

Northumberland County Planning Commission
October 17, 2024
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on October 17, 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	Present	Patrick O'Brien	Present
Allen Garland	Present	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 7:01 pm.

Mrs. Diggs gave the invocation, and Mr. Garland led the commission in the Pledge of Allegiance.

RE: AGENDA

Mr. Kost made a motion to accept the draft agenda and Mr. McKinley seconded the motion. All voted in favor of approving the agenda.

RE: MINUTES – September 19, 2024

Mr. O'Brien made a motion to accept the September 19, 2024 meeting minutes, and Mrs. Wilkins-Corey seconded the motion. All voted in favor of accepting the minutes.

RE: COMMISSIONERS' COMMENTS

Chairman Parker stated that earlier this year he read reports that Northumberland County is the fastest growing county in the region. Mr. Parker stated that he can tell with the increase in the amount of traffic on the road, with a huge onslaught of vehicles. Mr. Parker wanted to remind the commission that with the addition of more people, there are more changes and opportunities are growing. For years we did not have a lot of new people coming to the county, but that has changed. Mr. Kost stated that the US Census Bureau still says our population is shrinking, and he stated he believes that more part time residents are moving to become full time residents, in his opinion.

RE: STAFF MEMBERS' COMMENTS

Mr. McKenzie stated that the Board of Supervisors held a meeting and determined that in the near future, the Planning Commission will begin hearing Conditional Use Permit applications a month before the Board of Supervisors considers the application. The Planning Commission will then make a recommendation to the Board of Supervisors on the Conditional Use Permit application that are brought before them. Mr. McKenzie stated that legal counsel recommended the change to the Board, as the State Code lays out the process for local governments. This issue was brought to the attention of the Board of Supervisors when the last solar energy facility application was heard regarding the 2322 Comprehensive Plan review process. Mr. McKenzie stated that the county needs to revisit the permit fees, as an additional public hearing at the Planning Commission level means and additional two weeks newspaper advertising, which will need to be recouped by an increase in permit fees for conditional use permit applications. Mr. McKenzie stated that the Board of Supervisors will need to hold a public hearing to the increase the permit fees, so it may be a month or two before the Planning Commission starts hearing Conditional Use Applications, but that this change was coming.

RE: CITIZENS' COMMENTS

Pamela Hagy of 212 Sheps Point Drive stated that in lieu of the several No Wake Zones applications that were considered by the Board of Supervisors, that it might be good to look at the rivers the same way we look at roads. Mrs. Hagy stated that she had concerns regarding an expanding seafood operation near her home, but that she was not notified by the county of the expansion, because she is across the river from the proposed project. Mrs. Hagy stated that she understands the need for lighting for the safety of workers loading and unloading materials, but the lights are not needed in the middle of the night, when no work is being done. Mrs. Hagy stated there are more people in the county now, and that can make the waterways less safe. Mrs. Hagy stated she had talked to the Zoning Administrator about notifying citizens across waterways of zoning changes. Mr. Williams said that it seems as if she is talking about two issues, lighting and no wake zones. Mrs. Hagy said her main issue is that if projects affect citizens on the other side of a waterway, then they should be notified. Mrs. Hagy stated that security lights on the second floor of a building across the river shine in her house so that she does not need to turn a light on in her house at night to walk around. Mr. Williams asked if she had tried to talk to the owner and ask if the light could be directed downward. Mrs. Hagy stated she does not get along with Myles, and when she asked he said no. Mr. Cralle stated that the county, in the past had talked about lighting for years, to help keep a dark sky in Northumberland County. Mr. McKenzie added that most conditional use permits have a condition that all lighting must be directed downward to avoid light pollution.

Mrs. Cathyann Feigenbaum of 1393 Hull Harbor Road stated that the county needs to quit dragging your feet with regards to solar, and look to the future. Things are changing and we should change with them. Mr. McKinley asked how the Planning Commission could help. Mrs. Feigenbaum stated she was not sure why you have to go from a ½ mile to a mile. Mrs. Feigenbaum stated that we all have a tendency to hide in the past. Mrs. Feigenbaum stated they have lived here for eight years and have seen very few changes. Mrs. Feigenbaum said that if the county would like commercial development, other than

dollar stores, which is all we seem to get, then the county needs to be proactive. Mrs. Feigenbaum stated the county needs to partner with Dominion and state that the county wants solar facilities, and not putting up blocks to solar which we seem to be doing.

Mr. O'Brien stated that there are no current solar application in queue right now. Mr. O'Brien stated that he had read that modular nuclear generation has appeared to take off. Mr. O'Brien stated that we recognize the need for power to run data centers. Mr. O'Brien stated that 25% of the electrical output of Virginia is used to run data centers and is expected to increase in the future. Mr. O'Brien noted that in the electric power industry, 10 years is not considered a long time.

Mr. Parker stated that the county spent a lot of money on expanding internet in the county, and with more computers running for longer periods of time, mean more power is needed.

RE: PUBLIC HEARINGS

Chairman Parker asked Mr. McKenzie if he was ready to open the public hearing. Mr. McKenzie stated he had to get the sign in sheet to see who had signed up to speak. Mr. McKenzie then stated the public hearing was for a revision to the Northumberland County Zoning Ordinance § 148-155, Solar Energy Facilities, to add a prohibition of Utility Scale Solar Energy Facilities within 0.75 mile from tidal waters. The utility scale solar energy facility applicant, upon request by the zoning administrator, may be required to provide documentation by a Virginia Licensed engineer, surveyor or landscape architect that no part of the utility scale solar energy facility shall be closer than 0.75 mile from tidal waters in the county. Chairman Parker opened the Public Hearing at 7:23 pm.

Mrs. Pam Hagy of 212 Sheps Point Drive stated we are a National Heritage Area, and need to keep that in mind. Mrs. Hagy stated that if the counties keep making it harder to place solar energy facilities and denying such facilities there has been rumblings that at the state level that the state could step in and take over permitting of solar energy facilities. Mrs. Hagy stated that we could use the National Heritage Area designation to our advantage. Mr. Williams said, I take it that you are not for solar energy in the county. Mrs. Hagy stated that yes, I am for solar on chicken coops and dollar store roofs, but not on productive farmland. Mrs. Hagy said that tourists coming to visit our Heritage Area, do we want solar to be one of the first things they see when they come in?

Mrs. Wilkins-Corey asked how do we address the public comment letter from the Northern Neck Electric Co-Op (NNEC)? Mr. McKenzie asked if all of the commission members received the public comment letter and they said yes. Mr. McKenzie stated that, in his opinion, the request from the NNEC to exempt themselves from the 0.75 mile buffer from tidal water prohibition for utility scale solar energy facilities is not something the Planning Commission should consider. Mr. McKenzie stated that the NNEC's rationale is that their entity is not for profit (since it is a co-op), instead of for profit (like Dominion) and that he feels the Board is more concerned with the visual impact to the county and its citizens than whether the facility is for profit or not. Mr. McKenzie added that he will forward the letter that the NNEC sent to the Planning Commission regarding a request for exemption from the 0.75 mile tidal buffer prohibition to the Board of

Supervisors for next month's public hearing, and at that time the Board can consider the NNEC's request for exemption. Mr. McKenzie reminded the Planning Commission that the Board of Supervisors memo to the Planning Commission asked for a one mile buffer from tidal waters, and now the Planning Commission is sending them a 0.75 mile buffer from tidal waters, so that is less than what they were asking. Mr. McKenzie stated that further diluting the zoning ordinance revision by recommending to exempt an entity from the revision would not be prudent, in his opinion.

Mr. O'Brien stated that the NNEC says they do not have the capacity (on their power lines) to host a large solar facility. Mr. O'Brien stated that the NNEC does not reference a pending solar project, and they want a blank check to build whatever they want. Mr. O'Brien said that based on what they told us so far, they are not going to be able to take the electricity from an industrial scale solar farm. Mr. O'Brien said they are not going to upgrade the power lines to handle more power either. Mr. O'Brien suggested the Planning Commission send a note to the Board of Supervisors to reject their request and consult the county attorney to see, if by their state code reference, can force us to comply. Mr. McKinley said that he understood that the NNEC told the Planning Commission in the past that they could handle a few smaller community solar facilities, but not very large solar facilities. Mr. Kost addressed the chairman and stated that he agreed with Mr. McKenzie to not address the NNEC letter and he understands that the NNEC wants to keep their options open into the future. Mr. Kost referenced Mrs. Fiengenbaum's comment, do we have to keep up? Mr. Kost stated that is a political decision that the Board will make. Mr. Kost stated the he agrees, no exception to the NNEC.

Mr. Kost made a motion to recommend to change the zoning ordinance as written in the public notice advertisement. 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	Aye	Garfield Parker	Nay
John Kost	Aye	Heidi Wilkins-Corey	Nay
Richard Haynie	n/a	Charles Williams	Aye

The motion passed with a vote of 7 for and 2 against.

Mr. Williams commented that as a businessman, he understood why the NNEC sent that request for exemption letter to the county for the future. Mr. O'Brien stated he would like to send a note to the Board of Supervisors to not create an exemption for any entity from the proposed regulation. Mr. Parker noted that Mr. Haynie had not made any comments and asked his opinion on sending the note. Mr. Haynie stated that you were asked for a one mile buffer and you are giving us a ¾ mile buffer, that is fine. If you want to send a recommendation to the Board, then go ahead and send it, that won't upset me. Mr. Williams stated he thinks we need to acknowledge that we did read it, and didn't care for it. Mrs. Wilkins-Corey stated she recommends not sending a recommendation, as Mr. Haynie is the liaison to the Board of Supervisors and he can inform the Board of our discussion.

Mr. Parker stated that one of the reasons that he voted no, was because of Mrs. Feigenbaum comments earlier. The county is going to be left behind. Mr. Parker stated the commission has spent five years blocking solar, however, they are still building electric cars. Mr. Parker stated that we are acting like we are going to live forever. Dragging our feet into the twenty first century, Mr. Parker said, I don't think solar energy is going away and AI is using more power. Someone left the door open and a whole bunch of people snuck in. Mr. Parker stated that even the fossil fuel industry is building solar, as they can see that it is the future of energy. Mr. Parker said that we might as well put up a sign in Callao stating we don't want solar here.

Mrs. Wilkins-Corey said that some farmland that is not being farmed and is not bringing in any money into the county other than taxes. Mrs. Wilkins-Corey stated that five companies with solar projects that spent a lot of money to put together the projects as well as the meat packer, we are telling everyone we are not interested in your business.

Mr. Kost stated that at the last meeting when the commission was considering the one mile buffer from tidal waters prohibition, he voted against it. Mr. Kost stated that he voted for the ¾ mile because there was a little white space where solar can connect to the power lines along the highway.

Mr. Williams relayed a discussion he had with a Richmond County Planning Commission member recently. Mr. Williams stated the Richmond County Planning Commission member stated that Richmond County is at a point where they cannot stop it (solar energy facilities). He stated that they feel they can't deny a project with so many other projects in the county. The Richmond County Planning Commission member said he wished they would have done it differently in the past.

Mrs. Wilkins-Corey stated that since 2019 to today, we have tried to think of a lot of stuff regarding solar and the zoning ordinance, and she stated she was proud of the work that she and the commission had done. Mrs. Wilkins-Corey stated that the solar zoning ordinance had caution built in and that with conditional use required, the Board has unfettered ability to put conditions on any solar facility developed in the county from small to large. Every year we make revisions to the ordinance.

Mr. O'Brien stated that at the last meeting the Board of Supervisors asked up for a one mile from tidal waters prohibition. A section of the commission thought that was a bad sign and we would be sending a signal that we are anti-business. Mr. O'Brien stated what actually happened is the one mile tidal buffer vote was deadlocked with 4 votes for and 4 votes against. Mr. O'Brien stated that as a compromise, he made a motion to recommend the ¾ mile tidal buffer.

Mr. Parker closed the public hearing at 8 pm.

RE: WORK SESSION ITEMS

Chairman Parker asked Mr. McKenzie to begin discussion of Chapter 4 of the Comprehensive Plan. Mr. McKenzie started by explaining that he contacted VDOT for

new GIS data regarding road classifications, and traffic counts. Mr. McKenzie displayed the new VDOT Functional Classification Map and the VDOT Traffic Count Map. Mr. McKenzie noted that the Functional Classification of Highways map did not change from the last Comprehensive Plan update. Mr. McKenzie transitioned to the Traffic Count Map and said that he used the same traffic count classification so that comparisons could be made between the old and new map. Mr. McKenzie also noted that the highest traffic counts for the 2014 VDOT Traffic Count Map was 7,726 vehicles Average Annual Daily Traffic and the new 2024 data has road segments that have 8,424 vehicles Average Annual Daily Traffic. Mr. McKenzie noted those sections were on US360 between the intersection of Northumberland Highway/Hampton Hall Rd to Cedar Lane in Callao. Mr. McKenzie stated usually the highest traffic counts are where feeder roads converge, but in this case, he thinks the high traffic counts are a result of people shopping in Callao and repeatedly travelling over the same section of the road to get to the post office, the pharmacy, the bank and the ABC store.

After his map update, Mr. McKenzie transitioned to the review of Chapter 4 of the Comprehensive Plan. Mr. McKenzie asked the commission if they would like to go through Chapter 4 page by page, or go to Mr. Kost's suggested revisions letter that was sent to all members via email and proceed from there. The majority of commission members wanted to go through Mr. Kost's suggested revisions letter. Mr. McKenzie addressed the first part of Mr. Kost's letter, that of reorganizing the entire chapter to have the current assets and situation first, opportunities second, and recommendations third. Mr. McKenzie stated that the rest of the Comprehensive Plan has contained minor revisions, and not a major re-write and noted that using track changes on the document in the event of a re-write would be very confusing for citizens to decipher. Mr. McKenzie state he was OK with revisions, but was not in favor of a chapter reformatting, unless the commission deemed that necessary. Mr. Kost stated that we could first clean up the specifics and then decide about reformatting at a later date.

Mr. McKenzie addressed the second item in Mr. Kost's letter, that of including the commission's recent work on county owned properties and their recommendations. Mr. McKenzie stated that he talked with county administration and they recommended not adding the individual information to the comprehensive plan, as the comprehensive plan is a general plan, and listing the individual properties in the plan was too detailed. Mr. McKenzie further explained that including a countywide map showing the properties examined might be appropriate, but not listing each property. Mr. Kost stated he disagreed, as well as Mr. O'Brien. Mr. O'Brien made a motion to list the county owned properties in Chapter 4, which was seconded by Mr. McKinley. The commission voted unanimously to include the list of county owned properties examined earlier in the year by the commission. Mr. McKenzie stated he would revised Chapter 4 to include a list of county owned properties reviewed by the Planning Commission.

Next, Mr. McKenzie addressed Mr. Kost's question of the reference to "bottlenecks" in the first part of Chapter 4. Mr. McKenzie noted that the term "bottlenecks" referenced the county's wish to have US360 four lanes throughout the county, and that the two lane sections of US360 is where the traffic is concentrated and where "bottlenecks" occur. Mr. Kost asked Mr. McKenzie to define "bottlenecks" and he stated depending on the time of year, farm equipment traveling the highway can create bottlenecks, or even slow moving

traffic can cause bottlenecks, where a line of traffic backs up do to the slow mover. Mr. O'Brien stated that his definition of bottlenecks means traffic is backed up, stop and go, and we really don't have that. Mr. McKenzie stated that the "bottleneck" language is meant to bolster the county's request for an uninterrupted four lane US 360 highway in the county. Mr. McKenzie stated he will remove the sentence referring to the 'bottlenecks", as requested.

Mr. Kost reviewed the remainder of his letter referencing changes to Chapter 4, and Mr. McKenzie asked the other Planning Commission members if they agreed with the changes that Mr. Kost recommended. The commission members stated that if they do not comment on the changes, then they are on board with Mr. Kost's suggested revisions. The commission members stated that if they have objections, they will voice them. Mr. McKenzie stated he understood. Mr. McKenzie stated he would begin making the changes to Chapter 4, as recommended by Mr. Kost, and would contact Mr. Kost if he had questions regarding the revisions.

Mr. McKenzie asked the Chairman to update the Commission on Hampton Hall Landing, and he agreed. Mr. McKenzie stated that at the last Board of Supervisors Meeting, he reiterated the suggestion the Planning Commission sent the Board regarding hiring a contractor to clear the roadway into Hampton Hall Landing and apply to VDOT's road access program to hopefully get funding to create an entrance to Rt. 202 and to build the access road to the water. Mr. McKenzie noted that the Board agreed with the Planning Commission's recommendation. Mr. McKenzie also informed the Board that the Commission had not decided exactly what type of water access will be available at the site, and that we are starting off with a waterfront park with a few picnic tables. In the future, the Commission will decide if the county wants to seek grant funds to construct a fishing pier, canoe/kayak launch or boat ramp there. Mr. McKenzie stated to the Board the Commission wants to get the site open for public water recreation, then make decisions on what type of access at a later date. Mr. McKenzie stated that he would like to show photos of the site visit he took a few weeks ago, and displayed them on the projection screen for the Commission members. Mr. McKinley asked if there are state grant funds that could be used to pay for water access at Hampton Hall. Mr. McKenzie stated yes there is, and he plans to apply to the Virginia Recreational Saltwater Fishing Fund once the county decides what type of access is needed at Hampton Hall and reminded Commission members that this is the same fund the County received grants from to build the Great Wicomico Fishing Pier back in 2001. Mr. McKenzie stated that water access at Hampton Hall Landing is in the Virginia Outdoors Plan, as he put that in when he was working with the NNPDC. Mr. McKenzie added that the fact that Hampton Hall Landing is already in the Virginia Outdoors Plan gives the county leverage with DCR and VDOT in applying for grant funding to complete the project.

RE: DISCUSSION ITEMS

There were no discussion items scheduled.

RE: BOARD OF SUPERVISORS REPORT

RE: PUBLIC COMMENTS

RE: ADJOURNMENT

Mr. Kost made a motion to adjourn, seconded by Mr. O'Brien to adjourn the meeting at 9:00 pm. The adjournment vote was as follows:

Chris Cralle	Aye	Roger McKinley	Aye
Vivian Diggs	Aye	Patrick O'Brien	Aye
Allen Garland	Aye	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.