

**Northumberland County Planning Commission
December 15, 2022
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on December 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	Absent
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	Present

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. McKinley made a motion to approve the agenda, and Mr. Cralle seconded the motion. All present voted in favor of accepting the agenda as revised.

RE: MINUTES- November 17, 2022

Mr. McKinley motioned to approve the minutes from the November 17 meeting which was seconded by Mr. Cralle. 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

Mr. James Johnson of 403 Judith Sound Rd., commented on the public being able to provide the Planning Commission input for their consideration only before the public

hearing. Mr. Johnson stated he did not think that limiting public comment to only the public hearing is a good idea, he expressed that he did not think that was enough time for the commission members to process the issues that might be brought up during the public hearing. Mr. Johnson stated that the public comments seem to be an afterthought during the public hearing, because he feels the members have already made up their mind. Mr. Johnson stated he would like the public comment to go back the way it was, where citizens were able to ask questions and clarify issues during a Planning Commission Meeting. Mr. Johnson stated his wish would be to allow citizens to give input before county staff have recommended a course of action. Mr. Johnson asked the Planning Commission to consider this request.

RE: PUBLIC HEARINGS

Mr. Fisher opened the public hearing for the Solar Energy Facility Zoning Ordinance revisions at 7:14 pm.

The first citizen to speak was Mr. Blake Cox founder of the nonprofit organization Energy Right, to bring conservative values and private property rights to bear regarding solar energy facilities in rural areas. Mr. Cox applauded Northumberland County as having a very strong decommissioning policy, as cited by the Weldon Cooper Center for Public Service. Mr. Cox stated he had a couple of suggestions, to add revenue sharing to the ordinance and reverse the decision on prohibiting solar energy facilities in R-1 or R-2 zoning districts. Mr. Cox stated that prohibiting land owners from being able to generate revenue from solar energy facility leases on their farmland in the R-1 or R-2 impinges on the landowner's freedom to use their land how they see fit.

Mr. McKenzie stated that he thought that revenue sharing was in the ordinance, noted that it was discussed several times, but never put in the solar energy facility zoning ordinance revisions.

Mr. Eric Gregory, the county attorney for Northumberland County, attending the meeting via Zoom stated that regards to solar energy facility revenue sharing, the Planning Commission could recommend to the BOS to have a separate consideration (another public hearing) to consider revenue sharing.

Mr. Aaron Berryhill, from the Virginia Department of Energy commented via Zoom and stated that some localities interpret solar revenue sharing as Virginia State Code that is stand-alone, and reference in their solar zoning ordinance, or adopt it separately, as more of a tax ordinance than a land use ordinance.

Mr. Gregory stated that a separate solar energy revenue share ordinance is more of an administrative function (tax) than a land use function, so the solar energy revenue share ordinance could go straight to the BOS instead of the PC.

Mr. Berryhill stated it depends on the county, how they interpret it, and stated he is not offering any legal advice.

Mr. Fisher closed the public hearing at 7:28 pm.

Mr. O'Brien made a motion to add a recommendation to add a solar energy revenue share ordinance to the solar energy facility zoning ordinance revision to the Board of Supervisors. Mr. McKinley seconded the motion. The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Absent
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	Aye

Mr. O'Brien made a motion to send the solar energy facility zoning ordinance revisions to the Board of Supervisors. Mr. McKinley seconded the motion. The vote was as follows:

Chris Cralle	Aye	Garfield Parker	Absent
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	Aye

Both motions passed unanimously.

RE: WORK SESSION ITEMS

Mr. McKenzie transitioned to the memo that the Board of Supervisors sent to the Planning Commission after their December 9, 2022 meeting. Mr. McKenzie stated that the memo stated that the BOS wants the PC to accomplish two items. Mr. McKenzie stated the first item was for the PC to “evaluate Short Term Rentals to see where they should be permitted in which zoning districts, whether by right or by conditional use, review if there should be lot sizes and any other information that the Planning Commission may deem important to review associated with Short Term Rentals. The Board is asking for any recommendations and/or any ordinance change recommendations.” Mr. McKenzie stated that secondly the BOS wants “the Commission to review the difference between commercial and private use camping. They are concerned with property owners being restricted to use their property while still trying to make sure that commercial camping is located in proper areas. The Board asked that the sections be broken out from travel trailer with and without compensation and tent camping with and without compensation.”

Mr. O'Brien stated he talked to Mr. Marston about this, that the travel trailer ordinance is really weird, and essentially unenforceable, noting that a citizen can create a camp facility near a house, but not on open land. Mr. O'Brien stated that ordinance would be a large burden on law enforcement.

Mr. Fisher stated that the county relies on citizen input and complaints, as the county does not have the resources to check or find all campers in the county.

Mr. O'Brien asked for clarification of the existing travel trailer zoning ordinance, that if you want to put a tent or trailer on a lot, then that landowner would have to have a VDH approved sanitation device if there was not a house with a septic system already present on the property. Mr. McKenzie stated yes. Mr. Fisher asked if the same would be true for camping with compensation. Mr. O'Brien stated both. Mr. O'Brien stated that if you had to get a permit from the county to camp, then that would take care of the problem.

Mr. Fisher stated that what we have is a classic case of some people that want to regulate what other people do on their property, and you have other people in the county that do not want any rules on the use of their property.

RE: DISCUSSION ITEMS

There were none.

RE: BOARD OF SUPERVISORS REPORT

Mr. McKenzie stated that the request by Royal Realty, LLC, owner, and Estera Warrick, applicant, for a Conditional Use Permit to allow construction of a dwelling on property zoned M-1, Light Industrial. The property is shown as Tax Map Parcel # 10-(1)-155-B and is located on Lake Road. Mr. McKenzie stated that no persons were in attendance to address this project so the hearing was tabled for consideration of a conditional use permit to allow construction of a dwelling on property zoned M-1, Light Industrial, to the Board of Supervisors meeting on January 12, 2023.

Mr. McKenzie stated that the next BOS public hearing was a request by Neill Office Complex, LLC, owner, and Rivah Celebration Center, LLC, applicant, for a Conditional Use Permit to allow a private school on property zoned A-1, Agriculture. The property is shown as Tax Map Parcel # 8-(1)-145-A and is located at 226 Village Green Drive in Callao. Mr. McKenzie stated that all employees, several parents and their children from the school attended the public hearing. Mr. McKenzie stated that the BOS approved the conditional use permit to allow a private school on property zoned A-1, Agriculture with the suggested conditions.

Mr. McKenzie stated the next BOS public hearing request was for the consideration of a Siting Agreement pursuant to §15.2-2316.7. Code of Virginia, 1950, as amended; related to the request for a Conditional Use Permit by Community Power Group, LLC for a utility-scale solar energy facility on 26 acres leased. The property is shown as portions of Tax Map Parcels #37-(1)-195 and 195-A adjacent to 642 Fairport Road. The BOS carried over the decision until the Board of Supervisors meeting on January 12, 2023.

Mr. McKenzie stated the next public hearing item for the Board of Supervisors was carried over from the regular BOS meeting on November 10, 2022; was a request by Philip Haynie, II, and Judith Haynie and Philip Haynie, III, owners, and Community Power Group, applicant, for a Conditional Use Permit to allow a utility-scale solar energy

facility on property zoned R-2, Residential Waterfront. The property is shown as Tax Map Parcel #37-(1)-195 and 195-A adjacent to 642 Fairport Road. The BOS carried over the decision until the Board of Supervisors meeting on January 12, 2023.

Mr. McKenzie stated that the final public hearing was for the revision to the Northumberland County Zoning Ordinance § 148-153, Travel Trailers, to limit camping without compensation on properties to seven days or less, require a health department approved sanitation facility, and make camping with compensation a conditional use in A-1, Agriculture and R-2 Residential Waterfront zoning districts. Mr. McKenzie stated that the BOS approved the revision to the Northumberland County Zoning Ordinance to limit camping without compensation on properties to seven days or less, require a health department approved sanitation facility, and make camping with compensation a conditional use in A-1, Agriculture and R-2 Residential Waterfront zoning districts. Mr. McKenzie added that the BOS wanted further work on the Travel Trailer Ordinance to separate tent camping from the Travel Trailer Ordinance and make tent camping a stand-alone ordinance. Mr. McKenzie also stated that the BOS was not happy with the restrictions for camping without compensation and stated they were sending it back to the PC for more revisions.

RE: PUBLIC COMMENTS

There were none.

RE: ADJOURNMENT

Mr. Fisher stated that at the January 19, 2023 Planning Commission Meeting, that we will have elections, look at the Planning Commission By-Laws versus the Board of Supervisors By-Laws and hopefully get started on construction of the new Canoe/Kayak Launch under the Rt. 200 bridge.

Mr. Fisher wished everyone a Merry Christmas and Happy New Year.

Mr. O'Brien made a motion to adjourn the meeting at 7:48 pm, which was seconded by Mr. King with the vote as follows:

Chris Cralle	Aye	Garfield Parker	Absent
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	Aye