

Northumberland County Planning Commission
August 15, 2024
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on August 15, 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	Absent	Roger McKinley	Present
Vivian Diggs	Present	Patrick O'Brien	Present
Allen Garland	Absent	Garfield Parker	Present
John Kost	Present	Heidi Wilkins-Corey	Present
Richard Haynie	Present	Charles Williams	Present

Others in attendance:
Stuart McKenzie, County Planner

RE: CALL TO ORDER

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

Chairman Parker gave the invocation, as well as leading the commission in the Pledge of Allegiance. Chairman Parker then asked for a moment of silence in honor of Edwin King, District 1 Planning Commission representative, who passed away the week before. Chairman Parker and other commission members stated that Mr. King's insight on matters before the commission will be missed.

RE: AGENDA

Mr. McKenzie stated that he would like to make a couple of revisions to the Draft Agenda. Mr. McKenzie stated that a Planning Commission member asked to have a discussion about comprehensive plan review of solar energy facility projects, that was discussed at the last Board of Supervisors meeting. Mr. McKenzie stated he would like to add that agenda item as the first item on the agenda for tonight. Mr. McKenzie then asked to change the wording of the third (now fourth) item on the agenda, as he did not have the Board of Supervisors Memo when he drafted the agenda. Mr. McKenzie stated he would like to change the wording from "creation of canoe/kayak launch at Hampton Hall Landing" to "creation of public water access at Hampton Hall Landing" to better reflect the content of the Board of Supervisors August 12, 2024 Memo to the Planning Commission. Mr. Kost made a motion to accept the revised agenda and Mr. O'Brien seconded the motion. All voted in favor of approving the revised agenda.

RE: MINUTES – July 18, 2024

Mr. Kost made a motion to accept the July 18, 2024 meeting minutes, and Mr. O'Brien seconded the motion. All voted in favor of accepting the minutes.

RE: COMMISSIONERS' COMMENTS

There were no commission member comments.

RE: STAFF MEMBERS' COMMENTS

Mr. McKenzie stated that the financial accountant for the county asked that he hand out direct deposit forms to the Planning Commission members that do not have direct deposit for their mileage and meeting reimbursements. Mr. McKenzie explained that the financial accountant was having trouble reconciling the checking account, because some reimbursement checks had not been cashed in a timely manner. Mr. McKenzie distributed the forms to the Planning Commission members that did not already have direct deposit and told them they could fill them out, sign them and return them to the county administration office, bring them by the building and zoning office, or simply bring them to the next Planning Commission meeting and he would give them to the county financial accountant for processing.

RE: CITIZENS' COMMENTS

There were no citizens comments.

RE: PUBLIC HEARINGS

There were no public hearings scheduled.

RE: WORK SESSION ITEMS

Mr. McKenzie stated that according to state law Section 15.2-2232, Legal status of (comprehensive) plan, when any utility is planned to be built in the county without being referenced in the comprehensive plan, that the Planning Commission is to review that utility project to determine if the project is in "substantial accord with the comprehensive plan". Mr. McKenzie read the first portion of Section A of 15.2-2232 of the Virginia State Code, "Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204." Mr.

McKenzie noted the language “substantial accord” stating that does not mean that it is 100% in compliance with the comprehensive plan, but that it is relatively aligned with the intent of the comprehensive plan, and it is the planning commission’s job to make that determination. Next, Mr. McKenzie read Section H of Virginia State Code 15.2-2232, “A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right; (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or 56-594.01 or by a small agricultural generator under § 56-594.2; or (iii) the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.”

Mr. McKenzie summarized that at the last Board of Supervisors meeting, when two solar energy facility projects were heard to determine if they should be allowed by conditional use, the question came up at that meeting if the projects passed the 2232 review. Mr. McKenzie explained that the county attorney stated that the state code that references the 2232 review by the Planning Commission does not state it has to be done before the project is heard by the Board of Supervisors, so if the 2 solar projects were approved, the 2232 review could be done by the Planning Commission after the Board’s decision. However, since the two projects were denied, then there is no need for a 2232 review by the Planning Commission. Mr. McKinley asked why the two solar projects were denied by the Board of Supervisors? Mr. Haynie stated that the area the two projects were proposed were highly populated, that nobody wanted a solar energy facility in that area of the county, and that the land the solar energy facility was sited on would eventually be developed in the years to come. Mr. McKinley asked Mr. Haynie if there was a lot of opposition to the project. Mr. Haynie stated he must have talked on the phone to at least 50 citizens that were against the project. Mr. McKinley queried, maybe there are better spots for solar in the county? Mr. Haynie stated yes, away from populated areas.

Chairman Parker stated that the next item on the agenda was the analysis of the requirement of a business license in the county. Mr. McKenzie said that he requested and received the list of taxed businesses in the county from the Commissioner of the Revenue. Mr. McKenzie stated that the list included duplicate entries for many businesses. Mr. McKenzie displayed the list of taxable businesses that he received from the Commissioner of the Revenue on the video display screen. Mr. McKenzie stated that he asked the Commissioner of the Revenue why there were multiple entries for the same business. Mr. McKenzie explained the Commissioner of the Revenue replied that there are separate tax bills sent to businesses, one for machinery and tools tax, one for sales tax, etc. and that is why some businesses have more than one entry. Mr. McKenzie told the commission that he was interested in the total number of businesses more than the individual businesses, so he created a new list of taxable businesses, and deleted the duplicate entries for each business. Mr. McKenzie stated that the total of the “no duplicates” taxable business list was 668 businesses. Mr. McKenzie stated that if the

commission recalls, the Existing Development map he created for the 1st Chapter in the Comprehensive Plan revision, using names in the E911 address point layer, pegged the number of businesses in the county at 418 businesses. However, staff noted, the taxable business list had multiple entries of businesses that were located out of Northumberland County in other states. Mr. McKenzie cited examples of Yamaha Motor Corp Financing, Hyundai Financing that were out of state, so they technically are not Northumberland County businesses, even though they operate here.

Mr. McKenzie then transitioned to the Pros and Cons list of whether the county should require a business license. Mr. McKenzie began to explain the reasoning behind the request for analyzing whether a business license is needed in the county and that was to gather information on existing businesses in the county. Noting that Mr. Kost was the member who compiled the Pros and Cons list, Mr. McKenzie asked Mr. Kost if he would like to explain the changes made to the Pros and Cons list, since he was the one who made the changes. Mr. Kost accepted, stating that he does not think we need to require a business license in the county. Mr. Kost explained the Pros and mentioned that he thought Mr. O'Brien will like the red arrow he added that led from the Pro of the possibility of increased revenue from a gross receipts tax to the Con of businesses might think this is the first step towards additional taxation. Mr. O'Brien asked Mr. Haynie if the Pros and Cons List would be good to send to the Board of Supervisors along with their recommendation. Mr. Haynie replied yes. Mr. Parker interjected that the whole idea of this process was to ascertain what businesses were in the county, so in the future we can see if and how much businesses are growing in the county. Chairman Parker added you don't know what you don't know until you know what you have. Mr. McKenzie mentioned that he discussed tracking changes in the taxable business list from year to year with the Commissioner of the Revenue, and he stated each year, he has the capability of generating a list of those businesses that were added in the past year, to keep track of business expansion in the county. Mr. McKenzie stated that working with and tracking the taxable businesses in the county is likely the purview of the Economic Development Commission going forward.

Mr. Kost made a motion to recommend to the Board of Supervisors that the Planning Commission does not recommend requiring a business license at this time, as well as sharing the Pros and Cons list that led to that recommendation. The motion was seconded by Mr. McKinley and the vote was unanimous. Mr. O'Brien requested staff to request the annual additions to the Commissioner of Revenue taxable business list from the Economic Development Commission to be copied to the Planning Commission each year. Mr. McKenzie stated he would submit that request to the Economic Development Commission's staff liaison.

Chairman Parker then stated the next item on the agenda is the review of county owned properties that the commission worked on last year, and the presentation of those properties to the Board of Supervisors. Mr. McKenzie showed a slide on the video screen that showed a listing of the five properties that the Planning Commission recommended to be investigated for selling. Mr. McKenzie mentioned the Poor House Tract, that is located on Dodlyt Road, which was one of the properties included in the list. Mr. McKenzie stated that after doing some research on the property, he learned the site has a lot of history to it, that dates to the 1700's. Mr. McKenzie said that he went on the

Northumberland County Historical Society's website and found that there were three historical articles that were written about the Poor House Tract in their publications. Mr. McKenzie stated that the Commonwealth of Virginia took over the collection and distribution of the poor tax from the Anglican Church, and at first, provided provisions to the "worthy poor" of the county. Mr. McKenzie added that in 1744 the county built a poor house structure on the Poor House Tract to house the indigent, those with sicknesses and disabilities, and others who could not fend for themselves. Mr. McKenzie stated that later, in the 1780's, the state required counties to submit the detailed ledgers of the collection and distribution of the poor tax to be retroactive to the beginning, when the state took over the funding from the Anglican church. Mr. McKenzie stated that the counties were not happy with this mandate, and that some of the records could not be located and that they disliked being ordered by the state legislature. Mr. McKenzie noted that even in the 1800's there were "unfunded mandates" handed down from the state to the counties. Mr. McKenzie stated that those detailed ledgers have the names of the persons housed in the poor house, as well as expenditures for food, medicine and other essentials. Mr. McKenzie said that one item in the inventories stood out to him, the number of coffins built. Mr. McKenzie relayed that they were not building coffins to sell, but to bury residents of the poor house who had died. Mr. McKenzie said that he had visited the Historical Society office and talked with the staff there, and they informed him that a cemetery is located on the property where the poor were buried, noting that some of the residents had diseases or other conditions that were terminal. Mr. McKenzie stated that after learning about the cemetery on the property, he sent an email to the Board of Supervisors stating that staff recommended to not sell this property, and that if the Board of Supervisors did decide to timber the property that the cemetery and graves be marked so that heavy equipment could avoid those areas. Mr. McKenzie stated that at the end of the email he noted that the Board had the final decision as to what to do with the property. Mr. McKenzie added that the Board had requested he investigate grants that would help pay for telling the story of the Poor House Tract. Mr. Kost suggested having the Economic Development Commission look into developing the property for historical tourism.

Mr. McKenzie then transitioned to the Board of Supervisors memo to the Planning Commission regarding Hampton Hall Landing. Mr. McKenzie read the memo, which directed the Planning Commission to evaluate what would need to be done to provide water access at the county owned property located at Hampton Hall. Mr. McKenzie added background for those commission members who were not familiar with Hampton Hall Landing. Mr. McKenzie stated that the landing has been there for a hundred or more years and was a historic public water access point where seafood was off loaded and boats were launched and retrieved. Mr. McKenzie stated that he had visited the landing a few years ago and mowed and trimmed the grass at the entrance. Staff added that the site has not been maintained, and there are trees across the road and a few growing in the roadbed. Mr. McKenzie added that the old roadbed is still in place and is hard packed from years of use. Mr. McKenzie reminded those that were on the Planning Commission at the time, that back in 2004, the Planning Commission put together a grant proposal for improvements to three of the counties public boat landing, namely Hampton Hall Landing, Rowes Landing, and Coopers Landing. Mr. McKenzie showed the 2004 grant application on the video screen, briefly showing Rowes and Coopers Landing, but focusing on Hampton Hall Landing. Mr. McKenzie explained that the proposal had five

parking spaces proposed, with one handicapped parking space near the water, and a semi-circle turnaround near the water. Mr. McKenzie stated that the grant proposal was submitted to the Jesse Ball Dupont Foundation but was ultimately not approved for funding. Mr. McKenzie said that he took the liberty and created a new conceptual plan, slightly modifying the 2004 plan for Hampton Hall. Mr. McKenzie showed the new design plan for Hampton Hall on the video screen, noting that the plan still had five parking spaces and one handicapped parking space closer to the water. Mr. McKenzie stated that instead of the semi-circle turnaround at the end, he drafted an L-shaped turnout that you can pull in, unload your vessel and then back up and drive back out to the parking area. Mr. McKenzie noted that he did not draft a pier, boat ramp or launching platform, as there are multiple options, and he wanted the Planning Commission to determine what type of access to the water the site should have. To that end, Mr. McKenzie showed the original 2004 conceptual plan that showed a 50 foot fixed piling wood dock 6 feet wide, and a 10 foot by 6 foot floating platform at the end of the fixed dock, secured by hoops around pilings. Next, Mr. McKenzie showed on the video screen the newly installed canoe/kayak launch at Lodge Landing that has a perforated rubber mat that rolls down to provide a smooth surface from which to launch a canoe or kayak, as well as an attached wooden walkway with a wooden bench. Mr. McKenzie noted that the system shown on the screen recently installed at Lodge Landing cost \$22,000. Mr. McKenzie then displayed the Joint Permit Application engineering design for a floating kayak platform that was proposed for Rowes Landing this year. Mr. McKenzie stated the county had wanted to add canoe and kayak launching at both Lodge and Rowes Landing, but the funding was only enough to cover Lodge Landing. The Rowes Landing design is a 12 foot x 12 foot wooden platform with a rectangular cutout in it, so that a person can place their canoe or kayak in the slot and access their vessel from either side. Mr. McKenzie said that he asked the Zoning Administrator for his opinion on how much the project would cost and he said about \$15,000. Mr. McKenzie noted that this price is just for adding the platform to the existing dock at Rowes Landing. Therefore, at Hampton Hall Landing, there would be an additional cost to build the fixed pier to have something in the water to be able to attach the floating platform. Mr. McKenzie stated that the water access portion of the Hampton Hall Landing does not have to be decided any time soon, because the most critical aspect of the project is to get approval from VDOT for the access to the entrance point of the Landing from State Route 202, which is designated as a primary highway by VDOT. Chairman Parker requested that staff contact VDOT regarding the requirements for an entrance to Hampton Hall Landing, and to also inquire about the VDOT grant program that enables cost share with the county for an access road into this waterfront park. Mr. McKenzie stated he would contact VDOT about those two issues.

Chairman Parker then moved onto the review of Chapter 3 of the Comprehensive Plan. Mr. McKenzie began by stating that he did his best to address the commission members concerns at the last meeting, and would go through all the changes made to Chapter 3, in case there were additional comments on the changes. For brevity, only those revisions that had questions from commission members will be addressed. On Page 3:19 there was a question about what was the business that was described as a major building supplier was in Lottsburg. Staff reasoned that it was Ace Hardware. Several members stated that it was not a building supply, as they did not sell lumber. The majority of members thought that section should be change to a hardware store, and staff agreed. On page 3:38 staff

noticed that in the listing of Policies for Special Areas, although the Highway Corridor section was deleted, the listing still contained the Highway Corridor as a special use. Staff stated he would delete the listing for Highway Corridors and re-letter the remaining Policies for Special Areas as needed. In the Policies for Special Areas section, there was a question why prime agricultural soils and forest resources were capitalized. Mr. McKenzie stated that sometimes he over uses the shift key. Staff stated they would de-capitalize prime agricultural soils and forest resources on page 3:44.

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. Mr. McKenzie state there were two 3 megawatt solar energy facilities projects that were heard last year and reapplied this year for a conditional use permit, one in Burgess across from the dollar store on Rt. 360, and another on Old Glebe Point Road, south of Burgess. Staff stated that the Board of Supervisors denied both. When asked why they were denied, Mr. Haynie stated there were a lot of residences nearby that did not want the solar energy facility, as well as the fact that both sites were located on prime agricultural soils.

RE: PUBLIC COMMENTS

There were no public comments given.

RE: ADJOURNMENT

Mr. O'Brien made a motion to adjourn, seconded by Mr. McKinley to adjourn the meeting at 8:35 pm. The adjournment vote was as follows:

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

The motion passed and the meeting was adjourned.