

**Northumberland County Planning Commission**  
**April 18, 2024**  
**Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on April 18, 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	Roger McKinley	Present
Vivian Diggs	Present	Patrick O'Brien	Present
Allen Garland	Absent	Garfield Parker	Present
Ed King	Absent	Heidi Wilkins-Corey	Present
John Kost	Absent	Charles Williams	Present
Richard Haynie	Absent		

Others in attendance:

Philip Marston (Zoning Administrator)

Drew Bayse (Assistant County Administrator)

**RE: CALL TO ORDER**

The meeting was called to order by Chairman Parker.

Mr. Parker gave the invocation, and Mr. O'Brien led the commission in the Pledge of Allegiance.

**RE: AGENDA**

Mr. O'Brien made a motion to accept the agenda and Mrs. Wilkins-Corey seconded the motion. All voted in favor of approving the agenda.

**RE: MINUTES- March 21, 2024**

Mrs. Wilkins-Corey made a motion to accept the March 21, 2024 meeting minutes, 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**

There were no citizens comments.

**RE: PUBLIC HEARINGS**

The first public hearing was a revision to the Solar Energy Facility Ordinance. Mr. McKenzie outlined the changes to the ordinance, which were to change the minimum setback from 25 feet to 50 feet (to accommodate the required 25 foot vegetated screening buffer), to change the interval of decommissioning plan revisions from every two years to a decommissioning plan revision two years after start of operations, and thereafter every five years. The final revision was to explicitly state that after a decommissioning plan revision, if the cost to decommission has increased, the surety bond shall be increased by the same amount shown in the newly revised decommissioning plan. Mr. McKenzie explained that the last revision was implied in the ordinance, so this statement makes it abundantly clear that after a decommissioning plan revision shows an increased cost, then the county expects the applicant to increase the surety as well.

Chairman Parker opened the public hearing at 7:10 pm. Mr. McKenzie stated that no one filled out the sign in sheet to speak in person. Mr. McKenzie added that he received no public emails, letters or phone calls regarding the solar energy ordinance revisions. Mr. Parker asked if there was anyone online that wanted to speak about the solar energy facility ordinance. Hearing no one, Mr. Parker closed the public hearing at 7:11 pm.

Chairman Parker asked if there were any comments from commission members, there were none. Mr. McKinley made a motion to send the revised solar ordinance as presented to the Board of Supervisors for consideration. Mr. O'Brien seconded the motion. The vote was as follows:

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

The vote was unanimous, the motion passed.

Chairman Parker asked Mr. McKenzie to present the next public hearing. Mr. McKenzie stated the next public hearing was a revision to the Zoning Ordinance Usage Table, regarding Office Buildings. Mr. McKenzie explained that after Planning Commission review of the zoning ordinance, as requested by the Board of Supervisors, the Planning Commission highlighted the fact that office buildings are a by-right use in Residential, General, R-1 and in Residential, Waterfront, R-2 zoning district. The Planning Commission determined that, in their opinion, Office Buildings should be a conditional use in R-1 and R-2. Mr. McKenzie continued, the Planning Commission sent a memo to the Board of Supervisor's asking permission for the Planning Commission to revise the Zoning Ordinance Usage Table to make Office Buildings a conditional use in R-1 and R-2, and hold a public hearing, which the Board approved. Mr. McKenzie stated that is where we are at tonight.

Chairman Parker opened the public hearing at 7:14 pm. Mr. McKenzie stated that there was no one that signed into the sign-in sheet for the Office Buildings public hearing to speak in person. Chairman Parker asked if anyone present wanted to comment. Chairman Parker then asked if there was anyone online that wanted to comment. Hearing no one, Mr. Parker closed the public hearing at 7:15 pm. Chairman Parker asked if there were any commission member comments, and there were none.

Mrs. Wilkins-Corey made a motion to send the Office Buildings change from by-right to conditional use in R-1 and R-2 to the Board for consideration. Mr. O'Brien seconded the motion the vote was as follows:

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

The vote of those present was unanimous, and the motion passed.

Chairman Parker asked Mr. McKenzie to present for the next public hearing on the county Capital Improvement Plan. Mr. McKenzie went through all the CIP projects from the EMS department, the Sheriff's department, the Sanitary District and the School Board. Mr. McKenzie explained that the EMS projects are self-funded by the ambulance fees, that the Sheriff's vehicles funding is included in his yearly general fund requests. Staff indicated that some of the School Board projects are funded by their school construction fund that was going to be for a new School Board office, but has since decided against building a new office. Individual CIP Projects were summarized by department, going through the CIP spreadsheet from top to bottom. Total projects approved by the CIP Subcommittee for FY 25 totaled \$2,790,363. Subtracting from that total the \$100,000 from the self-funded EMS, \$1,278,874 from School Construction Grant Funding, as well as \$260,424 in Capital Reserve Funds, new county funding would equal \$1,151,065 for FY25, if the Board of Supervisors funds all the projects listed. Mr. McKenzie reminded the Planning Commission that even though a project is included in the Capital Improvement Program, it does not guarantee that it will be funded by the Board of Supervisors. McKenzie cited several projects on this years CIP that were not funded last year.

Chairman Parker opened the public hearing at 7:32 pm. Mr. McKenzie stated that no one had signed in on the sign-in sheet to speak on the Capital Improvement Plan. Mr. Parker asked if anyone in the audience wanted to make a comment on the Capital Improvement plan, and no one spoke up. Mr. Parker then asked if anyone online wished to speak. No one online chose to speak either. Mr. Parker closed the public hearing at 7:33 pm.

Mr. Parker asked if any planning commission members had any comments on the Capital Improvement Plan (CIP). Mrs. Wilkins-Corey stated that she was a member of the CIP Subcommittee and they worked hard, county staff worked hard and the county department heads worked hard in putting this plan together. Mrs. Wilkins-Corey said that

sadly deferring maintenance on county infrastructure means that things are becoming more urgent, as well as obsolescence of some equipment means that there are hard decisions to make to keep everything running. Mrs. Wilkins-Corey summarized by said she thought the CIP was fair to all county departments.

Mr. O'Brien stated he had no objections to forwarding to the Board a recommendation for the EMS, Sheriff's Office and Sanitary District CIP projects. Mr. O'Brien stated he was troubled by the School Board as it seems as if they do not have any idea of what funds they have. Mr. O'Brien said it is State Code that county departments, at the end of the fiscal year, are supposed to return any remaining funding to the county general fund. Mr. O'Brien stated at the joint Board of Supervisors and School Board hearing earlier this week, he said it was revealed the School Board's cafeteria funds have a surplus of \$250,000. Mr. O'Brien stated he did not know how much federal funds the School Board has. Mr. O'Brien queried how the Planning Commission can act without a formal budget to disclose the amount of money they have? Mr. O'Brien added that the School Board is not cooperating with the forensic audit ordered by the Board of Supervisors. Mr. O'Brien stated he did not want to make a recommendation in a void.

Mr. Cralle stated that some of the projects of the School Board are important to the safety of our children, and the security system of the schools is important. Mr. Cralle added that the county needs to look after the children and the people that work for them.

Mrs. Wilkins-Corey stated that the Planning Commission is making a recommendation on the information provided to them, and that they do not have inside information on school funding. Mrs. Wilkins-Corey stated that it was not in the CIP Subcommittee's purview to decide what is funded, that power is in the hands of the Board of Supervisors. Mrs. Wilkins-Corey stated that is not our job to say if the money is there or not. Mrs. Wilkins-Corey continued, the CIP Subcommittee's job is to prioritize the CIP projects based on the best available information, and that is what we have done.

Mr. O'Brien said he agreed wholeheartedly with the EMS, Sheriff, and Sanitation department CIP projects. Mr. O'Brien stated that there is a miasma regarding how much roll over funds, and federal funds that the School Board has available. Mr. O'Brien stated he is very much opposed to recommending School Board projects without an accurate accounting of how much money they have on hand for their projects.

Chairman Parker asked Ms. Diggs how she felt. Ms. Diggs stated that she agreed with Mrs. Wilkins-Corey, that the Planning Commission is not going to make the actual funding decision and procurement, as that is the role of the Board of Supervisors.

Mr. Williams said that he tends to agree with Mrs. Wilkins-Corey, as the Planning Commission is going through the CIP process, making a recommendation to the Board of Supervisors.

Mr. McKinley also related that he agreed with Mrs. Wilkins-Corey. Mr. McKinley stated that it is up to the Board of Supervisors to take care of the funding details, and that he trusts the Board of Supervisors decisions. Mr. McKinley stated that the Planning

Commission’s job is to pass it on to the Board, and they can pick out the projects that they feel need to be funded.

Mr. McKenzie stated that the Planning Commission recommends to the Board of Supervisors and the Board of Supervisors acts. Mr. McKenzie also stated that since the beginning of the county developing Capital Improvement Plans, no county department head has been asked to submit its budget as part of the CIP process.

Mr. O’Brien reiterated that he has no objection to the EMS, Sherriff and Sanitary District CIP projects, in fact he looks upon those projects favorably. Mr. O’Brien stated that in good faith he doesn’t think we can make a favorable recommendation for the School Board CIP projects. Mr. O’Brien continued, once we know how much money the School Board has, then we can move forward. Mr. O’Brien recommends making no recommendation on the School Board projects. Mr. O’Brien said he doesn’t want to hear the Planning Commission is in favor of the School Board’s request when it is unclear how much money they have and that is, in his opinion, irresponsible to do.

Mr. McKinley asked when does the Board need the Capital Improvement Plan? Mr. McKenzie stated the Board wanted it before May, but this is where we are at now.

Mrs. Wilkins-Corey stated that the CIP Subcommittee was giving a list of county department projects, and their job was to prioritize the projects on that list. Mrs. Wilkins-Corey added that the Planning Commission is advising the Board, by evaluating the county department heads proposed CIP projects, as requested. With that, Mrs. Wilkins-Corey stated she would like to make a motion to recommend the Capital Improvement Plan to the Board of Supervisors. Mr. McKinley seconded the motion. The vote was as follows:

Chris Cralle	Aye	Roger McKinley	Aye
Vivian Diggs	Aye	Patrick O’Brien	Nay
Allen Garland	Absent	Garfield Parker	Aye
Ed King	Absent	Heidi Wilkins-Corey	Aye
John Kost	Absent	Charles Williams	Aye
Richard Haynie	Absent		

The motion passed with one objection.

Assistant County Administrator Drew Bayse added that last year, the Planning Commission recommended the CIP to the Board of Supervisors, and the Board of Supervisors passed the CIP at their public hearing. There were several School Board projects that the Board did not fund. Mr. Bayse said, if that helps to alleviate any of your concerns, Mr. O’Brien. Mr. O’Brien said that he knows how the process works, he just does not want the School Board to say that the Planning Commission approved their CIP projects, as they have done in the past.

Chairman Parker stated that the Board of Supervisors with either fund or defund CIP projects, at their discretion.

A member in the audience stated that the Board of Supervisors is having a joint meeting with the School Board on April 24 at 5:30 pm.

**RE: WORK SESSION ITEMS**

Mr. McKenzie stated that with all the ordinance development, the CIP, and his GIS work, he has not had time to work on the Comprehensive Plan. Mr. McKenzie stated that the Commission had asked him to go through the previous discussions on revising the Comprehensive Plan and to go from there. Mr. McKenzie stated that in June of 2021, we had the 1<sup>st</sup> Chapter of the Comprehensive Plan on the agenda, but the discussion on solar and animals in R-2 took the entire meeting, and we did not have time to discuss the Comprehensive Plan. Mr. McKenzie added that at the July 2021 the Planning Commission had the 1<sup>st</sup> Chapter of the Comprehensive Plan on the agenda, and we were still talking about solar and animals in R-2, and ran out of time to discuss the Comp Plan. In August 2021, the Planning Commission was still talking about solar energy and animals in R-2, near the end of the meeting, staff stated that most of Chapter 1 is laying the groundwork, stating facts about the county, that really has no policy statements in it, more of reciting of facts. Mr. McKenzie added that at that meeting Mr. O'Brien stated he has reviewed Chapter 1 and stated he saw no reason to change anything and motioned to leave it as written. Mr. King seconded the motion and all members voted unanimously for the motion to approve Chapter 1 of the Comprehensive Plan as written.

Mr. McKenzie stated that Chapter 1 has 21 maps in it, and that he actually was the person who created these maps, when he was working for the Northern Neck Planning District Commission. Mr. McKenzie stated that approximately ½ of the maps, the underlying data has not changed. As an example, Mr. McKenzie said that the soils data has not changed, and every map derived from the soils, such as Shrink Swell, Septic Suitability, Depth to Water Table or Prime Agricultural Soils will be basically the same. Mr. McKenzie stated that if the Planning Commission wanted him to redo those map, he stated he can, but the content of the maps will be unchanged, as it will be the exact same dataset. Mr. McKenzie said that the Major Subdivisions maps will likely stay the same, as there has been no new large subdivisions platted since the last Comprehensive Plan, however, maps like the Existing Development has changed and likely should be redone.

Mr. McKenzie added that there was some discussion in Chapter 1 on the aquifers and he would like to revisit the topic of reservoirs. Mr. McKenzie stated that the commission has had this discussion several times in the past, and the past chairman, Mr. Fisher, was adamant that reservoir construction is too costly given Northumberland County's budget. Mr. McKenzie added the reservoirs would be a multi-million dollar undertaking and then you have to built a water treatment plan to clean the water and a water distribution system. Mr. McKenzie added that how dispersed the population is, and that there are fringes of development along the shoreline, with pockets of development inland, it makes distributing water via pipeline problematic at best. Mr. McKenzie alluded to the advances in desalinization technology and proposed that reservoirs really are not a viable option for water supply. Mr. McKenzie added that the wetland regulations have become stricter and if you were to build a reservoir in an existing stream bed, you would have to pay

mitigation fees for every acre of linear streambed, as you would be altering the wetland function when it is covered in open water. The existing reservoirs in the Potential Reservoirs Map were from a 1969 study that was before we had the Clean Water Act, and so much has changed since then. Mr. McKenzie stated he would like the Planning Commission to have a discussion on whether we want to keep the section in Chapter 1 about reservoirs as well as the Potential Reservoirs Map.

Mr. Parker asked if the aquifer level is still dropping. Mr. McKenzie stated the last he heard it was 1.5 foot a year, but with the advent of the Eastern Virginia Groundwater Protection Area, that may have changed. Mr. McKenzie stated he has not checked lately. Mr. McKenzie noted that we will need to add the groundwater management area into the discussion of potable water section, the impetus for the act, the date the management area was established as well as the withdrawal criteria that requires to register with DEQ to report your water usage.

Mrs. Wilkins-Corey asked if the Reservoirs are part of the groundwater management plan now? Mr. McKenzie responded no, they are from a study from the Northern Neck Economic Development Commission (NEDCO), a regional government entity that pre-dates the Planning District Commission. Staff stated that the Army Corps of Engineers now recommend that reservoirs not be situated on the main stem of a stream, but upland in a non-wetland area that has a watershed of 5-10 acres or less. The reasoning behind such a small watershed is that if we get a tropical storm that dumps 10-12 inches of rain on us, the smaller watershed has less chance of accumulating enough volume of water to breach the dam. Of course, you would have to pump the water from the stream up to non-wetland reservoir site to fill it up. Mrs. Wilkins-Corey asked if staff wanted to remove the reservoir section and replace with a desalinization of water section? Mr. McKenzie stated that is something we need to discuss, to see how the Planning Commission wants address the issue of a backup water supply. Mr. McKenzie stated he did not believe that reservoirs is a viable option, and he was not sure that desalinization is a replacement option either. Mr. McKenzie, explaining the availability of groundwater in Northumberland County, noted that aquifers and their confining layers are best thought of as a layer cake, with the cake layer representing the aquifers and the icing in between layers as the confining units, with all the layers pinching out at the Fall Line (roughly along I-95). Mr. McKenzie added that the layers of aquifers near the Fall Line are much thinner and they get thicker and thicker as you head East to the Bay. Therefore, Mr. McKenzie said that is why we have to drill down 600 feet to get water in Northumberland. The additional thickness of the aquifers in Northumberland means there is a larger volume of water here than in counties near the Fall Line like Henrico County. Therefore, counties West of us will likely have groundwater problems well before Northumberland County will. Mr. McKenzie mentioned that we have the additional problem of saltwater intrusion. Mr. McKenzie elaborated on the saltwater intrusion problems and stated that he believes we discussed that down in Hampton Roads they draw saline groundwater out of the aquifer and treat it for potable water use by desalinizing it. In addition, Mr. McKenzie explained the Hampton Roads Sanitation District has undertaken a project with DEQ and are injecting treated wastewater into the aquifer in an attempt to push the saltwater wedge further East.

Mr. McKenzie stated he really wanted to hear what the commission members think, noting that Mr. Fisher regularly mentioned that as long as it rains, there will always be water that can be accessed by shallow wells by tapping the water table aquifer (the first occurrence of groundwater). Mr. McKenzie stated that the quality of that shallow well water may be of concern, depending on the surrounding land use, as herbicides and pesticides may be of concern. Mr. McKenzie stated that shallow wells do not allow large volume withdrawals, but should be adequate for a household. Mr. McKenzie added the caveat that if the density of houses is high, such as a subdivision, shallow wells may run dry if everyone is using them in August.

Mr. Williams asked Mr. McKenzie if he thought that we should remove the section on reservoirs from Chapter 1? Mr. McKenzie hesitated and then stated yes, that the reservoirs in the Comp Plan are from a study more than fifty years old and before the United States had environmental laws. Mr. Williams suggested we leave the reservoir section in and state this may be the least viable ways of getting potable water. Mr. McKenzie stated that would be fine as well, whatever the commission desires, we could state that this is likely the least cost effective option for water supply.

Mr. O'Brien stated that no other county in the Northern Neck has reservoirs in their Comprehensive Plans. Mr. O'Brien noted the cost, and the ungodly environmental permits that make reservoirs unfeasible. Mr. O'Brien stated that with the DEQ restrictions on the paper mill in West Point, the level of the aquifer has not degraded, but could be an issue in the future. Mr. O'Brien stated that Lancaster County just finished their Comp Plan, and it is significantly more pro-growth than ours. Mr. O'Brien stated that the Lancaster Comp Plan focuses on needs to attract new business in the county. Mr. O'Brien stated that our Comprehensive Plan seems as if it was written in the 1970's and has a primary goal of preserving the rural character of the county. Mr. O'Brien stated that to him, the focus on preserving rural character gives the business community the impression that Northumberland County is not interested in new industry or business locating in the county, as we want to stay country and rural. Mr. O'Brien stated the Comp Plan needs more balance so as to be a more business friendly county.

Mr. McKinley said that he agrees with Mr. Williams and does not think we should remove the reservoirs from the Comprehensive Plan.

Mr. Parker stated that he recently read about the "forever chemicals" present in our water. Mr. Parker felt that we should mention PFA's and PFO's in the Comp Plan, and address groundwater contamination.

Mr. O'Brien said we could have a statement in the Comp Plan that the county is not interested in any plastic or plasticized fabric manufacturer in the county, and that we are opposed to any enterprises of this nature to reduce the chance of having these forever chemicals in our local groundwater.

Mrs. Wilkins-Corey stated that she felt that staff should only update the maps in Chapter 1 of the Comp Plan that have changed.



Mr. McKenzie stated he will start working on Chapter 1, and will send out Chapter 2 to Planning Commission members before the next meeting.

**RE: DISCUSSION ITEMS**

There were no discussion items scheduled.

**RE: PUBLIC COMMENTS**

There were no public comments

**RE: ADJOURNMENT**

Mr. O'Brien made a motion to adjourn, seconded by Mr. McKinley to adjourn the meeting at 8:24 pm. The adjournment vote was as follows:

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

The motion passed and the meeting was adjourned.