

Northumberland County Planning Commission
January 19, 2023
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on January 19, 2023 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	Absent
Ed King	Present	Charles Williams	Present
Richard Haynie	Present	Patrick O'Brien	Absent

Others in attendance:

Stuart McKenzie (County Planner)

Philip Marston (Zoning Administrator)

RE: CALL TO ORDER

The meeting was called to order by Mr. Fisher.

Mr. Fisher led the commission in the Pledge of Allegiance, while Mr. King gave the invocation.

RE: ELECTION OF OFFICERS

Mr. McKenzie asked the commission members present for nominations for Chairman of the Planning Commission. Mr. Cralle nominated Mr. Fisher. Mr. Fisher stated he would accept the nomination. Mr. Williams seconded the motion to nominate Mr. Fisher. Charles Williams made a motion to close the nominations. Mr. Parker seconded the motion. Mr. McKenzie took a vote, and all present voted to make Mr. Fisher the Chairman of the Commission for 2023.

Mr. Fisher took over the election duties, and asked for nominations for the Vice Chairmanship. Mr. Cralle nominated Garfield Parker. Mr. Williams seconded the motion to nominate Mr. Parker. Mr. Fisher took a vote and all present voted to make Mr. Parker the Vice Chairman.

RE: AGENDA

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

RE: MINUTES- December 15, 2022

Mr. Cralle made a motion to accept the December 15, 2022 minutes, and Ms. Diggs seconded the motion. All voted in favor of accepting the minutes from December 15, 2022.

RE: REVIEW OF BYLAWS

Mr. McKenzie previously provided copies of the Planning Commission Bylaws as well as the Board of Supervisor’s Bylaws for the members to review. Mr. McKenzie stated that Mr. Fisher, a few years ago had asked staff to add a public comment period at the beginning of the meeting on the agenda, in addition to the public comment period at the end of the meeting. Mr. McKenzie noted that the end of the meeting public comment period is noted in the Bylaws, but not the beginning of the meeting public comment period. Mr. McKenzie also noted that the Board of Supervisors Bylaws have more regulations in their public comment section, especially with regards to meetings with public hearings. Mr. McKenzie stated that makes sense, because if a public hearing is being held, if a citizen can comment before the meeting (and during the public hearing), the citizen is essentially getting two opportunities to speak. Mr. Fisher stated that he always wants to hear what comments citizens have, and has in the past and will continue to cultivate citizen comments. Mr. McKinley made a motion to add the public comment section at the beginning of the meetings and add to the Planning Commission Bylaws, as well as limiting public comment at meetings that have public hearings to any matters other than the subject of the night’s public hearing. Mr. Williams 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	Absent
Ed King	Aye	Charles Williams	Aye
Richard Haynie	n/a	Patrick O’Brien	Absent

RE: COMMISSIONERS’ COMMENTS

Commission members did not have any comments.

RE: STAFF MEMBERS’ COMMENTS

Staff did not have any comments.

RE: CITIZENS’ COMMENTS

Maurice Johnson of 451 Timberline Drive in Reedville stated that the citizens comments regarding short term rentals tend to portray all vacationers as bad. Mr. Johnson says that is not so, that he enforces rules on his rental property, and the renters appreciate this and stated that the neighborhood (and neighbors) are great, friendly and helpful. The neighbors complain, but the renters give the neighbors great reviews on the rental website, so he says he does not know what the problems are.

Sharla Pence of 81 Jacobs Drive, Reedville, VA brought informational packets to the members that Mr. McKenzie stated he would distribute after the meeting tonight, that offered some opinions from citizens in the R-3 zoning on how to regulate Short Term Rentals in Northumberland County. Mrs. Pence stated that they would like to request the Planning Commission consider requiring a conditional use permit for short term rentals in neighborhoods that are zoned R-3 Residential Restricted. Mrs. Pence stated that due to the small lot size, and the higher density of persons in R-3 zoned property, that a conditional use permit for short term rentals makes sense.

Robert Tartisel, of 525 Pine Point Drive, stated that he works as a handyman and was asked to do some electrical work on a house that is being rented as an AirBnB. Mr. Tartisel stated that one of the bedrooms is tiny, with no windows in the room for emergency exit, and a very small 24 inch wide doorway. Mr. Tartisel stated there were six cars parked in the yard renting the house, and he is worried about a fire tragedy that could strike and the kids renting the house could not escape the structure. Mr. Tartisel stated he would like to see the county annually inspect every vacation rental property in the county, as the kids renting these houses need protection.

Lynn Bosmajian, 164 Courthouse Road, Heathsville, VA, stated that the Board of Supervisors already decided on this issue a few years ago. Mr. Bosmajian stated that they run a small, 2 bedroom waterfront rental, that has a nice beach, and they rent to courteous folks that respect the neighborhood and the rules. Mr. Bosmajian stated that he has full time neighbors near his house that have barking dogs at all hours of the day and night, the neighbors also crank up their stereo and blast music, and he has to deal with those neighbors who live here year round. Mr. Bosmajian stated that they rent to nice people who patronize the local restaurants, and do not host parties. Mr. Bosmajian stated that the county shouldn't be telling him how to run his rental property business, and noted that size limits are a good thing. Chairman Fisher noted that the county has a noise ordinance, and that he should call 911 when he has a complaint about his neighbors making noise.

James Lewis (online via ZOOM) of 65 Jacobs Drive, Chesapeake Bay Estates, stated he would like the county to require a conditional use permit for short term rentals on land zoned R-3.

Jim Johnson (online via ZOOM) of 403 Judith Sound Rd asked for clarification regarding the Bylaws change earlier in the meeting. Mr. Johnson paraphrased that if an item is not covered during a public hearing, then the commission members would entertain discussion on said item. Mr. Fisher stated yes, that is correct. Mr. Johnson stated that it would be helpful if the commission stated what the existing ordinance allows, what the changes are being made, and a list of all the conditions would be placed on a conditional use, if it passed by the Board of Supervisors. Mr. Johnson then stated he would like the county and specifically the Planning Commission before it passed any tent camping revision to the BOS to coordinate with the Northumberland County Health Department on camping on a lot without a VDH sanitation device, and ask what the Health Department would require for overnight camping.

Nadine Bivins (online via ZOOM) of 165 Parker Road in Chesapeake Bay Estates stated she would like regulation of short term rentals in R-3 zoned subdivisions. Ms. Bivins

stated the she and her neighbors worked hard to try to resolve issues neighbor to neighbor, and her and her neighbors do not want to involve the sheriff, but ultimately the negotiations were not successful. Ms. Bivins stated that the neighborhood is now challenged. Ms. Bivins stated that people think they are against short term rentals, but in reality they think some places are more appropriate for short term rentals than R-3 zoned lands.

Heidi Allen (online via ZOOM) of 114 Fletcher Rd, Chesapeake Beach Estates requested the county regulate short term rental in R-3 zoned lands, and make it a conditional use only, due to the small lot sizes. In addition, Mrs. Allen wanted inspections of the rental properties for safety issues.

Bill Glascock (online via ZOOM) 56 Leming Ave, Fleeton Beach Subdivision, Reedville stated that he lives in a small community that maintains its own roads, with very small lots close together with a 130 feet community beach. Mr. Glascock stated they do not want to get rid of short term rentals, but do want to rid themselves of the trespassing, (unauthorized) fires on the beach, and having 6 or 8 or 12 people renting a two-bedroom house. Mr. Glascock stated that these are un-hosted rentals with no owner on site. If there are multiple reports of problems with the same property renting short term, we need to have a mechanism to stop them from operating. Mr. Glascock stated that R-3 is a very different zoning classification than R-1 or R-2, with high density development, and the limited shared community resources are being overloaded by the short-term renters.

Dave Miller (online via ZOOM) 63 Julian Street, Fleeton Beach, Reedville, stated he owns several vehicles and boats registered in Northumberland County and wanted to thank you (the planning commission) for preserving our peace of mind regarding these AirBnB's. Mr. Miller stated he has lived here for forty years and recently have noticed a difference down at their private beach. There are unknown people at the the 150 ft community beach, with cabanas set up, cussing and running people off. Mr. Miller stated that his community allows guests of property owners to use the facility, a paying client is not recognized as a guest, and the short term renters should not be using the community beach. Mr. Miller stated this was a big issue in his community and hopes the county can help them out.

Elizabeth Allen (online via ZOOM) of Lane Rd, Chesapeake Beach and her family has owned the lot for 48 years. She mentioned that they have a voluntary civic club with dues that are \$150 a year, and not everyone pays, so they have to periodically fundraise to meet community expenses. Short term renters are using our community resources and not paying their fair share, they are running stop signs near where kids are playing, at the community beach there are strangers approaching children and something needs to be done. Ms. Allens stated that for short term rental property in Northumberland County , there needs to be annual inspections, adequate parking, adequate septic tank capacity for the number of renters, smoke and carbon monoxide detectors required as well as fire extinguishers. Ms. Allen asked the commission members to please consider regulation of short term rentals in R-3 as a district.

Chairman Fisher noted that this was one of the longest public comment sections the commission has had. He then asked the commission members if they are happy with the

public comment portion of the meeting, and asked if the members learned anything tonight. Several members agreed that it was good to hear the concerns of the public. Mr. Fisher stated that entertaining public comment takes a little longer, he thinks the commission can do a better job of serving the community if they hear from its citizens.

Another citizen wanted to comment, Kathleen Lockhart, 332 Porpoise Point Lane, and asked the commission to consider where you are hearing the pockets of problems and not make a blanket policy for all of the county. Ms. Lockhart said no one in the county will police my property more than I will. Ms. Lockhart stated she takes responsibility for her renters, works with her neighbors well and would hate to see everyone in the county suffer because a couple of subdivisions have problems. Ms. Lockhart urged the commission to use ways to address the problems in those communities.

Mr. Fisher mentioned he received nine phone calls from citizens regarding short term rentals, and Mr. Cralle stated he received a few as well.

RE: PUBLIC HEARINGS

There were no public hearing scheduled.

RE: WORK SESSION ITEMS

Mr. McKenzie stated the first item for consideration was the Travel Trailer zoning ordinance section. Mr. McKenzie stated county staff would like to remove the term "Travel Trailer", its definition, and replace with the term "Recreational Vehicle" which is defined as either being towed or self-propelled constructed to permit temporary occupancy. Mr. McKenzie stated that a citizen pointed out that the travel trailer ordinance does not cover motorized campers, as they are not trailers and are not pulled behind a tow vehicle. Mr. Marston, the Zoning Administrator stated that he has interpreted the Travel Trailer zoning ordinance definition to cover self-propelled campers and has done so in the past. Mr. Marston stated that we should clarify the ordinance to use the more universal term Recreational Vehicle to replace the term Travel Trailer so the general public more easily understands. Mr. McKinley stated this was closing a possible loophole in the ordinance, and Mr. McKenzie agreed. Mr. Marston noted it was how the ordinance is interpreted by the Zoning Administrator, but that this would clarify the intent to the general public. Mr. McKinley made a motion to remove the travel trailer definition and replace the definition and zoning ordinance section title with the term Recreational Vehicle. The motion was seconded by Mr. King. All planning commission members voted aye and the motion passed.

Mr. McKenzie then transitioned to the revisions to the tent camping ordinance. Mr. McKenzie referenced the Board of Supervisors memo to the Planning Commission to break out tent camping from the travel trailer ordinance, and that the Board was concerned about limiting private property rights with the ordinance that was passed. Mr. McKenzie stated that the Board of Supervisors first memo asked the Planning Commission to look at limits for commercial camping, but did not ask the commission to change any part of the non-commercial camping ordinance. Therefore, Mr. McKenzie recommended to the commission members that they remove the limitations imposed on

non-commercial tent camping, namely the seven day stay limit, and the requirement of a Virginia Department of Health (VDH) approved sanitation device. Mr. McKinley stated that he does not want to see someone going potty outside his bedroom window and he thinks the VDH approved sanitation device is needed. Mr. McKinley stated he is OK with removing the time limit, but not the sanitation device requirement. Mr. Williams asked Mr. Marston what full time occupancy means? Mr. Marston stated that the full time occupancy is geared more towards campers as people are more likely to stay long term in a camper more than in a tent. Mr. Fisher put for the scenario when two kids want to camp on a property, they would have to get a porta potty? Mr. McKinley stated yes, if it was an empty lot. Mr. Fisher stated could they just go in the woods. Mr. McKinley stated it could be an open field.

Chairman Fisher asked Mr. Haynie what the Board wants. Mr. Haynie stated the Board does not want it too restrictive. Mr. McKinley stated that the ordinance affected a large number of people, the planning commission recommend adding this to the ordinance and the Board of Supervisors agreed and passed it.

Mr. Fisher stated that camping in a residential waterfront subdivision is very much different than camping on a 100 acre lot in the interior of the county. Mr. Fisher stated that by passing this ordinance, we are impacting the entire county.

Mr. Cralle asked if the VDH issued a notice of violation to the commercial tent camping property in Lewisetta. Mr. McKenzie stated yes the Health Department took care of that site.

Mr. Haynie added that some on the Board were concerned about putting commercial restrictions on property owners. Mr. Haynie reiterated that individual property owners should not have to be held to the same standards as commercial camping.

Mr. Fisher asked if we should consult with the Virginia Department of Health, and staff stated that the county knows VDH's stance, that the county can regulate it if they want, and that is the point we are at now.

Mr. King asked staff what they think would make the Board happy, and Mr. McKenzie stated remove the seven day limit and the requirement for a VDH approved sanitation device.

Mr. King made the motion to remove the seven day limit on non-commercial camping and the requirement for a VDH approved sanitation facility and recommend the Board of Supervisors pass the revision to the zoning ordinance. Mr. Williams seconded the motion. The vote was as follows:

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

The motion passed 4 votes to 3 votes.

Mr. McKenzie then transitioned to the Staff Report regarding revisions to the zoning ordinance with regards to Short Term Rentals, as requested by the Board of Supervisors Memo. Mr. McKenzie stated that there are four options, 1. Make no changes, 2, Consider making short term rentals a conditional use in R-3 zoned land, 3. Consider prohibiting vacation rentals based on the total area of the property, such as no vacation rentals on lots smaller than 1 (or 2 or 5) acres in size, or 4. Consider a countywide vacation home rental registry, with a fee (\$50) to register each year, a penalty if you do not register (\$500) and a three strike rule regarding verified complaints or non payment of registration fees. Mr. McKenzie added in the Staff report that the amount of land zone R-3, Residential Restricted is 0.12% of the total land area of the county. Mr. McKenzie noted that Lancaster County reports that after a 2 year implementation of the STR ordinance, they have 70 properties enrolled in their registry. Mr. McKenzie stated that Essex County passed their STR ordinance in December 2022 and already have 68 properties enrolled. To finish out the Staff Report, Mr. McKenzie stated he did a quick internet search on evolve.com, booking.com, VRBO.com and Airbnb.com and came up with 387 properties listed when searching on “Northumberland County, VA”. Mr. McKenzie noted that many rental properties were posted on more than one rental platform, and some were in nearby Westmoreland and Lancaster counties, so that number is probably lower than 387.

Chairman Fisher noted that Chesapeake Beach and Fleeton Beach subdivisions were built before zoning, and that later most subdivisions created a Homeowners Association to protect them, if they so choose. Mr. Fisher stated he would not like to punish the whole county. Mr. Fisher added that a lot of the problems here are civil problems and not criminal problems.

Mr. Cralle noted that four of the phone calls he received from citizens were in favor of leaving vacation rentals the way it currently is in the zoning ordinance, a permitted use.

Mr. Fisher stated that limiting the conditional use to the R-3 zoning district and leave the rest of the county alone would hopefully alleviate the problems people are having. Mr. Fisher stated that it is likely that the short term renters go eat at a local restaurant, hire a charterboat captain and buy some local seafood to help Northumberland’s economy.

Mr. Fisher stated the commission would continue the discussion on short term rentals at the February meeting.

RE: DISCUSSION ITEMS

Mr. McKenzie briefed the commission that the Assistant County Administrator had sent out the request for Capital Improvement Projects to the county department heads, and has got some of the requests back, but is still waiting on some price quotations. Mr. McKenzie stated that the commission needs to form a Capital Improvement Committee, and would need the Chairman to be on that committee as well as two volunteers from the commission. Mr. McKinley and Mr. Parker volunteered to serve on the 2023 Capital

Improvement Committee. Mr. McKenzie stated he would be in touch with the members to schedule the first meeting sometime in February.

RE: PUBLIC COMMENTS

Jim Johnson (online via ZOOM) of 403 Judith Sound Rd stated he was not in favor of the planning commission removing the time limit and sanitation facility from the tent camping ordinance. Mr. Johnson stated the way he interprets the revised ordinance, a property owner or lessee could set up two tents on a quarter acre lot for a period of six months and there is nothing the county could do about it. Mr. Johnson stated he was against people coming in and using the bathroom in an unsanitary manner. Mr. Johnson stated he thought it was wrong that the county does not require a sanitation facility for tent camping.

RE: ADJOURNMENT

Mr. King made a motion to adjourn at 8:27 pm. The adjournment vote was as follows:

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