

Northumberland County Planning Commission
July 18, 2024
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on July 18, 2024 at 7:00 p.m. in person at the Northumberland Courts Building and using Zoom (internet and telephonic meeting) with the following attendance:

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

Others in attendance:
Stuart McKenzie

RE: CALL TO ORDER

The meeting was called to order by Chairman Parker at 7:05 pm.

Mr. Parker gave the invocation, as well as leading the commission in the Pledge of Allegiance.

RE: AGENDA

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

RE: MINUTES - June 20, 2024

Mrs. Wilkins-Corey made a motion to accept the June 20, 2024 meeting minutes, and Mr. O'Brien seconded the motion. All voted in favor of accepting the minutes.

RE: COMMISSIONERS' COMMENTS

Mr. Parker thanked Mr. Kost for his effort and work on putting together the pros and cons of the analysis determining if requiring a business license in the county is beneficial. Mr. Kost thanked Mr. Parker for his compliment.

RE: STAFF MEMBERS' COMMENTS

Mr. McKenzie stated he felt they were making progress on the Comprehensive Plan revision, and that he has been busy applying for grants for the county and the Anti-Litter Committee.

RE: CITIZENS' COMMENTS

There were no citizens comments.

RE: PUBLIC HEARINGS

There were no public hearings scheduled.

RE: WORK SESSION ITEMS

Mr. McKenzie displayed the pros and cons slide on the video projector and went through the pros list. Mr. McKenzie thanked Mr. Kost for putting together the list. Mr. Kost, who was attending through the Zoom meeting interface stated that the list of pros and cons are not his, but was gleaned from the comments of all commission members at the last Planning Commission meeting in June. Mr. McKenzie stated that he does not remember members talking about instituting a gross receipts tax. Mr. Kost mentioned that some towns have gross receipts taxes and if the Board of Supervisors decides that they want to increase county revenue, this would be an option. Mr. O'Brien stated that the first Con was that many businesses might fear this is the first step towards a business tax. Mr. O'Brien stated that would be a logical conclusion, but that he did not think the Board of Supervisors would go forward with that. Mr. O'Brien continued, the cost of administration and enforcement of a county business license would far outweigh the revenue generated. Mr. O'Brien stated that he thinks that a lot of businesses in the county operate on a cash basis. Mr. Kost stated that the Commissioner of Revenue has list of tax paying businesses in the county. Mr. Kost then relayed that through his discussion with the Commissioner of the Revenue he learned that you can't get insurance as a business if you are not registered with the state as a business, and pay the requisite taxes. Mr. Kost then remarked that the Commissioner of the Revenue had wondered why, over the many years he has been the Commissioner of Revenue, that no one has ever asked for a list of businesses in the county. Chairman Parker stated that this is the kind of information for the Economic Development Commission to work with. Mr. Kost stated that Karen Pica with the Northumberland County Economic Development Commission did not know about the Commissioner of the Revenue's business list, but she will get a copy of the list and compare it to the Workforce Development List. Mr. O'Brien stated that with the list we can search for gaps in the county's business communities, so the Economic Development Commission can attract the types of businesses we are missing.

Mr. McKenzie asked if the Commission would like to go through the "cons" of the pro and con list for requiring a business license. The commission stated that they had read the cons. Mr. Kost then stated one problem that was uncovered when he talked to the Commissioner of the Revenue, was that temporary rental (short term rentals, STR's) property management companies, according to state law, do not have to itemize their revenue payments for occupancy to the counties, so there is no way for the county to check to see if they are remitting the correct amount. The Commissioner of the Revenue would like to get a list of the address of the property and what days of each month where the short term rental was occupied, which would allow verifying the correct amount of tax is collected and remitted to the county. Currently that is not how the law operates, and this problem is not unique to Northumberland County, all counties in Virginia have this

problem. Mr. Kost stated that Todd is attempting to ask short term rental owners what days their unit was occupied in an attempt to gauge whether the rental platforms are submitting the proper amount of taxes, and the administration of the STR registry in the county. The Commissioner of Revenue told Mr. Kost that there is no way he could administer a new business license program, and he doesn't think it is a good idea. Mr. McKenzie elaborated on the state laws that does not require itemization of occupancy tax short term rental, and that throughout the United States, this is a problem for counties in their tax accounting reviews. Mr. McKenzie then asked if he could talk about the business list that Mr. Kost shared with the Commission members from Workforce Development. Mr. McKenzie stated that he did some checking of the data, and found old business names that have been out of business for three or more years on the list, as well as duplication of businesses and mis-categorization of businesses. Mr. McKenzie stated that one of the businesses listed is an oyster aquaculture farm, and was listed as a federal government contractor. Mr. McKenzie pointed out some of those incorrect entries for business names to highlight the problems of the workforce development business list with the commission members. Staff stated that the file stated it dated from June of 2024, but that much of the data within the lists are much older than that. Mr. O'Brien said the list is a starting point, and is much better than what we had before, which was nothing, noting that the list can be worked on and improved. Mrs. Wilkins-Corey stated that she found it interesting that no one had ever requested the county business list from the Commissioner of the Revenue, or even knew about the list. Staff stated that he thinks the business list should be worked on by the Economic Development Commission. Mr. O'Brien stated he suggests that the Planning Commission get the Commissioner of the Revenue business list, if he will give the list out. Mr. McKenzie stated that he learned from talking with the Commissioner of the Revenue that service businesses do not pay sales tax, because they do not sell taxable items, but instead services. Mr. McKenzie stated at the last meeting Mrs. Wilkins-Corey stated that a lot of the lawn mowing services that you see driving the local county roads likely do not pay taxes. Mr. McKenzie stated he asked the Commissioner of the Revenue about that and stated that the person would have to pay taxes on the trailer as they get info on trailers from the Virginia DMV, and business personal property on the lawn mowers. Mr. McKenzie wondered how the Commissioner of the Revenue would know who has how many \$5,000 zero turn lawnmowers, as the mowers are not required to be licensed by the DMV. Mr. O'Brien stated that in his opinion, requiring a county business license would drive some (legitimate tax paying) businesses underground. Mr. Kost suggested that the Planning Commission invite the Commissioner of the Revenue to a future meeting to inform us. Mr. McKinley asked if watermen have to register with the Virginia Marine Resources Commission (VMRC). Mr. Williams stated that some do, and some don't. Mr. McKinley stated he thought that watermen had to show their card and fill in the number of crabs and fish they caught and sold. Mr. Williams stated that the bigger ones do. Mr. O'Brien stated that we have a lot of small businesses in the county and it is opening the door to increased taxes on the small businesses, and that might do more harm than good. Mr. Williams stated that he believes that to be true, and it would not be popular with the business community. Mr. Kost stated that at the Board of Supervisors meeting, they authorized the Planning Commission to analyze the pros and cons of requiring a business license, and he felt that we are not ready to send it back to the Board of Supervisors yet. Mr. Kost stated that members need to complete this document, and need to think about what more we need to put on this list (of pros and cons). Mr. O'Brien said that we are entering a time when

businesses are sick to death of government regulations. Mr. O'Brien stated he is concerned we are adding another layer of regulation. Mr. McKenzie stated that the Board of Supervisors authorized the Planning Commission to make a recommendation on the requirement of a county business license. Mr. McKenzie said that it is quite reasonable to come to the conclusion to not recommend requiring business licenses in the county. Mr. Parker stated that the Board has looked to adding additional revenue streams to the county budget, other than property taxes, and we are going to be in the same boat next year at budget time. Mr. O'Brien said that the Board of Supervisors will definitely ask what other counties are doing (with regards to requiring a business license). Mr. Kost stated that Richmond and Lancaster County do not require business licenses, but that the town of Warsaw and Kilmarnock do require business licenses. Mr. Williams stated he would support a business license if it helps businesses. Mr. Kost stated that requiring a business license sends the message to existing legitimate tax paying businesses in the county there is a level playing field and that their competitors are playing by the same rules (as opposed to not requiring a business license, and some non-tax paying businesses having additional profit from not paying their fair share of taxes). Mr. Williams said that is likely true, but he feels there needs to be more pros. Chairman Parker said look at the newspaper, more population coming in, can our infrastructure keep up with the population growth? Mr. O'Brien conceded there is a fairly significant growth in at home internet businesses in the county. Mr. Garland stated that the original reason to investigate business licenses was that the county would know how many electricians, or doctors, etc. are working in the county. Mr. Garland said he didn't know if the commission is sticking to the original reason, that is to get this information to the people who attract businesses so the county can fill gaps in the business community. Mr. Garland stated he did not think we need to require a business license, because, with the two business lists we have discovered, we have the information we sought. Mrs. Wilkins-Corey said that most of the questions have already been answered (with the business lists), but that it was good to have the discussion. Mrs. Wilkins-Corey stated she learned a lot, and that it was a well worthwhile endeavor. Mr. O'Brien reiterated that he still wanted to invite the Commissioner of the Revenue to a Planning Commission meeting for the purpose of obtaining more information. Chairman Parker said that we have uncovered information (the Commissioner of Revenues business list) for the Economic Development Commission to investigate. Mr. McKenzie stated that he feels the Planning Commission is getting too deep into this investigation, after all, the Board of Supervisors is looking only for a recommendation either for or against a business license. Mr. McKenzie stated further investigation of the business community is the purview of the Economic Development Commission, not the Planning Commission. Mr. O'Brien began to say that we should recommend to the Board of Supervisors, but Mr. Kost asked the Planning Commission to slow down. Mr. Kost added that Karen Pica (with the Economic Development Commission) is going to work on this and we should know more next meeting. Mr. Kost stated the Planning Commission is under no deadline, and should continue to work on this. The majority of Planning Commission members agreed.

Chairman Parker stated the commission will now transition to the Comprehensive Plan revision, focusing on Chapter 3, the Land Use Plan. Mr. McKenzie stated he would put the draft revisions to Chapter 3 on the video screen, and go through the changes that were previously recommended by the Planning Commission, pointing out that the red text indicated additions, and red text with a strikethrough line indicated deleted text. Mr.

McKenzie began by explaining that at the last meeting, Mr. Kost stated he had confusion over the terms open space, green space and protected space and wanted to have definitions of those terms. Mr. McKenzie stated he coordinated with the Zoning Administrator and they decided defining the terms as they occurred in the document was a better approach than having a glossary of definitions. To that point, Mr. McKenzie pointed out that on page 3:6, bullet point (2) that he added a sentence at the end of the paragraph that stated that “Lands under conservation easements are referred to as protected lands.” Furthermore, Mr. McKenzie moved to page 3:7, bullet point (2), second paragraph, he added a sentence in parentheses in the middle of the paragraph “(Open space is land that is not developed, and has any vegetative cover, e.g. grass, crops, shrubs or forest.)”. Next, staff stated that in the title of bullet point (3) on page 3:7, he deleted the word “Green” (Space) and replaced it with “Open” (Space), which had been previously defined. Finally, on page 3:7, at the end of the last paragraph he added the sentence, “when clustering residents or in planned unit developments”, which parallels the zoning ordinance regarding protected lands (conservation easements) in these types of developments in the county. Mr. Kost stated that the changes helped clarify the meaning of the terms he had problems with, but suggested that the first changed sentence to be reversed to say that “Protected lands are lands placed under conservation easements” to be more definitive. The commission agreed and staff stated he would make that change.

Mr. McKenzie then moved to the next revision, regarding the Framework of Village Policies. Mr. McKenzie relayed that at the last meeting, there was considerable discussion on the notion that if the county is not actively working on a program, then it should be deleted from the Comprehensive Plan. Staff had countered that sometimes a county adds a project in the Comprehensive Plan to aspire to in the future as a placeholder. Commission members conceded that if that is the purpose, then it should be clearly stated in the plan. To that end, staff noted that on page 3:14, bullet point (6), he added a sentence at the end of the paragraph discussing sewer systems in Heathsville and Burgess, that stated “At this time, the population density is too sparse to support the financing for public sewerage systems in Heathsville and Burgess. In the future, however, this could change.”

Next, Mr. McKenzie scrolled to the page for the village of Callao, on page 3:15 and showed the Commission that he deleted bullet (2) referencing the development of a water supply reservoir on Lodge Creek, as that is not being planned, and may not be feasible, given current environmental regulations. Mr. Kost noted that staff needs to renumber the bullet list. Staff agreed. Mr. McKenzie then moved to the village of Heathsville section, page 3:20, to delete the reference to a pharmacy that is no longer in business, and to remove the brand name reference to the grocery and dollar store. Next, staff moved to further down page 20 to delete the reference to developing a water supply reservoir on Crabbe Mill stream, and renumber the bullet points. Staff then moved to the village of Reedville, on page 3:28, and noted that he added a sentence at the end of paragraph 2, that stated “In the Historic Area, state historic preservation rules apply.”, as was discussed at the last meeting. Mr. McKenzie then moved to the next page 3:29, bullet point (1), where he stated he discussed the Historic District guidelines with Zoning Administrator, and they decided to add a line at the end of the paragraph that stated “after a local historic board is established.”

Mr. McKenzie stated that at the last meeting there was discussion about the Highway Corridor Overlay District (HCOD), which mainly focused on the history of the initiative, and added that there was no decision made on changes to that section. Mr. McKenzie said that he discussed the HCOD with the Zoning Administrator and the County Administrator, and they both determined that the HCOD initiative has been handled by VDOT, and that the county does not wish to add more burdens to citizens who wish to establish businesses in the county along primary highways. The consensus at the end of the meeting was that if the Planning Commission agreed, then it was OK to delete the entire section. The Planning Commission agreed, and staff stated he would make the change.

Finally, Mr. McKenzie noted that at the last meeting, staff asked the commission members where in the Comprehensive Plan should we address Solar Energy Facilities, stating that he thought the Policies for Special Areas would be a good place. Commission members agreed that would be a good place for Solar Energy Facilities. Mr. McKenzie noted that he placed the discussion of what the county would like to see regarding Solar Energy Facility developments on page 3:42 after the Patuxent Naval Air Station Joint Land Use Study. Mr. McKenzie stated he put a short introduction paragraph, as well as a few sentences citing concerns from solar energy facilities. Mr. McKenzie add the three guidelines that he had discussed with the County Administrator and Zoning Administrator, “1. Solar Energy Facilities should be located at least 1,000 feet from any village growth or support area, to allow for possible future growth in the county., 2. Solar Energy Facilities should be located to minimize the impact on Prime Agricultural Soils. Siting Solar Energy Facilities on marginal soils that have low agricultural production rates would be preferred., 3. Solar Energy Facilities should be located to minimize the impact to Forest Resources, and to the maximum extent possible, concentrate Solar Energy Facility development on open land., 4. Solar Energy Facilities should leave existing vegetation on the borders of the site in place (if present) for natural vegetative visual buffers, as opposed to clearing all vegetation and establishing new vegetative visual buffers. Following this recommendation should reduce costs for the developer, while, at the same time preserving more robust and dense visual vegetative buffers.” Mr. McKenzie asked the Planning Commission members if they agreed with the four guidelines he added for solar energy facilities, and all said yes.

Mr. McKenzie then transitioned to a document provided by Susan Seward of the Rural Solar Development Coalition, from her county of Sussex, entitled Proposed Modifications to the 2024-2025 Comprehensive Plan in Consideration of Solar and Battery Energy Storage Facilities. Mr. McKenzie displayed the document on the video screen for the public and commission members to view and went through the Sussex County Comprehensive Plan changes, noting that three of the changes they made are incorporated into the current revisions to our Comprehensive Plan (with some modifications). Referencing the document on the screen, Mr. McKenzie asked the commission if they felt the need to include minimum and maximum sizes of solar energy facilities. The majority of planning commission members stated that mandating sizes for solar energy facilities was not necessary.

Mr. Garland stated that he was not on the commission when solar energy facilities were originally discussed, so he wanted more information regarding the size of solar energy

facilities. Mr. McKenzie stated that discussions with Northern Neck Electric Co-Op and Dominion Energy representatives informed the commission that there are no transmission lines in the county, only sub-transmission lines, so the reserve electric capacity of these lines is small. For Northumberland County both electric companies stated that the existing lines in the county could support approximately 20MW of solar energy facilities. Mr. McKenzie noted that the county has received three applications for solar energy facilities, each about 10 MW, which have all been denied. Mr. McKenzie added that a 10 MW solar energy facility takes up about 15 acres, so solar energy facility size is constrained in Northumberland County by the electric infrastructure, so the maximum size is self-limiting. Mr. Garland thanked staff for the additional information.

Mr. McKenzie then referenced the Sussex county document on the screen and asked if the commission felt they should add the percent coverage of a solar energy development site in the comprehensive plan, pointing out that Sussex chose a maximum of 65% photovoltaic panel coverage of any solar development site in the county. Mr. O'Brien stated he felt that was too specific to be included in the Comprehensive Plan. Other members stated that percent coverage of solar panels was not necessary. Staff took note. Next staff asked if the commission wanted to place a limit on how close two distinct solar energy facilities could be located, stating that Sussex County had a spacing of at least two miles between solar facilities. Planning Commission members stated that since we will only have two or three solar energy facilities in the county with the existing electric infrastructure, spacing was not really an issue. Staff stated he understood.

Mr. McKenzie then stated he wanted to show the progress of the Maon Solar Energy Facility in Richmond County across from Rt 600 from Northumberland County. Mr. McKenzie brought up the area on Bing Maps, which had older aerial imagery, taken before construction, with the same area displayed on Google Maps, which had newer aerial imagery that showed all of the clearing and construction of solar panels. Mr. McKenzie pointed out the electric transmission lines, the substation, and newly constructed inverter site, along with the photovoltaic panels installed on some areas, as well as showing the stormwater retention ponds on sites cleared of trees before solar panel installation. Several planning commission members were in awe of the size of the facility. Mr. McKinley remarked that could happen across the road in Northumberland County if a company decided to run the necessary power line to the transmission lines in Richmond County. Mr. McKenzie stated that would be unlikely, as the company would have to incur the cost of running the line that distance, as well as obtain the necessary easements from landowners along the route. Mr. McKenzie added that even the large transmission lines have limits to the capacity of power they can accept from solar facilities, and with the Richmond County solar facility being so large, it is possible the transmission line could not handle more solar power input, but that was pure speculation. Mr. Kost asked why is staff showing these solar energy facilities at the meeting. Mr. McKenzie stated he wanted to show that companies can and will cut down trees to install solar energy facilities. Mr. Kost asked if we are going to NIMBY, after all, this is the energy of the future, as stated in the Comprehensive Plan revision. Mr. Kost stated we need to focus on how to embrace solar energy not condemn it.

Back to the Comprehensive Plan revisions, Mr. O'Brien stated at the last meeting, the meeting was cut short and he could not get his comments in on the Comprehensive Plan

and asked the Chairman if he could state his comments now. Chairman Parker gave Mr. O'Brien the go ahead. Mr. O'Brien stated that in the Comprehensive Plan there are repeated references to protecting rural areas in the county, and the he feels there is a need to balance that with the need for economic development. Mr. O'Brien stated that for a first time reader of the Comprehensive Plan, they could get the impression that the county is not interested in new development. Mr. O'Brien said he was seeking a balance between the two. Mr. O'Brien asked staff to scroll the Comprehensive Plan for section 3A, and Mr. McKenzie asked if he meant A (3). Staff then asked Mr. O'Brien for a page numbers, which he did not have, so Mr. O'Brien stated he would get page numbers and revisit his concerns at the next Planning Commission Meeting. Mr. O'Brien then stated he would like to comment on the Future Land Use Plan Map, on page 3:4. Mr. McKenzie scrolled to the map page, and Mr. O'Brien stated he felt we should remove the reservoir layer, as we have discussed before that they are not environmentally or financially feasible. Mr. McKenzie stated he understood Mr. O'Brien's sentiment, but that the text of the Comprehensive Plan still references three reservoirs, Lodge Creek, Crabbe Mill and Sydnors Mill Pond. Mr. McKenzie asked if there could be a compromise and delete all reservoirs off the map, except for those three. The majority of the commission members felt that would be appropriate. Mr. O'Brien stated that the village areas on the Future Land Use Maps do not stand out, and suggested changing the labeling on the legend from "support areas" to "potential economic development areas". Staff stated that the support areas are critical to the village growth area concept, as the support areas are supposed to be a mix of residential and businesses to support the local population. Mr. McKenzie read the section explaining the support areas from page 3:13, section (3), and saying that the support areas are not easily removed or renamed as they are integral to the village growth concept. Mr. O'Brien added that the growth areas do not really have a prominence on the Future Land Use map. Mr. McKenzie suggested that he rename the legend section that shows the commercial hubs and support areas from "Village Growth Areas" to "Future Growth Areas", delete all reservoirs except the three mentioned in the plan, and remove the USGS Topographic Map in the background, which somewhat clutters the map and makes it look busy. Mr. McKenzie stated the original intent to have the topographic map in the background was to illustrate how much of the county is forested, but that is not the purpose of the map, which is to highlight the areas the county wishes (business) growth to occur. Mrs. Wilkins-Corey stated that we need to keep the growth and support areas. Mr. Kost agreed, as did Mr. Williams. Mr. Williams questioned the support areas around Reedville. Mr. McKenzie brought up the Reedville map on the screen. Mr. Williams stated that there are a lot of waterfront residences in the Reedville Support Area. Mr. McKenzie agreed, but also commented that the area is where the majority of the industrial zoned land is located in the County. Mr. McKenzie added that he thought the Reedville Support Area would be a great place to entice a boat builder to locate, due to the industrial zoned land and adjacent deep water. Staff added that most manufacturers also prefer interstate highway or railroad access to bring in raw materials and ship out finished products, which we lack.

RE: DISCUSSION ITEMS

There were no discussion items scheduled.

RE: BOARD OF SUPERVISORS REPORT

Chairman Parker asked Mr. McKenzie for a Board of Supervisors Report, and Mr. McKenzie apologized, as he did not attend the meeting, and the Zoning Administrator, whom he consults on the results of the Boards decisions was on vacation. Mr. McKenzie added that Mr. McKinley can speak on the Jacey Vineyards commercial pier application. Mr. McKinley stated that Board granted a conditional use permit for the commercial pier for Jacey Vineyards. Mr. O'Brien stated that the Board passed the School Board's budget that was categorized by line items, however, they only passed the School Board for six months, so it will need to be revisited at that time.

RE: PUBLIC COMMENTS

Mr. Maurice Johnson stated that he liked the fact that the Planning Commission noted that the problem statement regarding business licenses was acknowledged to be likely met by the discovery of the county business lists.

RE: ADJOURNMENT

Mr. O'Brien made a motion to adjourn, seconded by Mr. McKinley to adjourn the meeting at 9:12 pm. The adjournment vote was as follows:

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

The motion passed and the meeting was adjourned.