

**Northumberland County Planning Commission**  
**July 17, 2008**  
**Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on July 17, 2008 at 7:00 p.m. in the Courthouse at Heathsville, VA with the following attendance:

|                        |         |                  |         |
|------------------------|---------|------------------|---------|
| Thomas Basker          | Absent  | George Kranda    | Present |
| Chris Cralle           | Present | Garfield Parker  | Present |
| Alfred Fisher-Chairman | Absent  | Jim Stone        | Present |
| Ed King                | Present | Charles Williams | Present |
| Bill Kling             | Present |                  |         |

Others in attendance:

Richard Haynie (Board of Supervisor Ex-Officio Member)

Luttrell Tadlock (Assistant County Administrator)

W.H. Shirley (Zoning Administrator)

**RE: INVOCATION**

Garfield Parker gave the invocation.

**RE: JUNE 19, 2008 MINUTES**

Upon motion from George Kranda, seconded by Ed King, and approved by all, the June 19, 2008 minutes were approved as written. The vote was as follows:

|                        |        |                  |     |
|------------------------|--------|------------------|-----|
| Thomas Basker          | Absent | George Kranda    | AYE |
| Chris Cralle           | AYE    | Garfield Parker  | AYE |
| Alfred Fisher-Chairman | Absent | Jim Stone        | AYE |
| Ed King                | AYE    | Charles Williams | AYE |
| Bill Kling             | AYE    |                  |     |

**RE: BOARD OF SUPERVISORS REPORT**

Luttrell Tadlock gave the Board of Supervisors' report.

Garfield Parker felt that the Board of Supervisors acted hastily in regards to Phyllis Swift's request for a kennel, especially since the Commission is reviewing draft language for kennels.

**RE: WORK SESSION FOR KENNEL REGULATIONS**

Jim Stone, acting Chairman, asked the Commission if they had any questions regarding the draft kennel language.

George Kranda noted that the Commission wanted look at the definition of a commercial kennel, number of dogs a kennel could have, and where the kennels could be located.

Jim Stone stated that he was concerned that the County would not be able to prevent someone from placing a commercial kennel in the middle of six houses and destroying their property values. Mr. Stone also commented that in the same aspect it would be an injustice for someone with a current business to be penalized with additional regulations. When someone buys a piece of property around an existing commercial kennel, they would know what they are buying.

Garfield Parker commented that in the draft kennel language there are no provisions for noise. Also, the definition for commercial breeding kennels and commercial kennels are the same thing and should be defined in one definition. In addition, he expressed concern regarding the health implications of run-off and the Chesapeake Bay Act.

George Kranda noted the real question was where in the County could you put a forty unit kennel that no one would be able to hear?

Ed King commented that the problem was with the zoning. He felt that the residentially zoned properties should be protected.

George Kranda stated that he doesn't see any advantage of breaking the commercial definitions out, and as the Animal Control Officer noted at the last meeting, the number of litters would be hard to enforce. He agreed that some type of sanitary plan should be in place.

W.H. Shirley noted that he agreed that from an enforcement stand point it would be impossible to enforce the number of litters, the intent of the language was to clarify what category you would fall in when applying for a permit.

Jim Stone asked Richard Haynie of his thoughts. Richard Haynie noted that the piece of property at Burgess was zoned A-1 and had fourteen acres. He noted that the Commission may consider some number of dogs per acre, the Commission may want to keep kennels in the A-1 zoning district and not place them in the residential zoned area. He looked at the conservation zoning as something to protect.

W.H. Shirley noted that limiting the zoning district really limits the locations as to where a kennel can go. Kennels should be looked at on their own merits as to where it is located. There are subdivisions in the County that are in A-1 (Agriculture Zoning).

Luttrell Tadlock noted, that is the advantage of listing them as a conditional use is that kennels are site specific, and the conditions can be modified for each kennel depending on the site.

George Kranda questioned what the difference is between a private kennel and a commercial kennel.

W.H. Shirley noted that he felt that the Board of Supervisors would have a lot of opposition restricting private kennels since the County has never had any regulations on them. The intent of the draft language is to prevent the establishment of a “puppy mill”. He feels that private kennels have never been abused in this County.

George Kranda stated that maybe some language could be drafted to allow private kennels by right, but after a certain number of dogs the owner would need to apply for a conditional use.

Charles Williams asked since we are looking at doing these by conditional use, would staff feel comfortable making recommendations on the number of dogs on each application.

W.H. Shirley noted that the Planning Commission should come up with that criteria.

Chris Cralle remarked that noise needs to be addressed.

Luttrell Tadlock commented that many localities use the requirement of putting the dogs in an insulated building and limit the hours that the dogs can be outside to reduce noise.

The Commission also talked about setbacks. Jim Stone noted that the proposed language gives us a good starting point. George Kranda asked if the number of kennel runs could be used instead of the number of dogs to determine the setback from the property line.

Bill Kling noted that the word “Adequate” may need to be clarified.

With a motion from Ed King, seconded by Garfield Parker, the motion is to have staff modify the commercial definition, clarify and revise the language in the proposed kennel draft and bring back to the next meeting for another work session. Also no more than one hour should be devoted to talking about the kennel regulations. The motion was approved with the following vote:

|                        |        |                  |     |
|------------------------|--------|------------------|-----|
| Thomas Basker          | Absent | George Kranda    | AYE |
| Chris Cralle           | AYE    | Garfield Parker  | AYE |
| Alfred Fisher-Chairman | Absent | Jim Stone        | AYE |
| Ed King                | AYE    | Charles Williams | AYE |
| Bill Kling             | AYE    |                  |     |

## **RE: LAND USE APPLICATION PROCEDURES**

Luttrell Tadlock explained to the Commission that the Board is investigating procedures to be utilized when one wants to apply for a land use application. (A copy of the draft procedures can be found in this meeting file.)

With a motion from Charles Williams, seconded by Chris Cralle, the Commission is recommending to the Board of Supervisors that the draft Land Use Application Procedures be adopted. The motion was approved with the following vote:

|                        |        |                  |     |
|------------------------|--------|------------------|-----|
| Thomas Basker          | Absent | George Kranda    | AYE |
| Chris Cralle           | AYE    | Garfield Parker  | AYE |
| Alfred Fisher-Chairman | Absent | Jim Stone        | AYE |
| Ed King                | AYE    | Charles Williams | AYE |
| Bill Kling             | AYE    |                  |     |

**RE: OTHER BUSINESS**

Luttrell Tadlock noted that he had received a letter from Mrs. Gertha Basey giving her resignation from the Planning Commission.

With a motion from Jim Stone, seconded by George Kranda, the Commission would like to have a letter written to Mrs. Basy expressing the acceptance of her resignation with regret and to express their appreciation of her service for the number of years she has given to Northumberland County. The motion was approved with the following vote:

|                        |        |                  |     |
|------------------------|--------|------------------|-----|
| Thomas Basker          | Absent | George Kranda    | AYE |
| Chris Cralle           | AYE    | Garfield Parker  | AYE |
| Alfred Fisher-Chairman | Absent | Jim Stone        | AYE |
| Ed King                | AYE    | Charles Williams | AYE |
| Bill Kling             | AYE    |                  |     |

**RE: PUBLIC COMMENT PERIOD**

Joe Madej commented that regulating dog kennels is a tough issue, zoning is there to protect property rights although many feel that it does more harm than good. He noted that a problem is with the noise.

Colston Newton felt that there is no cure for noise. The Animal Control Officer at the last meeting noted that he had a kennel about a mile away from him, and he can hear them at different times.

**RE: ADJOURNMENT**

With a motion from Bill Kling, seconded by Ed King, and approved by all, the meeting was adjourned. The vote was as follows:

|                        |        |                  |     |
|------------------------|--------|------------------|-----|
| Thomas Basker          | Absent | George Kranda    | AYE |
| Chris Cralle           | AYE    | Garfield Parker  | AYE |
| Alfred Fisher-Chairman | Absent | Jim Stone        | AYE |
| Ed King                | AYE    | Charles Williams | AYE |
| Bill Kling             | AYE    |                  |     |