

**Northumberland County Planning Commission  
November 16, 2023  
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on November 16, 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	Absent	Charles Williams	Present
John Kost	Present	Patrick O'Brien	Present
Richard Haynie	Present		

Others in attendance:  
Stuart McKenzie (County Planner)

**RE: CALL TO ORDER**

The meeting was called to order by Mr. Fisher, Mr. McKenzie noted that there was a quorum.

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

**RE: AGENDA**

Mr. O'Brien made a motion to accept the agenda, and Mr. Kost seconded the motion. All members voted to accept the agenda as submitted.

**RE: MINUTES-October 19, 2023**

Mr. Kost made a motion to accept the October 19, 2023 minutes, and Mr. McKinley seconded the motion. All members voted to accept the minutes as submitted.

**RE: COMMISSIONERS' COMMENTS**

There were no commission members comments

**RE: STAFF MEMBERS' COMMENTS**

Mr. McKenzie invited all Planning Commission members to the Grand Opening of the Great Wicomico River Canoe/Kayak Launch tomorrow, Friday, November 17, 2023 at 2 pm, stating that the press has been notified and a calendar notice was put in the Northumberland Echo and Rappahannock Record newspaper. Mr. Fisher added that he is

very proud of the commission and staff for all of their work to make the canoe launch a reality.

**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 began the meeting stating that representatives from the Northern Neck Electric Cooperative (NNEC) graciously agreed to come and discuss solar energy with the Planning Commission. Steve Minor introduced himself as the Vice President of Engineering for the NNEC, and Brad Hicks, introduced himself as the Chief Executive Officer for the NNEC. Mr. Minor began by explaining Virginia's Net Metering law, which governs small residential solar projects. Mr. Minor explained that citizens wanting to install solar on their houses roof, or on the ground to supplement their own power usage, applies to the NNEC for approval. Mr. Minor stated that the state law governs the amount of generation, and that depends on the residence's annual energy usage in the past, and is based on the demand KW value. Mr. Minor stated that 10 years ago the NNEC had 10 net metering households, now they have several hundred net metering households. Mr. Minor pointed out that the NNEC does not offer solar energy facilities, but offers the option to buy renewable energy from outside the region.

Mr. Minor stated that medium sized solar facilities, as defined by the Northumberland County Zoning Ordinance are non-residential commercial solar facilities, which the NNEC calls small generator interconnections. Mr. Minor stated that there are no small generator interconnections in Northumberland County at this time. In the entire service area of the NNEC, there are two small generator interconnections (500 Kw to 2 Mw), one in Westmoreland County and one in Richmond County. Mr. Minor explained that small generator interconnects are highly regulated with 3 levels, Level 1 - 500 Kw to 1 Mw, Level 2 - 1 Mw to 2 Mw, and Level 3 - one that does not pass or qualify for Level 1 or 2. The company proposing the interconnection process with the NNEC submits an application to the NNEC as well as an application fee, and they hire an engineer to see how it affects the NNEC electric grid, examining voltage, current and power levels. Mr. Minor explained this process takes about a year, sometimes longer. Mr. Minor stressed that the NNEC does not own or have anything to do with small electric generator interconnects, they only make sure that they follow state regulations. Mr. Minor stated that they get a number of solar energy facility developers that request information regularly.

Mr. Kost asked Mr. Minor if the NNEC has any recourse on a new solar energy facility application? Mr. Minor replied that during the feasibility phase, the NNEC has options, but location matters, that meaning that there needs to be sufficient existing NNEC electrical infrastructure to support a new solar facility. Mr. Minor relayed that most solar energy developers do not want to pay for electric infrastructure upgrade, because it can be very expensive, and they need to pay all those costs up front (before any revenue can be made from the solar facility). Mr. Minor explained that the solar developer may have a good site, but may not have the voltage level, the correct size of conductors or distance from a transmission substation. Mr. Minor noted that all hurdles can be overcome with enough money. However, solar developers do not want to spend a lot of money to interconnect.

Mr. Kost asked how involved with protection for fire and physical damage to the solar energy facilities. Mr. Minor explained that the NNEC has no input regarding those issues, as the solar developer owns the generating equipment so they shoulder the burden on risk of damage to those assets. Mr. Minor noted, however, that where the electricity connects to the NNEC grid, they over accommodate and have breakers installed to protect the grid from overvoltage.

Mr. McKinley asked if the Level 1 and Level 2's bring voltage into the system. Mr. Minor replied they actually put current back into the system, the solar energy facility converters match the voltage to the line in our system.

Mr. Fisher stated that the Planning Commission has had a lot of discussion on electric transmission lines in the county. Mr. Fisher stated that they had been led to believe there are no transmission lines in Northumberland County. Mr. Minor that the NNEC service area is not on the scale of Dominion service area. Mr. Minor said that all transmission lines are owned by Dominion. Mr. Minor stated that these definitions are relative, as the NNEC distributes power on 7.2 kV (phase to ground) lines are the lowest distribution lines and they are not suitable for high levels of generation, therefore unlikely to have any solar facilities proposed there.

Mr. Kost asked if we have 7.2 kV lines, what does Westmoreland County have? Mr. Minor replied the NNEC has transmission lines of 34.5V to move power around our electric system, but we call them sub-transmission lines. The 7.2 kV lines serve as our distribution lines. Mr. Minor stated that the NNEC's 34.5 kV sub transmission lines have more capacity and can accommodate small (5 Mw) solar energy generation facilities. Mr. minor stated that both the Richmond County and Westmoreland County solar facilities are located on a 34.5 kV lines.

Mr. Fisher said there are no 34.5 kV lines in Northumberland County? Mr. Minor said yes, we do, and they feedback to a substation in Richmond County.

Brad Hicks stated that when most people talk of transmission lines, they are thinking about the 115 kV Dominion transmission lines. Mr. Hicks stated that they have both a 115 kV line and a 230kV line that comes into the Northern Neck, but most large scale solar facilities want to be able to connect to a 115 kV line or larger. Mr. Minor noted that the Moon (Maon) solar project is connecting to a Dominion 115 kV line. Mr. Hicks noted

that if a solar developer was on a sub transmission line, more than likely they would have to upgrade all the way back to the transmission line, which is usually cost prohibitive. Mr. Kost stated that solar farms would likely only be in proximity to Richmond County, since they have the higher voltage lines. Mr. Minor stated yes, but the NNEC does have a 34.5 kV line that travels to the Avalon Substation. Mr. Minor added that Dominion does have a 115 kV line that runs from Garners Substation to Maon, and a 230 kV line that comes down from Dahlgren down to Warsaw and across the Rappahannock to Tappahannock. Mr. Hicks stated that if there was a high voltage transmission line, if the transformer infrastructure cannot handle the current, then it would need to be replaced, which could cost up to a million dollars. Mr. Minor said that small solar generators could likely connect to the existing infrastructure in the substations, but he doubts they could handle more than 20 Mw of solar energy facilities. Mr. McKinley asked if large scale solar like Richmond County is putting in Maon is possible in Northumberland County. Mr. Minor replied, not with today's NNEC electric infrastructure. Mr. Minor then added that Dominion Energy may have plans to expand to accommodate growth, but he is not privy to that information, and concluded that the NNEC is not in the business of transmitting electricity long distances. Mr. Hicks clarified that they do build transmission lines within their service area, like they did to the new Avalon Substation, but that normally a transmission line takes 5-10 years to build, they require easements from every property owner, have environmental studies that are required, as well as state and federal approval for the larger transmission lines.

Mr. O'Brien stated he had two questions, one, is it true that you have to connect to any solar generator, and two, is it true that a solar energy facility has to less than 200 yards from an electric line to connect? Mr. Minor replied that if the solar generator wants to connect to the NNEC electric grid, they have to pay for the upgrades. Mr. Minor further explained that the way co-ops work we are required to give them the opportunity to connect, but we are not required to pay to cost to upgrade to allow connection. Mr. Minor stated the NNEC pays for engineering estimates that outline what is needed to allow the solar generator to connect, but not the actual infrastructure upgrades.

Mr. O'Brien asked the NNEC representative if they have a map that notes the varying transmission lines. Mr. Hicks stated they do have a GIS map of their electric transmission lines for their service area, but there are online GIS maps that show Virginia's transmission lines. Mr. O'Brien stated that the county needs to know where those lines are located. Mr. Williams queried is it conceivable that a solar developer would build a solar energy facility without talking to the NNEC or Dominion? Mr. Minor stated they have to contact the NNEC or Dominion for the facility to make a return on investment. Mr. Williams asked can they come and build without approval of the utility? Mr. Minor stated it is possible, but there are state code regulations that apply that his is not knowledgeable about. Mr. Hicks noted that they treat small (solar) generators like any other NNEC customer.

Mr. O'Brien suggested a check box on the solar energy facility conditional use application that states the applicant has the necessary approval from Dominion or NNEC to connect the facility to the grid when completed. Mr. McKenzie stated he did not think that was necessary.

Mr. O'Brien asked if Mr. Minor could email the state regulation agreements regarding small generators to county staff so they could distribute it to the commission members. Mr. Kost stated the when he installed residential solar to his house, the installer mentioned that they have to get every project approved by the electricity provider, as the installation company has liability if they do not.

Mr. McKenzie asked Mr. Minor if small distributed solar energy facilities make the electric grid more resilient to power interruptions? Mr. Hicks stated that because the power from solar energy facilities is variable, it actually makes it more difficult to manage the grid. Mr. McKenzie asked if peak power usage was still in the dead of winter in the middle of the coldest night of the year. Mr. Minor replied yes.

Mrs. Wilkins-Corey asked as a business, you are not going to develop solar farms, do you have future plans to build solar farms? Mr. Hicks stated that hypothetically speaking, if a county wanted the NNEC to build a solar facility, then the NNEC might consider that, but he was not sure that Northumberland County wanted solar facilities in their county. Mr. Fisher stated that Northumberland County does not want solar in their residential areas, and especially not near the waterfront residences. Mr. Fisher said that most people say they are ok with solar facilities, as long as it Not In My BackYard (NIMBY). Mr. Hicks stated that the NNEC has not solicited any solar facilities, all projects were conceived and built by independent companies, and the NNEC wants to remain neutral on solar facilities. Mr. Hicks did end by stating under state law, they are obligated to serve all customers. Mr. Minor added that the NNEC is primarily a distribution co-op, they purchase power, provide connections and a small solar generator is a co-op member just as much as a household is. Mrs. Wilkins-Corey asked about the power the NNEC is purchasing, some of that could be solar, right? Mr. Hicks stated that they do purchase renewable energy for those customers who request it. Mr. Minor stated that they are interested in buying solar power, but not generating it.

Mr. O'Brien stated that after we finish revising the county solar ordinance, we will likely be working on a battery energy storage, are these battery storage projects usually coupled with a solar facility? Mr. Minor stated that the regulations treat solar energy facilities and battery energy storage facilities the same way, they are all small generators according to state code, and follow the same rules as the solar facilities. Mr. O'Brien stated it seems people get riled up by batteries, but are OK with solar. Mr. O'Brien stated the issue with fires in battery facilities, he is not sure how much a threat that fire is to these battery storage facilities. Mr. Minor stated that developers but systems in place to protect the batteries from overheating, as it would definitely cut into their profits if their infrastructure was destroyed in a fire. Mr. Hicks added that battery energy storage at this time is not really that profitable, but they do have a much smaller footprint on the ground than solar (batteries take an area about the size of a tractor trailer for a Mw, whereas solar needs about 5 acres to produce a Mw). Mr. Kost asked if the NNEC has any plans for battery energy storage, Mr. Minor stated the NNEC is monitoring the technology, but do not want to the test bed for that. Mr. O'Brien asked the rule of thumb cost for connecting a solar facility to the grid. Mr. Minor stated it is so site specific and specialized, usually several hundred thousands of dollars.

Chairman Fisher thanked the NNEC, Mr. Minor and Mr. Hicks for taking the time to come and talk to the commission and stated that the county would like to maintain open line of communication with the Co-Op into the future.

Chairman Fisher asked Mr. McKenzie to transition to the continued revision of the solar energy facility zoning ordinance. Mr. McKenzie stated that at the October meeting, there was a lot of good discussion and decisions formulated, but there was not a quorum, so no votes could be taken. Mr. McKenzie stated he would like to go over what was discussed at the October meeting regarding solar, so that the commission members that were not present are up to speed and knowledgeable on the thought processes behind the revision decisions, and there could be formal votes to move forward.

Mr. McKenzie said that Mrs. Seward of the Rural Solar Development Coalition (RSDC) stated they have a road bond to protect the roads in Sussex County during construction of solar facilities. Mr. McKenzie stated he discussed a road bond with the zoning administrator and he does not feel it is necessary, as VDOT has responsibility over maintenance of state roads. In addition, Northumberland County is only going to have small (5 mw to 10 Mw) solar facilities, as the electric grid cannot handle large solar facilities. Therefore, the construction window for a ten acre to twenty acre solar site will take only a few months, not years like a larger solar site would. This would again, lessen the impacts on the roads used for construction. The zoning administrator stated that if for some reason the solar developer needed to use a private road, then he could see the usefulness of a road bond for that private road section. In that scenario, the private road road bond could be added as one of the conditions of the county conditional use permit.

Next, Mr. McKenzie explained that as the solar energy facility ordinance exists today, there is a minimum setback from the property lines of 25 feet. Mr. McKenzie added that elsewhere in the solar energy facility ordinance, there is a requirement for a 25 foot vegetative buffer. Staff stated that it would be very difficult, if not impossible to get a 25' vegetative buffer inside of a 25 foot setback, and recommended a minimum 50 foot setback from property lines so that there would be plenty of room to construct and maintain a 25' vegetative buffer. Mr. O'Brien made a motion to that affect and the motion was seconded by Mr. McKinley. The results of the vote were:

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

The motion passed unanimously.

Staff pointed out that Mrs. Seward recommended stating in the zoning ordinance that after a review of the decommissioning costs in the future, any increase in the cost of decommissioning, would trigger the identical increase in the decommissioning surety bond. Mrs. Seward stated that it was implied in the ordinance, but that it needed to be spelled out. Mr. McKenzie stated that staff agreed. Mr. Kost made a motion to add that

language to the solar energy facility zoning ordinance, that was seconded by Mr. Cralle. The results of the vote were:

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

The motion passed unanimously.

Mr. McKenzie transitioned to the next topic, the interval for the revisions of the decommissioning plan. Mr. McKenzie reminded the commission that the interval between decommission plan revision was rather uniform across the counties of the Commonwealth at five years. The Board had suggested decreasing this interval to two years, however the commission felt that five years was reasonable and two years would cause undue hardship on the applicant. The final commission compromise was to advertise for a two-year interval, but with the planning Commission recommending to keep it at five years. The Board passed the revised solar energy facility zoning ordinance as presented, meaning that the decommissioning plan interval was set at two years. Mr. O'Brien suggested a hybrid approach, by requiring a revision of the decommissioning plan after the initial two years of operation, and thereafter, every five years. Staff stated that was a reasonable compromise. Mr. Kost made the motion for a review of the decommissioning plan after two years of operation, and thereafter, every five years of operation. The motion was seconded by Mr. Williams. The results of the vote were:

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

The motion passed unanimously.

There was some discussion of the trigger of the decommissioning plan, and Mr. McKenzie stated that the annual monthly energy report submitted one year after operation will let the county know if the solar facility is still operating. Mr. O'Brien stated if the zoning administrator had a mechanism to remind him when that report is due. Mr. McKenzie stated that we use MS Outlook for email, and there is a calendar attached to that software that you can set a reminder 365 days into the future, so yes, he has a way to keep track of the operation date. Mr. O'Brien stated he would like a letter from the applicant whenever the facility is out of operation. Mr. McKenzie stated he would like to discuss that with the zoning administrator at the next meeting.

Chairman Fisher noted that he had neglected to conduct a public comment section at the beginning of the meeting because of our NNEC guests, and stated he would allow public

comments now. Mr. James Johnson of 403 Judith Sound Rd wanted to make a comment about tent camping minimum acreage. Mr. Johnson stated he did not believe that commercial camping should be allowed in established residential subdivisions, and that the suggested requirements, from the tentrr.com website, state the camping site should have water, waste facilities, recommended 10 acres site, with a minimum site of 5 or 6 acres. Mr. Johnson stated that he agreed with those guidelines, and thanked the commission for the opportunity to speak.

Mr. O'Brien stated he discussed commercial camping with the zoning administrator, Mr. Marston, and anything over 5 campsites is regulated by the Virginia Department of Health (VDH), Mr. McKenzie stated he has had the same discussion and Mr. Marston stated 3 camping sites is the minimum that VDH will regulate. Mrs. Wilkins-Corey stated she felt the county should keep commercial camping a conditional use, and any acreage restrictions would be flexible, the current system worked as it should, and she trusts the Board of Supervisors to make the right decision for the county and the neighbors. Mr. O'Brien asked if we want to make water and waste facilities a requirement for 1 and 2 campsite commercial camping areas? Chairman Fisher asked how many campground has he seen with only two campsites? Mr. O'Brien stated if we want to keep people from trespassing and put a requirement for porta-potties and recommend to the Board of Supervisors. Mr. O'Brien stated that Mr. Marston told him a minimum acreage of 2.5 acres for campgrounds less than three campsites.

Chairman Fisher asked Board of Supervisors Liaison Mr. Haynie what action did the Board take regarding the tentrr.com commercial tent camping site in Lewisetta. Mr. Haynie stated that Mr. Moore was advertising and renting a commercial tent campsite and the Board heard from the neighbors that it was not right that the campsite did not have water or sewage disposal. The site was 1.2 acres, with only a bucket toilet with waste disposal bags for sanitation. After the decision, Mr. Thomlin requested the Planning Commission looks at a minimum acreage requirement.

Mrs. Wilkins-Corey said that acreage is not going to fix the waste water issue, it is not necessary to create new laws, we have enough laws, if the Board wants to control sanitation and water, they can put those items as conditions in the conditional use permit. Mr. Williams stated that the Board made a decision and solved the problem, so the existing system is working as intended. Mr. Kost stated the problem to solve is waste management. Mr. O'Brien stated we could recommend an acreage to that end. Mr. Fisher asked the commission if they wanted to send a recommendation to the Board? Mr. Parker Stated that we have commercial camping as a conditional use, they have to individually come before the Board. Mr. Fisher lamented that we can't write enough regulations to cover every imaginable instance. Mrs. Wilkins-Corey stated there has only been one instance of this type of commercial camping in the county, it is not common place. Mr. Williams said can't we tell the Board that we don't think we need any changes?

Chairman Fisher stated he would allow another public comment from James Johnson. Mr. Johnson stated that as someone who went through the process, he does think the conditional use permit process does protect citizens. Mr. Kost made a motion for the Planning Commission to recommend to the Board of Supervisors that they have reviewed the minimum acreage and determined that acreage is not the most relevant factor, sewage



disposal, garbage, and availability of potable water are more important factors (that can be addressed as conditions of the conditional use permit), and therefore do not recommend we add commercial camping minimum campsite acreage to the zoning ordinance. 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-Corey	Aye
Ed King	Absent	Charles Williams	Aye
John Kost	Aye	Patrick O'Brien	Aye
Richard Haynie	n/a		

The motion passed unanimously.

Mr. McKenzie next transitioned to revisions to the Boathouse Zoning Ordinance to allow boat canopies. Mr. McKenzie stated that after discussions, staff recommends that the Planning Commission send a memo to the Board of Supervisors stating that the commission would like to define boat canopies, and then allow boat canopies as a conditional use, subject to Board approval. Staff explained the reasoning was that a conditional use permit could be revoked if the applicant did not keep the boat canopy in a well-maintained condition, as after a few years the canopy will likely deteriorate, fade and possibly rip. Mr. Williams stated he has had a canopy over the dining area of his restaurant for 25 years, and has only replaced it once. He stated the key is to keep the canopy tight on the frame, so it doesn't flap. Mrs. Wilkins-Corey stated that the conditional use permit should take care of it, and added it is likely that many people in the county would like to have a boat canopy. Mr. McKinley made a motion that the Planning Commission send a memo to the Board of Supervisors stating that they commission would like to define boat canopies, and make boat canopies a conditional use in the Boathouse zoning ordinance, and advertise it for a public hearing in the future. Mr. Kost 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-Corey	Aye
Ed King	Absent	Charles Williams	Abstain
John Kost	Aye	Patrick O'Brien	Aye
Richard Haynie	n/a		

The motion carried, with Mr. Williams abstaining.

**RE: PUBLIC COMMENTS**

There were no public comments.

**RE: ADJOURNMENT**

At 9:34 pm, Mr. McKinley made a motion to adjourn, seconded by Mr. Parker. The adjournment vote was as follows:

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