

Northumberland County Planning Commission
May 21, 2009
Minutes

The regular monthly meeting of the Northumberland County Planning Commission was held on May 21, 2009 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	Present

Others in attendance:

Luttrell Tadlock (Assistant County Administrator)

W.H. Shirley (Zoning Administrator)

RE: CALL TO ORDER

Al Fisher, Chairman, called the meeting to order.

Ed King gave the invocation.

RE: MINUTES

With a motion from Jim Stone, seconded by Charles Williams, and with all approving, the Planning Commission approved the April 16, 2009 monthly meeting minutes. The vote on the matter 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	AYE

RE: BOARD OF SUPERVISORS' REPORT

Luttrell Tadlock gave the Board of Supervisors' Report.

RE: PUBLIC HEARING ON ZONING ORDINANCE USAGES AND THE PROPOSED PURPOSE STATEMENT FOR THE PROPOSED MULTI-FAMILY ZONING DISTRICT

Luttrell Tadlock explained the public hearing. He also commented that the Commission would not be taking any formal action tonight. The public hearing comments would be

compiled and the Commission would hold another working session regarding this issue, which needs to be scheduled. This section is part of a larger zoning revision where all sections will be put together at the end of the process and the Commission will hold another public hearing on the entire zoning ordinance. The entire document will then be forwarded to the Board of Supervisors for another public hearing.

There were some questions prior to the opening of the public hearing regarding the process.

A question was asked if the future public hearings and work sessions would be advertised and if working sessions are open to the public.

Luttrell Tadlock stated that all public hearings are required to be advertised, whereas working sessions are not required by law to be advertised. However, the Commission has asked staff in the past to advertise working sessions for one week, and this can be done again if the Commission so wishes. Working sessions are open to the public. Advertisements are placed in the local newspapers two weeks prior to a public hearing and on the County's web page. Materials for the zoning review are available on the County's web page, in the public library, and in the Office of Building and Zoning.

Larry Moore asked why he and others aren't able to see minutes from the Planning Commission meeting.

Luttrell Tadlock stated the Planning Commission minutes have been uploaded to the County's website and suggested that they click the refresh button on their browsers and to contact him if they are still having trouble viewing the minutes.

Al Fisher opened the public hearing. *(Letters submitted to the Commission may be viewed in this meeting's file.)*

Lee Self stated that the Zoning Ordinance is an imperfect document and there are things that can be done to improve the Zoning Ordinance, but when it is filled with Conditional Use Permits, you are stripping the rights away from individuals. When you place uses in the Ordinance as a Conditional Use, you are inviting everyone within 40 miles that has something to say about the issue to come in and restrict the rights of individual property owners. People often come because they are opposed to any type of development. I'm opposed to it.

Steven Jett read a letter submitted to the Commission (in file). He noted that it is a crime that you will not notify the people of your intentions to hold a public hearing in a forum that is accessible to everyone. He encourages the stop of the assault on the rights of the people of the County. The changes are unwarranted and would do harm to the way of life that citizens have enjoyed. He asked the Commission to vote to end the proposed changes and to not bring forward changes like this in the future. The Commission and the Board of Supervisors should strive to preserve the rights of the voters and landowners of the County and not that of special interest groups and individuals who wish to take our

rights away. Keep in mind who you work for and do not defile the trust that has been placed in you by the people.

Elizabeth "B.J." Jett read a letter submitted to the Commission (in file). She stated that recent efforts to enact proposed changes to the Zoning Ordinance are not in the best interest of the citizens of the County. The proposed legislation would change what this area is appreciated for: slow pace, farms, the bay with its seafood, mom and pop businesses, and small town appeal. Under the current zoning ordinance, landowners of agriculturally zoned land have, by right, the ability to, among other things, build houses on their land, store their equipment, or start a business. The new plan takes away many rights of these landowners to determine what they can do with their land and instead places the control of their land in the hands of the Board of Supervisors, which costs \$400, whether they get their request or not. This also opens the opportunity for individuals who live nowhere near them, cannot see the property, and will not be affected by what they do on their property in any way, to prevent them from being able to do what, up to this time, has been their right. This plan also calls for businesses to be limited to certain areas. These areas are owned by a select few. Consolidation of the businesses takes away from our rural setting and lends to a more urban feel, something I believe the originators of these new proposals were trying to get away from. At a time when fuel is running short and costs are running high, we should be moving toward businesses located throughout the County in the various localities instead of in a central business area. The consolidation also eliminates small businesses due to the cost of acquiring land in these business areas and leaves the opportunity only to large businesses, and lately, we have seen that those are the ones that are running on empty. Small business owners in our area have invested everything they have into making a living for themselves and their families. Fortunate families will have their businesses passed on to their children. Cost of real estate, at its present level, is almost impossible for our younger generation to start a business or owning a home. The quality of life for everyone will decline, if we zone our county to the point that it is impossible for the young and able-bodied to live here. Efforts have been made to prevent watermen from using their docks for their businesses in the past. Public outcry was such that this proposal was rejected. If watermen are not able to conduct businesses at their docks, the seafood we enjoy locally would not exist. Those worried about what might happen on the land next to them should purchase that land so they will control what happens and not expect the county to legislate the use of all land. Majority of the citizens in the County are satisfied with the way things have been for the last 35 years. We must not allow these new changes to be implemented.

Ron Herring read a letter he and Linda Herring submitted to the Commission (in file). He noted his objection to the requests. When he moved here from Alexandria in 1958, they did not seek to change the neighborhood, instead they brought the desire to progress and make life a little better by providing services to the families of this great County. He feels privileged to have three of their four children living locally and earning a living here. They are providing services to the very people that want to make unnecessary changes. He encourages the Commission to void this action. To follow through with this action will retard the growth of our County, take away our heritage and property rights

that have been earned by hard work. Voiding this action will allow our young people to stay in our County and provide for their families and others. We have already driven our young waterman and farmers away, what's next? What would it cost to seek services outside of our community and where will that tax base go - to their county not ours. Will you stand with the majority and do away with this plan to devastate a struggling work force? Will you stand with the communities of concerned people that want to continue farming, fishing, and providing the needs of their families and all the wonderful new neighbors we have grown to love. We need your support.

Michael Haynie read a letter submitted to the Commission (in file). You must not take away our current free will land use rights. As a local government entity created by and for the people you must hold to the awesome principle that men and women have the God given right to seek harmonious living with our fellow man, by making free will choice that improves our quality of life and our enjoyment of life. To take away the last of our Great God given freedoms is to guarantee bitterness, anger, and resentment that no matter how much we do and give we are untrustworthy on our own land. Please do not be a part of the dominant belief that the people cannot make wise choice, only the Government can. Do not be part of the deception that we cannot survive outside of Government control, while all the time it is written and established that Government cannot survive without us, the people. Your chance to improve our lives right now is to motion for a vote to have current zoning conditions as is and your choice is to vote according to the will of freedom and to the will of the people by believing in the people to govern themselves. He asked which Planning Commission member will answer freedom's ring and make a motion for a vote and put this issue where it belongs, out in freedom's pasture.

Greg Haugan stated that in 2005 the Planning Commission held eleven public hearings soliciting public input to the proposed changes to the Comprehensive Plan. At not one of those public hearings did anybody stand up and say we should not make any changes to the Comprehensive Plan, yet it was 10 years old and the current zoning changes are 35 years old. The process then was fairly simple. A set of recommendations was presented to the public, public comments were received, changes were made reflecting the comments, reviewed again by the Commission, and finally, with the Commission's input, the document was changed. The same process is now being proposed to update the 35 year old zoning changes. He wasn't able to attend last month's Commission work session going painfully through all usages based on following the lead of the staff. The Commission went through these recommendations item by item and made decisions. Does this make sense in today's environment to meet today's needs and requirements in the direction we think the County ought to be going and to set up a frame work for future growth in the County? He continued by saying that none of the changes made violate the purposes that were reviewed last fall, which include statements such as maintain the rural character of the County, protect the working and residential waterfront, etc. The Commission has already taken into consideration those reasons why one wants to stay in the County as the people before him have noted. These reasons are listed in the zoning purpose statements. They are already in the framework that the Commission is trying to make decisions on. He really doesn't understand some of the comments because the

recommendation that the Commission is making has no effect on property rights, no effect on zoning, all they do is try to clarify the usages to make them more consistent with today's demographics of the County. I support the work that you have done and support the changes.

Diane V. Harper read a letter she and Sonny Harper submitted to the Commission (in file). She commented that she and her husband are "come heres" for thirteen years and they love Northumberland. They were impressed by the natural beauty everywhere and its generous hard working people. We all value the Land and Water. This proposal is a yoke around our necks inhibiting us from doing what has been done for years. When officials say "This is for the greater good" that usually means "hold on to your wallet and get out your magnifying glass to check the fine print because your rights are in jeopardy. Thomas Jefferson said, "When the people fear the government that's tyranny. When the government fears the people that's liberty". We the People are speaking. Are you listening?

Mike Harwood stated that he has been here for eighteen years now and loves it here. His background was such that he had to move his family many times here in the states and overseas. He experienced what can happen to a community in an area when the permitted uses in the zoning ordinances allow anything to be built virtually anywhere. One experience is on Route 1 north of Ft. Belvoir, where they lived in Mt. Vernon for eighteen years. There you can see what happens when there is no control and no common sense that applies to who can build what where. Another one that we are all familiar with is Route 17 in Tappahannock, we don't want the County to look that way. I have been attending these meetings for years, and I don't know why it is, but I seem to know when there is going to be a public hearing or a work session that I should go to and I don't understand why others can't do the same. There was an advertisement in the paper today by some unknown group, that he found insulting to the Commission, he objects to this advertisement and doesn't know why we have to lower ourselves to that type of objection to something that is going through the democratic process.

Lynne Balderson commented that she and her husband, William, live in Heathsville. She thanked the Commission for the opportunity to voice her opinion regarding the zoning of Northumberland County. She takes offense to some of the things that were just said because some of us work. She admits that she has not come to meetings like she should, but get used to the face, I'll be here. Please listen to those speaking against the changes in zoning. We love the way things are and see no need to take our rights away. My question to you is, why the needs change and how will this benefit the taxpayers. Is there something going on that we have a right to know about that has not been made known? This area is big enough for retired citizens as well as those still trying to make a living. By changing the zoning you are not affording the working class the chance to have our own business and the opportunity to provide for our families. Please remember that you are supposed to think of the good for all of us, so hear our voices and do the right thing. Leave things the way they are.

Tony Sica stated that he is the President of the Harmony Hall Farm Subdivision Homeowner's Association and is here tonight to specifically address commercial kennels. The Commission addresses commercial kennels in the new draft as a conditional use in the R-2 zoning district. He played a recording of the noises coming from the animal shelter located in Horse Head. The reason he recorded this, is because as everyone knows when you live on the water, sound resonates across the water quite easily. He noted that he did not see any other requirements for having a commercial kennel. He wanted to know if there was any thought of having the Army Corps of Engineers to look at what the impact would be having a commercial kennel by the water.

Lisa Spring asked the Commission to not take her land use away. She stated that she has worked hard for what she has. She was a single mom raising two children not to have new land have conditional use or have someone else to say what they can do on that land. She worked three jobs just so that her children could have something. Please do not take our land uses away from us.

Ralph Millar noted that he sat through the April 16th work session and applauds the Commission for the type of work that went into that section to come together with some advances, changes, and updates to the zoning ordinance. He thinks that the overall direction that the Planning Commission has moved helps the process in commercial development within the established villages and support areas. It still maintains the rural character of the remaining areas up and down our major highways. He also stated that this is the best way to manage the growth that will eventually come to this County, and it will help the County to retain its appeal that it has now for current and future residents. It will help us develop in an orderly way. The concerns about limiting peoples' property rights are without regard to the fact that there are no rights being taken away. They are conditions being placed on certain uses, and he believes that those uses the Commission rightfully identified could have onerous impacts on adjacent properties. That is the way the Commission's responsibility has been exercised and feels that is what the County's obligation is. He therefore supports what the Commission is doing and feels that the Commission ought to press forward with the updates and recommends that the Board of Supervisors approve them.

Michael Baughan commented that in some uses there would be only certain parts of the County on Route 360 and Route 200 where there would be main businesses. This will raise the property values, as he already has his businesses and if it is raised once or twice that would be fine with him. But he thought about his kids, one wants to be a dermatologist and the other wants to be a veterinarian. Right now you can hardly afford an acre of land on Route 360, and with some of these changes that you are going to have, there will be no way one can afford property. If everyone is concerned about growth in Northumberland County, I graduated in 1981, and I don't believe it's been 15 businesses built from Burgess to Callao. We are begging for businesses to come to Northumberland. I'm trying to look out for my kids and that's what I would like to see the Commission do.

David Fine noted that he was concerned with some of the scare tactics regarding the ad that was placed in the paper. The old zoning regulations are antiquated; anything that has

been in existence from 1974 to present needs to be looked at and evaluated. Everything that he has seen, and he commented that he has looked at all the proposed language, is more protective than restrictive. He feels that the agriculture needs to be separated from the residential to protect the Northern Neck. He has been here since 1986. There are fewer businesses now than when he first came. We need to let businesses know that we are open for business, and let them have specific rules and regulations to which they know they have to adhere. They just can't come down and put what they want wherever they want without infringing on their neighbors. Maybe we'll get more taxes. Mrs. Jett said that her children will not be able to buy a house. He just sold a stick built house on 1.5 acres in Heathsville for \$67,000. The market has come down, there will be more people coming here as the market turns around. We need to be ready for the changes. The dinosaurs didn't change and look what happened to them. He encouraged the Commission to keep up the good work.

Manual Haynie commented that he would like to explain a recent experience that pertains to the Comprehensive Plan and the Zoning issue being discussed tonight. He has a listed agreement with the owner of the service station located next to the building in which his office is located. The property where his office is situated is zoned B-1 and the service station is zoned R-2. No one knows why it is zoned that way. Several weeks ago he had a buyer. At considerable expense the customer had a professional study done. One recommendation was that the owner have the property re-zoned to B-1 to protect the customer's investment. The customer let it be known that the sale would not go through without the zoning change. He contacted Mr. Shirley, Zoning Administrator, and he advised him that the current owner make application for the zoning change and submit the application with \$400 to the office. He ensured him that it was a formality and it should not have been zoned R-2 and as B-1 it would conform to adjoining properties. Not long afterwards, the sale of the property fell through, not because of the zoning but for other reasons. He advised the seller to go through the re-zoning because in all likelihood the issue would arise again. The owner agreed and submitted the application along with the \$400 and was assured that there would be no problems. Several days later he received a call from Mr. Shirley informing him of a problem. The area in Reedville where the property is located is not located in a Village area or support area and as dictated by the new Comprehensive Plan would not qualify for B-1 zoning. Mr. Shirley told him that part of the Comprehensive Plan was overlooked when the Plan was designed and that whoever purchased the property would be grandfathered and the property could still be used for its current use and Mr. Shirley would make notes to correct the error in the Comprehensive Plan to be designed in 2011. He asked the Commission several questions: 1) Why would we design a Comprehensive Plan so inflexible that common sense can not be considered? 2) Why are we agonizing over making such radical changes in governing our land use? What is the crisis? He feels that the good people of this County have been doing a fine job for a long time and will continue being good stewards of the land. Our County government should be dedicated to protecting the rights of all the people.

Ida Hall noted that she is pleased that the Commission added language in the purpose section regarding Water Quality. She also attended the work session of the Commission

and knows how hard the Commission has worked. How you repeated each use and tried to make it consistent with the purposes that were drawn up for each zoning district. She doesn't feel that the Commission is restricting any rights because under the Agriculture (A-1) zoning the Commission has left provisions if you want to develop the property one can have the property rezoned to a residential zoning. In 1974, we didn't know the affect that development has on the creeks and rivers. She feels that it is essential to be consistent with the purpose statements. She doesn't like to see our water quality diminish. She noted that the Commission has done an excellent job and commended them of their foresight. She supports this and hopes the Commission will move forward.

Pam Collins commented that she reviewed the proposed changes and in general found them satisfactory. She noted that the changes represent the orderly development in this beautiful area and rights are not being taken away. Haphazard development will not benefit Northumberland County. She continued by saying there is one item that concerns her, which is to conditionally allow commercial kennels in the R-2 zoning district. Conditions would have to be extremely strict and upheld, and even so loop holes might be conceived that would allow kennels. The quiet, privacy, and natural areas should be protected.

Slater Rice stated that this County has been here for 400 years. The Commission has done a fine job. To suggest that we have to worry about Fort Belvoir or Tappahannock coming to Northumberland, we don't have to worry about that coming here. We are at the end of the road. He does not believe that we need these new changes to take away our rights. He does not agree with any other changes and the Commission should recommend to the County Board of Supervisors that no more changes are needed at this time or in the future. We are not willing to give up any more of our rights as landowners and citizens of this County to possibly put the decision in a handful of people elected by the people of the County to represent what is in our best interest, to protect and preserve our rights, and to not take them away and dish them out as they see fit.

Bill Wiggins read a letter submitted to the Commission (in file). His opening was- Proposed further restrictions to private land use. What a colossal transfer of rights from private land owners to powerful government!! Would it be wise to take away private land owner's rights and bestow them unto a government body where three members have almost complete and final authority to decide, on an ad hoc basis, how numerous parcels of land may be used? Their decisions could and would depend on: who is on the board at the time, how the members may feel that day, do they personally like or dislike the applicant for any number of reasons, how many people in opposition turn out at the hearing, and many other frivolous reasons. They don't even have to explain why they voted the way they did. The only appeal one would have is to file an expensive, complicated, and time consuming petition for writ of certiorari with the circuit court within 30 days with an uncertain outcome. The landowner would begin the appeal at a serious disadvantage because the law gives the government the presumption of being correct. Is this how private landowners want the use of their land decided? Who would it serve? The procedures employed by the government to effect these changes have taken on the appearance of "get it done before the public learns what's happening." Of course,

we hope that's not the intent and I am not pointing fingers but when one sees cleverly worded, highly restrictive sentences and phrases in the unnecessarily humongous Comprehensive Plan it doesn't do much to calm those suspicions. It is my request that you stop this thing and rescind the recently inserted restrictive language from the Comprehensive Plan so we may continue using our land in accordance with our current ordinance that has worked pretty well, with a little tweaking here and there, for so many years. Please understand and appreciate the gravity and power of your actions.

Larry Moore read a letter submitted to the Commission (in file). He commented that he had not intended to respond to the ad. The ad was placed to inform the people, every word is true, he otherwise would not have put his name to the ad. Our Comprehensive Plan is a document, in his opinion badly written, and needs revision. We also have a basic problem, the Staff, well meaning as it may be, keep bringing to you proposals that are neither wanted nor needed by the people or the Commission themselves. The Land Use chapter of the Comprehensive Plan would limit business activity to the Village Areas, thus leading directly to the destruction of property value and our rights. The Land Use Chapter has no business in our Zoning Ordinance. The proposed extensive requirements for property owners to pay for and seek unattainable Conditional Use Permits are unsatisfactory. Tonight's proposal unwisely places far too much reliance on the concept of Conditional Use. How can the value of property be accessed if its usefulness cannot be determined? This Commission should originate new Residential Districts as needed to deal with high Density and Cluster Development. The Reservoir District should be adopted and added. The Commission can then busy itself with the much needed restructuring of our Comprehensive Plan. Other than these additions, the Rights and Usages contained in our current Ordinance should remain unchanged. There is no mandate for change from the people, to the contrary, change is widely feared and unwanted. Also, there seems no commitment within this Planning Commission for zoning change. I refer you to the Zoning Surveys given to each of you by Staff last March. Six surveys questioned (390) individual land use rights covering (9) Zoning Districts. Each Commission Member surveyed had a total of (390) distinct opportunities, not once did the (6) Surveys indicate a majority of Commission Members had voted for change. Why then has County Staff brought to you this proposal for massive change in our Zoning Ordinance? If and when the need for zoning change becomes apparent, the Commission and Board of Supervisors can amend our Zoning Ordinance as needed. Our present Ordinance was amended (3) times last year. Before you is yet another proposal addressing the unfounded proposition that the over-commercialization of our County looms just ahead. You are asked to address conditions that are not present now, nor will be in any probable foreseeable future. Still, you are asked to remove property rights granted to us and those before us for generations. These drastic measures are unnecessary and unwanted. I ask tonight, that the Commission forward this recommendation to the Board of Supervisors:

To the Board of Supervisors:

From the Planning Commission:

Having received numerous input from County citizens, having reviewed the County Zoning Ordinance, and in consideration of our opinions, recently documented by survey, the Planning Commission recommends to the Board that presently no action be taken on

any District contained in the Ordinance. We further recommend, in keeping with the past Board actions, that any such future action be taken by the Board only as a then present need is apparent or that a clear foreseeable need is in the making. Finally, the Commission requests that the Board take this recommendation up for a vote by the Board at the Board's next scheduled meeting. A motion is needed. Who will have that honor to put this to rest?

Lee Allain admires the work that the Commission did at its last working session. It takes courage to do so and move forward. 1974 was a time this area was mostly a farming and fishing community, but it has changed since that point in time. In between each village the drive is a nice 55 mph. If we don't regulate what happens with the land use up and down Route 360, what will happen is that from Callao to Reedville will be 25 mph and will look like Midlothian turnpike. He has seen this happen in other communities.

Betty Hall stated that she believes in zoning but to not change the total character of an area. Her concern is that if you go forward with the changes, where are you going to put the businesses. She came before the Commission to have her property rezoned to B-1 in the Burgess area. Talking with VDOT, she would have to do an expensive study, to show how much traffic would be going in and out of the entrance. This study cost approximately \$15,000 to \$20,000. Next, they talked about a left hand turn lane which she could possibly have to pay for the reconfiguring of Route 360, the cost of easements, and would also have to post a bond in case in the future a traffic light is needed. Who can afford this? The water company wants a pint of blood per foot for a water line, septic fields would take up a good portion of the property, then a commercial well would probably need to be put in place which would cost several hundred thousand dollars and by the time roads were put in place, who could afford the lots? Until the County is interested in promoting business, the timing is wrong. When sewer is put in place maybe then the County can consider not letting people have businesses else where, but until then where are you going to put them.

Ken Smith commented that he was speaking on behalf of the Northumberland County watermen. He stated that he has heard a lot of talk about how you are going to look out for the waterman and look out for the farmers. He has been here all his life, and I tell you what I have seen for the waterman so far. Waterman used to be able to go up in these creeks and crab anywhere, today you get nothing but complaints when you go up in these creeks. Nobody wants you up in these creeks crabbing. It used to be that you could pull up a boat anywhere. The Chesapeake Bay Deadrise is the State boat. Marinas don't want you tied up there. If you are, they haul you out. He sees people complaining about a crabber having crab pots stacked in the yard no matter how neatly stacked they are. He heard people in here today worried about kennels going on R-2 property. I don't know about you, but my dog can't afford to go to that kennel. I think I have been called stupid in here tonight, because I had to have a newspaper in here to tell me to come. Most people know that I am stupid, but I kind of take offense to being called it. If a waterman wants to do something, more than likely his neighbors are going to complain about it. It used to be that the majority of the local people owned the waterfront. It has gotten so that they can't afford it. Anyone that does have waterfront today, it's because it has been

handed down through generations. When you take that right away, you are taking a big right away.

Greg Basye noted that he is a 3rd generation farmer in this County, born and raised here. Like Ken I feel I have been called stupid tonight. I don't know how we have made it as long as we have in this County, because without the expertise of the gentleman sitting on my left we won't last another year. He is offended at being called stupid, hope you all are too. You all (the Commission) has done a good job, the Board of Supervisors in the last 35 years has done a good job. Maybe we need some tweaking, but to go and drastically change these is ludicrous. It doesn't take courage to take away property rights, it takes a coward to sit behind a desk with a government official whether county, state, or federal and take away property owners' rights. It's not my neighbor's business what I do on my property. It's not my County's businesses what I do on my property. It's not the state or federal government's business what I do on my property, until such time that I endanger my neighbor or this great earth, then it becomes a law enforcement issue not a zoning issue. Which one of you will stand up here tonight and kill this? As a farmer, I am sick and tired of seeing farm land gobbled up for everything you want to use it for, and sick and tired of having to go before the Board of Supervisors to have something changed or to ask for permission to do what I want to do with my property. In 1944, Sewell Headley started an oyster house down at Cowart's. In 1776 we won a battle from an oppressive government. Since 1944 there has been an oyster house down at Cowart's Seafood, and to go from shucking oysters to hatching oysters, they had to come before you all to ask for permission to do that, now that is abusive government. If we need another revolution in this Country let it start in Heathsville tonight.

Wayne Burgess stated that he and another friend were talking today about what was going on with the restrictive use of property. He started out with big trucks and his business was started in a backyard. He has gotten to the point that he can pay someone else to do that now, but he wanted to point out that if you can't start a business in your own backyard, then where are you going to start it. You can't afford something on major road frontage to start a business, I didn't do that. I've never done that, and don't have intentions to. I have been trying to put up a shed in Rainswood since 2003. Burgess' neighbors don't want him to build a shed in which he wants to put antique tractors and antique cars. It is so restrictive that he can't even put a shed on 18 acres of land. I work, and we have property in three counties. I don't have time to keep up with what is going on in each county. He depends on his friends to call him about what is going on. He is opposed to this. He is upset with the election that just went by. Everything is changing so fast, why change, what is wrong with what we have. I just hate to see you restrict so much that you can't do anything on your property.

Caroline Reynolds noted that she is a "come here" from Maryland and knows what everyone is scared of. I moved to Lottsburg and bought a house. Lottsburg printing is on one side, a farm in the back. I love this place, I'd fight for this place. As a matter of fact I had a brother killed in Vietnam for the right to do what he wanted and I want and everyone wants on this land. We purchased the land. I work everyday to pay for my land. If I want to put up a shed on my property that's my business. If we want to start a

business, or if we want to sell wood, which is a commodity that is needed because one can't afford gas or kerosene, you are going to tell me that I can't do that, why? Let's try taxing the people that pollute the air, I've seen it in Maryland. You have to go to Emission's Control. I understand the concern. I moved down here to move away from that garbage. You need some planning, but don't restrict the people that love their land. We are not ready for this. The big businesses aren't coming down here. There are a lot of big homes here. Leave it alone. Don't make the people pay to be able to put something on their land.

Stuart Robinson asked why everyone is arguing about who can get what done where. When it comes down to it, you need a permit to put a porta-pottie in the yard. You all issue the permits, why are you telling these people they have a voice when even if they get the proposal you have drawn; they still have a permit they never get.

Randy Harding noted that he opposes the legislation. He is a part time waterman and runs a garbage business in the County. His children work on the water. Seeing places while he was growing up on the Chesapeake Bay, you go back today and there is nowhere to tie the boat up to. People complain that the boats are too loud or they smell a little. Smell has been around us for millions of years, even good food smells bad when it goes bad. He feels that these rules and regulations that are being proposed against us will not benefit us in any shape or form. He asks the Commission to abolish these amendments.

Lisa Spring spoke before but wanted to state that on behalf of the waterman and the farmers, her father worked on a fish boat and there have always been complaints about fish smells. She also has a brother in-law that works on the water. She has lived on farmland all her life. There are things in life that we will not like, but there are some things that should not change. Please do away with these changes.

Linda Herring commented that a year or so ago, people didn't pay a whole lot of attention to what was going on in the County. In doing so we lost the privilege of leaving an acre of property to each of our children. This was a piece of land that we already have owned for 30 plus years. Now lot sizes are one acre and the property is not big enough. When Columbus moved into Northumberland County, Indians had tepees all over Northumberland. The guys from the big boat became friends with the Indians, the Indians said you guys can put your tepee by ours. The guys from the big boat said if I put a trading post between Reedville and Heathsville, those guys from Heathsville will not have to go all the way to Reedville to trade furs. Little businesses started popping up and everyone became friends because we are still here. Pardon me, but if I want to buy a pair of underwear, I either have to drive 8 miles to Kilmarnock and Northumberland gets nothing or I can leave my house and drive 13 miles to Heathsville Family Dollar. I don't think that we are going to be "over businesssed" any time soon, should they come. I beg you guys to start paying close attention to having too much business in this County. But until there is a problem, I beg you to put this on the floor. If I want to put a shoe repair shop on my property, I can come to you and you have the right to tell me yes or no. Quite frankly, unless I am doing something wrong with my shoe repair shop, I shouldn't

have to ask to have it. She understands that the well and septic needs to be checked. We don't need what is being proposed.

Lee Olshan noted that change has not come but is coming. Crabbing, fishing, and farming brought us to this area. I hope that you all think about the Bay when you conduct your business. I applaud you in this exercise.

Arty Bowles commented that change is supposed to be a good thing. The changes that you all are getting ready to make need a lot of thought because it will affect the County and its future. If passed, the rezoning changes would take away our current property rights. I'm not ready to give up any more of my rights. There is not a tremendous amount of growth, but he would like for future generations to succeed and stay in this County. I thought new business was good and would generate revenue. We need to come to a conclusion on this situation as fast as we can, tonight if possible. I want to stay and work in this County as long as I can, without retirement I don't know what my options are. My vote is to change nothing, leave it as it is.

Rich Riddell stated that he is against the changes. He has run Krentz Marine Railway from 1989 to 2000 and now is on his own and has 125 customers. He is constantly confused as to what to do with his life, because he needs to put up some sort of structure so that he can operate and because there is so much indecision, one option is to pack up his family and move away. I have lots of options, I have multiple degrees, and can live anywhere I want. I think a man ought to be able to do what he wants, just as long as it is nothing illegal. I certainly understand infringements upon adjacent property, I have some things down the road that I don't like, but I don't call them in because in the name of freedom there is some give and take and there will be some things that will be offensive to you. If you don't like what is next to you, buy the man's property or move away. On another issue, the public perception would be increased greatly if you went to great measures to publicize all of your business and not to try and have any perception that something is trying to be passed discretely and quietly as possible.

Leon Edwards commented that his family has been here since the 1800's, and land restriction is already overdone in this County. I have a piece of property that was zoned B-1. It's been a year and a half and it has never been so that we can use it yet. What are you going to do if it is zoned R-1? This B-1, the people want to buy the property and restrictions have held it up for a year and a half. You can't use it until the County and State get through with it. We have too many restrictions now. I have land that dates back 200 years in the family. It was re-zoned to R-2 without us knowing it from farmland. We pay each year to make it farmland so we can get discounts on the land. I can't do anything on the land that you could do in agriculture. You can't buy waterfront, it's too expensive. I can't afford to keep it. What waterfront I have tripled in value last time I paid taxes. I live on retirement. I have a small boat business, which I can't do where I want to do, because two neighbors have moved back here and I have nothing but problems. There are too many restrictions now.

Larry Moore noted that several people have offered to make a recommendation to stop the amendments. I would like to see a motion, but actions clearly call for it. I wonder which one of you will take up the banner of freedom and property rights, who will motion and second and vote to forward a recommendation to the Board of Supervisors that you have reviewed the zoning ordinance, that you have your public input.

With no further comments the public hearing was closed.

After a short break, the Commission reconvened.

Charles Williams said that there were several items that he wrote down that he wanted to get some more answers to: 1) Commercial Kennels, 2) Wayne Burgess not being able to get a garage, 3) Manual Haynie's request for rezoning, and 4) Leon Edwards rezoning.

W.H. Shirley stated that Leon Edwards property was never rezoned, it was zoned R-2 in 1974 when the County was zoned. It was not zoned A-1 and then arbitrarily zoned to R-2. The problem that Mr. Edwards has at Burgess is not due to any County hold up. VDOT now has access management on any primary highway. It's been a hold up on Mr. Edwards' property due to what VDOT is requiring.

Luttrell Tadlock commented that at the last working session, the Commission looked at placing commercial kennels in the Agriculture zoning district as a conditional use. It was also suggested that they be placed in the Residential Waterfront (R-2) zoning district as there is still a lot of property available in the R-2 with large acreages that are not on the water.

Garfield Parker reminded the Commission that the Commission's job is to plan and to not just worry about today. We need to look down the road, we have talked about reservoirs etc. He feels that our Comprehensive Plan is one of the most comprehensive plans in the state. A lot of the regulations are pushed by other agencies. If we do not plan now, we will not have room for a reservoir.

Charles Williams questioned what it would take to get it, what do we have to do. We talk about these things, but that is all we do.

George Kranda stated we need another working session to focus on how we implement the ideas that came out tonight.

Charles Williams commented that he is not ready to scrap the plan, as there is a lot of work that we have put into this that he is not ready to throw away. He would like to go back through this to see what rights we are taking away.

George Kranda noted that we were directed by the Board of Supervisors to do this, so it's not that we have a whole lot of options not to do this.

Bill Kling stated that we are not going to face a Tappahannock or a Fort Belvoir if we do not have sewer and water, reliable cell phone coverage, and high speed internet. We are a long way from that. To raise the fear that the speed limit will be 25 mph- that is unlikely to happen. He would like to see some projections based on the last 25 or 30 years as far as growth. I haven't seen much growth since I have been here. We need an industrial park if we want clean businesses so they don't have to go through expensive processes.

Ed King questioned what prompted the Board of Supervisors to send this to the Commission. Who is putting the pressure on them? It is not the group that was here tonight.

Al Fisher noted that the Board has been pressured for years to have something done to the Zoning.

Larry Moore said that people were here tonight because they are finding out what the Board is considering and there is another side that is pushing this and they are beginning to react.

Charles Williams noted that he is trying to do the best for the County, for his family and everyone else. He is trying to give an honest opinion on each issue that comes in here. He takes offense that people are coming in here making accusations that we are power hungry and that we have a hidden agenda, where is the power? Someone is giving them misinformation.

George Kranda noted that we are trying to plan not rezone. Good planning does not deprive anyone from anything. If you don't have a plan, you will be run by someone else. It is only fair to the citizens of this County. One comment was appropriate, how do you know the value of your property when everything is done by conditional use? You can't.

Al Fisher commented that he does not have any problem with the way staff has advertised these meetings. He also thanked the Commission for their hard work.

After a brief discussion, the Commission decided to hold another working session on their regularly scheduled meeting date (June 18, 2009). The regularly scheduled meeting will begin at 4:00 p.m. rather than the normal 7:00 p.m. meeting time.

Bill Kling wanted to make clear that what individuals see on paper may be a long shot when the document is finished.

RE: PUBLIC COMMENT PERIOD

Jinny Estelle commented that she knows that the Commission has spent an enormous amount of time on this. People need to understand that when you live in a community you have to give a little me, me, me. She didn't hear about the community tonight.

Lawrence Moore stated that he respects the views of others and respects the work the Commission is doing, although he may not always agree. There needs to be give and take on both sides. Conditional Uses do take property rights. The burden for these changes is not there.

E.D. Cockrell noted that we all have to work together. He gave an example of boathouses and people complaining about them being on oyster shores.

RE: ADJOURNMENT

With a motion from Garfield Parker, seconded by Jim Stone, 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	AYE