

**Northumberland County Planning Commission**  
**October 19, 2023**  
**Minutes**

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

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. McKenzie noted that there was not a quorum.

Mr. Parker gave the invocation, and Mr. Fisher led the commission in the Pledge of Allegiance.

**RE: AGENDA**

Although Mr. O'Brien made a motion to accept the agenda, and Mr. Parker seconded the motion, since there was no quorum, then no action could be taken,

**RE: MINUTES- September 21, 2023**

Although Mr. Parker made a motion to accept the September 21, 2023 minutes, and Mr. O'Brien seconded the motion, since there was no quorum, no action could be taken.

**RE: COMMISSIONERS' COMMENTS**

Chairman Fisher stated that since the county has completed the Great Wicomico Canoe/Kayak Launch, a grand opening event needs to be scheduled. Mr. Fisher stated he would like to hold it on a Friday, however, November 10, which was tentatively scheduled, was a Veteran's Day Federal Holiday. After discussion, it was determined that the Grand Opening would be scheduled on Friday, November 17, 2023, at 2 pm. Mr. Fisher stated the event would last approximately 30 minutes, with on a couple of speakers. Mr. Fisher asked the commission members to attend the grand opening to show support for public water access in the county. Mr. Fisher additionally asked staff to reach

out to local canoeists and kayakers to invite them to come to the grand opening and bring their watercraft to launch and paddle if they would like.

**RE: STAFF MEMBERS' COMMENTS**

Staff members did not have any comments.

**RE: CITIZENS' COMMENTS**

There were no citizen comments.

**RE: PUBLIC HEARINGS**

There were no public hearings scheduled.

**RE: WORK SESSION ITEMS**

There were no work session items scheduled.

**RE: DISCUSSION ITEMS**

Chairman Fisher asked if staff had contacted the Northern Neck Electric Co-Operative (NNEC) in regards to discussing future Co-op sponsored solar energy facilities in Northumberland County into the future. Mr. McKenzie stated he has not contacted anyone at NNEC as of yet, and was planning on discussing who to contact in the organization with the county administrator. Mr. O'Brien stated that the county needs a good relationship with both Dominion and the Northern Neck Electric Co-Op, as they support our economy and businesses. Chairman Fisher echoed Mr. O'Brien's comments, stating that it is best to get information from the source, and that he has learned every time that we invite experts to speak to the commission regarding solar energy.

Mr. O'Brien asked a rhetorical question that if a data center chose to locate in Northumberland County, would that be good or bad? Mr. O'Brien stated that when Microsoft and AOL located in Danville, it was a big economic win. Mr. Marston stated that solar company's have to apply to Dominion Energy for permission to build a solar energy facility, so Dominion Energy can assess if they will need to upgrade the nearby electric grid to accommodate.

In regards to having Dominion Energy to present to the Commission, Mr. Fisher asked should we ask Dominion and the Co-Op come together, or have one organization at one meeting and the other organization at a subsequent meeting. Mr. Williams stated he didn't think they would mind discussing together, and perhaps they could come to the November meeting. Mr. McKenzie agreed to invite the Northern Neck Electric Co-Op to the November meeting.

Mr. O'Brien noted that in the county solar energy facility ordinance, the implication is that the zoning Administrator is the "policeman" for the county, however, no where in the ordinance does it say that zoning administrator can revoke the conditional use permit. Mr.

Marston stated that he does not have that authority, but that he would contact the county attorney and bring it to the next Board of Supervisors meeting for the Board to reconsider the conditional use permit in light of the violations that have occurred, and that he cannot really issue a stop-work order. Mr. McKenzie stated that the authority that issued the conditional use permit, the Board, only has the authority to revoke the permit. Mr. Marston added that if the solar project applicant was messing up during construction, such as not having erosion and sediment fences in place, then he could issue a construction stop work order. Mr. Marston concluded by saying he can also see an irate citizen asking the Zoning Administrator to revoke the conditional use permit because the grass at the solar facility was too high, which would be over zealous.

Mr. Fisher asked Mr. O'Brien if he thinks the citizens of Northumberland County want solar energy facilities in their county. Mr. O'Brien stated he thinks so, as long as it is "Not In My Backyard" – NIMBY. Mr. Fisher stated he thinks the citizens see the solar farms elsewhere and do not want it in their county.

Mr. McKenzie stated that in the Rural Solar Development Coalition (RSDC) joint meeting with the Board and the Planning Commission, Mrs. Seward mentioned more definitions with regards to the solar ordinance. Staff asked the commission if they feel the need for more definitions, stating that currently we have zoning ordinance definitions for solar array, solar energy facility small scale, solar energy facility medium scale, and solar energy facility utility scale. Mr. Cralle stated that the solar companies like definitions because it gives them assurance that everything is covered.

Mr. O'Brien stated that the battery energy storage draft ordinance has a 500 foot setback. Shouldn't that setback be the same as solar energy facilities setbacks? Mr. Marston clarified that the solar ordinance has a minimum 25 foot setback, but that can be increased to 200 foot if the Board deems it necessary. Mr. O'Brien questioned, doesn't battery energy storage need to be next to solar? Mr. Fisher stated, no not necessarily, as Dominion built a stand alone battery energy storage facility in Sussex County. Mr. McKenzie elaborated that the power company can fill the batteries when power is low cost, and then sell back when peak power pricing and make money off the installation.

Mr. McKenzie then asked the commission if they feel there needs to be additional instructional information for solar energy facility applicants regarding the conditional use permit process in Northumberland County. Chairman Fisher stated that yes, it would be good to have a checklist for applicants, and directed Mr. McKenzie and Mr. Marston to work on a solar energy facility conditional use permit process checklist and bring it to the Commission at the next meeting. Mr. O'Brien said that Sussex County spells out everything, and he doesn't think that we need to do that. The best approach would be to base it on the chronological stage process ending with the Board of Supervisors conditional use meeting.

Mr. McKenzie brought up the RSDC meeting where Mrs. Seward stated she did not see a road bond in our ordinance. Mr. McKenzie reminded the commission that this was the early part of the meeting, where Mrs. Seward was not aware that Northumberland County did not have any high power electrical transmission lines (that limit the size of the solar energy facilities). Mr. McKenzie stated that he and Mr. Marston discussed a road bond,

and considering the likely size for any solar energy facility in Northumberland would be 10 Mw or below, staff does not feel the need for a road bond. VDOT is the responsible party for maintaining roads. Mr. Marston related an incident where a contractor drove a tracked excavator on the road and gouged the asphalt. VDOT asked the county to identify the contractor so they could go after him to repair the damage to the road. Mr. Fisher added when he used to farm, that VDOT will make you pay to fix the road and come after you if you damage the road.

Chairman Fisher asked if any commission members had seen the huge solar energy facility project on Maon Road right on the border between Northumberland and Richmond County on Ridge Road. Mr. Fisher said that the scale of the project is unbelievable. Mr. McKenzie noted that Mr. Fisher had noted in an earlier meeting that the main electric transmission line that the Maon Solar Energy Facility connects to in Richmond County is very near the Northumberland County boundary in that area, and that it is conceivable that that solar facility might expand in the future into Northumberland County, which is just across the road. Mr. McKenzie stated that if that is a concern, and Northumberland County does not want large solar energy facilities due to nearby transmission lines in adjacent counties, then we could add the phrase to the solar energy ordinance that any solar energy facility built in Northumberland County must connect to the electric grid within Northumberland County. Mr. O'Brien noted that if we add power to the grid, then the price of electric energy would go down. Mr. Cralle countered saying that he understands that renewable energy costs are higher than non-renewable energy. Mr. Parker stated that Northumberland County is missing out on opportunities that accompany solar energy facilities, we are going to the last in the area to allow solar, and miss the train, as other counties benefit from solar energy facility installations. Mr. O'Brien asked why do we have low electricity rates here in Northumberland, lower than Richmond County? Mr. O'Brien drilled down to the important question, does Northumberland County want these large solar energy facility projects. The Comprehensive Plan states that farming is important to the economy of Northumberland and that we are striving to retain the historically rural character of the county, which seems to be at odds with industrial solar energy facility development.

Mr. O'Brien asked if we do permit a solar energy facility, can we get VDOT approval for the construction traffic plan? Mr. Marston stated that VDOT approval to connect to the state highway system is required of every conditional use permit issued and we can add a specific condition requiring routing of construction traffic as a condition if need be.

Staff revisited the solar energy facility setback issue. Staff indicated that elsewhere in the solar ordinance there is a requirement for a 25 foot vegetative buffer, and with the minimum setback distance of 25 feet, there is no room to create a compliant vegetative buffer. Staff stated that changing the 25 foot minimum setback to a 50 foot minimum setback in the solar energy ordinance would allow plenty of room to establish a 25 foot vegetative buffer, while allowing a little more room off the property line to reduce conflicts with neighbors. All commission members seemed to agree, but since there was no quorum, then no action could be taken.

Mr. O'Brien suggested adding a phrase to explicitly state that after a solar energy facility decommission plan review, that if the cost to decommission has increased, then the

applicant would be required to increase the surety bond to the new value. Staff indicated that was implied, but that it is a good point brought up by Mr. O'Brien and staff agreed that adding that clarifying language would be appropriate.

Revisiting the solar energy facility road bond issue, Mr. Marston stated that the only time he thinks it would be advantageous for the county to require a road bond would be for a privately owned road. Mr. Marston added that he thinks the road bond issue for a privately owned road could be handled as a condition to the conditional use permit.

Back to decommissioning, staff reminded the Commission that the draft solar energy facility ordinance had the decommissioning plan review every 2 years, but that the commission had recommended to the Board to increase it to every 5 years, as the commission members felt that a two year interval was too onerous. Staff stated that the two times the solar energy facility ordinance came before the Board, staff reiterated that the Commission felt that two years was too strict and had recommended to the Board to increase the interval to five years. However, the Board passed the draft solar energy facility as presented. Staff queried the commission members and most still felt comfortable with five years.

Mr. McKenzie stated that at the RSDC joint meeting, that Mrs. Seward stated that Sussex County requires notification by certified mail whenever a facility is inactive. Staff stated that our ordinance requires an annual report of power output by month, at the end of every year be submitted to the county, and staff feels that is adequate notification. Mr. O'Brien stated that having a definite start date of inactivity gives the county leverage.

Staff stated that they would continue to work on the solar ordinance, but the most recent memo from the Board of Supervisors also asked the commission to review commercial tent camping and determine whether there should be a minimum acreage requirement. Mr. O'Brien stated one tent site is not commercial. Mr. Fisher stated it is a commercial tent site if the owner gets paid for the use of the site. Mr. Marston stated that the main purpose of the memo is for the camping sites that have less than three camping sites, as the Virginia Department of Health (VDH) only regulates camping sites that have more than three camping sites. Mr. Marston stated that for two camping sites he thinks it could be less than five acres. Mr. McKenzie stated that basically we are accounting for how much space you need to assimilate human waste from the campers. Mr. Marston stated that you could look at it that way. Mr. O'Brien stated that a commercial tent camping site needs sewer or a septic system. Mr. Marston restated that VDH does not regulate commercial camping sites that have less than three camping sites. Mr. Cralle stated that he is not happy with the county because of the end of grandfathering zoning uses. Mr. Cralle stated that the person in Lewisetta who started his one tent campsite did so with no county regulations in place, and was legal when he started. Now we have revoked his right to earn income from his property, and Mr. Cralle feels he should be allowed to continue that use. Mr. Cralle stated he feels the same way about the new short term rental ordinance. Mr. O'Brien stated that 1 camping site (tent) per acre seems reasonable to him. Mr. Cralle stated we should attempt to create a zoning definition for tent and recreational vehicles. Mr. Marston stated that if we go with one acre per tent camping sites, then larger campsites (greater than 3 campsites) will likely need excess acreage to comply with the area requirement.

**RE: PUBLIC COMMENTS**

There were no public comments.

**RE: ADJOURNMENT**

At 9:20 pm, Mr. O'Brien made a motion to adjourn, seconded by Mr. Cralle. The adjournment vote was as follows:

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