

Northumberland County Planning Commission
July 20, 2023
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on July 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	Absent	Roger McKinley	Present
Alfred Fisher	Present	Heidi Wilkins-Corey	Present
Ed King	Present	Charles Williams	Present
John Kost	Present	Patrick O'Brien	Absent
Richard Haynie	Present		

Others in attendance:
Stuart McKenzie (County Planner)

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

RE: MINUTES- June 15, 2023

Mr. Cralle made a motion to accept the June 15, 2023 minutes, and Mr. McKinley seconded the motion. All voted in favor of accepting the minutes.

RE: COMMISSIONERS' COMMENTS

Newly appointed Planning Commission Member John Kost introduced himself as the appointee for District 2 to replace Mr. Shirley. Mr. Kost stated he previously worked as the first state information officer in the nation in Michigan state government. Mr. Kost stated that after he retired, he moved to Northern Virginia and worked in the corporate world, that he was happy to be here and that he has experience writing laws and ordinances. The members of the Planning Commission welcomed Mr. Kost.

RE: STAFF MEMBERS' COMMENTS

Staff members did not have any comments.

RE: CITIZENS' COMMENTS

There were no citizen comments.

RE: PUBLIC HEARINGS

Mr. McKenzie read the advertisement for the revisions to the solar energy facility zoning ordinance. Mr. McKenzie stated that the public hearing tonight was a revision to the Northumberland County Zoning Ordinance § 148-155, Solar Energy Facilities, to modify the definition of solar energy facility, small system; to require negotiations on compensation of impacts to the county; to prohibit solar energy facilities in R-1, Residential General and R-2 Residential Waterfront zoned properties; require an environmental impact statement, a landscape agreement and surety; require an annual report of power output by month; stipulate decommissioning requires removal of infrastructure above and below ground; reduce the time for revision of the decommissioning plan from every five years to every two years; increase the time to decommission a solar energy facility from six to twelve months; as well as stipulate when the decommissioning plan and surety are due. Mr. McKenzie then went on to explain the individual sections of the solar energy facility zoning ordinance where changes were made. Mr. McKenzie explained that the definition of small scale solar facility was modified to remove the 1500 square foot solar area limit from the definition, and adding to the ordinance that if the 1500 square foot solar area limit was exceeded, the property owner would have to apply for a conditional use permit from the Board of Supervisors, effectively keeping the total solar area standard in place. Mr. McKenzie then outlined the other recent changes to the solar energy facility zoning ordinance that were stated in the public notice advertisement in the newspapers shown above.

Mr. Fisher asked if glare from the solar panels were addressed in the ordinance? Mr. McKenzie stated that yes, the ordinance states that "Solar panels should, to the extent practical, be nonreflective." Mr. McKenzie stated that with the progression of technology, all new solar panels have non-reflective coating, because if there is glare, or reflection, then the solar energy is being wasted by bouncing off the panel, which is less efficient.

Mr. McKinley asked if our solar ordinance was progressive, compared to our neighboring counties. Mr. McKenzie stated it depends on your definition of progressive. Mr. McKenzie stated that it seems as if most localities in Virginia are strengthening their solar ordinances, that was the case in Lancaster County recently. Mr. McKenzie noted that Richmond County seems to be the most pro-solar county in the Northern Neck, and have several facilities constructed or under construction.

Mr. Fisher asked if any of the planning commission members have driven on Rt. 600 near Maon Rd lately. Mr. Fisher stated that that is a giant solar facility, all located on forestland, that is being cut down to make way for solar panels.

Supervisor Haynie noted that the county joined the Rural Solar Development Coalition, have been involved with several conference calls, and that membership should be

beneficial to the county to know what is going on in other areas of the Commonwealth, with regards to solar energy development.

Chairman Fisher opened the public hearing at 7:37 pm. Jacob Carrasella from Energy Right Virginia spoke explaining that Energy Right is an advocate of responsible solar energy development in Virginia. Mr. Carasella stated that he was in favor of the strong decommissioning plan, as well as the request to negotiate a siting agreement. Mr. Carasella stated that he disagrees with prohibiting solar energy facilities in R-1 and R-2 in the zoning ordinance, and stated that would inadvertently impact landowners in the county by removing the ability to benefit from solar energy facility lease revenue. Mr. Carasella stated that rather than prohibiting in zoning districts, a better way would be to choose a set distance from water that would not allow solar development, thus protecting the shoreline. Mr. Carasella stated that another way of not allowing solar development in R-1 and R-2 zoning districts would be to state so in the Comprehensive Plan. Mr. Carasella further explained that Comprehensive Plan language would notify solar developers that any solar development in those areas would face an uphill battle getting a conditional use permit, though not outright prohibiting it as putting it in the zoning ordinance would. Mr. Carasella thanked the commission for the opportunity to comment.

Chairman Fisher said he would like to give a little background on the decision to prohibit solar in R-1 and R-2 zoning districts. Mr. Fisher stated that Northumberland has pretty much become a retirement community, with come heres outnumbering born heres, they come and buy or build near the waterfront, and most large subdivisions in the county are on or near water. Mr. Fisher stated that the retirees spent their whole life savings to live near the water, and they would be very upset having to look at solar installations next to their waterfront retirement home. Mr. McKenzie stated that another consideration was that near the water the electrical grid is less robust, as the larger capacity electric lines are in the interior of the county, and run along the major thoroughfares (US 360 and Rt. 200). Electric capacity of solar energy connection to the existing electrical grid is an important factor in solar energy facility siting, Mr. McKenzie explained, the further away a facility is from a suitable electric line, the more it costs to connect, as the solar developer has to bear that cost. Mr. Williams asked Mr. Carasella what benefit would the county get from less strong language for R1 & R-2? Mr. Carasella said he was not sure, but that it could limit opportunities for landowners, and if changed, it would allow citizens at least a chance to lease their land in R-1 or R-2 to a solar development company. Chairman Fisher stated it was like mixing oil and water, the price of R-2 land is cost prohibitive, interior lots are much cheaper for any type of development.

Jim Johnson, of 403 Judith Sound Rd. stated that he felt the prohibition of solar energy facilities in R-1 and R-2 should stay, as that will help protect residential neighborhoods, which is a good thing.

Chairman Fisher closed the public hearing at 7:46 pm. Mr. McKinley made a motion to accept the revisions to the solar energy facility ordinance, which was seconded by Mr. Williams. The vote was as follows:

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

The vote was unanimous and the motion passed.

RE: WORK SESSION ITEMS

Chairman Fisher stated that he wanted to inquire about the status of the canoe/kayak launch facility bid process. Mr. McKenzie stated that Mr. Marston emailed the three contractors that originally bid on the project with the revised specifications of material makeup and quantity back in June, and none of the contractors submitted a re-bid for the project. Mr. Fisher stated that he spoke to Mr. Clark of Clark's Excavating about whether he could honor his previously submitted quote, or whether he would need to modify it. Mr. Fisher concluded that he would hate to lose this project, the county needs to go with one of the contractor's bid and get this facility built.

Mr. McKenzie began the discussion on the proposed Battery Storage Ordinance language. Mr. McKenzie stated that the Rural Solar Coalition spokesperson, Susan Seward, brought up battery energy storage facilities when she first spoke to the BOS earlier this year. Mr. McKenzie stated that when he brought up creating a battery energy storage zoning ordinance with the Virginia Department of Energy staff person, Mr. Berryhill, he stated it would be a good idea to consider. Mr. McKenzie that in further discussion with Mr. Marston, the zoning administrator, that there were some changes from the last time we discussed this ordinance. Mr. McKenzie explained that with the fire hazard associated with these battery energy storage facilities, that there should not be a by-right development in any zoning district, and would require a conditional use permit. Furthermore, Mr. McKenzie stated that there will be a 500 foot setback from roads, streets or rights-of-way, and even further setbacks, 1000 feet, from any primary structure or dwelling. Mr. Fisher commented that he has a hard time understanding how a battery can power hundreds of homes. Mr. McKenzie stated that these battery storage facilities only have the capacity to release energy for a few hours, and are more a reserve capacity for the electric grid during peak electricity use times. Mr. Parker stated that electric cars are coming, home chargers are being installed in the county, there is going to be the need for more electricity into the future. Mr. Parker asked why we are putting up all these roadblocks, how would a visitor or someone wishing to purchase land in Northumberland County view all of these ordinances. Mr. McKenzie replied that there really is no limit to residential solar (with the exception of the 1,500 square foot rule mentioned earlier), as the county only requires an electric permit to install. Mr. McKenzie added that he did not know of any businesses are affected by the medium and large solar ordinances that were put in place. Mr. Kost stated he has just moved from Loudon County and they have a lot of battery energy storage facilities for nearby data centers, and the batteries will only provide a few hours of power. Mr. Fisher stated he knows about the cost of electric vehicle batteries, he couldn't imagine how much a battery energy storage facility would cost. Mr. McKenzie concluded by stating that the Board of Supervisor's did not request

the Planning Commission work on this, so he is not sure how they would view the proposed ordinance. Mr. McKenzie stated he would like to have Mr. Marston present at the meeting before finalizing the ordinance for advertising for a public hearing. The commission agreed.

RE: DISCUSSION ITEMS

Mr. McKenzie proceeded to the county owned property review, showing maps of county owned property over aerial photos, as well as USGS 1:24,000 topographic maps to show elevation and slope. Mr. Fisher asked Mr. Haynie, if the county sold any of the properties that we are considering, where would the money generated go? Mr. Haynie stated the county general fund. Mr. Fisher stated that money would disappear quickly. When reviewing county property owned on Academic Lane, Mr. Fisher asked if any property nearby was sold, would the school board have a say in the sale of that property? Mr. Haynie stated that some property is owned by the School Board and some property is owned by the County. Mr. Haynie stated the county could only consider selling county property. When examining a larger county owned property Northeast of Dodlyt Rd, the commission could not get their bearings as to where exactly the parcel was, because there were no roads shown other than Dodlyt Road. Mr. McKenzie stated that is the tradeoff with map scale. Mr. McKenzie stated he zoomed in the maximum extent of the property to show detail in the aerial photo and topographic map, but by doing so, you lose all of the locational cues used to determine the location of the parcel. Mr. McKenzie proposed doing one county wide map, showing the county owned parcels examined, so commission members can get feel as to what section of the county these county owned parcels are located. Mr. McKenzie also stated he would add the acreage of each parcel to the spreadsheet that will be used to summarize the planning commission's recommendations for each parcel.

Mr. Fisher asked Mr. Haynie if the Planning Commission asks the Board of Supervisors to set aside the funds from the sale of any property for public water access projects, would they be offended. Mr. Haynie stated he cannot speak for other Board members, but that it would not upset him.

RE: PUBLIC COMMENTS

There were no public comments.

RE: ADJOURNMENT

At 8:55 pm, Mr. Parker made a motion to adjourn, seconded by Mr. McKinley. The adjournment vote was as follows:

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