7:34 pm.

Mr. McKenzie stated that we are talking R-1 Residential General properties, and some residential property owners might not like being awoken by the sound of the rooster

crowling at dawn. Mr. McKenzie also stated that at this time, the zoning ordinance does not allow livestock of any kind in the R-1 zoning district, and this proposed legislation will enable allow for landowners to have chickens and livestock, so in fact we are making R-1 more agricultural than it currently is now.

Mr. Fisher asked Mr. Haynie about roosters, and Mr. Haynie stated that he knows people want chickens, and that he owns roosters, but he didn't know what to say. Mr. Parker stated he grew up with chickens, and asked how do you enforce the no rooster law. Mr. McKenzie stated that since Mr. Marston was not there, he would reiterate what Mr. Marston has told him in the past, that zoning ordinance enforcement is complaint driven.

Mr. King made the motion to approve the draft language for animals in R-1 with administrative approval, to send to the Board of Supervisors for consideration. Mr. Parker seconded the motion and the vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Roger McKinley	Aye
Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Aye	Charles Williams	Aye
Richard Haynie	n/a	Patrick O'Brien	Absent

**RE: WORK SESSION ITEMS**

Mr. Fisher started out discussing commercial rental camping and staff's recommendation to not allow in any zoning districts. Mr. Johnson stated that he is not against a property owner, their family members or the boy scouts camping responsibly. He stated he was against commercial renting of tent space in residential areas. On the Zoom meeting link, Christine Gove stated that the website the tent in Lewisetta is listed on is tentrr.com, and people could come from anywhere in the country to rent the tent. Ms. Gove stated that it could quickly become a larger problem for the county. Catherine and Charlie (?) stated they do not like that there is no toilet (only a bucket), and they have spent several hundreds of thousands of dollars of improvement, and want to uphold property values in the area. They stated that the tent renters are using the piers and beaches of private property owners, and since they live their part-time, they can't monitor their property 24 hours a day. Mr. Johnson stated that this has been ongoing since Memorial Day 2022.

Mr. McKenzie stated that he had discussed with Mr. Marston, and that staff wanted to add the phrase "Commercial Tent Camping or compensation for tent camping shall not be allowed" and add that to the Zoning Ordinance Sec. 148-153 "Travel trailers". Mr. McKenzie stated that Mr. Marston had sent that language to the county attorney for his review, and that we could continue discussion once we hear the county attorney's opinion.

Mr. Fisher stated that Board wants us to look at reviewing the Solar Ordinance, and he stated he thought our solar ordinance was pretty good, and that we spent a lot of time to

get it right. Mr. Fisher asked Mr. Haynie for clarification. Mr. Haynie stated the Board wants a complete review of the ordinance, to make it more restrictive. Mr. Haynie mentioned additional training sessions for first responders, a time limit of 1/2 hour for emergency staff to respond on site, and the bonding on the decommissioning plan is very weak.

Mr. Cralle mentioned that if we had the electric distribution lines from Dominion Power, then we would have a better idea of where these solar energy facilities might be built. Mr. McKenzie agreed, but was unsure of how to get that information from Dominion.

Mr. Parker stated that restricting solar farms from R1 and R2 would primarily affect local farmers who might want to explore this way to make money off their land. Mr. Parker asked if the county should tell them what to do with their land. Mr. Parker stated we should not be trying to restrict the solar energy facilities, but instead should be trying to figure out how the county can make money off solar.

Mr. McKenzie stated solar power revenue sharing and siting agreements are the ways to generate county revenue from solar energy facilities.

Mr. Parker stated that we are the planning commission, and we should be looking 30-50 years into the future, and the future is solar electricity. Mr. Parker stated the county should be trying to encourage renewable energy sources.

Mr. Fisher stated that there will likely need to be several special meetings called to complete the revisions to the zoning ordinance and implored the members to try to attend as many as they can.

**RE: DISCUSSION ITEMS**

Mr. McKenzie gave an update on the Proposed Canoe/Kayak Launch at the Glebe Point Fishing Pier, that the VDOT Land Use Permit Application was approved.

Mr. McKenzie stated we have the go ahead from VDOT to start work on the project, but we need to get new estimates for the construction, as they have expired.

**RE: BOARD OF SUPERVISORS REPORT**

No report was given.

**RE: PUBLIC COMMENTS**

There were none.

**RE: ADJOURNMENT**

Mr. King made a motion to adjourn that was seconded by Mr. Cralle and the meeting was adjourned at 8:33 pm. The adjournment vote was as follows:

Chris Cralle	Aye	Garfield Parker	Aye
Vivian Diggs	Aye	Roger McKinley	Aye
Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Aye	Charles Williams	Aye
Richard Haynie	n/a	Patrick O'Brien	Absent