

Northumberland County Planning Commission
April 20, 2023
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on April 20, 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	Present
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. King gave the invocation, and Mr. Fisher led the commission in the Pledge of Allegiance.

RE: AGENDA

Mr. McKinley made a motion to accept the agenda, and Mr. Cralle seconded the motion. All voted in favor of accepting the agenda.

RE: MINUTES- March 16, 2023

Mr. Cralle made a motion to accept the March 16, 2023 minutes, and Mrs. Wilkins-Corey seconded the motion. All voted in favor of accepting the minutes.

RE: COMMISSIONERS' COMMENTS

Commission members did not have any comments.

RE: STAFF MEMBERS' COMMENTS

Staff members did not have any comments.

RE: CITIZENS' COMMENTS

Mr. Jim Johnson of 403 Judith Sound Rd stated he would like to see the county create an A-2 Zoning District to differentiate between established residential neighborhoods and undeveloped land. Mr. Johnson stated that the county could then apply tent camping density requirements for the established neighborhoods and not on undeveloped land. Mr. Fisher stated that he will give the idea considerable thought.

RE: PUBLIC HEARINGS

Mr. Fisher asked Mr. McKenzie to detail the public hearing scheduled. Mr. McKenzie stated that the public hearing for tonight is a revision to the Northumberland County Zoning Ordinance to require a conditional use permit for a vacation home rental on property zoned R-3, Residential Restricted. Mr. McKenzie explained that there is no new zoning ordinance language, as vacation home rentals are already defined in the zoning ordinance, and that the only change would be to revise the Zoning Ordinance Usage Table, to show that a conditional use permit is required for a vacation home rental on property zoned R-3, Residential Restricted.

Chairman Fisher opened the public hearing at 7:08 pm.

Glen Wiley of 34 Gougher Point Road stated that he has a vacation home rental and he does background checks on his renters, check previous renter's reviews, has house rules (no parties or weddings). His renters spend \$1,000 to \$2,000 a trip when they visit Northumberland County, and that does not count the cleaning crews, handymen, and landscape people employed to keep his rental looking nice. Mr. Wiley stated he believes that are numerous positive benefits from well-run vacation home rentals.

Mr. Jim Johnson of 403 Judith Sound Rd stated he supported requiring a conditional use permit in R-3 zoned properties, for safety as well as registration for any type of rental in the county. Mr. Johnson noted that the county has cited neighborhood complaints and small lot sizes for the decision of requiring a conditional use permit in R-3. Mr. Johnson added that the lots on Judith Sound Rd are ¼ acre lots as well, and that the county should look at other areas of the county that should require a conditional use permit to rent. Mr. Fisher stated that regarding the size of the lots, if these areas of the county had a HOA, then we would likely not be having these problems.

Mr. Jeff Bramblett owner of Chitterchats Ice Cream in Reedville stated he gets a lot of vacation home rental customers that spend money in his business. Mr. Bramblett stated he knows that tonight the commission is only talking about requiring conditional use permits in R-3, but that he didn't want that to creep into other zoning districts. Mr. Bramblett stated he gets approximately 30-40% of his business from vacation home renters. Mr. Fisher stated that he has looked at the Town of Irvington restrictions on short term rentals, and he thinks that they are over regulating. Mr. Fisher added hopefully those people who decide not to rent in Irvington, will come to Northumberland County.

Rachael Zaslow of 1691 Fleton Rd stated that they have a short term rental on 30 acres, and she thinks there are ways to resolve things between neighbors. Ms. Zaslow stated she

brings non white people here to expose them to the natural beauty of Northumberland County. She stated she steers guests to local businesses, and the majority of these people want quiet, natural surroundings and respect the land and the community.

John Forster, 117 Beach Rd, stated he occasionally rented out his house, and is opposed to any restrictions in the R-3 zoning district. Mr. Forster stated he rented out his house 42 nights last year, and estimates that it paid 1/3 of the cost of owning the home that year. Mr. Forster continued that he rented out to 16 groups; and engaged couple, a family with kids mourning their pet dog, a group of ladies in their 50s-60s, a family fishing trip, a wedding in town, a corporate staff retreat, as well as a group attending a Northern Neck reunion. Mr. Forster stated the character of the guests are great, and his guests give him a five-star rating, with no bad things mentioned. Mr. Forster suggested that the problems with vacation home renters may be exaggerated or fabricated. Mr. Forster thinks this is a case of NIMBY (not in my backyard), and the community needs to get along better, and not discriminate against people who rent vacation homes.

Ms. Connie Web of 61 Neale Drive stated that her livelihood is cleaning vacation rental homes, and if the county requires a conditional use permit, it could deprive her of work. The renters she has encountered do not steal anything and do not trash the place, and have respect for the home and community. Ms. Webb stated she is opposed to any regulation of short term rentals in the county.

Ann Hergenreder stated she is the neighbor of a vacation home rental, and the rental is as good as the owner. Mrs. Hergenreder stated that the rental home next door to them is beautifully run, and they do background checks. She stated they are excited about who is going to rent the house next, as the renters all have been very nice. There is an economic benefit, rental guests look for property in the county to buy, they end up buying properties nobody else wants, because the houses need work, but that allows the housing to be in their price range. These people spend time and money bringing the sub-standard housing up to modern standards in order to rent, and these people that really want to be here in Northumberland County, and she thinks we should encourage them by not regulating short term rentals in the county.

Laura McMillian of 159 Harbor Road, Chesapeake Beach stated that she has rented her home to friends, and families with children. Mrs. McMillian said that she vets her renters, because the community is not that friendly to short term renters. Mrs. McMillian stated that she listens and tries to accommodate her neighbors wishes, as they complained about late night arrivals, she changed the rules of her rental home so that renters must arrive before 8 pm. Mrs. McMillian stated she employs local handymen to help maintain her property, and gives gift certificates from local businesses to her guests, both of which help the local economy. Mrs. McMillian stated she only rented her house last year for 30 days. Mrs. McMillian state that she is opposed to any regulation of vacation home rentals in the county.

Andrea Khoury of 134 Beach Road, stated that she bought a delapidated property with a non-functioning septic system, deteriorated groin field, and spent \$75,000 fixing up the house, septic and shoreline. Ms. Khoury stated that she gets along with her neighbors, and some of them have rented her house when their family comes to visit. Ms. Khoury

stated that vacation home rentals positive impacts outweigh the negative impacts. Ms. Khoury stated that requiring a conditional use permit for vacation home rentals in R-3 is a solution looking for a problem, when there is no problem.

Zawadi Nyonko of 1691 Fleeton Road, seconded the comments made by Rachael (Zaslow). Ms. Nyonko stated that she was from Kenya and said that their vacation home rental is a place of rest and meditation, they practice yoga and want an open space for healing. Ms. Nyonko stated that nature is a healer, and that a lot of people from the urban areas do not have access to natural healing spaces like this county provides. Ms. Nyonko said that they are concentrating on bringing black women and helping them experience the natural beauty of the county.

Dave Sloop stated he owns two properties in Chesapeake Beach Estates, and fell in love with the properties on Zillow. He called the county office and asked if short term rentals are allowed and the lady said it is your property, you do what you want with it. Mr. Sloop then checked to see if there was a HOA, and there was none, which was fine with him. Mr. Sloop noted there are pro's and con's with HOA's, but he knew what he was getting before he bought the property. Mr. Sloop noted that the commission members had heard about the economic benefits, and he stated he takes care of his house and property. Mr. Sloop stated they have more problems with the full-time residents that live there. Mr. Sloop stated they have invested \$60,000 in the past six years improving their property, and also regularly hire local cleaners to clean the rental houses. Mr. Sloop stated that if we eliminate vacation home rentals, then we are messing with people's livelihoods. Mr. Sloop asked if the benefits of vacation home rentals outweighs the net negative in peoples minds. Mr. Sloop stated that the neighbors don't like strangers, but they cannot weigh in who long term rents properties in the subdivision, can they? Mrs. Sloop stated that the problem is not Northumberland County, it is the people that wished they lived with a HOA. Mr. Sloop stated he was not in favor of regulating short term rentals in the county.

Chairman Fisher stated that proposed zoning ordinance would not affect you. Mr. Sloop stated that even if it does not affect me, why restrict property rights without a compelling reason? Mr. McKinley stated that the reason everybody is here in the courtroom is that the last few monthly meetings, the room has been full of citizens with complaints, and the planning commission is trying to address these problems. If there is a conditional use permit in place, then the neighbors can come before the Board of Supervisors and object to the use.

Mrs. Sharla Pence of 81 Jacobs Drive, Chesapeake Beach, stated she has not met Mr. Sloop before tonight. Mrs. Pence stated that a short term rental is only as good as the owner of the property. Mrs. Pence stated she is not against short term rentals, however they have had a lot of problems, and have expressed those problems over the past few months with the Board of Supervisors and the planning commission. Mrs. Pence stated that Mr. Marston was instrumental in educating her on county procedures. Mrs. Pence stated that dealing with Mr. Sloop was wonderful, and they have no problems with you, as you are respectful of the community amenities. The recommendation for a conditional use permit in R-3 only affects R-3 zoned communities (three subdivisions). Mrs. Pence stated in her opinion, the renters do not spend a lot of money in Reedville. Mrs. Pence

stated that short term rentals are not appropriate in our neighborhood, and she supports the conditional use permit for R-3 zone properties.

Duncan Pence of 81 Jacobs Drive, Chesapeake Beach, stated he supports the conditional use permit requirement for vacation home rentals in the R-3 zoned subdivisions, in addition to the other recommendations we have given the county. Mr. Pence stated he doesn't believe people would want to deal with what they have had to deal with, when it comes to short term renters.

Lorraine Trice 29 Washington Drive, Chesapeake Bay Estates, stated they have been in the subdivision since the 1960's, spend money in the restaurants, just like short term renters. Since the 1960's they have maintained the beach and the roads, their By-Laws state that the beach is only for landowners or members of the club. Mrs. Trice asked that the county help the subdivision by requiring a conditional use permit for short term rentals in R-3 subdivision.

Robert Tartisel, 525 Pine Point Drive, stated that why doesn't the county create some kind of income so the county can hire more inspectors. Mr. Tartisel stated you need to inspect these short term rentals, because they are renting out houses that do not meet building codes for electrical or evacuation of persons from the residence in case of a fire. The county needs more money for enough inspectors to do the job, if not you are just spitting in the wind. Mr. Tartisel stated he wanted more regulations on short term rentals.

Mr. Christopher Huczkc of 59 Davis Drive, Chesapeake Beach Estates stated he moved here 8 years ago, retiring after 24 years in the Marines. Mr. Huczkc state he is worried about drunken marines, you never know what kind of renter is coming next time, people come down and have drunkfest. The community association voted that short-term renters cannot use the community facilities, who is going to tell them? Mr. Huczkc stated he foresees a disaster. Mr. Huczkc stated that the community does have get together, but that they know each other. Mr. Huczkc stated that the property owners stated they do background check, do you know what the difference between a good crook and a bad crook is? The good crook does not get caught, so there is no criminal record. Mr. Huczkc stated you do not know who these people are, and that is why he is against short term rentals.

Victoria and George Hudnall (?) of Courthouse Road stated that her and her husband owns a property rental company, and their livelihood is cleaning these short-term rental homes, and they also own a vacation home that they rent. The renters buy gifts at local stores, gift certificates, and they encourage visitation to local museums. Mrs. Hudnall stated she has been run off, the local citizens called her a come here, and she was born and raised here. Mrs. Hudnall stated that the subdivision looks like a trailer park, and our rental home is the best looking house in the subdivision. Mrs. Hudnall stated that the renters spend a lot of money maintaining their rental home, and there is a lot of junk in Chesapeake Beach Estates. Mrs. Hudnall stated that they will lose their income if there are no short term rentals in the county, so they are against any restrictions on vacation home rentals in the county.

Mr. Timothy Allen, 114 Fletcher Drive, stated that he has an AirBnB in another state, and they know who they rent to, complete background checks and have denied many customers. The renters here are not background checked, people are making money off houses, and the county should make some money from the short term renters. Mr. Allen stated he is for regulation short term rentals, because the property owners are not renting to responsible renters, and not vetting their customers.

Mrs. Kimberley Szewczyk of 26 Jacobs Drive stated she wanted to support the recommendation for a conditional use permit for vacation home rentals, as well as the additional recommendations sent to the county prior to the public hearing, and thanked the commissioners for their consideration.

Will Phillips of 1212 Candy Point Road, stated he was based out of Richmond, not ready to retire yet, but have been looking for a place next to the water, and eventually would like to retire here. Mr. Phillips stated they wanted to get a nice property here for him, his wife and two kids. Mr. Phillips said they could not afford a house with their current income, so they bought a property so they could rent out the property, as well as use the property themselves when not renting. Mr. Phillips stated he called the county and they said no regulations on short term renting. Mr. Phillips said they spent 3 months renovating the house and now they rent it out and also stay there often. Mr. Phillips stated that the short term rental allowed us to buy a second house and prepare for retirement. Mr. Phillips is against any regulation of short term rentals. Mr. Phillips stated that they mostly rent to families with kids, and keep in touch with their neighbors to make sure everyone is happy. Mr. Phillips stated he wanted to ask a clarifying question, does the conditional use go with the owner or the property? Mr. Fisher stated the conditional use is for the property, if it changes hand the use is still allowed under the conditional use permit.

Adam Evans of 1691 Fleton Road stated that he lives here and in Richmond, VA, and loves it here. Mr. Evans stated he can only imagine the problems if renters have disregard for the neighbors. Mr. Evans stated that the people that are here tonight do not seem to be the property owners that are causing the problems. Mr. Evans asked how can we impose consequences on bad actors, without punishing the good actors as well? Mr. Evans stated he feels the tension and understands both sides concerns, and does not want the county to go any further regulating short term rentals.

Heidi Allen, 14 Fletcher Road, Chesapeake Beach, stated she is in support of the conditional use permit for short term rentals in R-3 zone subdivisions. Ms. Allen stated she has spent the last 30-40 years taking care of the neighborhood with blood, sweat and tears. Ms. Allen stated that the children in the subdivision used to roam free, and they used to leave their door unlocked, however that all changed when renters are here. In one second a child could be snatched. Renters do not pay attention to the rules. Ms. Allen stated that some short-term rentals have their own beach, but that doesn't keep them from jumping the fence and leaving trash on the community beach. Ms. Allen stated that short term renters are scary and unsettling.

Chairman Fisher asked if anyone else could like to talk, and no one did, so he closed the public hearing at 8:10 pm.

Chairman Fisher solicited discussion from the planning commission members.

Mr. McKinley stated it was exciting to see so many in the community come out to voice their opinion, and this has been coming for 3 or 4 months. Mr. McKinley stated that taking everything we have heard into consideration, he estimates the emailed public comments were about five to one in favor of a conditional use permit. Mr. McKinley stated that this only is applicable in the R-3 Residential Restricted zoned areas, and it is not a prohibition, it is only trying to protect members of the community, and the owner has to explain to the county the reasons for renting. Mr. McKinley made a motion to recommend a conditional use permit for vacation home rentals in R-3 zoned districts to the Board of Supervisors for their consideration. Chairman Fisher stated he contacted the Sheriff's department and asked for a basic report on the problems of short term rentals in the county. Mr. Fisher stated there were a lot of calls, but mostly civil complaints, and that is not what the sheriff's office deals with, only criminal complaints. Mr. Fisher stated that if everyone was responsible as the people in the room we have here tonight, he didn't think there would be any problems.

Mr. King asked what happened to those persons already renting? Mr. Fisher stated they can keep on renting, but if they mess up and it comes to the attention of the Board of Supervisors, then they will be dealing with them. Mr. Cralle stated he would like clarification on that, that all of the uses will be able to continue without applying for a conditional use permit. Mr. Fisher asked Mr. McKenzie if he thought that was how the county was going to proceed, and Mr. McKenzie stated he did not know how the county would handle legal non-conforming uses. Mr. Marston, the zoning administrator stated he would have to consult with the county attorney at the direction of the Board of Supervisors to determine how to proceed. Mr. Cralle stated that the county has already told short term renters that they will not be affected, and what are the repercussions if they decide to not allow grandfathering. Mr. Fisher stated that he was not under the impression that the county was going to come in and shut them down. Mr. Fisher asked Mr. Marston if he felt differently, and Mr. Marston replied, not unless I am guided by the county attorney and the Board of Supervisors to do otherwise. Mr. Williams asked if people are applying for this, does the county give guidelines, and possible conditions for short term rental conditional use permits, or they all unique. Mr. Marston stated that some of the conditions are universal, but some are site specific as well. Mr. Wilkins asked if the conditional use permit is owner specific or property specific. Mr. Marston stated the conditional use permit goes with the property. Ms. Wilkins asked if she gets a conditional use permit and sells the property, does the new owner get to operate an STR? Mr. Marston stated yes, unless there is a condition on that permit that states that the use is non-transferable. Mrs. Diggs stated if you are in zone R-3 and are already running a short-term rental, if this goes through then they will have to apply for a conditional use permit to continue to operate? Mr. Fisher asked Mr. Marston, and he stated he would need the interpretation of the county attorney to back that decision up before enforcement would occur. Mr. Haynie stated that Mr. Marston is correct on that, the county attorney would give us advice on how to proceed with existing vacation rental homes. Mr. Fisher stated there is no indication on what would be decided? Mr. Haynie stated not at this time. Mr. McKinley stated that regardless of the county attorney's interpretation, any new short-term rental would have to apply for a conditional use permit to operate a vacation

home rental on property zoned R-3. Mr. Haynie replied yes, and the conditions would be similar, but also specific to the site characteristics. Mr. Fisher stated that the neighbors would have an opportunity to voice their concerns to the Board of Supervisors at the public hearing for the conditional use? Mr. Haynie said correct.

Mr. Williams seconded Mr. McKinley’s motion to recommend a conditional use permit for vacation home rentals in R-3 zoned districts to the Board of Supervisors for their consideration. The vote was as follows:

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

The motion passed unanimously.

The next public hearing was for the consideration of the Northumberland County Capital Improvement Plan for the period FY 2024-2029. Mr. McKenzie summarized the components of the projects approved for the Capital Improvement plan, noting that the majority of money is going to the School Board and the Sanitary District, with the total estimated projected costs of \$ 1,120,274.00.

Mr. Fisher opened the public hearing at 8:26 pm and there was no one present or online that wished to speak. Mr. Fisher closed the public hearing at 8:27 pm.

Mr. McKinley voted to recommend to the Board of Supervisors to approve the Capital Improvement Plan as presented. Mr. Parker 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	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 stated that the Board of Supervisors would like the planning commission to strengthen the Solar Energy Facility zoning ordinance, and staff have come up with some revisions to further that, as well as make sure it is compatible with state code.

Mr. McKenzie read the April 14, 2023 memo from the Board of Supervisors to the Planning Commission regarding possible changes to the definition of the small solar facility. Mr. Marston stated that one applicant wanted a larger facility than 1500 square feet, and since the size was located in the definitions of the zoning ordinance, then they could not seek relief. Mr. McKenzie stated that staff came up with the 1500 square foot limit, because that is the approximate area solar panels would take up to generate 25 Kw, which is the maximum the State Corporation Commission has set for net metering in the state. County staff believed all citizens would keep their solar field to that size to allow for net metering, because that is how you get credit from the power company to lower your utility bill. Without net metering, a citizen would have to create his own individual power system with an inverter, battery storage and wiring to distribute the electricity on his property, and we did not think that citizens would want to undertake that cost. Mr. McKinley asked how many small solar facilities are in the county. Mr. Marston said hundreds. Mr. McKenzie explained by modifying the small solar energy facility zoning ordinance definition to remove the size, we can put the size into the zoning ordinance itself, and state if the solar facility takes up more than 1500 square feet, a conditional use permit would be required. Mr. McKenzie explained we are changing the definition, but not the specifics that have always been in place.

Mr. Fisher asked if there were any height restrictions added to the county solar energy facility ordinance. Mr. McKenzie stated no. Mr. Fisher stated he drove to Tappahannock and the solar panels in Richmond County are triple deckers, at least 15 feet high, and no vegetation will screen that. Mr. Haynie stated that they do that to get more energy from a smaller area. Mr. McKenzie stated a small footprint might be a good thing, as it takes up less land. Mrs. Wilkins-Corey stated that couldn't the height limit be put in the conditions of the conditional use permit? Mr. McKenzie asked Mr. Marston is it better to have the height spelled out in the zoning ordinance, or left to be place in the conditions of the permit? Mr. Marston stated if height was in the ordinance it would be less flexible, and thus a site in the forest that might not impact anyone would be held to that height requirement.

Mr. Haynie asked the Planning Commission Members to attend a meeting of the Board of Supervisors and the Rural Solar Development Coalition on May 2nd at 1 pm if at all possible. Mr. Haynie explained that the Coalition helps lobby the General Assembly to benefit rural counties in dealing with solar development. Mr. Haynie stated that the commission does not have to finalize the solar ordinance tonight, but please attend the meeting on May 2nd and ask all the questions you want.

RE: DISCUSSION ITEMS

There were no discussion items.

RE: PUBLIC COMMENTS

There were no public comments.

RE: ADJOURNMENT

Mr. McKinley made a motion to adjourn, seconded by Mrs. Wilkins-Corey. The adjournment vote was as follows:

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

The meeting was adjourned at 9:09 pm.