

Northumberland County Planning Commission
May 21, 2026
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on April 16, 2026 at 7:00 p.m. in person at the Northumberland Courts Building and using Zoom (telephonic meeting), with the following attendance:

Chris Cralle	Absent	Roger McKinley	Present
Vivian Diggs	Present	Patrick O'Brien	Present
Allen Garland	Present	Garfield Parker	Present
John Kost	Present	Heidi Wilkins-Corey	Present
James Michel	Absent	Charles Williams	Present
James Brann	Present		

Others in attendance:
Stuart McKenzie (County Planner)

RE: CALL TO ORDER

The meeting was called to order by Chairman Parker at 7:03 pm, and he led the commission in the invocation, and the Pledge of Allegiance.

RE: AGENDA – May 21, 2026

Mr. O'Brien made a motion to accept the May 21, 2026 agenda, seconded by Mr. McKinley. The Commission unanimously voted to accept the meeting agenda.

RE: MINUTES – April 16, 2026

Mr. Kost made a motion to accept the April 16, 2026 minutes, seconded by Mr. O'Brien. The Commission unanimously voted to accept the March meeting minutes.

RE: COMMISSIONERS' COMMENTS

There were no commission member comments.

RE: STAFF MEMBERS' COMMENTS

Staff indicated that at this time, there have been no conditional use permits submitted for next month's meeting.

RE: CITIZENS' COMMENTS

There were no citizens comments.

RE: PUBLIC HEARINGS

There were no public hearings scheduled.

RE: WORK SESSION ITEMS

Mr. McKenzie started off the discussion regarding revisions to the zoning ordinance regarding cell phone towers. Mr. McKenzie stated that staff looked at Richmond County, Lancaster County and Westmoreland County telecommunications tower zoning ordinances. Mr. McKenzie stated that in his opinion, some components of the draft ordinance compiled by Mr. Kost are too specific with regards to the size of the antennas placed on the towers. Mr. McKenzie asked if local governments have the expertise to dictate what technology works best for cell phone reception in our area, or would it be better for all if the county leaves those decisions to the engineers who do this type of work as a career. Mr. McKenzie stated that sometimes simpler ordinances are better because they offer flexibility for different types of sites and situations.

Mr. Kost stated that he asked Mr. Brann how comprehensive do you want the new cell phone tower zoning ordinance to be? Mr. Kost stated Mr. Brann said that Westmoreland County's cell phone tower zoning ordinance is not comprehensive enough for Northumberland County. Mr. Kost noted that the Westmoreland County Ordinance has antenna specifications, no other county we examined had those, and they may be too restrictive and we may want to delete them from the draft ordinance. Mr. Kost stated he believed that the Lancaster Telecommunications Tower Zoning Ordinance section was written first, and it reads as if the person who composed it wrote it like a state law (as opposed to a county law). Mr. Kost state he believes the Richmond County Telecommunications Tower zoning ordinance was written after Lancaster's and it has some things that the Lancaster Ordinance does not. Mr. Kost stated for those reasons, he compiled his version 2 draft of the telecommunications tower ordinance for Northumberland County to include Richmond County's ordinance, the Lancaster County differences, and beginning on page 10, the Westmoreland County ordinance provisions.

Mr. McKinley stated that the ordinance had a lot of boiler plate language that is somewhat cumbersome. Mr. Garland wanted to clarify that Version 1 is Richmond County's ordinance and Lancaster differences and that Version 2 has added Westmoreland, to which Mr. Kost stated that is correct.

Mr. McKenzie stated he knows of no other way to go through the ordinance, except to go page by page and review.

Mr. O'Brien made an observation that the draft ordinance struck him as less an ordinance and more of a Microsoft Software Agreement. Mandatory arbitration clause is somewhat overkill, and the other requirements very well could discourage investment in new cell phone towers in the county.

Mr. Kost mentioned the severability section, and stated the purpose of that is if courts find part of the ordinance not lawful, the rest of the ordinance remains in effect. Mr. O'Brien stated that under Virginia Law, a county can pass ordinances as long as they do

not conflict with state law, or as long as they have the authority to do so, given by State Code, and he believes this is called the Dillon Rule. Mr. Kost stated that everything can be fixed quicker at the county level, as the governing body meets every month, whereas the state governing body only meets twice a year. Mr. O'Brien stated that the courts, in regards to ruling against county ordinances, can find the ordinance is beyond the scope of the enabling legislation, or that the ordinance is unconstitutional. Mr. Kost stated that he feels the Richmond and Lancaster County telecommunications tower ordinances were derived from model ordinances, so they have likely been pre-cleared to be in compliance with all laws in the Commonwealth. Mr. Kost stated that he didn't think the severability section is problematic. Mr. O'Brien asked Mr. Kost why? Mr. Kost replied that counties are more efficient (than the state) and can quickly fix any problems with their ordinance, because they meet every month. Mr. Kost asked the Commission if they wanted to keep the severability section in the draft or not. Mrs. Wilkins-Corey asked if any other county ordinance has a severability clause in it? Mr. Kost stated no. Mrs. Wilkins-Corey noted that the solar ordinance does not have a severability clause in it, and she thinks that the solar ordinance is more important than this ordinance. Mr. O'Brien stated that the Supreme Court has a narrow definition of severability. Mrs. Wilkins-Corey asked why put severability in this ordinance? Mr. O'Brien stated it doesn't make a whole lot of difference either way. Mr. McKinley stated he thought severability was a good thing. Mr. O'Brien stated he thought complicating this ordinance will turn off the industry, and we need to make this ordinance less intimidating. Mr. Kost stated we could make it less, by taking out the Westmoreland County specifications. Mr. Garland stated that the Westmoreland specifications meet their own needs – not ours, so it is a moot point. Mr. O'Brien stated that technology moves quickly, any attempt to codify specifications could be quickly outdated in a few years. Mr. Parker stated he would like the draft ordinance less complicated, because if the ordinance is complicated, it will set the county back economically. Mr. Kost countered that Richmond County does not seem to be hurting from its ordinance. Mrs. Wilkins-Corey noted that cell towers benefits all citizens, and we shouldn't make building one too difficult, as she believes cell towers are good, as long as everyone is safe, stating she agrees with Mr. Parker's comments. Chairman Parker stated that the county has just spent a lot of money to install a new emergency radio system, but the radio system is already out of date even though it is new. Mr. Parker stated citizens want the modern conveniences that cell towers allow, but we will be making it harder for companies to come to our county to build a tower here. Mr. McKinley stated that he thinks the severability section is of benefit to the county, and would like to leave that in, but that there is other superfluous language that we could remove to make it less complicated. Mr. McKenzie, responding to earlier commission members comments on the legality of any ordinance we create, stated that the county attorney will review the draft ordinance the commission comes up with before we advertise it for a public hearing at the commission level. Mr. Kost stated that he sees no downside in leaving the severability section in, because if inappropriate, the county attorney will flag it in his review of the draft ordinance. Mrs. Wilkins-Corey stated it was her opinion that the severability section is inconsistent with the county's other ordinances, as no of the county's other ordinances has severability included.

There was discussion amongst planning commission members regarding the recent conditional use permit for a cell phone tower proposed in Callao. Mr. Garland stated that issue they were fighting with was the location of the tower and that was it. Mr. O'Brien

stated the location relative to the nearby house. had nothing to do with tower specifications. Mr. Kost added that the problem in Callao arose with Verizon staff would not state to the Board of Supervisors with 100% certainty that the monopole steel tower would work as designed when it collapsed (they had earlier stated that the tower would collapse on itself within the 50 foot square leased area, and not impact any nearby structures). Mr. Kost stated that Verizon provided a photo of a collapsed cell phone tower to the Board, but that the photo depicted a gusseted steel tower, not a monopole tower.

Mr. Garland noted that earlier there was a discussion regarding emergency radio systems, and asked if there is anything in the tower ordinances about allocating space on the tower for county (emergency communications) use? Mr. Kost replied in the affirmative. Mr. Parker asked the commission if they want to keep the severability in the ordinance. Mr. Kost stated if it is a problem, then the county attorney will let us know. Mrs. Wilkins-Corey stated that if we decide to keep the severability in the cell tower zoning ordinance, then we need to add it to the solar zoning ordinance, because she feels that that the solar ordinance has more impact to the county than the cell tower ordinance we are discussing, adding that in her opinion, all of the ordinances should have it, or none of them should. Mrs. Wilkins-Corey added that consistency is important when creating ordinances.

Mr. Kost stated that he separated out the definition of terms that Lancaster County had that Richmond County did not. Mr. Kost read the list of terms and noted that they retain the common definition and he thinks these are not needed in Northumberland's ordinance. Mr. McKenzie asked if the commission would want to go through all of the remaining definitions in the draft ordinance. Mr. Parker stated he felt the commission needed to discuss each one.

Mr. McKenzie started off with the first definition, Accessory Facility, Wireless and read the definition. After reading the definition, he noted that if the county wants to ask for antenna space on the new tower, then the county also needs to ask for space for a shed, or room in the existing accessory structure to house the ancillary equipment necessary for receiving and transmitting through the antenna. Mr. McKenzie read through several more definitions in the draft ordinance before coming to Commercial Impracticability, which stated that inability to achieve a satisfactory return on investment cannot be the sole evidence to indicate Commercial Impracticability. Mr. McKenzie stated that to him, that does not make sense, forcing the company to proceed when they are not returning a profit seems wrong. Mr. O'Brien stated that old common law associated impracticability is usually used in conjunction with unforeseen circumstances, sort of a life is tough doctrine. Mr. O'Brien continued, in this ordinance, he believes this could have a significant chilling effect on potential cell phone investors. Mr. Garland added that commercial impracticability is only in the draft ordinance once, and it concerns highest priority sites being bypassed or collocation of antennas denied due to commercial impracticability. To which, Mr. O'Brien suggested to the commission that we remove both the definition and the section with the other occurrence of the word.

Mr. McKinley asked why they limit the number of collocated antennas in a tower to three, do we want to specify the number of antennas allowed on each tower? Mr. McKenzie stated that he apologizes as he is not sure of what section of the draft Ordinance it is in, but on supported towers, the maximum number of antennas is five, but

on steel monopole towers, the maximum number of antennas is three. Staff stated he did not know if that is the limitation of the towers structural integrity to handle the load of the antennas or not, but a tower builder is expected to collocate antennas, as that allows the builder revenue to offset the cost of the tower construction, and those antenna spaces are leased, so the builder gets continuous income to help maintain the tower and equipment as well as turn some profit. The commission asked staff if they thought the draft ordinance should have a limit on the antennas, and Mr. McKenzie stated that he feels the county should not be dictating how a company conducts business in the county, but it is in their best interest to collocate as many antennas as structurally possible to maximize revenue to offset construction costs. Mr. McKenzie stated that the priority list of ways to locate an antenna progress from using existing structures, such as farm silos or water towers first, then collocate on an existing antenna, and only if those two options are not possible, then the company can ask to construct a new tower. Mr. Kost added that collocation of antennas reduces the total number of towers in the county, which is a good thing. Mrs. Kost stated that at the public hearing for the recent Callao cell tower, Verizon proffered space on the tower for the county. Mrs. Wilkins-Corey asked if the rescue squad has to pay for the space on the tower? Mr. Garland stated the county may pay some fees to Verizon. Mr. Garland clarified, you can put the requirement that the county is allocated space on the tower in the ordinance, but you cannot ask for a county antenna on the tower for free.

Mr. O'Brien mentioned the upcoming consolidation of the Northumberland County Emergency Services Rescue Squad into one building. Mr. Parker questioned that, as he feels the county is too large to be served effectively by one centrally located rescue squad facility. Mr. McKenzie stated he believes that the county is not discounting the volunteer rescue squads to cover parts of the county, although he stated that eventually the county may need to hire additional paid rescue squads in the future to replace the volunteer rescue squads.

Mr. Parker asked about the next definition in the draft ordinance to consider. Mr. McKenzie asked the commission again whether we wanted to keep commercial impracticability, and Mrs. Wilkins-Corey stated she did not think we should keep it, that was echoed by several other members. Mr. McKenzie moved on to the definition of the completed application. Mr. Kost stated he felt we could delete that definition, because county staff can determine if an application is complete or not. The next definition considered was Direct to Home Satellite Services, which Mr. McKenzie stated he could not find in the entire ordinance. Mr. Kost recommended deleting the definition and several other members agreed. The next definition that had discussion regarding inclusion was Freestanding Tower. Mr. McKenzie noted that it was interesting to him that they have a definition for a freestanding tower, but no definition for a monopole tower. Mr. Kost suggested to change the definition entry to Freestanding or Monopole Tower, and the commission agreed.

The next discussion centered on the definition for the acronym NIER, which is defined as NonIonizing Electromagnetic Radiation. Mr. McKenzie stated this referred to a section of the draft ordinance that states that every five years the antenna owner must conduct radiation tests to make sure the NIER is within the FCC's acceptable limits, and then report those results to the county. Mrs. Wilkins-Corey asked if this is what the residents

who opposed the cell tower in Callao were upset about. Mr. McKenzie stated that the citizens voiced their concerns over electromagnetic radiation, but that the County Attorney intervened to tell the Board that they cannot use electromagnetic radiation as a consideration in issuing the permit, because the Federal Government, through the FCC regulates all electromagnetic radiation, and they deem the output from cell towers safe. Mr. McKenzie stated that if the county wants to require the five year NIER assessment, we need to leave it in, but if the county does not, then the definition is not needed. Mr. McKenzie added that the five year testing is a burden that will cost the tower builder, but that requiring the periodic testing helps insure the safety of citizens who live nearby. Mr. O'Brien asked if they cell tower owner has to submit this NIER data to the FCC anyway? Mr. McKenzie stated he was not sure. Mr. O'Brien stated he believes they do. Mr. O'Brien stated he did not think it was an additional burden, because they have to do it anyway for the FCC. The next definition was Personal Wireless Services, PWS, or Personal Telecommunications Service, or PCS. Mr. McKenzie thought this might be an out of date term for the technology used for pagers, but that he would do some research regarding these terms and get back to the commission. The next definition that was considered was Temporary, which was defined as less than 90 days. Mr. Garland, Mrs. Wilkins-Corey and Mr. Kost all agreed that it was a common term that we could delete from the draft ordinance. The next definition to be considered was Wireless Telecommunication Facility. Mr. Kost stated that this is the core of the ordinance, and we need to keep it. Mr. McKenzie stated that is the last definition. Mr. Kost stated that there are Lancaster County definitions that also need to be considered, but that he felt most could be deleted. Mr. Kost asked the commission members if any of the definitions of the terms were not what they expected. Hearing no response, Mr. Kost stated that we will omit those terms from the definitions.

Mr. McKenzie then began outlining the actual ordinance itself. Part C on page 3 basically lays out the reasoning for this ordinance. Mr. Kost stated there is no policy here, just stating why we have this ordinance, and recommended to keep this section. Next, Mr. McKenzie summarized the next section of the draft ordinance, which he said basically how to complete the application and that if any part of the application is mis-represented, can render the application null and void. Mrs. Wilkins-Corey asked that the county already has that on the conditional use application itself, once they sign it, they attest to the accuracy of the information contained therein. Mr. McKenzie state he believed that to be the case, but stated that would be another question for the county attorney. The next section reviewed outlined the process, stating that all information that is listed after this section would need to be included and the documentation signed by a professional engineer licensed in Virginia. Mr. McKenzie stated that the first item (page 5, item (a)) needed was documentation that demonstrates the need for the wireless telecommunications facility to provide service primarily within the county, which he thought was important. Mrs. Wilkins-Corey stated most of the rest of the items are included in the conditional use application, making most of them redundant. Staff stated that there are a couple of things that might be good to keep, such as (g) Location of nearest residential structure and (h) Location of nearest habitable structure. Mrs. Wilkins-Corey stated isn't that already in the conditional use application, as the applicant has to list neighboring properties? Mr. McKenzie stated that was true, but the distance from the base of the tower to the nearest structure, whether residential or habitable is not required for a conditional use application. Mr. Kost stated that there are two ways to think about

this, that these are the things we require of the applicant, or that this is the standardized information required for all applicants, so it is consistent across all cell tower applications. There was discussion about what is required to complete a conditional use permit, and Mr. Kost asked who decided what information is needed to be on a conditional use application? Mr. McKenzie stated the conditional use application pre-dates his employment with Northumberland County, so he has no history on the development of the conditional use application. Mr. McKenzie stated that the conditional use application is generic, and is used for multiple uses such as duplexes, mulch and gravel sales, retail stores, etc. and is thus not geared to the information needed for a cell tower. Mr. Garland stated that part D, numbers 1 through 5 he feels the county does not need to keep, as it is part of the conditional use permit, which other commissioners agreed that 1-5 should be removed. Mr. O'Brien stated there is a whole other permitting process, and that is the permitting required by the FCC. Mr. O'Brien stated the information the FCC requires could be more than what we are requiring, or could be less, he stated he did not know. Mr. McKenzie stated that there is some very technical questions in the draft ordinance, such as the frequency, modulation and class of service of radio or other transmitting, transmission and maximum effective radiated power of the antenna(s), direction of maximum lobes and associated radiation of the antenna(s), that he feels are not necessary for determining whether to approve a new cell tower. Mr. Kost stated that the FCC's job is to make sure that there is no interference with existing towers, so they need to know all of this technical information, so that information is already in the FCC permit. Mr. Kost asked staff if he could gather the information that is required in an FCC permit, Mr. McKenzie state he would do his best. Mr. McKenzie stated he understands Mr. Kost request is for the county to require a copy of the approved FCC permit, so we can find out what information is not in the FCC permit that we need to include in our ordinance. Mr. McKenzie noted that all of the other information the county can glean from the FCC permit. Mr. McKenzie stated that the information we need to review is page 5 (a) through (w). Mr. McKenzie moved on to page 6 (7) stating that a new tower has to demonstrate their efforts to locate antennas on existing structures or collocate antennas and that it was not possible to do so. Staff stated he felt this section is important as it is trying to limit the number of towers in the county. Mr. McKenzie stated that on page 6, (8) deals with the structures meeting a local, state, and federal building codes. Mr. McKenzie stated that one of the boilerplate conditions that are on all conditional use applications is the permittee will abide by all local, state and federal laws that govern their project, so he thinks this could be deleted. Mr. Garland agreed and stated likely the same decision on page 6 (9), that the communications equipment be bonded and grounded and protected from electrical surges, as those requirements are likely in the electrical code, so #9 could be deleted as well. The commissioners agreed. Staff moved on to page 6, (10) which involves the visual impact assessment procedure. Mr. McKenzie noted that what is outlined in #10 is the content that Verizon presented to the Planning Commission for the recent Callao cell phone tower application, even though the county did not require any of this information. Mr. Garland stated he felt that #10 should be kept, because if we do not have that in the ordinance, the company (which may not be Verizon in the future) does not have to comply. Mr. McKenzie noted that further into the ordinance, it requires the applicant to coordinate with the Board of Supervisors to choose a date, advertise the demonstration date, time and location in the local newspaper, then the applicant has to fly a four foot minimum diameter balloon at the height of the tower so that citizens can see a representation of the top of the cell tower in the flesh. Mr.

McKenzie noted that Verizon provided photos for the Planning Commission and Board to examine for the Callao project, but this draft ordinance requires an in person demonstration. The commissioners agreed this is worth keeping in the ordinance. Staff moved onto page 6, (11) which stated that any verbal communication during the application meetings, or public hearing is deemed to be part of the application and relied upon in good faith by the Board of Supervisors. Mr. O'Brien stated this is standard language to make sure the applicant is abiding by their previous statements. Mr. O'Brien asked where is the line from discussions to the actual permitting process, he was not sure. Mr. McKenzie stated we should leave #11 in, and leave it up to the county attorney to guide us on that section. Staff moved on to page 6, (12), which covers visual screening of the site to shield the ground equipment from view. Mr. McKenzie noted that it requires 10 feet of vegetative screening, which he thought was adequate, with the option for Board of Supervisors to waive planting new vegetation if there is existing natural vegetation in place on site. The Commission felt that should be left in the ordinance. Mr. McKenzie moved to page 6,

(13) which states that all utilities will be buried underground, unless the Board of Supervisors waives that requirement. Mr. Garland states he likes the fact that #13 references the National Electrical Safety Code. Mr. McKenzie stated that it is the electric industry standard to put new power lines underground, as, in the long run, it is cheaper. The commission felt that keeping #13 was prudent. Chairman Parker noted that it was getting late, and we should continue our discussion at the next meeting. Mr. McKenzie agreed.

Mr. McKenzie wanted to mention something the county attorney had told the Zoning Administrator in regards to the recent duplex conditional use public hearing where the Planning Commission added a condition that the duplex's ownership has to be keep in the same family, otherwise the conditional use permit is void. The county attorney stated that a conditional use runs with the land, not the owner or person. Therefore, any condition that states the conditional use is only valid while the applicant owner maintains ownership of the proper would likely not hold up in court. Mr. O'Brien and Mrs. Wilkins-Corey did not agree with the county attorney, stating that a conditional use is a use, and to have a use you have to have an owner conduct that use. Mr. O'Brien asked if the county attorney cited any state code or court case to back up his interpretation. Mr. McKenzie stated no. Mr. O'Brien stated, well that is his opinion. Mr. McKenzie stated isn't that is why you hire lawyers, so they can give you their opinion or interpretation of the law? Mrs. Wilkins-Corey asked staff if the county attorney could be put on next months meeting agenda to explain his reasoning. Mr. O'Brien stated that the county attorney will likely charge his hours to the county for an appearance at a Planning Commission meeting, so before we go that route, Mr. O'Brien stated he would research case law regarding retaining ownership on conditional use permits, and bring it to the next meeting and we can decide how to move forward then. Everyone agreed.

Mr. Williams stated he talked with the County Administrator, and noted that he had been a Planning Commission Member for almost 40 years, stating he enjoyed it, but that it is time to step down and let someone else take over. Mr. Williams stated he might come and listen to some meetings in the future, but that he is going to resign from his Planning Commission appointment. Chairman Parker stated that the Planning Commission thanks you, and that Mr. Williams has done outstanding work over the years. Mr. McKenzie stated Mr. Williams local business owner opinion was very useful in many of the

decisions made, and his insight will be missed. Mrs. Wilkins-Corey stated that she appreciated the historical context that Mr. Williams routinely offered to the commission. Mr. O'Brien asked Mr. Williams to reconsider resigning, but Mr. Williams stated his mind was made up.

RE: DISCUSSION ITEMS

There were no discussion items on the agenda.

RE: PUBLIC COMMENTS

Ms. Campbell who resides at 106 Movie Hall Lane stated that she represents the residents on Movie Hall Lane. Mrs. Campbell stated to be mindful that my representation is not here tonight, and you all are making decisions without my representation present. Ms. Campbell stated that the ordinance we are considering tonight was not in effect in the county when the Callao cell tower was permitted, and now the county is reviewing ordinances from Richmond and Lancaster, when before we had no power to regulate new cell towers. Mrs. Campbell stated that she was not happy that the commission is throwing out parameters, deflecting to the FCC and FAA and abdicating your responsibility to the federal government. Mrs. Campbell thought it was important to require review of the electromagnetic radiation, because she lives within 500 feet of the newly approved cell tower, and will be living with that radiation during the five years between radiation evaluation, without an X-ray protection apron.

Mr. Garland asked Ms. Campbell if the location of the tower is what you are not happy about. She replied in the affirmative. Mr. Garland then asked what distance would you have liked to have from your house. Ms. Campbell said three miles from her house, but then revised her comment and said 1 mile from her house. Ms. Campbell noted that some of her neighbors did not receive notices for the Board of Supervisors Public Hearing until this month (late). The commission members thanked Ms. Campbell for her comments.

RE: BOARD OF SUPERVISORS REPORT

There was not report given.

RE: ADJOURNMENT

Mr. Garland made a motion to adjourn, which was seconded by Mr. O'Brien and the meeting ended at 8:55 pm. The adjournment vote was as follows:

Chris Cralle	Absent	Roger McKinley	Aye
Vivian Diggs	Aye	Patrick O'Brien	Aye
Allen Garland	Aye	Garfield Parker	Aye
John Kost	Aye	Heidi Wilkins-Corey	Aye
James Michel	Absent	Charles Williams	Aye
Janes Brann	n/a		