

Mr. Funn noted that he sits on the Planning Commission in Chesapeake Beach MD. The Commission needs to look at the Comprehensive Plan for compliance, the Comprehensive Plan sets the vision for the County.

RE: ADJOURNMENT

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

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

Don Lee noted that when you turn the dogs out at 8:00 in the morning they are all going to be barking. He stated that it is not only a question of them barking at night, but barking during the day as well. Are you going to ask the neighbors to tolerate the barking during the day for the next 20-30 years?

George Kranda questioned if it would be good to have a maximum number of dogs specified in the ordinance.

With a motion from Al Fisher, seconded by George Kranda, the motion was to table the current draft kennel language and to hold a working session on July 17, 2008 at 7:00 p.m., the regularly scheduled Planning Commission meeting. The motion was approved with the following vote:

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

Phyllis Swift noted that what is put in the paper does not explain what is really being considered. It would be nice to have the entire draft ordinance advertised in the paper.

For the Planning Commission's working session the Commission would like staff to find out more about the following:

- noise abatement features, what are other counties using
- amount of property per dog
- is there really a difference between a private and commercial kennel when you look strictly at the number of dogs
- check with adjoining counties to see how they handle kennels
- fencing requirements

RE: OTHER BUSINESS

The Commission asked where we were in regards to the Coopers Landing Project.

Luttrell Tadlock reported that he had sent a letter to the Department of Game and Inland Fisheries (DGIF) and to the Virginia Department of Transportation (VDOT) that the County in fact owned the property. VDOT is stating that they own the property due to the 1928 Bird Act which took over the road endings in the counties. More information is being sought.

Gertha Basey noted that we need to start working on this as soon as possible.

RE: PUBLIC COMMENT PERIOD

Garfield Parker thanked Mrs. Funn for her letter of concern for the Chesapeake Bay Act.

The Planning Commission felt that both private and commercial kennels should be addressed in the proposed language.

George Kranda questioned if a license is needed, other than the conditional use permit which runs with the land, are we permitted under the laws of Virginia to require a license where it is brought up for review periodically?

Luttrell Tadlock noted that the County does have a kennel license, but he was not aware of any language that could revoke the kennel license. He continued by saying that the fee is in another part of the County Code, and the way the state law is written the County cannot charge over \$50 for the license.

George Kranda asked Roger Briney the County Animal Control Officer, how difficult would it be to enforce a definition that specifies the number of litters one can have?

Deputy Briney noted that the definitions are confusing, a litter is a litter and unless they register them he does not know how he would be able to distinguish the difference. It would be tough for him to enforce this law.

Garfield Parker stated that Deputy Briney seemed a little stretched if he answered 51 calls from Mr. Lee.

Deputy Briney noted that he talked to Mr. Lee one time. Mr. Lee had asked him to come to his property to hear the dogs barking. Deputy Briney told Mr. Lee that there is nothing that he can do about the noise. He noted that he has a private kennel less than a mile from his house and when he has his windows up, he can hear them.

Garfield Parker asked how many commercial kennels are in the County.

Luttrell Tadlock and W.H. Shirley noted that they would have to do more research to get the number of kennels in the County.

George Kranda questioned whether any of the recent applications for commercial kennels contained any criteria that the animals be housed after a certain hour.

W.H. Shirley explained that he believed that the hours the dogs needed to be housed were from 5 p.m. to 8 a.m., but he would have to check on that for the Commission.

Al Fisher questioned if that was for the protection of the dog or for the community.

W.H. Shirley responded by saying it was for the community.

Ed King questioned what constituted an enclosure.

W.H. Shirley explained that an enclosed building is what was being referred to here, something like a barrel would not be considered an enclosure.

Luttrell Tadlock noted that currently the County does not define Commercial Kennels in any way, and that what the County is looking for was when these “Commercial Kennels” and “Commercial Breeding Kennels” come before the Board of Supervisors we have some type of criteria that they can fall into.

Phyllis Swift continued by saying that we are proposing .5 acre per dog plus 1.5 acre on top of that, we don't do that for people. The acreage requirement only applies to commercial kennels, therefore the acreage requirement would not apply to a private kennel that had 80 dogs. She feels that if there are guidelines on commercial kennels then there needs to be guidelines on private kennels as well. Eighty dogs are 80 dogs it does not matter whether they are commercial or private. She commented on the smoke and carbon monoxide detectors, while it is a good idea, dogs do not know to get out of the building. There would need to be some type of monitoring system, and she would be happy to install something like that, but she does feel that it would be overkill. She is concerned about the amount of setback per dog. You are almost making it prohibitive for someone to do a commercial breeding kennel. Are those kennels in existence now going to be grandfathered?

Mr. Fisher asked Mr. Shirley how is the compliance done and what would the penalty be as far as these regulations and the proposed regulations are concerned?

W.H. Shirley commented that since this would be part of the Zoning Ordinance it would be enforced by the Zoning Administrator or Compliance Officer. Because this proposed language is part of the Zoning Ordinance any violation of the proposed language would be handled through Article XVIII §148-149 Violations and penalties, of the Northumberland County Zoning Ordinance. Mr. Shirley read the section to describe what the penalty would be.

Al Fisher closed the public hearing. The matter is now before the Commission.

Ed King questioned the acreage required for the dogs.

Luttrell Tadlock explained based on the proposed language, the number of dogs dictates how much acreage would be required for each dog.

Ed King noted that it looked like it would be a lot of wasted land.

Luttrell Tadlock stated that staff was trying to alleviate the problem of having a small lot with a large number of dogs in such a small area.

Al Fisher questioned what the criteria difference is between the area needed for a commercial kennel vs. a private kennel.

Luttrell Tadlock explained that the private kennels did not have any area regulations because the Board had specifically noted to look at commercial kennel regulations. Under the proposed language commercial kennels do not have an acreage requirement but the commercial breeding kennel does.

Lee Allain 1013 Coan Harbour Dr., Lottsburg- noted that he attended the Board of Supervisor's meeting last week when there were discussions about the commercial boarding/breeding kennel in Burgess. What he heard last week was that the main factor that concerned people was the barking. He suggested to the Planning Commission that kennels not be allowed by right in the residential areas of the County and that all kennels should require a conditional use permit.

Malcolm Funn 208 Blundons Rd, Burgess- referenced his letter (a copy of this letter can be found in this meeting file). He stated that there is no penalty provision in the ordinance for any violations, and there is no provision addressing noise for dogs. He suggested specific language should be included for site plan requirements and that a background check should be conducted by the Sheriff's Office. Dogs should be under the direct control of the kennel operator or staff, and there should be a provision that kennels, shelters and dog runs may not be located within 500 feet of a pre-existing residence except that of the kennel owner. Mr. Funn also expressed concern of dog attacks on those people breeding them noting that he believed that the County has had instances of dogs attacking individuals in the past. He stated that the County needs to look at the number of dogs per employee, as well as, the gender of the employee. He also commented that signage and parking are not addressed in the proposed language.

Annette Jones Funn 208 Blundons Rd, Burgess- also referenced a letter she submitted to the Commission (a copy of this letter can be found in this meeting file). She commented that she had expertise in writing Federal regulations and that the proposed ordinance should include additional language. Following is a summary of the additional language Mrs. Funn proposed: Environmental Impact Statement Required, Training for kennel employees, Training for kennel law enforcement, information on how citizens can obtain federal, state and local regulations, age of kennel employees, provisions for handling emergencies such as dog attacks, language to ensure public safety, landscaping requirements, noise level criteria, statement to reflect operation of kennel shall be in compliance with state, federal and local laws and any violation should result in immediate revocation of the license, language about unsterilized female dogs over 6 months of age, and a public nuisance clause due to noise.

Don Lee 203 Blundons Rd, Burgess- Moved back to Northumberland from New Jersey and built a home. He had called about 51 times to complain about dogs barking to Ron Jett, Mr. Shirley, Mr. Eades, Sheriff's Office, the dog warden. He asked them to come and just stand in the yard with him to hear the dogs barking. We want to be very careful with the health and safety of the kennel. If you raise dogs and breed them you don't want to expose young girls and women to these dogs because these dogs can be very large (200-300 pound dogs). Channel 6 news reported that a young boy was raped by a dog, history repeats itself. What we are asking is for you to put forth rules and regulations that will have people inspect the kennels. He noted that he can no longer enjoy his yard any longer due to the noise. He questioned how the barking will be controlled by the County. He invited the Planning Commission to come stand on his property to hear what he hears.

Phyllis Swift 38 Blundons Rd.- In reviewing the proposed language, she questioned what the purpose was for coming up with the definitions.

**Northumberland County Planning Commission
June 19, 2008
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on June 19, 2008 at 7:00 p.m. in the Courthouse at Heathsville, VA with the following attendance:

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

Others in attendance:

Richard Haynie (Board of Supervisor Ex-Officio Member)

Luttrell Tadlock (Assistant County Administrator)

W.H. Shirley (Zoning Administrator)

RE: INVOCATION

Ed King gave the invocation.

RE: APRIL 17, 2008 MINUTES

Upon motion from Jim Stone, seconded by Charles Williams, and approved by all, the March 20, 2008 minutes were approved as written. The vote was as follows:

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

RE: BOARD OF SUPERVISORS REPORT

Luttrell Tadlock gave the Board of Supervisors' report.

RE: AMENDMENT TO THE NORTHUMBERLAND COUNTY ZONING ORDINANCE TO INCLUDE "COMMERCIAL KENNEL", "COMMERCIAL BREEDING KENNEL" AND "PRIVATE KENNEL".

Luttrell Tadlock explained the public hearing to the Commission.

Al Fisher opened the public hearing.