



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda

July 27th, 2022

General District Courtroom, 3rd Floor, Nelson County Courthouse, Lovingston

- **7:00 – Meeting Convenes / Call to Order**
- **Review of Meeting Minutes:** June 22nd, 2022
- **Public Hearings**
 - 1. Proposed Zoning Ordinance Amendment - Kennels**
- **Other Business**
- **Board of Supervisors Report**
- **Next Regularly Scheduled Meeting:** August 24th, 2022

NOTICE: In alignment with current COVID-19 guidelines, and to guard the health and safety of all meeting attendees, physical distancing and the wearing of face masks will be required for unvaccinated individuals in the courtroom. If you do not have a mask, one will be provided for you. Should current guidance change prior to the date of the meeting, the guidelines in place at the time will be adhered to.

If you are not able to attend the meeting due to COVID-19 precautions or restrictions, comments may be submitted (1) electronically, or (2) in writing, and will be accepted until 12:00 pm on July 27th, 2022.

- (1) Electronically: ehjulstrom@nelsoncounty.org or dbishop@nelsoncounty.org
- (2) In Writing: Dept. of Planning & Zoning, P.O. Box 558, Lovingston, VA 22949

**Nelson County
Planning & Zoning**

Memo

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning *DMB*
Date: July 27th, 2022
Re: Zoning Ordinance Update – Kennels

The Planning & Zoning Department has received two separate inquiries regarding permitting for a commercial kennel and a service dog facility as the primary use of property. Both propose to locate along Route 151. To facilitate and process these proposals, staff is seeking feedback regarding a potential update to the current definition for “Kennel,” and its use classification in A-1, SE-1, M-2, B-1, and B-2 zoning districts

CURRENT:

“Kennel: A place prepared to house, board, breed, handle, or otherwise keep or care for dogs, cats or similar small animals for sale or in return for compensation.”

Currently a by-right use in the A-1 (Agriculture), SE-1 (Service Enterprise), and M-2 (Heavy Industrial); indoor kennel in connection with a veterinary hospital is by-right in B-2 (Light Business).

Not a Special Use Permit in any other district.

PROPOSED AMENDMENT:

Amend current definition of “Kennel.”

“Kennel: A place where the primary use is to house board, breed, handle, groom, train, or otherwise keep or care for dogs, cats or similar small animals for sale or in return for compensation. Kennels may include associated facilities necessary to support the operation including but not limited to office space, meeting space, and temporary lodging accommodations exclusive to those clients training with the animals.”

Remove from by-right use in A-1 (Agriculture) and SE-1 (Service Enterprise), add as Special Use Permit (SUP) in A-1 (Agriculture) and SE-1 (Service Enterprise). Keep as by-right use in M-2 (Industrial). Add as by-right use in B-1 (Business).

Existing kennels, and kennels as a secondary use in conjunction with a dwelling (home occupation) remain permitted by-right.

At their meeting on 6-22-2022 the Planning Commission voted (4-0) to take this option to public hearing for this proposed amendment.

Emily Hjulstrom

From: Dylan Bishop
Sent: Monday, July 18, 2022 12:58 PM
To: Emily Hjulstrom
Subject: Fw: Proposed kennel projects - defining "kennel"

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Nelson & Angi Hicks <maplecreek7115@gmail.com>
Sent: Wednesday, July 13, 2022 3:09 PM
To: Dylan Bishop <dbishop@nelsoncounty.org>
Subject: Proposed kennel projects - defining "kennel"



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender
maplecreek7115@gmail.com

Hello Dylan,

We are Nelson & Angela Hicks at 7115 Rockfish Valley Hwy, Afton.

We would like to urge the Planning Commission to adopt option 3, as cited in your memo dated 6/14/2022 to the Nelson County Board of Supervisors, as the definition of a "kennel".

As we understand it, this would require new kennel-type businesses to apply for a Special Use Permit in A-1 & SE-1 zoned areas, but could be done by-right in M-2 and B-1 zones. We further understand this definition would not alter existing kennels or kennels that are a part of a private dwelling as they will remain allowed by-right.

We trust that the Planning Commission will make the best decision for the good of the entire County and we appreciate that it is a very difficult job.

Thank you for your time and consideration.

Sincerely,
Nelson & Angela Hicks
7115 Rockfish Valley Hwy
Afton VA 22920

Emily Hjulstrom

From: Dylan Bishop
Sent: Monday, July 18, 2022 12:58 PM
To: Emily Hjulstrom
Subject: Fw: Opinion regarding proposed kennel project in "Spirit Trail" area

Follow Up Flag: Flag for follow up
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From: Holly Hutchens <hrhutchens@gmail.com>
Sent: Wednesday, July 13, 2022 11:45 AM
To: Dylan Bishop <dbishop@nelsoncounty.org>
Subject: Opinion regarding proposed kennel project in "Spirit Trail" area



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hrhutchens@gmail.com

To Dylan Bishop,

I understand that you are the Planning Director for Nelson County and that shortly the Planning Commission will be assessing a proposal regarding a kennel, breeding and training facility.

The proposed kennel is on a lot that has been referred to as Spirit Trail. This property is a parcel that was subdivided from what used to be hundreds of acres that was used for farming decades ago. As the property was subdivided it has become residential. I own what is referred to as Lot J in Spirit Trail and there is only a small portion of another lot that separates my lot from the lot with the proposed kennel.

In considering the definition of the kennel, I'm requesting that the definition and requirements take into consideration that a proposed kennel should not automatically be greenlighted because the land was zoned agricultural over 50 years ago. There should be the requirement of a Special Use permit that goes under more thorough review and gives the opportunity to collect public opinion.

In regard to the project overall, it is my opinion that while the organization's mission is admirable, locating the kennel, training and breeding facility of the size proposed in a residential area is not appropriate due to the potential noise, air and ground water pollution that could occur.

All of the residences being built in that area will be on well water. A number of case studies document significant groundwater contamination that can occur as a result of facilities like the one proposed. In fact, a report from Great Bay, New Hampshire, revealed the following risks associated with kennels impacting ground water:

- "The primary human health concerns relating to pet waste are microorganisms and nitrogen.
- There are of course aesthetic concerns of odors, staining, vegetation stress, and visual impact.
- Pet waste can be associated with transmission of the following (MA NPS Brochure):
 - Campylobacteriosis—a bacterial infection that causes diarrhea in humans.
 - Salmonellosis—the most common bacterial infection transmitted to humans from animals. Symptoms include fever, muscle aches, headache, vomiting, and diarrhea.
 - Toxocaris—roundworms transmitted from animals to humans. Symptoms include vision loss, rash, fever, or cough.

- Toxoplasmosis - protozoan parasite infection.
- Symptoms in persons with otherwise healthy immune systems:
 - Enlarged lymph nodes in the head and neck
 - Headache
 - Fever
 - Mild illness similar to mononucleosis
 - Muscle pain
 - Sore throat
- Symptoms in people with a weakened immune system:
 - Confusion
 - Fever
 - Headache
 - Blurred vision due to inflammation of the retina
 - Seizures
- Cryptosporidium - produces voluminous watery diarrhea that varies with the severity of the organism and the health of the host.
- Giardia - can produce severe diarrhea and fluid loss.
- Hookworms - Skin penetration of infective larvae penetrate the bare foot of humans and cause mostly a self-limiting local skin irritation for three weeks.
- Tapeworms - The common tapeworms of dogs pose no threat to humans. However, Echinococcus, an uncommon tapeworm but increasing in frequency, is potentially fatal to humans
- Escherichia coli – can cause bloody diarrhea, severe cramps, blood clots in the kidney (hemolytic uremic syndrome or HUS), leading to kidney failure.”

According to the USDA, Department of Agriculture, “Dog waste contains nitrogen and phosphorus, which can deplete oxygen that fish and other water-based life need to survive.”

Furthermore, regarding noise, the Nelson County Noise Ordinance indicates that between 7am and 10pm an A-weighted sound level should not exceed 65 decibels and from 10pm to 7am should not exceed 55 decibels. However, in a paper published by the University of Derby titled “The assessment of dog barking noise from kennels” it indicated that barking from kennels can travel between 500-800 meters (approximately 1/3 – ½ a mile) and with the mountain surround in the area of the build it would be accentuated. The compiled 14 different studies found that the noise level ranged from 84 decibels to 108 decibels. A 2012 study by Scheifele, Martin, Clark, Kemper and Wells, reported that “in a comparison of several kennel environments, research has shown that kennels can have a continuous noise level above 100 dB with peaks of around 120 dB.”

Each of these factors should be taken into consideration when reviewing if a kennel should be located within a residential area.

Thank you for your consideration and representation of this opinion.

All the best,

Holly Hutchens

Emily Hjulstrom

From: Roberts, Daniel M RICVAMC <Daniel.Roberts2@va.gov>
Sent: Wednesday, July 20, 2022 8:09 AM
To: Dylan Bishop; Emily Hjulstrom
Subject: Dog Kennel in Spirit Trail, Afton

Follow Up Flag: Follow up
Flag Status: Flagged



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender
Daniel.Roberts2@va.gov

Good Morning Director Bishop and Planner Hjulstrom ,
My name is Dan Roberts. My wife, Carolyn, and I are building a new home in Afton on Chapel Hollow Road, in the new Spirit Trail neighborhood. We have been made aware that Service Dogs of Virginia have plans to build a dog training kennel in our neighborhood and it is a great concern to us. We have been building our home there with the desire for a quiet mountain experience and are very concerned with the noise pollution that this kind of operation can produce. We looked for the perfect piece of land to build on in Afton for five years, and have been very blessed to have found this beautiful and quiet piece of Virginia. Our neighbors are all also building or have built their dream homes and express their concern with the impact this type of business can have on our peaceful neighborhood. We support the mission of this organization but not in a quiet community like Spirit Trail. Thank you for your consideration in this matter and we hope we can continue this conversation before any approvals are made for this project. Have a great day.

DAN ROBERTS
804-405-8668
215 CHAPEL HOLLOW ROAD
AFTON, VA 22920

CURRENT MAILING ADDRESS:
11208 BREWER ROAD
HENRICO, VA 23233