

Northumberland County Planning Commission
September 15, 2022
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on September 15, 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	Zoom*
Vivian Diggs	Present	Roger McKinley	Present
Alfred Fisher	Present	Heidi Wilkins-Corey	Present
Ed King	Absent	Charles Williams	Present
Richard Haynie	Present	Patrick O'Brien	Absent

Others in attendance:

Stuart McKenzie (County Planner)

Philip Marston (Zoning Administrator)

**Mr. Parker attended the meeting remotely using the Zoom Meeting software program, and since the Planning Commission does not have a Remote Participation Policy in place, his votes during this meeting will not be recorded. Mr. Parker's comments will be included however. The Planning Commission will address the need for a Remote Participation Policy at the October 20, 2022 meeting.*

RE: CALL TO ORDER

The meeting was called to order by Chairman Fisher.

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

RE: AGENDA

Mr. O'Brien made a motion to approve the agenda as is, and Mr. McKinley seconded the motion. All voted in favor of accepting the agenda.

RE: MINUTES- August 18, 2022

Mr. O'Brien motioned to approve the minutes, and that was seconded by Mrs. Wilkins-Corey. All voted in favor of accepting the minutes from August 18, 2022.

RE: COMMISSIONERS' COMMENTS

There were no Commission member comments.

RE: STAFF MEMBERS' COMMENTS

Staff did not have any comments.

RE: CITIZENS' COMMENTS

Mr. James Johnson of 403 Judith Sound Rd., wanted the Planning Commission to recommend no commercial camping in Waterfront Residential (R-2) zoning district, as it is not appropriate in a residential area. Mr. Johnson stated he appreciated the 7 day time limit proposed for recreational camping, but he wanted some language addressing density, such as the acreage of a parcel, since a 3 acre parcel is treated the same as a ¼ ac parcel currently. Mr. Johnson also stated he wanted a limit on the number of tents and the number of people that can camp at once on a property for recreational camping. He also stated that there also should be a density limitation on commercial tents, number of tents, number of people and a consideration of the size of the parcel.

Charles Lunsford, 373 Judith Sound Rd, stated that he and his neighbors have been dealing with this commercial tent camping site since Memorial Day 2022. Mr. Lunsford continued stating that AirBnB and tent camping has put a lot of pressure on Judith Sound and Lewisetta. Mr. Lunsford worried about the number of transients that could be housed at the tent campsite property. Mr. Lunsford stated he did not see how it was compatible with residential areas. Mr. Lunsford stated that the tax value of waterfront residences in R-2 is important for the revenue of the county, he spent thousands of dollars to improve his property, now he pays more in taxes to the county. Mr. Lunsford stated there should not be camping on ¼ acres lots. Mr. Lunsford stated that there is a tenttr.com site in Lancaster County on 100 acres, and that is a great location for commercial camping. Mr. Lunsford stated that in August the county was talking about prohibition of commercial camping in Waterfront Residential (R-2) zoned land, and now it is a conditional use. Mr. Lunsford stated he was unhappy about that.

Chairman Fisher asked Mr. Lunsford if he knew that conditional use permits go before the Board of Supervisors. Mr. Lunsford stated that he doesn't think he, as a citizen can compete against applicants with lawyers. Chairman Fisher stated that a conditional use permit is not a sure bet, if any conditions are violated, it could be revoked. Mr. Lunsford stated he was not sure what full time occupancy meant.

Mr. Jimmy Moore, 121 Judith Sound Rd., stated what is the county ordinance regarding six month stay for camping trailers? Mr. Marston stated that the maximum amount of time a property owner can keep a camping trailer on a property that is in the FEMA flood zone is six months. Mr. Moore asked does that mean that after six months, if his neighboring property owner moved the camping trailer away from the property for one day, does that mean he can put it back the next day and have another six months before he has to move it again? Mr. Moore stated he has another neighbor that after six months, he moves the camper from the property for six months, and then brings it back for six months. Mr. Moore asked which neighbor is right? Mr. Marston stated that it is not defined in the ordinance. Mr. Moore stated that it is a law, why not enforce it? Mr. Moore stated that it seems to not make sense, if it is just moving the camper away for one day, everybody needs to play by the same rules.

Commission member Mr. McKinley stated that he thought the Planning Commission made a motion to the BOS for conditional use commercial tent camping, we were making it more restrictive, not less restrictive. Mr. McKenzie replied in the affirmative. Barbara Johnson, 403 Judith Sound Rd., asked how much a conditional use permit application costs. Mr. Marston replied \$150.

James Johnson asked why there is a hesitancy in including lot size consideration regarding tent camping, both commercial and recreational? Chairman Fisher stated that maybe we need to look at that. Chairman Fisher stated that the Board of Supervisors could add that, if they so choose, when they consider the Planning Commission's recommendation.

Chris Gove 299 Judith Sound Rd., stated that, unlike some others, she lives here year-round. Mrs. Gove asked under the provision the Commission is considering tonight, are we going to be stuck with this commercial tent camping site? Mr. Marston stated that since the use is already there when the ordinance was passed, then the use was grandfathered, even with the conditional use being passed, the existing use goes with the property, even if the property owner changes. Mr. Marston stated that going forward, the Board of Supervisors can put as a condition, that the use is non-transferable, so that whenever the property owner changes, the used does not convey.

Regarding the issues of human waste management, Mr. Marston stated a camping trailer parked next to a house does not need to be connected to septic, if parked next to a house with facilities.

Commission member Mr. O'Brien asked about density. Should we limit these to one per acre or one to ½ acre? Chairman Fisher asked Board of Supervisor liaison, Mr. Haynie, if the Board of Supervisors wants the ordinance stronger? Mr. Haynie stated it was not right to comment at this time, but added do what you think is right, he cannot speak for the Board.

Mr. McKinley stated regarding density, if the parcel is large enough to put a septic system, a well and install electric, then it is big enough to have an area to camp. Mr. McKinley made a motion to accept the draft tent camping revision language that added to the travel trailer section of the zoning ordinance a limit of seven days for recreational camping, and a conditional use permit for commercial camping, which was seconded by Mr. Cralle. The vote was as follows:

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

The motion passed, with Mr. O'Brien voting against it. Mr. McKenzie noted that the final draft tent camping language revision to the zoning ordinance would now need to be

reviewed by the county attorney before being advertised for a future Planning Commission Public Hearing.

RE: PUBLIC HEARINGS

There were no public hearings scheduled.

RE: WORK SESSION ITEMS

Mr. McKenzie stated that solar ordinance revisions are coming along, and more work needs to be done. Mr. McKenzie discussed the possibility of prohibiting utility scale solar on R-1 Residential, General, and R-2 Residential, Waterfront. Mr. Williams stated that if a solar farm is proposed on an A-1 Agriculture zoned parcel, it could potentially be adjacent to R-1 Residential General zoned parcel. Mr. McKenzie stated that could possibly occur. McKinley asked Mr. McKenzie if you did have a solar farm placed in A-1, Agriculture, could the county institute a buffer around neighboring R-1 Residential, General. Mr. McKenzie stated that the Board of Supervisors could decide to increase the buffer requirement if located next to residential property as a condition on a utility scale solar facility conditional use permit. Mr. McKinley asked Mr. Williams if that would address his concern, and Mr. Williams said that it would.

Mr. McKenzie projected a map on the projector screen that was requested by the Planning Commission in the previous special meeting on September 8, 2022. The map showed Northumberland County, with the county zoning map displayed, and a one mile buffer from tidal waters area that was requested as a visual aid. The area of the county that was outside of the one mile buffer from tidal waters was displayed as a red hatched polygon, which illustrated the area where utility scale solar could be placed, if the county implemented a prohibition on utility scale solar within one mile of tidal waters. Mr. McKenzie stated that the area contained within the one mile tidal buffer (potentially to be prohibited for utility scale solar) was 125 square miles, or 65% of the county's land area. Mr. McKenzie followed this information with the area outside of the one mile tidal buffer, which was 66 square miles, or 34.5% of the county land area. Mr. McKinley stated that he is not sure that the distance from tidal water is appropriate. Mr. Fisher asked if the commission wanted to stay with the one mile buffer.

Mr. Andrew Brownstein, a lawyer for SGC Power in the audience, stated that his client has two proposed utility solar energy facilities that has not been applied for, one is fully in A-1, Agriculture, and the other is has some area in R-1, Residential General and A-1, Agriculture. Mr. Brownstein stated that one of the main siting concerns for a utility solar scale facility is connecting to the electric power grid, which is Dominion Energy. Mr. Brownstein further stated that Dominion Power does not have any substations in Northumberland, so that any utility scale solar facility would have to connect to one of the two trunk lines in the county, one essentially follows US 360 and the other follows State Route 200. Mr. Brownstein stated that the further you get away from a trunk line, the more expensive it becomes for the developer of a utility scale solar energy facility. Mr. Brownstein stated that Dominion Energy only builds trunk lines if there is citizen demand, and since there is little to no growth in Northumberland County, likely utility

scale solar facilities in Northumberland County will only be sited near the existing trunk lines. Moreover, Mr. Brownstein state that the price to lease waterfront property is expensive, and the cost to connect to a trunk line is likely prohibitive to build a utility scale solar facility in those areas. Mr. Brownstein stated that another limiting factor is the capacity of the trunk line, which likely could accommodate only 3-4 community scale solar utilities (<5 Kw) at the most.

Chairman Fisher stated that we need to look at our options, the 1 mile buffer tidal buffer where utility solar facilities are not allowed, or prohibiting solar energy facilities from properties zoned R-1, Residential General and R-2, Residential Waterfront or both. Mr. McKinley state that prohibiting the solar energy facilities in R-1 and R-2 seems less complicated, as the county knows where those properties are, instead of trying to determine if the project is within one mile of tidal waters. Mr. Williams stated that he thought the best area for locating solar projects is on the map in the red hatched area (the remainder of the county, outside the one mile buffer from tidal waters). The lawyer for SGC Power, Mr. Brownstein stated that a good compromise would be a ½ mile buffer from tidal water and any properties zone R-2, noting that it would benefit his client if R-1 was not included in the prohibition. Chairman Fisher asked Mr. McKinley if he thought restricting solar energy facilities from R-1 and R-2 was the way to go. Mr. Fisher added that if the Board of Supervisors wants to add the one mile tidal buffer prohibition, then they could if they wanted to be more restrictive.

Mr. O’Brien noted that this meeting was a work session and not a public hearing, and we should not be taking citizen input at this time. Mr. Haynie stated that the problem is that you are listening to information from the solar company (their lawyer) so all that information needs to be stricken from the minutes. Mr. O’Brien stated he understood Mr. Haynie’s point, but that he did not see his (the SGC Power lawyer) comments as particularly one sided. Chairman Fisher stated that we will deal with this issue later.

Mr. McKinley made a motion to prohibit utility scale solar facilities in the R-1, Residential General and R-2 Residential Waterfront zoning districts. The vote was as follows:

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

Mr. McKenzie next brought up solar energy facility decommissioning, and the current time limit in the solar energy facility ordinance of six months. Mr. McKenzie stated that he discussed with Mr. Marston, and both agreed that six months is a tight timeframe. Mr. McKenzie stated that most of the neighboring counties solar energy facility zoning ordinances that he researched has a one year as the time limit for decommissioning. Mr. McKenzie stated he though one year would be a good revision to the county zoning ordinance, in case there were weather or other delays during the decommissioning process. Mrs. Wilkins-Corey made a motion to revised the decommissioning time period

allowed to one year, and that motion was seconded by Mr. McKinley. The vote was as follows:

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

There was some discussion regarding how often to review the decommissioning estimate, Mr. McKenzie stated that county attorney suggested every two years, and that currently the county has the revision every five years. Mrs. Wilkins Corey stated she thought every two years is too often. Mr. Williams asked if the county gets funding to decommission the facility if the project owner does not accomplish it within the time frame? Mrs. Wilkins-Corey stated that if the county is named on the bond, then it is payable. Mr. Cralle asked Mr. Brownstein (the SGC Power lawyer) about the decommissioning surety. Mr. Brownstein stated that if the county reassess the property and it is more that what the surety amount is, if the applicant does not increase his surety, then he is in violation of the ordinance. Mr. O'Brien asked what if the applicant doesn't abide by the conditions? Mr. Marston stated that would be a violation of the zoning ordinance. Mrs. Heidi Wilkins-Corey made a motion to review and revise the decommissioning plan every five years. Mr. McKinley seconded the motion and the vote was as follows:

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

Mr. McKenzie stated that at an upcoming meeting we will discuss the solar revenue sharing ordinance, which is a stand alone county ordinance, not in the county zoning ordinance. Mr. McKenzie pointed the computer mouse over the files that he had previously sent the Planning Commission members on the projector screen, and stated that the two county revenue sharing ordinances that staff agreed were the most applicable to Northumberland County were the Richmond County and Middlesex County solar revenue share ordinances. Mr. McKenzie asked the commission members to review each of the solar revenue sharing ordinances and determine which one they think is the best fit for Northumberland County. Mr. O'Brien stated that all the neighboring counties have a revenue sharing ordinance, that it is pretty standard, and that all of them have \$1,400 per megawatt, because that is the maximum the state allows. Mr. O'Brien made a motion to use the Richmond County solar revenue sharing ordinance as the example for Northumberland County's solar revenue sharing ordinance. Mr. McKinley seconded the motion, and the vote was as follows:

Chris Cralle	Aye	Garfield Parker	n/a*
Vivian Diggs	Aye	Roger McKinley	Aye

Alfred Fisher	Aye	Heidi Wilkins-Corey	Aye
Ed King	Absent	Charles Williams	Aye
Richard Haynie	n/a	Patrick O'Brien	Aye

Mr. Fisher stated that he will agree to strike what the SGC Power lawyer stated because no Planning Commission member asked him a question.*

**After consulting the county attorney, the county cannot strike what has been said at a public meeting, and thus the minutes were not altered.*

Mr. McKenzie stated we will need another special meeting or two to finish up the solar energy facility ordinance. Mr. Fisher asked about September 21, 2002 at 6 pm at the Sherriff's office meeting room, Mr. McKenzie stated he did not know if the room was available, but would check on it.

RE: DISCUSSION ITEMS

Mr. McKenzie gave an update on the Proposed Canoe/Kayak Launch at the Glebe Point Fishing Pier, that VDOT graciously assigned a prison work crew to clear the brush under the bridge, and all the brush and trees have been cut.

RE: BOARD OF SUPERVISORS REPORT

No report was given.

RE: PUBLIC COMMENTS

There were none.

RE: ADJOURNMENT

Mr. O'Brien made a motion to adjourn that was seconded by Mr. McKinley and the meeting was adjourned at 9:20 pm. The adjournment vote was as follows:

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