

Northumberland County Planning Commission
November 17, 2022
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on November 17, 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. King made a motion to approve the agenda, and Mr. Parker seconded the motion. All voted in favor of accepting the agenda as revised.

RE: MINUTES- October 20, 2022

Mr. McKinley motioned to approve the minutes from the October 20 meeting which was seconded by Mr. Parker. All voted in favor of accepting the minutes.

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 citizens comments.

RE: PUBLIC HEARINGS

The public hearing was opened by Chairman Fisher at 7:15 pm. Mr. James Johnson of 403 Judith Sound Rd stated that he had sent a comment letter to the commission that stated that the economic impact of a camping site next to waterfront residences will devalue the properties. Mr. Johnson stated that the county assessed value of the houses on Judith Sound Rd, Haislip Ln and Moschetti Ln is \$8.1 million, and the Zillow (online) estimate is \$ 12.1million, and those values will be negatively affected as a result of the commercial campsite nearby. Mr. Johnson stated that the commercial camping rental property is valued at \$65,000 for the site. Mr. Johnson stated that you have to add to that \$65,000 the county administrative cost and policing costs (for trespassers). Mr. Johnson then stated there are environmental concerns relating to no drinking water available for the campers or sewer facilities (other than a loo.) Mr. Johnson stated that the Virginia Department of Health has issued a Notice of Alleged Violation (NOAV) to the camping site owner, stating that the loo is not a legal way to dispose of human waste in Virginia. Mr. Johnson stated that the county requires homes and RV's have to be hooked to septic systems, why are tents no held to the same standard? Mr. Johnson stated that currently, there is no limit to the number of people or the number of tents in the county regulations. Mr. Johnson stated that the question of density of tent camping is important, as there could be a ¼ ac. lot with 50 people camping that would be compliant with the ordinance presented here tonight. Mr. Johnson thanked the Planning Commission and county staff for all the work they have done to address this issue.

Ms. Julie Deaver of 28 Moschetti Ln said she had recently purchased her property. She stated it was her opinion that commercial camping should not be allowed in an established neighborhood. Ms. Deaver said she cannot sit on her open porch to enjoy the view and fresh air, because the tent campers have a campfire with drifting smoke going all the time they are there, as that is how they cook. Ms. Deaver stated that after she bought the house, she purchased homeowners insurance, and if it would have happened after the commercial camping site was established, she stated she was not sure if the company would have enrolled her, due to the increased wildfire danger from the nearby campfire. Ms. Deaver asked why tents do not have a sewer requirement like travel trailers do?

Jimmy Moore, 121 Judith Sound Rd stated he had his well tested and the results came back clean for bacterial contamination. Mr. Moore then stated he had the water in the ditch in front of his house tested and it was contaminated. Mr. Moore indicated he contacted the Virginia Department of Health, but no action was taken. Then Mr. Moore stated he contacted the Virginia Department of Environmental Quality, and the person he talked to said that the ditches should not be contaminated.

Chairman Fisher asked what type of contamination? Mr. Moore stated he did not know. Mr. McKenzie stated it was likely coliform bacteria, which could be from humans, pets or wildlife.

Mr. Moore stated that almost every camper brings a dog with them (because a lot of hotels don't allow dogs) and the pollution might be from the camper's dogs, as the

campers do not clean up their dogs feces. Mr. Moore continued, stating the ditches need to be cleaned out, and he has talked to VDOT about doing that so that the water flows instead of standing still. Mr. Moore stated that kids and pets could be infected with the bacteria in the ditch water.

Bob Pugh of 469 Judith Sound Rd asked if this property has an emergency 911 address. Mr. McKenzie stated that he did not know. Mr. Pugh then asked if the county how much does a business license cost in Northumberland County. Mr. McKenzie stated that the county does not require business licenses. Mr. Pugh then asked if the county has a tenant (lodging) tax, to which Mr. McKenzie replied no, the county does not have a lodging tax either. Mr. McKenzie stated the county wants to encourage business in the county and low/no taxes are a good way to do that.

Wayne and Monica Moore of 72 Moschetti Ln, stated he was the owner of the commercial camping site, and added it does have a E911 address for the house on the property. Mr. Moore stated that he contracted with a company that does business all over the U.S., are professional and have a good reputation, and the company handles almost everything for the tent rental site. Mr. Moore stated he talked with Mr. Marston and he said that the use is allowed. Mr. Moore stated he had one question, is he grandfathered? Chairman Fisher stated we covered that a few meetings ago. Mr. McKenzie stated that Mr. Marston told him that the use is grandfathered since it was initiated when the zoning ordinance allowed it.

Mr. Williams asked Mr. Moore to tell him more about his business. Mr. Moore stated that people go to the website, tentrr.com, and it is like Airbnb, where you can pay and reserve a campsite for specific dates. Mr. Moore stated that he gets an email from tentrr.com stating he is having guests.

Mr. William stated that the water quality problem should be taken care of.

Mr. Moore stated that the campsite is booked most weekends, and is very popular. Mr. Moore stated that most of his guests live in cities and want to escape the hustle and bustle, in addition, many of the city dwellers have pets can't get hotel rooms when they have a pet.

Chairman Fisher asked Mr. Moore, that if citizens have problems, where should they go to complain?

Mr. Moore stated they need to come to him, and noted that none of his neighbors have done that so far.

Ms. Christine Gove of 299 Judith Sound Rd stated she was a full time resident of her home. Ms. Gove asked that he understands Mr. Moore is grandfathered, what sort of enforcement is available. Mr. McKenzie stated that if people at the existing campsite trespass, then you can call the Sheriff's Office for enforcement. Regarding new commercial tent site camping, Mr. McKenzie stated that if the Board of Supervisors passes the ordinance the way the Planning Commission recommended, then someone

would have to apply for a conditional use permit to operate such a business, and if they did not, they would be in violation of the county zoning ordinance.

Mr. Johnson stated that other tentrr.com sites are not in residential areas. Mr. Johnson asked if the county can require commercial tent sites have acceptable sanitation and water available.

Mr. McKenzie asked the county attorney, Mr. Eric Gregory, who was attending the meeting via Zoom, if the county could legally do that. Mr. Gregory stated absolutely that the county can. Mr. Gregory suggest the language of Virginia Department of Health approved sanitation facility.

Mr. McKinley stated that when the planning commission was working on this ordinance earlier, he envisioned people camping next to existing residences with water and sewer. Now, Mr. McKinley stated that if the camping was done on a vacant lot, or if the house on the site was locked, then they must have access to sanitation facilities.

Mr. McKenzie stated that if a person, who pays taxes on his unimproved lot all year, wants to come down to camp on his property July 4th weekend, he has to call ahead and rent a portable toilet and spend a couple of hundred dollars to be in compliance with the zoning ordinance? Mr. McKinley stated yes and added that a portable toilet does not cost that much to rent.

Mr. McKenzie reminded the planning commission members that the memo from the BOS stated that the commission should only consider regulations for commercial camping. Mr. McKenzie reiterated that the Board did not ask the commission to address recreational camping.

Mr. McKinley made a motion to add the requirement to camping without compensation that a Virginia Department of Health (VDH) approved sanitation facility is required. Mr. Williams seconded the motion stating that now maybe is the time to take water quality seriously. 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

Mrs. Barbara Johnson of 403 Judith Sound Rd asked if what was just passed dealt with availability of water for drinking or washing? Mr. McKenzie stated that the VDH approved sanitation facility only dealt with human waste disposal, and has nothing to do with availability of water on the site.

Chairman Fisher stated that if someone is thirsty, they will find some water. Mr. McKinley stated that water is pretty portable, and that he always brought his own water when he camped.

Mrs. Johnson asked if it was recognized that guest of the camping facility have to bring in their own water? Is that known to the renters? Mr. McKinley stated he thought that was a given. Mrs. Johnson asked if water from a garden hose OK? Chairman Fisher stated that if they want to drink from a garden hose, he would not stop them.

Ms. Deaver asked that since the existing use is grandfathered, if the commercial camping site owner wanted to expand the site and add a tent, would he have to apply for a conditional use permit? Chairman Fisher responded only the one is grandfathered, if he wanted to expand, he would have to get a conditional use permit from the Board. Ms. Deaver asked about the process that citizens can follow to add conditions to the conditional use permit? Chairman Fisher stated that they would hold a public hearing where citizens could attend and tell the BOS members how this use will adversely affect you and how the adverse effect may be reduced. The BOS will listen to everyone and select reasonable and sound conditions to limit the effect to surrounding property owners, or they could decide to deny the use if the adverse effects are severe, in their opinion.

Mr. Moore asked the Chairman if the minutes of the meeting will reflect that his commercial camping operation is a grandfathered use, and Mr. Fisher stated yes.

Chairman Fisher stated that the county cannot think of every use that might be put on a piece of property, and the county is changing, the citizens are changing, and we are doing the best we can to accommodate all.

Chairman Fisher closed the public hearing at 8:03 pm, as no other public comments were forthcoming.

Chairman Fisher stated that the Planning Commission makes a recommendation to the BOS, and the Board of Supervisors alone makes the decision on the revisions to the zoning ordinance.

Mr. Williams asked Mr. McKenzie to refresh the members on what they are about to vote on. Mr. McKenzie stated what is up to vote is everything in the draft zoning ordinance revision that was handed out at the beginning of the meeting, plus the addition of Mr. McKinley's requirement for a VDH approved sanitation facility for camping without compensation at the end of part B. Mrs. Wilkins-Corey reminded staff that the commission is also adding the recommendation that conservation (C-1) zoned land be added as a zoning district that commercial camping can be allowed by a conditional use permit. Mr. McKenzie thanked Mrs. Wilkins-Corey for that reminder and stated that is also part of what the commission is voting for.

Mr. King made a motion to send the previously referenced revision to the zoning ordinance to the Board of Supervisors. After some clarifications, Mr. McKinley seconded the motion. 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

The motion passed unanimously.

RE: WORK SESSION ITEMS

Mr. McKenzie transitioned to the revisions to the solar energy facility ordinance, and stated that the county attorney had made two small revisions to the language. One in section d-4 and another in section 13 regarding landscape buffers, Mr. McKenzie stated that the attorney's changes are shown in the color blue in the ordinance language. Mr. McKenzie stated that this is the final look at this ordinance revision, and asked if there are any changes the commission members would like to see.

Mr. Parker stated he had an observation he wanted to share, noting that he was coming in on Rt. 360, and saw the solar energy facility being built in Richmond County, and noted that those panels are a lot higher than he thought.

Mr. McKenzie stated that height of the solar panels is something the county could indeed regulate, and mentioned a solar energy facility in White Stone that has double decker panels so they are higher than normal solar panels. Mr. McKenzie stated that the higher the panels are, the higher the vegetative buffer needs to be if you are going to shield the panels from view. Mr. McKenzie asked Mr. Marston, who was joining the meeting via Zoom, if he had any insight into this issue. Mr. Marston stated that from an environmental standpoint, if you use double decker panels you can get twice the generating capacity in the same footprint, so double decker solar panels reduce the footprint of a solar energy facility, consuming less land.

Mr. McKinley asked if you could somehow link the height of the vegetation at planting be commensurate with the height of the solar panels? Mr. Williams stated that when he thinks of a vegetative buffer, that means it is high enough to screen the view of the facility so you do not see it, only the trees. Mr. Williams stated we need to adjust the height of the vegetation at planting to the height of the solar panels. Mrs. Wilkins-Corey stated can't the Board adjust the height to match the facility with conditions in the conditional use permit? Chairman Fisher said absolutely. Mr. McKenzie stated that if the commission wants to increase the height of the vegetation at planting from the existing four foot tall to say six foot tall, then it is going to cost the solar company more money to put in the buffer. Mr. McKenzie stated that in all of these deliberations, it is a balancing act, balancing the needs of the community, with the economic viability of the cost of installing a solar facility. We do not want to make complying cost prohibitive so the solar energy facility will not turn a profit.

There was discussion with the county attorney regarding adding conditions for taller vegetative buffer height at planting, and he said the board could exceed the ordinance if it is a conditional use permit.

Mr. King asked if Mr. McKenzie and the county attorney happy with the solar energy ordinance as it is. Mr. McKenzie stated it was a balancing act, and what is important if the Board of Supervisors is happy with the ordinance. Mr. King asked Mr. McKenzie asked if the Board would be happy with the ordinance as is, and Mr. McKenzie stated he did not know.

Mr. Williams stated that we can pass this ordinance, and in a few years, we learn some and need to revise it again. Mrs. Wilkins-Corey stated we cannot possibly think of every possible scenario in the future, so it is up to the Board of Supervisors to make adjustments.

Mrs. Wilkins-Corey made a motion to send the revised solar energy zoning ordinance to the Board of Supervisors. Mr. king seconded the motion. 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: DISCUSSION ITEMS

There were none.

RE: BOARD OF SUPERVISORS REPORT

Mr. McKenzie stated that the request by Phillip and Judith Haynie for the solar energy facility at 642 Fairport Road was requested by the applicant to carry over to the December 8, 2022 BOS meeting. The next public hearing was a request by Crystal Cove Housing, LLC, and Merthia Haynie, applicant for an extension to a previously approved conditional use permit for a physical therapy business on tax parcel 8B-1-45E, zone A-1 on Hampton Hall Rd, which was granted by the BOS to last until 2025. The next public hearing was an amendment to county code, 79-2, which will clarify the use of golf carts and utility vehicles along Main Street in Reedville to those areas only designated as 25 mph or less.

RE: PUBLIC COMMENTS

There were none.

RE: ADJOURNMENT

Mr. Fisher made a motion to adjourn the meeting at 8:35 pm, which was seconded by Mr. Parker with the vote 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