

**Northumberland County Planning Commission  
February 15, 2024  
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on February 15, 2024 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
Ed King	Absent	Heidi Wilkins-Corey	Present
John Kost	Present	Charles Williams	Present
Richard Haynie	Present	Patrick O'Brien	Present

Others in attendance:

Stuart McKenzie (County Planner)

Philip Marston (Zoning Administrator)

**RE: CALL TO ORDER**

The meeting was called to order by Chairman Parker.

Mr. Cralle gave the invocation, and Mr. Kost led the commission in the Pledge of Allegiance.

**RE: AGENDA**

Mr. O'Brien made a motion to accept the agenda, and Mr. Williams seconded the motion. All voted in favor of accepting the agenda.

**RE: MINUTES- January 18, 2024**

Mr. Kost made a motion to accept the January 18, 2024, and Mr. O'Brien 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 did not have any comments.

**RE: CITIZENS' COMMENTS**

Ms. Pam D'Angelo stated that there are currently bills in the Virginia General Assembly that puts limits on localities control of solar energy facility applications. Ms. D'Angelo stated that the locality cannot put any limits on utility scale solar until the area under solar panels exceeds 4% of the county's total land area. Ms. D'Angelo stated that the General Assembly is trying to take away localities rights on local land use, and she wanted the Commission to know that all the hard work that was done on our local solar ordinance would be lost if the General Assembly passes this bill. Ms. D'Angelo asked commission members to log online and publicly comment against the new regulatory bill currently being considered by the General Assembly.

**RE: PUBLIC HEARINGS**

Mr. Parker asked Mr. McKenzie to outline the revisions to the Boathouse zoning ordinance that was being considered at tonight's public hearing. Mr. McKenzie stated that the public hearing was to consider a revision to the Northumberland County Zoning Ordinance § 148-151, Boathouses, to add a definition for Boat Canopies, and add exceptions to items 5, 6 and 8 that do not apply to Boat Canopies in order to allow them in Northumberland County. In addition, add Boat Canopies as a use in the zoning usage table to make them a conditional use in A-1, Agriculture, C-1 Conservation, R-2 Residential Waterfront, R-3 Residential Restricted, R-4 Residential Recreational, B-1 Business and M-1 Industrial zoning districts. Mr. McKenzie then read the proposed definition of the Boat Canopy, Private to the public and commission members. Mr. McKenzie went on to describe the changes to the boathouse zoning ordinance, to state that the ordinance was changed in three places to say "... except for Boathouse Canopies." Mr. McKenzie retrieved the public hearing citizen comment sign up sheet and noted no one had signed up to speak at the public hearing that night.

Chairman Parker opened the public hearing at 7:10 pm, and asked if anyone in the audience wanted to speak about the revisions to the Boathouse Zoning Ordinance. No one spoke. Mr. Parker asked the Zoom meeting operator if there was anyone online who wished to speak regarding the public hearing on the Boathouse Zoning Ordinance, and the operator replied no. Chairman Parker stated that since no persons wanted to comment on the proposed changes, that he would close the public hearing, which he did at 7:13 pm. Mr. Parker asked staff how does the county make sure that these boat canopies are maintained? Staff stated that by making the use a conditional use, the Board of Supervisors can put a condition on the approval that the canopies must maintained in good condition (no fading or rips) and if not, then the conditional use permit could be revoked by the Board of Supervisors, although that has rarely happened in the past.

Mr. McKinley made a motion to recommend to the Board of Supervisors to adopt the revised Boathouse Zoning Ordinance, as presented tonight. Mr. Kost seconded the motion. The vote was as follows:

*(space intentionally left blank to keep table intact – see next page)*

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

**RE: WORK SESSION ITEMS**

Chairman Parker asked staff to begin work on the work session items.

Mr. McKenzie briefed the commission on the 2023 End of the Year Report, noting that the amount of new construction in 2023 was 0.37% lower than in 2022, but that the reduction in overall construction cost was very small, is almost the same as last year, and the difference is not statistically significant. Mr. McKenzie noted that there were 54 single family dwellings, 17 modular dwellings, 8 double wide dwellings and 10 commercial structures built in 2023, with each category showing an increase in number of like structures from last year. More details were discussed, which can be found in the report.

Mr. McKenzie stated that Board of Supervisors, back in April of 2023, sent a memo to the Planning Commission to review any and all uses within the Zoning Ordinance to determine if certain uses should be allowed by right, conditional use, or not at all. Mr. McKenzie stated that the zoning ordinance usage table (Attachment A to the Zoning Ordinance) review had begun in November, but the Commission only had time to review the uses on page one of the usage table, and the remaining four pages need to be reviewed. Mr. McKenzie started reviewing page 2 of the zoning usage table by starting at the first use, Bus Terminals, and asking the commission, if they thought the designation of by right use in B-1 and M-1, and not allowed in any other district was correct. There was some discussion about locations of historic bus terminals in Northumberland County and the surrounding area, noting that there were no long distance bus carriers left in the region, and that bus travel is not available in Northumberland County, other than the Bay Transit on call buses that operate in the region. All members felt that the usage table was correct, and no changes were needed. Mr. McKenzie went to the next use on page 2 of the table, Businesses under 5000 sq. ft., and read that they are allowed by right in B-1, and as a conditional use in A-1, R-1, and R-2. Again, all commission members felt that usage table was appropriate, and no changes were needed. Mr. O'Brien asked Mr. McKenzie, that in the interest of time, could the commission review the uses in the zoning usage table by page, instead of by each individual use? Mr. McKenzie re-read the memo from the Board stating to review any and all uses in the zoning usage table, and he felt each use should be discussed individually, but referred the question to the Chairman, stating that he would proceed however the Planning Commission wanted. Chairman Parker asked if the commission members were okay with reviewing the usage table by page and Mr. Williams stated he was ok with doing the review in whole page increments. The commission proceeded by taking a few minutes for the members to review a page and then moving on. On Page 2, Mr. McKenzie asked the commission members about Cargo Containers, as the Building and Zoning Office routinely gets calls from citizens

wanting to use them for storage. Mr. McKenzie stated that currently cargo containers are a conditional use in A-1 and allowed by right in M-1. The commission members stated again that they thought that was appropriate and necessitated no changes. Mr. Kost stated that child care centers usages kind of jump out at you. Mrs. Wilkins-Corey asked if we had any child care centers in the county. Mr. McKinley said yes, at the YMCA, the Boys Club and several area churches. Mrs. Wilkins-Corey asked why child care centers are by right in A-1 district but conditional use in other districts. Mr. McKenzie said maybe since A-1 is low density rural, the sound of children playing outside would likely not disturb any neighbors since they are further away, whereas the other zoning districts there might be nearby residences that might be disturbed by that sound every day. In the end, the commission members decided to leave the usage table as is in regards to child care centers. The Planning Commission members continued reviewing Page 2 of the zoning usage table, and determined there were no changes needed. The members reviewed Page 3 and felt the same way, no changes were needed. On Page 4, Mr. Kost asked how Pro Shop as a use was interpreted, is that a golf pro shop, or would RW's be considered a Pro Shop. Mr. Marston stated that use was geared towards R-4, Residential Recreational zone land, Indian Creek, and refers to a golf pro shop. Mrs. Wilkins-Corey brought up the use "Office Buildings", noting that they are allowed by right in Residentially zoned land; R-1, and R-2. Mr. McKinley spoke up and stated he felt Office Buildings should be a conditional use in R-1 and R-2. Chairman Parker stated that the county does not require business licenses, as the county wants to be business friendly. He continued, when the government starts limiting things, that is when you get into trouble. Mr. Kost suggested that perhaps we should separate out a single tenant versus multiple tenant office buildings. Staff asked what is the significance of one versus multiple tenants, is the county going to tell someone they cannot rent out office space in an empty part of the building? Mrs. Wilkins-Corey stated that she wants to change the Office Building use to Conditional Use in R-1 and R-2, and leave the by-right use in A-1, B-1 and M-1 as is. Mrs. Wilkins-Corey added that for construction contractors, hairdressers and other small home businesses are accommodated by zoning ordinance in the Home Occupations and Home Professional Office usages on Page 3 of the usage table. Mr. Kost agreed by stating he agreed with making Office Buildings in R-1 and R-2 a conditional use. Mr. Kost made a motion recommending that Office Buildings Use should be changed to Conditional Use in R-1 and R-2 (instead of by right in R-1 and R-2, as currently allowed). Mr. McKinley seconded the motion. The vote was as follows:

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

The motion passed.

Mr. Kost commented on whether the Planning Commission should look into revising the zoning ordinance to add a definition of food trucks, as the Board of Supervisors has been discussing the topic at their recent meetings. Mr. Marston stated that food trucks are not defined in the zoning ordinance. Mr. Marston added that food trucks are not permanent,

they need to move to make money. Mr. Marston added that if a food truck is permanently sited on a property, then they would need to obtain a zoning permit. Mr. Kost stated that the Board of Supervisors has created 3 food truck spaces in the old school board parking lot. Mr. Kost stated he believes that food trucks should be defined in the zoning ordinance, no matter what kind of vehicle or where it is sitting. Mr. McKinley stated the more important question in his mind was do they have permission to park where they are operating. Mr. Kost imagined a scenario where there were two adjacent Waterfront Residential (R-2) parcels, where he one of the owners of the parcels, he would not want a food truck to set up next door. Mr. Kost stated he felt that food trucks should be conditional use in R-1 and R-2. Mr. McKenzie stated that more than likely, a food truck would not set up in R-2 zoned land, because most of that land is on a dead end road by the water. Mr. McKenzie stated food trucks need to locate near where there is a lot of traffic volume, so they get enough customers to sell enough food to make a profit. Staff added that food trucks will likely locate along the major highways and near the villages. Mr. Parker added that food trucks, at this time, are not a major problem. Mr. McKinley asked Mr. Marston if he has had many complaints about food trucks. Mr. Marston stated that brick and mortar restaurants have complained, and state they are upset that the food trucks are taking away business from them, and the brick and mortar restaurants are paying real estate taxes that the food trucks do not have to pay. Mr. McKinley asked Chairman Parker if he felt the county needed a definition of Food Trucks in the zoning ordinance. Chairman Parker stated that this (food trucks) is not a major problem right now. Mr. Parker stated that the persons who own and operate food trucks are entrepreneurs that have found a niche market to make money, and the county should not put impediments in their way, as that is what the county needs, more businesses. Mr. O'Brien asked if the Food Trucks pay sales taxes. Mr. Marston stated that food trucks do pay sales taxes. Mr. Kost proposed a scenario where three food trucks parks in Allison's Parking lot, a few hundred of feet from Cygnet's Restaurant, wouldn't that be a problem/ Mr. McKenzie stated that a year ago, there was a food truck operating out of Allison's parking lot, and that food truck has since moved to a new location. Chairman Parker reiterated that he did not feel the need to address food trucks at this time.

The Commission began reviewing Page 5 of the Zoning Usage Table. Mr. McKinley brought up the use 2 private non-commercial piers on the same tax parcel which is currently conditional use in all zoning districts except not in R-3 and R-4 where the use is not allowed. Mr. McKinley stated he thinks it should be by right. Mr. McKinley explained that some of his clients live on a peninsula with big water in the front, but a smaller creek in the back. These clients, Mr. McKinley stated want to be able to access both bodies of water, and want two piers to that end. Mr. Williams stated that the Virginia Marine Resources Commission only allows one pier per parcel. Mr. McKinley countered that Middlesex County allows two piers. Mr. Marston stated that, in the past, he has sent citizens who request 2 piers to the Board of Supervisor's for a conditional use permit and the Board has approved some of them. Mr. Marston clarified that he was not sure if VMRC allows it. Mr. Williams then asked if a property owner can have one pier for two properties? Mr. Marston stated yes. Mr. Marston stated it can work if the pier is placed in the middle of the property line and the square foot requirements are met. However, Mr. Marston continued, in later years, the properties will inevitably be sold to

other citizens who might not get along as well as the previous owners and then those new owners no longer want to share a pier. Mr. Marston stated that is when the problems start.

Chairman Parker asked the commission members if there was any more discussion on Page 5 of the Zoning Usage Table. Hearing none, Mr. Parker asked staff what is the next step? Mr. McKenzie stated that the next step is to send a memo to the Board of Supervisors stating that the Planning Commission has reviewed all uses in the Zoning Ordinance Usage Table, and recommend that Office Buildings, which are currently allowed by-right in A-1, B-1, M-1, R-1 and R-2, be changed to by-right in A-1, B-1, M-1, and Conditional Use in R-1 and R-2. Mr. Kost made a motion to that effect, which was seconded by Mr. O'Brien. The vote was as follows:

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

The motion passed and Mr. McKenzie stated he would draft the memo regarding Office Buildings and send to the Board of Supervisor's before their March 2024 meeting.

**RE: DISCUSSION ITEMS**

There were no discussion items scheduled.

**RE: PUBLIC COMMENTS**

Ms. Pam D'Angelo reiterated the fact that the Virginia General Assembly is considering a bill that prohibits localities from putting limits on utility scale solar facilities until the total area of solar energy facilities in the locality exceeds 4% of the land area. Ms. D'Angelo stated that the bill is due to be heard in committee tomorrow, so time is of the essence to enter your public comment about the proposed regulations. Mr. O'Brien explained to Ms. D'Angelo that the Planning Commission's role in the county is that of researching and advising the Board of Supervisors, and that the Board of Supervisors are the body that speaks on behalf of the county. Ms. D'Angelo said she understood, but that commission members could go home tonight and as a private citizen, comment on the proposed legislation. Chairman Parker thanked Ms. D'Angelo for notifying the commission regarding that issue. Mr. McKenzie stated that he, Philip Marston, the County Administrator and the Board of Supervisors are aware of the legislation and have been monitoring the progress with the help of the Rural Solar Development Coalition lobbying group, and the Board is aware of the proposed bills.

**RE: ADJOURNMENT**

Mr. Kost made a motion to adjourn, seconded by Mr. O'Brien to adjourn the meeting at 8:25 pm. The adjournment vote was as follows:

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

The motion passed and the meeting was adjourned.