

**Buckingham County
Planning Commission
Work Session
January 19, 2016**

At a work session of the Buckingham County Planning Commission held on Tuesday, January 19, 2016 at 7:00 p.m. in the Peter Francisco meeting room, located within the Buckingham County Administration Complex, the following members were present: John E. Bickford, Chairman; Patrick Bowe; James D. Crews; Sammy Smith and Danny R. Allen, Board of Supervisors' representative. Also present was Rebecca S. Cobb, Zoning Administrator. E.M. Wright, Jr., County Attorney was absent. Alice T. Gormus, Vice-Chair; Royce Charlton, III and Chet Maxey were absent.

Re: Call to Order, Quorum Present, Invocation, and Pledge of Allegiance

Administrator Cobb called the meeting to order. Administrator Cobb certified there was a quorum-five of eight members were present. The meeting could continue. Commissioner Smith gave the invocation. Commissioner Smith led the Pledge of Allegiance and it was said by all who were in attendance.

Re: County Zoning Administrator Opens the Floor and Calls for a Vote for Nominations for Chairman of the Planning Commission

Cobb: I'll now open the floor for nominations for Chairman.

Smith: I nominate Johnny Bickford.

Bowe: Second.

Cobb: Are there any other nominations for Chairman? Seeing none I'll close the nominations for Chairman. Go ahead and hit your move. (Voter buttons did not work.) Alright all in favor raise your right hand.

Commissioner Smith moved, Commissioners Bowe seconded and was unanimously carried by the Commission to elect Johnny Bickford Chairman of the Planning Commission for 2016.

Cobb: Alright Mr. Bickford you are the 2016 Chairman.

Bickford: O.K. Alright. I appreciate the vote of confidence from the Board. I will try not to let you down.

Re: Chairman Opens the Floor and Calls for a Vote for Nominations for the Vice Chairman

Bickford: That brings us to call for our Vice-Chair. Do I have any nominations from the floor?

Allen: I think Alice Gormus would still like to do it. So I'll make that nomination.

Bickford: Ok. Any other nominations? Seeing none do I have a motion to close?

Smith: Close.

Bickford: Ok. We'll vote for Vice-Chair. (Voter buttons still not working.)

Cobb: Alright raise your right hand.

Bickford: All in favor.

Supervisor Allen moved, Commissioner Smith seconded and was unanimously carried by the Commission to elect Alice Gormus Vice Chairman of the Planning Commission for 2016.

Bickford: That's unanimous.

Re: Adoption of Planning Commission By-Laws

Bickford: Alright Adoption of the Planning Commission By-Laws. Anybody have any discrepancies.

Smith: I do. I have some questions. That's why I brought my Board of Supervisors' packet from last week. It says something to the effect of the Planning Commission terms expires on January 31st. Our by-laws say Planning Commission term expires on December 31st. Should we change that or let it ride?

Cobb: It says your term like your...

Allen: Yeah it does.

Cobb: Because neither of those is correct. Where is that? Show me.

Smith: Well let me look up. I think I was 2 dash 2 or something. Mr. Smith's term will expire January 31, 2016 on the official heading from the Board of Supervisors' packet. And then ours says something else.

Cobb: Your terms actually expire by when you were appointed. So it's not a January or December.

Smith: So it's just the first week or first...

Bickford: Well whatever month you came on the Board.

Cobb: Right.

Bickford: You were appointed...

Cobb: If you came in June then you serve your four years and expire in June.

Allen: Are you talking about that 2.3 right here?

Smith: Let me see.

Allen: "The term of a Commissioner member shall expire immediately prior to the beginning of the regular January meeting..."

Smith: Right. Yes.

Bickford: It does say it.

Smith: I thought it did.

Cobb: So we will just scratch the word January.

Smith: I agree.

Bickford: Ok so are we going to stick with the month that they came on or was appointed?

Cobb: I'll make a note to check on the Board's By-Laws.

Smith: That's the only discrepancy that I found.

Allen: Yeah I remember seeing that. I had forgot about it.

Bickford: Ok. Any other changes from any of the Commissioners, suggestions? Seeing none do I have a motion to approve as presented except for the change in 2-3?

Allen: So moved.

Bowe: Second.

Bickford: Alright we have a move and a second. All in favor raise your right hand. Ok. All opposed. Alright that passes with the change.

Supervisor Allen moved, Commissioner Bowe seconded and was unanimously carried by the Commission to adopt the Planning Commission By-Laws with the change in 2.3.

Re: Adoption of Agenda

Bickford: Alright that brings us to the Adoption of Agenda. Ms. Cobb any changes in the agenda?

Cobb: Yes you have in front of you tonight a new agenda which includes two items under 7 Zoning Administrator's Report. There is an A. December Building report, Building Permit Report and B. our Yearly Report.

Bickford: Ok. Do I have a motion to approve the agenda with the changes to condition #7?

Smith: I make a motion that we accept.

Bickford: Ok. I have a motion. Do I have a second?

Allen: Second.

Bickford: Motion and a second to approve with the changes to #7. All in favor raise your right hand. That passes unanimously.

Commissioner Smith moved, Supervisor Allen seconded and was unanimously carried by the Commission to approve the agenda with the changes to #7.

Re: Approval of Minutes

Bickford: Alright we have the minutes to approve December 21, 2015.

Allen: So moved.

Bowe: I second.

Bickford: I have a motion and a second to approve as presented. All in favor raise your right hand. It is unanimous.

Supervisor Allen moved, Commissioner Bowe seconded and was unanimously carried by the Commission to approve the minutes of December 21, 2015 as presented.

Re: Public Comment

Bickford: Brings us to our general Public Comment period. Anyone who would like to speak please come forward to the podium, state your full name and address. You have 3 minutes if you're talking for yourself, 5 minutes if you're representing a group. I'll now open the floor.

Smith: Before you close that I've got a question.

Bickford: Ok.

Smith: The question is if the Board of Supervisors has changed their format for a signup sheet in the lobby with the name and address when they come to the podium, do we want to do that also?

Cobb: May I?

Bickford: Yes. Ms. Cobb. I think we would like to hear.

Cobb: I'm...That's something I see two sides of. If you were to choose to do something like that I would prefer to have... We don't have usually crowds of people show up.

Bickford: Right.

Cobb: But we do have a person every now and then and we don't always know how to spell their name and that sort of thing for the record. So for me it's a lot simpler just have them after they have spoken and I can have a sheet right here so that they can print their name and address for us and we could do it that way. Just to have a better record of who is speaking. But my concern with the other method is that if someone shows up late, you know, because they're traveling from Richmond and you know I don't want to cut them out of being able to speak at Public Comment time because they weren't able to sign the sheet.

Smith: I agree with you and I think with our vast influx of participation I think that your method would work better.

Bowe: I make a motion that her method be accepted.

Smith: I'll second it.

Allen: Be added to the by-laws.

Bickford: Alright I have a motion and a second to I guess be added to the By-Laws.

Cobb: Yes.

Bickford: Ok be added to our By-Laws. All in favor raise your right hand. That passes unanimously.

Commission Bowe moved, Commissioner Smith seconded and was unanimously carried by the Commission to approve adding to the By-Laws the new method of signup for Public Comment.

Re: Old Business-Continuation of Watershed Dam Inundation Needs

Bickford: Ms. Cobb that will bring us to our Old Business which is the Continuation of Watershed Dam Inundation Needs.

Cobb: Ok so last meeting we had some discussion. I had proposed some options regarding the watershed dams and how we can kinda better education people and make sure we're doing our due diligence in letting people know where they are building and that they could be in a flood zone. There were some concerns about letting them you know build in those areas at all and wanting to see some firmer stricter language on that. Through a little bit of research and just a brief conversation with Mr. Wright, I don't believe that we can say no you cannot build in this flood zone. That's kinda how the Flood Plain Ordinance works is you know yes you're in a flood plain and yes you have to build to other standards...

Bowe: This is not a flood plain. This is an inundation zone we're talking about.

Cobb: Right.

Bowe: 15 foot high waves coming down through here.

Cobb: Right. And so...

Bowe: There's a big difference in that and a flood zone.

Cobb: And so if you look at the State Code 15.2-2295.2 which refers to dam break inundation zone what it says is that the locality can require basically a Special Use Permit for them to obtain that prior to building or getting any other permits to build. So I believe that is as strict as we can go. What I have proposed is changing a little bit of the language. Let's see... That we could take out the sentence that says no structure shall be prohibited just to kinda leave that out and not mention it one way or another. And then add within each district so within the A1 District, within Watershed District, within AC, RSA all of them we would add Special Use under the Special Use dwelling within the map's dam break inundation zone could be added.

Bowe: For the benefit of those that weren't here last time do you have that same cross-section that I looked at for that particular lake?

Snoddy: They're all a little bit different.

Bowe: Yeah I realize that but...

Smith: Well while you're looking that up Mr. Chairman may I question?

Bickford: Yes I would like to have some discussion because I have some questions myself.

Smith: Does Federal Flood Insurance come into effect here or does homeowners insurance come in here? Or is there some way we can keep the County from being liable should one of our County/State controlled dams should breach, break, collapse? I mean Pat made a real good point last month when he said "Some people need to be protected from themselves."

Bowe: Exactly.

Cobb: I think my understanding of what the code is, is that we are doing all of our due diligence if we say you have to get a Special Use Permit and they go through that process and they know and they have seen...I report them and they go see Kelly and they can look at the maps and can see this is the wall of water that is going to come to your house.

Bowe: The people that would buy or that would build in an inundation zone are the ones who can least afford to lose anything. Anybody with half a brain and two dollars to rub together would not even consider building a house in and inundation zone. So why is it for sale? Because some dummy will buy it. Come on. I mean it makes no sense at all to sit here and pass something that allows people to build. This one I don't even know which one this is. How do I tell Ms. Snoddy? The first one here. Which one is that?

Snoddy: The front cover of the notebook. That one says Willis River number 1A

Bowe: Where ever that is.

Snoddy: It's over near Maple Bridge Road and Sanders Creek Road.

Smith: Really.

Bowe: A third of a mile below the dam water will come through there 16.7 feet high. Now that's going to take out anything that's built there. Now if it's a farmer that wants to put his barn there and storage equipment so be it. Wash it away. But to put people in there under a condition like this to me is ludicrous.

Smith: Well I think if we've read our minutes I agree with you and like I said a tractor shed, a hay barn, xyz, a grain silo I don't care. But when you put a kid in there or let's say you put a living, breathing human being in it and it you know it never happens when you expect it. It's always, what did you say a sunny day event is one of the things it's called? It's over with. And like some of you probably know I lived at the beach a lot of years. An 11 foot wave is the biggest wave I've ever seen not during a hurricane. Trust me nothing stands in front of it. So half again a 16 foot wall of water and water weighs 14.14 pounds per gallon and we're talking about a billion gallons.

Bowe: Yeah. It's ludicrous.

Smith: So somebody needs to sign off that they know that they're in a death trap.

Bowe: But the ones that would be building there are the ones that can't afford to build anywhere else. That's the only reason they'd be building there so they've got them in a catch twenty-two. Either we build there or we don't build. To me it should not be allowed. Now there is a point as you know where it will begin to sheet flow. I have no problem with them getting a little wet. But I have a problem with a house that we know if we allow be built and this happens it's gone and everybody in it is gone with it.

Smith: Will an application for a Special Use Permit would it have to go through the Board of Supervisors?

Cobb: Yes it's a standard Special Use Permit.

Smith: So everybody in the world would know that this house isn't going to make it. It's like building a house on sand if something happens. If. I know everybody is a big gambler now. If.

Bickford: Kelly I've got a question for you.

Snoddy: Ok.

Bowe: Everybody bought into the lottery didn't they?

Smith: Yeah.

Bowe: They all thought they could win.

Bickford: What...how precise can you be with this inundation zone? In other words take Muddy Creek for example around 20 right there. If I bought a piece of land, 10 acres down Muddy Creek, three miles below the watershed, and I wanted to build on it and I challenged, well I came to planning and they said well you're in an inundation zone you can't build. And I challenge it and I took the County to court...

Bowe: Three miles below you would not be in the inundation zone. Right?

Snoddy: I would have to look that one up. They all have different areas but...

Cobb: Well I think Johnny the question you are trying to say is margin of error, so what is the margin of error? Because I mean...

Bickford: How close could you get it on the ground? If the County is challenged how close with the equipment you've got, the readings you've got can you put it on the ground?

Snoddy: I'm not an engineer so you know I'll tell you that up front. But so I would pull my engineer in to answer your questions that are specific for that.

Bickford: I mean...

Snoddy: But all of it's based off of models.

Bowe: That's what I'm getting at.

Allen: But what it sounds like to me is a total dam gone.

Bickford: Right.

Bowe: Well that's what's going to happen if you get a hole in that dam. In a matter of minutes it's gone.

Smith: Yup.

Allen: A lot of dams I've seen it just starts right in one spot, just a bore, a hole in the middle. It doesn't usually take the whole dam out. That's just my thought. But I know what you're saying.

Bickford: Yeah I don't disagree with the actual intention here but just I say exposure if you...if we take the position that we're going to say restrict no buildings in an inundation zone and somebody challenges the County and we don't have the ability to go out there and say well here it is right here. I've got 10 acres you can't build that way by the creek but you can build this way. If we can't do that how in the heck are we supposed to defend the County? If we don't have that...

Snoddy: Everything has been surveyed. All of them have been surveyed. Surveying teams went out and did all the study.

Bickford: Oh they've actually went out and they got a plat?

Snoddy: Yes.

Bowe: Yeah it's right here Johnny.

Bickford: Oh ok. I didn't have this information.

Smith: Yeah because you weren't here last time.

Bowe: Here's the one that we were just talking about. This is a cross-section done FF is that...That's GG, 14.9 feet at GG. By the time it gets to FF it's 16.7 feet deep.

Bickford: Right. This is still not... This is not accomplishing what I'm asking.

Bowe: Well this is a 1/3 of a mile down. By the time you get 3 miles...

Bickford: And I'm not disputing any of the flows. I'm just saying ... So you're telling me Kelly this is actually been put on the ground out on the property?

Snoddy: Yes the surveying teams that did the study have been to all the places. They've been to all the crossings. They've taken points on all the bridges and crossings to get all the low points so...

Bickford: Bridges. So how far apart are the sample points? 1/2 mile, 3/4 of a mile?

Snoddy: Whatever they have listed in there. I really don't know specifics. Each dam is different.

Bickford: Well if I'm looking at this right it's probably at least 1/4 of a mile.

Bowe: It's got it a 1/3 of a mile. It's right down here.

Bickford: And I understand. They're going... See they're not going out.

Bowe: The distance from down.

Bickford: Right but they're not going out. They're going down the creek channel. All right that doesn't give... You're missing my point. That doesn't give you out on the edge where it's at.

Allen: How wide?

Bickford: How wide. That's what I'm getting at. You can go down a creek channel and I don't dispute these models. I'm sure they are pretty accurate. But if you're going to say you can't build and the County gets challenged and says alright you come here and put on the ground I've got 10 acres here. I've got at the creek it's 500 foot elevation. On top of the hill I've got 750, 250 foot incline. Tell me where I can put my house. That's what I'm getting at. This I agree whole heartedly. They went down the creek channel. And that's what they needed to do to accomplish this. But as a County if we take the position you cannot build in this inundation zone and we get challenged and we can't say on that piece of property one mile down the creek, alright there's where it's at right here you can build here but you can't build there. You see where I'm going with this?

Bowe: I know exactly where you're going but...

Bickford: And I guarantee you somebody's going to challenge it if you take that position, that hard nose position.

Bowe: All I know is if somebody's allowed to build in that green area on that map you're looking at and that dam breaks, whoever is in that house is gone. They're history.

Bickford: And then I guess too the chances of the dam breaking it's a percentage not a... I mean is that the best you can do? Is that the best that the research could do?

Snoddy: It's all based on the conditions of whatever storm has been coming through at the time.

Bickford: Right.

Snoddy: And it's based on how old they are, how well maintained they are.

Bickford: Right but I mean this full loss I mean can they say if you've got a 10 inch rain, 95% chance it'll total loss. Gone. Can they take it that far?

Snoddy: What they've done on there is probable maximum flood, the 100 year storm. That's what that one's based off of, that model.

Bickford: They've had five or six 100 year storms and not a thing has happened. You see what I'm getting at is a lot of information here but not specific enough to the point where you can start dictating.

Smith: Ok let's not talk about the concrete figures right there because I am not an engineer and I don't understand all of it. Do you think the principle, the owner of the property, when they come to build if they are educated through the process of a Special Use Permit that will give them enough information to where to put their house?

Bickford: I would hope so. I mean... I have no problem with the intention. I just...I think it's a great idea that people need to be aware that if something did happen with this dam that... But I don't know how stringent a position we should take.

Bowe: The channel is going to be working with contours isn't it?

Bickford: Right.

Bowe: Well you know you've got to be X number of contours above the creek channel. I mean there's got to be a figure there that water instead of coming down this channel it begins to sheet flow out. There's got to be a figure there. I don't know what it is but there's got to be one.

Smith: Well let me see if I can get my brain wrapped around this. When we built my house and you're familiar with the property...

Bickford: Right.

Smith: Who told my builder that I couldn't put my house down where my hay barn was, is now?

Bickford: That was probably...Was that determined by your closeness to the creek?

Smith: Yes. They said I could not put my house where my hay barn is now. I had to be on the other side of the gas line.

Bickford: Right.

Smith: And thank God they did because me being a flatlander I had no idea when that hurricane come through that I was going to have 6 foot of water across the channel.

Bowe: A lot of people in Nelson County didn't have any idea what was happening either when the Tye came down through there.

Allen: 69, 72?

Bickford: The worst was Davis Creek. That took that whole family out except for the grandfather and I think one daughter, granddaughter. The rest of the family was gone. I worked up there. That was something. Normal thing wasn't as wide as this table right here.

Allen: Girl I went to school with the whole family gone.

Bickford: Anyway I'm just raising these questions because I can see that we are opening up somewhat a can of worms because I'm afraid somebody's going to challenge us and if we don't have the material or the ability to defend it to the nth degree then we're, you know the County's going to have some trouble.

Cobb: And my thought, and I wish EM was here tonight but he couldn't be here, is that we can't say...the Planning Commission cannot say, the Board of Supervisors cannot say you cannot. From what I read in the legislature you can say you have to get special permits and we educate you. So that to me is the most stringent we can go. If you didn't want to go that stringent then we can do what I proposed last time. So my kinda thought for tonight is see which one of those everyone is most comfortable with. And if you feel comfortable with saying let's do a Special Use Permit and let's do this you know phrasing paragraph that I proposed then we can set Public Hearing on that for next month. We can have Kelly get her engineer here to answer questions during that Public Hearing time. I can EM to make sure he is here to answer specifically, legally how far we can go. And if at that time he says that yes we can say

absolutely you cannot build then we can amend the proposed language at that time to say you cannot build.

Bickford: My question to you is the Special Use Permit because there's a cost to that person. They're not just able to build their home where they want, or little cabin or whatever, so they have the cost to incur. They have to come before the Planning Commission and the Board of Supervisors. I can foresee the same thing possibly occurring where somebody saying well wait a minute you come out here on the ground and show me where the top of that water is going to be if this were to happen.

Bowe: This is nothing more than an engineering problem isn't it?

Cobb: Right and that's something the engineer can answer that question when we have the Public Hearing.

Bowe: Why don't we table this thing for a month and let her get with her engineers and get questions answered?

Bickford: I don't have any problem. If you all...if he's got the ability with the maps and all to come out on a piece of property and say this is where it's going to be. Or even if it's within 25 feet just so they know alright from this point, give or take 25 feet that way you can't build because it's full of water. Twenty-five feet this way you're fine. Then we can protect ourselves.

Bowe: Like I said I don't have a problem with somebody's going to get their...water's going to run up under their house and it might wash their car over. But I do have a problem if it's going to take a house out and a bunch of people.

Smith: Yup.

Bowe: And I think without prohibiting it it's going to happen. How many do you already have in this condition?

Snoddy: We have 13 in Buckingham.

Bowe: Already.

Smith: But some of them are part-time residents right? You know campground.

Snoddy: Yeah there's some campground that are day use type sites.

Smith: Right.

Bowe: But you do have houses?

Snoddy: Yes.

Smith: Yes. Were they there before the reservoirs were set up?

Snoddy: That would be something that Rebecca could look up according to the addresses that are in the books. I don't know.

Smith: Ok.

Snoddy: The earliest ones were built in 1962 so...

Bickford: I expect some of them were probably after the fact. More than likely. But those you would have no choice but assuming they were grandfathered in.

Cobb: Yes.

Smith: Now can we call on Kelly's office to back us up during these Special Use Permit applications?

Cobb: Definitely. They would have to be part of the process.

Smith: Then you know I really don't have any heartburn as long as we can try to educate somebody that's going to build a deathtrap.

Bowe: My problem with that is like I said...

Smith: I know you said...

Bowe: If they could afford better they wouldn't be down there on the wrong side of the dam.

Smith: Well sometimes maybe they just have to move the house 50 feet.

Bowe: No problem. I've got no problem with that.

Smith: I don't either. I only mind...

Bowe: I'm talking about in the inundation zone. At some point it's no longer an inundation zone even though it's still a high water zone right?

Snoddy: Right.

Smith: Ok. Yup.

Bowe: Inundation is a nasty word. There ain't nothing left after it happens.

Smith: I was just trying to do the math in my head the difference between the weight of a D7 caterpillar and a 15 foot wall of water. I don't think there's much difference.

Bowe: All I know is you let 16, 18, 19 feet of water hit a house it's gone.

Smith: And it's not an ark Noah.

Bowe: So can we table this thing for a month and get some answers for us.

Bickford: That would be my suggestion.

Snoddy: Yes.

Bowe: You know what the question is?

Snoddy: I know what the questions are. The questions are how can if someone comes to you and challenges what you're saying that they can't put it there then how can we explain to them why it is the way it is and where exactly it stops?

Smith: Where exactly it stops.

Bickford: Where exactly it stops.

Smith: That's what you wanted right? Where exactly.

Snoddy: I'll bring him to you if he's available. And let him...

Bickford: Alright he can call me if he wants to. I can ask him the question myself. Because that's what I foresee as the problem is you're going to say you can't. Somebody's eventually going to challenge it.

Allen: What you're talking about with the creek bed is what they were saying was 17, 16 feet and then you want to know how far out from the creek bed.

Bickford: Right.

Bowe: Where is it sheet flowing down to a reasonable depth?

Allen: Where it's about 2 foot at.

Bowe: Yeah. That can be established can't it?

Snoddy: Yes.

Bowe: Ok. No problems.

Allen: That would be your line for where you build.

Bowe: Right. And they still ought to be warned.

Smith: Oh yes.

Bowe: You're going to have 2 feet of water coming through here.

(Everyone talking at once.)

Bickford: Yes.

Allen: Flood insurance could they...

Smith: If it's available for something like that. I think they'd have to go to Federal Flood not just water damage insurance.

Snoddy: Both of these are very, very close within the edges of the flood plain itself. It's just like you said it's a different type of flood. It's not your gradual rising of water.

Bickford: It's a rush and it's caused...

Snoddy: And the, you know, we're talking about R17 but the County dam is also part of this. That one has an inundation study as well. And the water treatment plant is in one of these. This one right here. So you know if something happens we don't have water either along with other things.

Bickford: Right.

Smith: It means sewer too.

Snoddy: That's right. But they're all written by different companies. They have different layouts. Like this one actually has pictures of sites that are downstream.

(Looking at book.)

Smith: That's a house.

Snoddy: I met with... Just for your information I met with the Cumberland Planning Commission on January 4th and they adopted the language that we brought last month to you.

Smith: Was that for a Special Use Permit?

Snoddy: No just for having the line item on the zoning permit.

Smith: Ok.

Snoddy: And sharing the information and educating and having them initial that yes we were told we're there and we understand. That will go to their Board on February 9th.

Bowe: You know that sounds real good. I'd like to see somebody that happen to, someone and they somehow survive. I'll guarantee they're going to be right in the Cumberland Court with a law suit like you've never seen before because the County let them do it. You know it's sorta like giving a building permit when you know it's, what do you call it, shrink swell soil. It's pretty close to that. How many suits have the counties had to defend for issuing building permits in such a situation? Not this County but go down to Chesterfield. Hundreds.

Bickford: Alright so we'll table that I guess for other conversation. Are we going to allow... I know that some of the discussion too was not sure if whether going to let anything be in the inundation zone. Campers or...

Bowe: The only thing I...the only problem I've got with putting a structure in there is if it's a habitable structure.

Smith: Yeah.

Bickford: Well the problem with that is how do you define that?

Bowe: If you're living in it.

Bickford: Well there you go...Then you get part-time. If I've got just an old rink-a-dink camper and I pull it down and I've got a little campground is that... And I stay in it maybe 2 days after, on the weekend, every weekend, other weekend or something and I just happen to be in it when the dam breaks is that... Am I living or not living?

Snoddy: They do have those day use sites in our Emergency Action Plan right now.

Bowe: Don't know.

Bickford: I mean you've got to...you know what I'm saying you've got to think about these things because if you're going to restrict them then somebody's certainly going to challenge you on them at some point.

Smith: I think the best we can do is educate them. And I think educating through a Special Use Permit is going to be our best option.

Bickford: Ok. I guess my question is a Special Use Permit going to apply to campers, campsites?

Smith: I don't believe anybody's ever come in for a building permit to park a camper. But the landowner should know where the flood zone is.

Bickford: Right. Don't disagree with that.

Smith: And I know that I wouldn't let anybody camp down on my creek if it was going to rain in the next 2 or 3 days.

Bickford: The problem is that if you take... you don't have to worry about the rain in this situation.

Smith: Yeah I know but I'm just saying as I know that my creek will flood.

Bickford: Right. Well most people around there know that I mean that's common sense. I won't say that everybody knows it but in a situation like this then you've got to decide like I say whether you're going to allow anything in it. And then if you do that take that position, that stringent position.

Bowe: We're not talking about a gradual rising of the water here.

Bickford: Right.

Bowe: We're talking about a breach.

Bickford: Oh I agree wholeheartedly but I mean...

Smith: Nothing like a flash flood.

Bowe: What?

Bickford: Oh I agree.

Smith: I said there's nothing like a flash flood. I've only seen one and that was in Colorado and I don't want to see another one. I mean it was a beautiful bluebird day. Over the top of the mountain came thunderstorms. Next thing you know we've got a 7 foot wall of water coming down through the creek. And in an hour it was gone. And it just happened.

Bowe: I bet if a house was there it was gone with it.

Smith: It wouldn't have made any difference what was there. It was coming.

Bickford: Ok so what I'm hearing is the concern is about homes not the other. Ok.

Smith: I think they ought to know but I don't think we should... I don't think we ought to let houses in there.

Bickford: Ok. I guess we'll have to wait until we get the information from the engineer to see how specific he can be in details on the ground.

Smith: As long as he can back us up.

Bowe: Well what do we have to do vote on tabling this thing?

Bickford: No.

Bowe: What do we do?

Cobb: No you don't have to take any action. We just move on.

Bickford: We just move on. We'll just hold on to that until we get some more information and see if we can do then.

Allen: If you had a Special Use Permit that's where you would get your engineer back to decide the feet away from it, right?

Smith: Producing the information to educate. Yup. You good?

Allen: I'm good.

Smith: Ok.

Re: Old Business-Continuation of request to Rezone County Property and Amend Ordinance

Bickford: Ok that brings us to Gold Hill School.

(Ms. Snoddy collecting the books.)

Smith: This ain't no library. You can't check that stuff out.

Snoddy: You have your own copies.

Bickford: Take it on home.

Crews: If the house was there before the watershed was built we've got a problem.

Smith: Yeah.

Bowe: You've got to grandfather that one.

Bickford: Yup. Alright. Becca we're to B which is the request to rezone the County property at Gold Hill.

Crews: Once they appropriate the funds they should buy that house.

Bickford: I agree.

Crews: It's State operation so they should.

Bowe: Well you know the other side of that is what about a real estate agent that's got to sell that property? He's under some kind of obligation to say hey this house is in an inundation zone.

Cobb: I think Kelly said last month that that is the case that real estate agents have to disclose that information.

Bickford: What about the County Assessment? Are we going to lower that?

Cobb: I'm not in the Assessor's Office. I can't answer that.

Bickford: Just a thought here. If it's going to be an inundation, period and you're going to be restricted what you do your land is not as valuable to you as it was prior. That's another thing you need to think about too.

Crews: I'm sure we've got some places where you take a roadway out. You don't know when somebody's going to be on that road too.

Bowe: Yeah Route 60.

Smith: There's another one in Yogaville. One of those roads in Yogaville is in the inundation zone.

Bowe: The one right up here on Route 60.

Bickford: Well we're moving on to the Gold Hill thing now so.

Cobb: Ok so this is a request Rebecca Carter mentioned to the Board of Supervisors and the Board has referred you all to look at zoning map amendment and also ordinance, the Zoning Ordinance changes regarding the property at Gold Hill which is Tax Map Section 68, Lot 37

containing approximately 25 acres. And what we discussed is that the property is currently zoned A-1 Agriculture. As you are aware the school no longer uses this property even owns this property. They've handed it over to the County. We've been trying to market it but people who want to come there want to you know be ready to move their stuff in and go. They don't want to have to wait and go through a rezoning process and that sort of thing. So to make it more marketable, to make it ready for people to move in we're looking at rezoning that to Light Industrial District. However, I had some concerns because of the type of community there with the Health Center nearby as well as you know some other things and kinda community houses and that sort of thing that we may want to change some of the language in the Light Industrial. Looking at it anyway some of it just doesn't fit Light Industry. It's more heavy in nature. When you look at the special use list it included quarry and mining and meat and poultry processing so I'm proposing to take those things out. Sam you'll notice I did put in butcher shop there to try and clear that up. We're taking out the meat and poultry processing but still allowing butcher shop. I've also added quite a few other things to the permitted uses. Again for marketing again to kinda make Light Industrial a little more clear as to what we are allowing. So just asking for your consideration on that tonight for those two things: rezoning Gold Hill to Light Industry and changing the Zoning Ordinance to the items that are in red. Do you have any questions about it or are there other things that you would like to see changed?

Smith: No questions. I'm pleased with the changes.

Cobb: One comment I'll make...Johnny when we worked on this before we were trying to figure out why quarry and mining because we went extensively and changed our Ordinances. And you were on that subcommittee and I remembered us having the conversation to leave those things there for some purpose. I went back through our minutes and when we discussed it in the minutes with the entire Planning Commission we talked about existing businesses but so I included for you all...I don't know if I included it with this month or if it was just the previous month but I went on and looked up what properties we currently have zoned Light Industry but none of them are quarry and mining. So I don't know if we were just had been looking at things too long and maybe we thought we were in Heavy Industry and we were in Light you know what the deal was there but I looking back at the minutes the concern was about existing businesses that might be hurt by that. But we don't have any existing light industry that's really mining.

Bickford: Not in this case at all. It may have been an incident of mental fatigue.

Cobb: Yeah right because we were working...

Bickford: I would agree with that.

Cobb: Long days on that so...

Smith: If you keep driving quite a few miles you do run into some light industry up there when Solite was there and the other mining.

Bickford: Well at one time...

Cobb: Those are all heavy industry.

Bickford: One time those like the slate quarry had stores that serviced the community right with the quarry. That may have been what our discussion was. But in this case there's nothing around it so other than the closest store which is Poor Boys there.

Smith: Yup and the next thing up there is the hospital up there. Well not a hospital but...

Bickford: Yeah which is closer actually than Poor Boys is. That was my only concern. I think you've addressed it the noise and possibly any kind of...

Smith: I liked the red line up at the top it says "It is expected that uses in this district are to be operated from within a building."

Bickford: Right. Which makes a lot of sense.

Smith: And it limits the smoke stack smell like dust. I'm pleased with the whole thing the way it's written.

Bickford: Any other comments from the Commissioners? Seeing none do we want to go ahead and move this forward?

Smith: I think so. I make a motion.

Allen: I second.

Bickford: I have a motion and a second to move this forward. Do I have any more discussion? Seeing none raise your right hand.

Commissioner Smith moved, Supervisor Allen seconded and was unanimously carried by the Commission to move forward to Public Hearing the Gold Hill School Zoning Map Amendment and Zoning Ordinance changes.

Bickford: And that passes unanimously so we will move that forward. Alright let's see that brings us to Ms. Cobb the 2016 Meeting Schedule.

Re: Old Business-2016 Meeting Schedule

Cobb: So...

Bickford: Question. You said you'd already thought about possibly Monday cause...

Cobb: Yes so first change I guess is if we want to go ahead and consider cancelling the January 25th meeting just marking it off of this schedule. So it really isn't cancelling it because we haven't scheduled it yet but we can mark that off of the schedule because we're anticipating snow. In addition to that I have the other items that we would talk which is the things that I added to the agenda tonight. And I don't have any new applications or anything like that to discuss. So I'm totaling fine with cancelling that or not scheduling that I should say. The other thing I'll make note of is April 19th is a Tuesday meeting. That is not because of a holiday in this instance. That is because the Board of Supervisors is working on their budget and they had to push their meeting in April back a week. So we're just going to meet the following day if that works for you all.

Smith: Yup.

Bickford: That's fine.

Cobb: And then I've just...no work sessions in July and August. That's usually a busy time, and vacation time and so just nothing there. Also no work sessions November, December and I tried to schedule the November and December regular meetings as far away from holiday problems as possible.

Bickford: Ok. Commissioners any heartburn, any changes?

Smith: Nope. I make a motion we accept.

Allen: I second that motion with the changes.

Bickford: Alright for discussion we're going to cancel Monday's meeting correct?

Smith: Yes.

Bickford: Ok just wanted to make sure that's in the record then.

Smith: And make a note on your card there that April 19th is a Tuesday.

Bickford: On a Tuesday. It's written beside it. Ok we have a motion and a second to approve the schedule for meetings other than January 25th will be a not be not held, eliminated. Any discussion? All in favor raise your right hand.

Commissioner Smith moved, Supervisor Allen seconded and was unanimously carried by the Commission to approve the 2016 Meeting Schedule as presented with eliminating the January 25th meeting.

Bickford: That passes unanimously. Alright that brings us to your Zoning Administrator's Report-December Building Permits and Yearly Report.

Re: Zoning Administrator's Report-December Building Permits

Cobb: Ok. December building permits we had 33 building permits totaling \$4,215.48 for the last month of 2015. That was broken out. We had 5 modulars; one of those was a replacement that month, a singlewide and then a doublewide replacement. That is the December Building Report.

Re: Zoning Administrator's Report-Yearly Report

Cobb: For your yearly report, this is the report that I just kinda summarize what we've been doing the past year and present this to the Board of Supervisors at their February meeting. So you'll see we had 7 cases. Two of those were Zoning Map Amendments, 3 Special Use Permits, 2 variances went to the BZA. We held 19 meetings. The bulk of that was working on the Comprehensive Plan and we began discussions on Zoning Ordinances, and Sub-division Ordinances and changes to go along with that. Also to kinda summarize the building permits that we've been following for the year, there were 329 building permits issued. That includes everything so there's a lot of electrical and mechanical type inspections in there, I mean permits in there. There were 63 permits issued for new dwellings, so not replacing but totally new dwellings with 63 permits and the two land districts, so not to be confused with the voting districts. But the two land districts this year that had the most dwelling permits was Curdsville and Maysville Districts which is different from last year. Last year was more Marshall and Slate River. So not any kind of pattern yet other than not in the same spot as last time. But so you've got some graphs and things there showing you that we did have a huge jump in total permits. A little jump in new dwellings. The interesting thing for me too this year is 48% of the new dwellings were stick built. That is something we hadn't seen in a number of years. So that's really impressive to me but what else? Is there anything else that I have missed that you would like me to add to this report before I give it to the Board of Supervisors?

Bickford: I don't think there's anything. Any suggestions from the Commissioners? I think you did a thorough job it appears.

Cobb: I will be hopefully next year adding one more item to this, this for informational piece. It doesn't really have a lot to do with you all. It may interest you because this kinda gets to be my report too as far as just the general zoning, planning office and that is I'm looking at all of the...trying to keep a track of all surveys that are signed through the year as far as it's a single division or to kinda see how many of those are coming through. So that's something I'm going to be tracking this year and will add to the report next year.

Bickford: Very good. Alright that wraps you up?

Cobb: That concludes my items.

Bickford: Ok very good. Very thorough. Thank you Ms. Cobb.

Re: Commission Matters/Concerns

Bickford: Commission Matters. Any Commissioner have anything they want to voice at this time?

Re: Adjournment

Bickford: Alright seeing none do I have a motion to adjourn?

Allen: So moved.

Bowe: Second.

Bickford: Alright motion and second to adjourn. All in favor raise your right hand.

Supervisor Allen moved, Commissioner Bowe seconded and was unanimously carried by the Commission to adjourn the meeting.

Bickford:

There being no further business, Chairman Bickford declared the meeting adjourned.

ATTEST:

Rebecca S. Cobb
Zoning Administrator

John E. Bickford
Chairman