

**Northumberland County Planning Commission
October 23, 2008
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on October 23, 2008 at 7:00 p.m. in the Courthouse at Heathsville, VA with the following attendance:

Thomas Basker	Present	Bill Kling	Present
Chris Cralle	Present	George Kranda	Present
Kevin Elmore	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: SEPTEMBER 18, 2008 MINUTES

Upon motion from George Kranda, seconded by Garfield Parker, and approved by all, the September 18, 2008 minutes were approved as written. The vote was as follows:

Thomas Basker	AYE	Bill Kling	AYE
Chris Cralle	AYE	George Kranda	AYE
Kevin Elmore	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 NORTHUMERLAND COUNTY ZONING ORDINANCE CHAPTER 148, TO DEFINE COMMERCIAL KENNEL AND PRIVATE KENNEL. DELETE COMMERCIAL KENNELS AS A SPECIAL EXCEPTION AND ALLOW AS CONDITIONAL USE IN CONSERVATION (C-1), AGRICULTURE (A-1), AND RESIDENTIAL WATERFRONT (R-2) WITH SPECIFIED CRITERIA. PRIVATE KENNELS WOULD BE ALLOWED BY CONDITIONAL USE IN THE CONSERVATION (C-1), AGRICULTURE (A-1), RESIDENTIAL GENERAL (R-1), AND RESIDENTIAL WATERFRONT (R-2).

Luttrell Tadlock explained to the Commission the proposed language.
Al Fisher opened the public hearing.

Phyllis Swift noted that no one will be able to open another kennel in the County with these regulations. She felt that it was not fair that such strict regulations be placed on commercial kennels, but an individual with a private kennel would not have any criteria in which they have to follow. She felt that the kennel size restrictions are too stringent. What needs to be considered are the health, safety, and welfare of the animals. She noted to have 30 dogs one would need to have 17 acres of land. She also noted that there was a problem with not allowing dogs out of the shelter until after 8:00 a.m. and questioned why the Conservation, Agriculture, and Residential Districts were selected to have Commercial Kennels. By this proposed language a hunt club can have 150 dogs on a piece of land with no minimum acreage requirements. She feels the setback requirements are too stringent as well. She noted that the County had issued 77 kennel licenses.

Al Fisher questioned as to why the specified zoning districts were selected.

Luttrell Tadlock noted County Staff looked at those zoning classifications that had larger acreages. That is why staff recommended the Conservation, Agriculture, and Residential Waterfront Zoning Districts for the Commercial Kennels.

Ron Herring questioned as to where Staff obtained their information for this proposed ordinance.

Luttrell Tadlock responded that information was obtained from several sources including the Virginia State Code, and other jurisdictions (in and out of Virginia). He also noted that the Commission had held a public hearing and several work sessions on this issue. Items such as requiring a conditional use for private kennels and items noting nuisance issues were a result of those meetings.

With there not being no further public comments, Al Fisher closed the public hearing.

Al Fisher noted that he has received calls that the proposed language does not do enough to control commercial and private kennels, and other comments have been that it goes too far. Referring to the proposed Kennel Language, Mr. Fisher questioned as to where the number of five dogs was obtained.

Luttrell Tadlock noted that the number of five dogs came from the Virginia State Code.

The Commission discussed the Commercial Kennel definition.

After limited discussion there was a motion from Garfield Parker, seconded by Jim Stone, to accept the Commercial Kennel definition as proposed. The motion was approved with one abstention with the following vote:

Thomas Basker	AYE	Bill Kling	AYE
Chris Cralle	AYE	George Kranda	AYE

Kevin Elmore	AYE	Garfield Parker	AYE
Alfred Fisher-Chairman	AYE	Jim Stone	AYE
Ed King	Abstained	Charles Williams	Absent

Ed King noted that he had not attended the last couple of meetings; therefore, it would be best to abstain.

Next the Commission discussed the Private Kennel definition.

Garfield Parker questioned as to how private kennels are regulated now, and have there been any nuisance calls received.

W.H. Shirley noted that an individual with a complaint would call the Sheriff's Office. Building and Zoning has not received any complaints regarding private kennels.

Luttrell Tadlock noted that private kennels are currently not regulated by the County.

There was a motion from George Kranda, seconded by Garfield Parker, to accept the Private Kennel definition as proposed. The motion was approved with the following vote:

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

Next the Commission discussed the criteria for commercial kennels as proposed.

The Commission discussed the amount of acreage required to have a commercial kennel.

Ed King noted that he had concerns with the acreage required for a commercial kennel.

Upon motion by Ed King, seconded by Bill Kling, the Commission suggests the proposed Commercial and Private Kennel language be recommended to the Board of Supervisors with the following changes. The following acreage requirements are being proposed to the Board of Supervisors:

<i># of Dogs</i>	<i>Minimum Total Acreage Required</i>
5-15	0.25 acres/dog + .75 acres
16 or more	.2 acres/dog + 1.5 acres

With no further discussion the Commission approved the motion with the following vote:

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

RE: WORKSESSION FOR AUTO AND SMALL TRUCK RECONDITIONING AND/OR REPAIRING.

Luttrell Tadlock noted that the Commission should have in their packets draft language for the auto and small truck reconditioning and/or repairing. He noted that the Commission held a public hearing last month and wished to create a new definition to encompass reconditioning and repairing but not tire re-treading.

George Kranda questioned how the proposed definition relates to the existing language for auto reconditioning, truck repairing, re-treading. Auto reconditioning, truck repairing, and re-treading are currently allowed in some of the districts that would now be listed as a Conditional Use for auto and small truck reconditioning and/or repairing.

W.H. Shirley noted the intent of the language is to remove Auto reconditioning, truck repairing, re-treading from the Zoning Ordinance and to only allow auto and small truck reconditioning and/or repairing as a Conditional Use in Agriculture and Residential Waterfront and as a Permitted Use in the Business and Industrial zones.

Bill Kling noted that the word small truck is not defined. He questioned the Commission where the County would draw the line between small vs. large trucks.

Ed King asked why this was being brought to the Commission.

The Commission noted to Mr. King that this was a request by Billy Burgess.

Gerard Belanger asked Al Fisher for clarification. Was the Commission considering Mr. Burgess' request for his specific shop or was this for the definition in the Zoning Ordinance.

The Commission noted that this was for the definition in the Zoning Ordinance that would ultimately affect Mr. Burgess.

Ed King stated that he felt that a small truck should be classified as 1 ton or less.

George Kranda noted that the DMV standard of gross vehicle weight (GVW) be used.

Upon motion from Bill Kling, seconded by Thomas Basker, and approved by all, the Commission wishes to hold a public hearing at their November 20 meeting on the proposed definition with the modification of defining a small truck as any truck being 12,000 pounds or less in gross vehicle weight (GVW). The vote was as follows:

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

RE: PUBLIC COMMENT PERIOD

Anne Belanger questioned whether written or oral comments would be accepted at the November 20, 2008 meeting of the zoning review? She also questioned what the difference was between Conditional Uses and Special Exceptions. She noted that the Commission has just recommended the advertisement of the proposed Kennel Language, which is another Conditional Use, and therefore will be harder for County Staff to monitor. The County is asking citizens to become the policeman, rather the County needs to look for a way to enforce these regulations instead of the citizens.

Billy Burgess noted that in place of the term small truck, the Commission may want to use light truck rather than small truck to better clarify the language for the auto and small truck reconditioning and/ or repairing definition.

Ron Herring was concerned about the amount of business going out of Northumberland County. He has had people calling him for employment. Northumberland County needs to do something to have business come to this County.

RE: ADJOURNMENT

With a motion from Jim Stone, seconded by Garfield Parker, and approved by all, the meeting was adjourned. The vote was as follows:

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