

**Buckingham County
Planning Commission
Work Session
March 21, 2016**

At a work session of the Buckingham County Planning Commission held on Monday, March 21, 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; Alice T. Gormus, Vice-Chair; Royce Charlton, III; James D. Crews; Sammy Smith; and Chet Maxey. Also present were Rebeca S. Cobb, Zoning Administrator, and E.M. Wright, Jr., County Attorney. The following members were absent: Patrick Bowe and Danny R. Allen, Board of Supervisors' representative.

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

Chairman Bickford called the meeting to order and Commissioner Smith gave the invocation. Commissioner Maxey led the Pledge of Allegiance and it was said by all who were in attendance.

Re: Quorum Present

Chairman Bickford certified there was a quorum - six of eight members were present. The meeting could continue.

Re: Adoption of Agenda

Bickford: That brings us to adoption of the agenda. Ms. Cobb are there any changes to the agenda?

Cobb: No sir.

Bickford: Seeing none do I have a motion to approve?

Commissioner Smith moved, Commissioner Maxey seconded and was unanimously carried by the Commission to approve the agenda.

Re: Public Comment

Bickford: That brings us to our Public Comment period. I see no public so we'll move on from that to our Old Business and I'll turn the meeting over to you Ms. Cobb for the Old Business.

Re: Old Business-Zoning Ordinance Updates-Fracking

Cobb: Yes so I sent you all just a basic letter to letting you know with this agenda that we are talking about some old subjects. We've started talking about this and was about to dive in and then we had kinda had a couple of other things that took precedent and worked on those. So we're back again to talk about the first item is fracking. And actually I'm going to turn it over to Mr. Wright. He's done a little research and can tell us a little bit more now about how much we can do as far as putting this into our ordinance. There had been some talk about banning and whether or not we could ban and that sort of thing and so take it away.

Wright: Ok at least I'm looking at the sunshine and not into it. If you don't mind I'll remain seated or I'll come to the podium whatever you'd like.

Bickford: You're fine.

Maxey: You're fine.

Wright: The notion about fracking is first I took a little look at exactly what is the likelihood of fracking actually occurring in the County. And I think that most of you are aware that down on the southern end of the County there is an area that potentially could be. It seems to be fairly isolated from any major area that would precipitate a whole lot of use. So the deposit here that might be subject to fracking is fairly small to begin with. The second part is is more of an immediate result as most of you follow when you fill up your cars and do your heating and all those things is that the market for natural gas as well as other types of fuel products has fallen drastically. So the demand...a lot of fracking companies are fracking up. They are having a difficult time maintaining their current position. Now so with that I think we've got a little time to focus on what we want to do because there's no immediate pressure. I don't believe to somebody's going to come down and start doing what needs to be done. As with most issues that progress fairly quickly it's a little muddy water. You know there was an Attorney General's opinion with the previous Attorney General that implied the counties couldn't regulate it. There was a more recent Attorney General's opinion by the current Attorney General that said the counties could regulate it even maybe to the extent of banning it. But when you read the fine print in that Attorney General's opinion he says I'm not taking into account the due process arguments under the Constitution when I render this opinion. So that would suggest that banning might not quite be the way to go because he left himself a big door to walk through and that would be the challenge that would come. I looked at King George...I think it's King George, well yes. They went through...they are right in the middle of an area that has a high interest in where fracking would occur. They went through the whole exercise of public hearings, research, various types of things and walked right up to the door of adopting an ordinance dealing with fracking sorta as a standalone and when it came time to vote they deferred it. They did not take action. I am of the opinion that because we are a Dillon Rule state and you know that means we

have to have our authority from the State before we can do anything... The DMME, the Division of Mining and Mineral, has put forth regulations for this type of operation. And the last...reconciling the two Attorney Generals' opinion they can say well the State doesn't regulate as long as you don't intrude on that area the localities can regulate it. So I think to the extent that you can require a special permit for very limited things you have the ability to regulate it. But I think you can go at it. In the discussions that Becca and I have had about some of this we have such a wide open A-1 deal. And there are parts of this County that are zoned A-1 that have nothing to do with agriculture. Now understand those of you who are in the farming business and do that my hat's off to you because that's a noble and longstanding and otherwise. And I'm not suggesting with this...but somewhere along the line I'm throwing out there simply for thought that those things that are not truly agricultural any more. You might want to consider a general shift away to make it more consistent with what the County is. And the reason I point that out I'm not saying you should or could, but the advantage is you have more ability to regulate in residential or modified residential areas than you have to regulate in agricultural. And I know we have farmers all across there. I guess we got more farmers out here than any other occupation. So please understand that I'm not saying that against agriculture because I think you know people who operate a farm they serve first a very important function and secondly you know to me if I was operating a farm I might as well go to Las Vegas or Atlantic City and try my hand there. But you can probably put in some very limited things. So the question I want to hear you talk a little bit about is do you want to put in some special conditions, or uses or otherwise in the Zoning Ordinance? That's the only place you're going to be able to find it is in the Zoning Ordinance. And we'd have to be pretty careful that you don't end up with some unintended consequences if you say, you know you can't make it but so far but you can't make it so narrow either. It would be sort of a targeted a particular group and you may not be able to do that. So what my guess, my comment to you is it is very limited what you can do. So if no problem we can put it together and you all can take a look at it or what are your thoughts because I think I missed one of the discussions that you all had. I had her send me the notes and the minutes and I did listen and read some of that so... What's your thinking on this at this point in time? Mr. Chairman do you have...

Bickford: Yeah I could start off and just say, ask what the opinion is of the Commissioners is towards fracking. We had some discussion on it but then it sort of got tabled. I think what would probably be ideal is see what the Commissioners think and then... Ms. Cobb I'm going to ask if you have any feed on what the Board of Supervisors are looking towards on this?

Cobb: That's...I'll go ahead and answer the Board of Supervisors item right now. That's a whole new thing you know. Too early to tell.

Bickford: I know the last Board was pretty adamant that they, or some of the Supervisors were pretty adamant that didn't want it at all, any, even the possibility. But we've got such a limited area but it's actually for exposure for the County. I think Mr. Wright is exactly right. We could probably tweak around the edges and make it a little more difficult if we choose to do that. But

my question is and just to follow up with what Mr. Wright said, what is the favor of the Board here as far as the Commissioners how they feel towards fracking? Royce I'm looking at you so I'm going to start with you.

Charlton: I don't think it matters a whole lot what we do because I don't think it's going to come.

Bickford: Ok that's a valid answer. I have no problem. Mr. Crews what do...how do you feel about that sir?

Crews: I'm kinda like Commissioner Charlton. I don't believe it matters a lot. It's probably not a top priority by any means. But we can tweak a few things if you think it would help.

Wright: Well it's going to take a... It's not going to be a small effort to thread the needle and that's really what you're doing. So it's a question of how much time you want Ms. Cobb to spend on it. Are there other priorities... You know we get through the things above this and maybe we can come back and attempt to thread that needle. But if there's some other more pressing things you want to deal with. And that's why I want to get a sense before we really buckle down on this thing.

Bickford: Right. Ms. Gormus how do you feel?

Gormus: Is the area that the only area that as I understand is in the southern end of the County, a small area, is it even zoned for mining and that kind of thing presently?

Cobb: No.

Gormus: No.

Cobb: There are...the area that was identified on the map is zoned A-1 agriculture right now. There are parcels in the neighborhood in the area that are zoned industrial, light industrial.

Gormus: Ok. We're talking near the Prince Edward line?

Bickford: Yeah next to Motley Foils and that area.

Gormus: Ok.

Cobb: And if you recall because of that kind of mix that was where in the Comprehensive Plan the corridor was put to kinda say this is more business and residential. And then later towards the end of the Comprehensive Plan there was some text added about making sure we're you know doing things environmentally friendly and not wanting fracking.

Gormus: Yeah I had thought we had already crossed this bridge.

Cobb: Not in an enforcement standpoint. We mention it in the Comprehensive Plan and because we mention it in the Comprehensive Plan and the Comprehensive Plan kinda steers away from it then it becomes Ok are we going to address that in the Zoning Ordinance?

Wright: The interesting thing too is whether there's enough water resource in that area to support fracking. Fracking is heavily water driven.

Smith: Well I would call it the Appomattox River.

Wright: Yeah. But whether they will allow a draw from the Appomattox River...

Bickford: Isn't the Appomattox River now... it's scenic isn't it? That section is scenic, that part which make is very difficult to extract water from it once it's designated scenic.

Smith: I think it was designated scenic after the Corps of Engineers went through and dynamited all of the log jams.

Wright: Right. All the beaver dams.

Bickford: Commissioner Smith how do you feel sir?

Smith: I do not think it is in our immediate future. As long as OPEC is flooding the market with easier, cheaper oil I don't think that we're going to be challenged in the near future.

Bickford: Ok.

Smith: But I really think we need to do something a little stronger than just say in the Comprehensive Plan is guiding us away from it.

Bickford: Right. Ok. Commissioner Maxey your opinion?

Maxey: I don't think Ms. Cobb ought to do anything. I think it's a waste of time and listening to everything I've heard it's not something we need to be prioritizing right now.

Bickford: Alright. Very good. Well I think we've got a consensus because I sorta concur with the rest of the Commissioners. I think it's something we can certainly tweak, look at but as far as priority I think we've got some other things ahead of us before we would need to worry with it so...

Wright: Is it a fair take away for those of us on this side of the podium that until we finish dealing with some other things we're not going to focus on this? I think that's the question that the two of us need an answer to.

Bickford: That would be my consensus of the...

Smith: That would be what I would say out loud.

Wright: Ok.

Bickford: I think it needs to be addressed. It's obvious that it's not going to happen I wouldn't think tomorrow so I think we've got plenty of time. I mean we've got some other pressing issues.

Wright: I think there will be some developments not on the fracking issue but on the legal front that will give us a little clearer vision. You know if you really wanted to do anything they'd have to fight you on just adopt a total ban and then see how long it takes you to defend it.

Bickford: Right.

Wright: Ok so Ms. Cobb, you comfortable with the answer we got?

Smith: And actually the truth of the matter is if asked yes we are working on it.

Bickford: Yes so Ms. Cobb I see you have...do you want a vote or just say we're tabling it at this time?

Wright: I don't think you even need to table it. As long as you all are not concerned that we're not bringing anything immediately back I think we're all working on it.

Bickford: Ok

Wright: We have some thoughts. We're tweaking it around the edge but we're working on other things first.

Bickford: Ok. Very good we'll leave it at that. Alright that brings us to the Automobile Graveyards.

Re: Automobile Graveyards

Cobb: Yes so this item is one I'm seeing a lot of lately that is changing a bit. So this is something that basically gets handled kinda on a complaint basis. Complaints come in. We go

out, take a look and see. Currently the definition says four or more inoperable vehicles is considered a junkyard which requires either a special permit or something like that or clean it up in most cases. So that's a pretty broad definition without a lot of detail. So I see a lot of junk that is pieces of vehicles that have been taken apart but is not a vehicle. So you know the question becomes well does that count? Is this a...is this a one...how much of this counts as one vehicle or not. Also generally I say well you have to have operable means start it up let's take a ride. So it's legal to go on the road. You have your license, you're county sticker, all tags ready to go. It's running. There has been questions about well I've got these race vehicles. These are my race vehicles. Some of them are on trailers, some of them are not. So how does that play into this definition? It doesn't have the license and tags and county sticker like other vehicles would. And in talking with Mr. Wright about some of that the good question there too well what about farm vehicles? They're not junk but they don't have licenses and tags. So I'm looking for some ideas on defining inoperable vehicles to solve some of the problems and the complaints and make sure we have properties cleaned up but not...

Gormus: Well doesn't it involve the EPA when it's like the antifreeze leaking and the oil and you know that kind of thing?

Smith: As long as it's not commercial they don't care.

Bickford: That's pretty much the case.

Smith: I spoke out of turn. I'm sorry.

Bickford: No. Too small a scale for them.

Cobb: Right.

Bickford: Are the complaints Rebecca because they're visible or just because they have them on the property?

Cobb: A lot of it most of the time is visible. And so actually I brought this up to Danny when he called today and said that he wouldn't make the meeting to kinda feel out some of his thoughts on these items. And he mentioned maybe adding...a remedy would be a fence that you know... Currently right now when I write the letters and say you're in violation these are ways that you can bring it back into compliance: remove the vehicles; show me that they're antique vehicles; show me that you had a junkyard since 19 whatever; or put it in a 3 sided building. But he brought up the option of fencing it so that it's not visible through that option. So a lot of it is that there are some people who know someone you know who lives back in the middle of whatever and they say well they've got 25 vehicles sitting back in the woods.

Gormus: Yeah if you ride on the back roads it's terrible, terrible.

Maxey: How much complaints do you get?

Cobb: It varies.

Maxey: I mean a tremendous amount or...

Cobb: I wouldn't say a tremendous amount no.

Smith: It depends on if the house next door is for sale.

Gormus: Also it depends on the season of the year.

Bickford: Right.

Cobb: Correct. Yes all of those are true. And typically I deal with the same people over and over again really. You know the same neighbors are bothered by it. The same people continue to do it and call me back and say but this is a race vehicle or but this is only parts I'm goin use.

Gormus: It's a sticky situation.

Bickford: Sounds like to me even if you...you could approach it two ways. You could approach it as what's not visible but you need to have some kind of numerical limit on that, and then what is visible and probably nothing on that. I think I sorta like the idea of the fence to block it.

Gormus: As long as they keep the fence decent to block it.

Bickford: Right. That would be sort of an easy, fairly inexpensive fix other than getting it taken away or even sold for junk. That's the best way because they'd get paid for that but I think if somewhat you need to put... if you're going to go that route you need to have some kind of definition of how many you'll allow out of sight because if you don't you could end up with 100 down in the woods. I mean not that everybody would do that but...

Smith: No but it is being done.

Bickford: Yes.

Smith: Not 100 but there is one not too far from me that has 20 in the woods that are decent cars. They just don't have tags on them. And then there's 7 in the carport. And that's not what he drives. He doesn't have a driver's license. He rides a scooter.

Maxey: Well can we regulate that? I mean...

Smith: Yes other counties and cities and towns do.

Maxey: It's a matter of us paying more taxes to get it regulated too. I mean is it something we want to regulate? That's what I'm asking. I mean that's a different ballgame.

Bickford: Yeah because if you do this then you have to have some level of enforcement which...

Maxey: Exactly.

Bickford: I mean somebody needs at least once in a while go out or just wait for the complaints. So you've got to look at it that way too.

Gormus: Well then two we get into you know trash over the hill. It might not be an automobile but you know you come down 20 where they're putting in the new bridge look over there. It's terrible you know.

Maxey: What do you mean Alice?

Gormus: When you come down where they're putting in the new bridge.

Maxey: Yeah I go down 20 every day.

Bickford: She's talking about the scrap construction material.

Gormus: Over there on the far side.

Smith: There's a junkyard up there on the top of the hill.

Gormus: And what junk isn't on top of the hill is falling over almost into the river. Look at it when you go down through there.

Maxey: I see it every day.

Gormus: I know it. Looks terrible every day too doesn't it?

Maxey: Yeah. What about all of the trash people throw out on the side of the road? How do you regulate that?

Gormus: How do you regulate any of it?

Bickford: Well that's littering but you've got to be there to enforce it.

Gormus: Yeah.

Maxey: That's almost the same thing.

Bickford: It is to a certain degree. You're exactly right other than this is not so movable you know.

Crews: I think it ridiculous the trash is on the roads you know.

Bickford: When you've got receptacles scattered all through the County.

Crews: Last week it seemed like the Sheriff in Cumberland got the inmates from that jail over there picking up trash. We ought not have to pick it up but I'll tell you I try to pick it up along my farm but looks like they throw more out just because you pick it up.

Bickford: I've noticed that too.

Crews: I'll bet I can pick up 25 cans and bottles in two weeks.

Gormus: When you get back there's thrown out some more.

Cobb: So one interesting thing about the vehicles is I did talk to Stephanie, the Commissioner of the Revenue, about I was asking her mainly about the race vehicles and people claiming it's a race vehicle and her answer is race vehicles don't get taxed. Anything without a license doesn't get taxed. So there are initially you know tons of vehicles some very nice vehicles that you know no taxes are even collected because it's not licensed.

Bickford: Have you had a chance to get a look at what maybe other counties have done?

Cobb: I have not so if that is something that you all want me to do and bring back some examples of other localities I can do that and...

Bickford: If the Commissioners agree I would suggest we let you do that, bring it back to either next week or the next work session.

Smith: I would like to mention that in my opinion it needs to be a rural county.

Cobb: Correct.

Smith: Because the counties that I have been associated with before if it doesn't have a current inspection sticker with 4 good tires and a current license on it, it's junk. They come in your yard, and they take it away and it costs you the tow bill plus \$100.00 a day storage if you want it back. I don't think we need to get shot over a junk car.

Bickford: Yeah that's a little bit extreme for Buckingham.

Smith: Yeah that's a little extreme for Buckingham. So Prince George maybe. Let's see another rural county that had a problem was...

Bickford: I except you can see something in Fluvanna maybe Goochland.

Smith: Goochland. That was the other one.

Gormus: Cumberland.

Bickford: I hadn't thought about Cumberland. I except they have the same problem. But anything you can find to bring if that's alright with the Commissioners, if everybody feels comfortable.

Smith: Something with an average mileage to population ratio.

Bickford: Alright. We'll put you on a mission there Rebecca.

Crews: I think it does require some action on our part though we need to do something with this. Abandoned automobiles or junk automobiles or whatever because some people have 6 or 8 sitting right there and they don't need them. It's obvious they need to either get rid of them or clean up the area or do something different.

Bickford: Right.

Wright: These definitions do you think you might want to if you own all of them, some of them, any of them: any motor vehicle which is not in operating condition which is fairly any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle, or third, any motor vehicle on which they are displayed neither valid license plates nor a valid inspection decal.

Smith: I think the second one viable parts removed.

Bickford: Ok.

Maxey: I'd like to hear what Rebecca comes back with.

Bickford: Yeah. I think we can see what the other counties have done.

Wright: Do you have in mind a number?

Bickford: Of vehicles?

Wright: Yeah.

Bickford: Not really. I don't know how to even approach that one.

Maxey: I don't have a clue.

Crews: If they're not operating I'd say zero.

Smith: I'm glad they don't do tractors then because I've got a bunch of inoperable tractors lately.

Wright: Well actually is says a motor vehicle that gives you the authority to regulate whether the property is zoned residential or commercial or agricultural, any motor vehicle, trailer, semi-trailer as which defined in 46.2-100 and which is inoperable. Now I haven't looked at 46.2 recently but I don't think it may capture tractors in that so.

Bickford: Ok. Alright well we see what you can find out Rebecca and we'll take it up again.

Cobb: Alright.

Re: Recreational Vehicles as Dwellings

Bickford: That brings us to number 3 the Recreational Vehicles as Dwellings.

Cobb: Yes so we're seeing a lot of RVs being used as dwellings. In some cases it's you know someone who is moving here, they're planning to build a house and they temporarily come in and stay in the RV while they're building the house. However there are a great number that are doing more than that. They're not really intending to build a house at all. They are just putting it on their property to live on or on someone else's property to live there. And I'm seeing complaints on that because they're too close to someone else's property line or there's questions about how they're handling the waste. So we had talked about classifying those as dwellings and having them you know jump through some hoops, meet some requirements just so that it's not a nuisance. So one of the things that we talked about was requiring that they meet setback requirements just like other structures and dwellings. So one question in regard to that is if we're

doing that is that going to be for all RVs. So say someone is just storing their RV because the question becomes it will be hard to tell if someone's just storing it. Is someone just staying there you know on random weekends or living there? Those are fine lines that could become he said, she said and this is what I think you're doing but no this is what I say I'm doing. So you know that becomes a question do we want to just say RVs need to be 25 feet from side and rear property lines and 50 feet from front property lines or do we want to try to put some parameters around what is being lived in and what they have to do for that? The other aspect of that is the handling of the waste. I plan to look into... the Virginia Department of Health has campground regulations. I'm going to look at that and just kinda see, get some ideas from there. I did talk to Paul Louis who is our local health official and what he said he would like to see is that they have to put in a septic tank with a minimum of 400 square feet of drain field. But then said really that would depend...the 400 square feet it would really depend on the soils and maybe they would have to do more but that would be as a minimum depending on the soils. So he wants to say yes if you're going to live in it take care of your waste in a permanent way not the temporary pump and haul away or some other type of system. So your thoughts on those two. The setbacks and the waste issue.

Maxey: How are they being taxed now?

Cobb: So I talked to Stephanie about that. She said that is one that is hard to nail down because they're not coming and have to get a building permit or anything like that they can just kinda move here and be there. And so the only way she knows is when assessment happens and people go out to the property and see that an RV is there and then report that to her. She said in the past she's had a lot of trouble with that being reported to her and her being able to follow up. But that the past year it was better as far as saying yeah there's a RV there and it looks like they are there a lot. And so what she said is that if it appears that they're there a lot then it's considered living quarters and she taxes as real estate a mobile home rate. If it is not living quarters it may just be sitting there as being stored or camping once in a while then it's personal property rate. But as long as it appears that it is within Buckingham County then it gets taxed within Buckingham County if she knows about it either one way or another.

Smith: How do you get a Certificate of Occupancy on a recreational vehicle that is not designed for permanent dwelling?

Cobb: You don't.

Smith: So how can you legally live in a camper no matter whose property it's on?

Gormus: You pull it up in my yard and I put a drop cord to you.

Smith: Oh I realize this. I said legally you know.

Crews: I'll go along with the recommendation that the health director made that they have to put a septic system in because that would be very bad if they were just running that sewage out on the ground. Even if they're just being there occasionally it's still bad if they're going to leave it there.

Smith: And the property line thing I think didn't Alice didn't you have a problem with somebody?

Gormus: Yeah one of my friends did. Her property line was say here and she could reach out and touch the RV.

Maxey: Maybe we could regulate that but the problem is Rebecca's got the situation under control. I mean it's very difficult to find out if they're actually living there or not. That's the problem. And that's what we need to deal with. I think they need to be...I agree with her. I think they need to be paying a dwelling fee.

Gormus: Yeah you usually don't find out until it's already after the fact.

Maxey: That's the issue. That's the issue just trying to find out if they're really living there or not. And that's a real problem.

Bickford: Rebecca do you...when Henry Wood approached us didn't we have some language in there in regards to these temporary RVs? Now that's not followed through. He's not proceeded on that. Didn't we have language in there?

Cobb: Right. That was when he was applying to do a campground.

Bickford: Campground.

Cobb: And we did have language in there regarding that any one RV person or whatever couldn't stay more than...

Bickford: Was it 6 months? Or was it even that long.

Smith: The State says 14 days.

Cobb: Right I think we...

Smith: If I pull onto a State property I can only be there 14 days.

Cobb: Yeah I think we had done something looser than that. It was like 45 days in a two month period or something like that.

Bickford: There was some concern that it would turn into a permanent residence for the migrant workers. But anyhow it fell through.

Wright: Since we're picking on Route 20 when you travel Route 20 I'm just curious what your opinion is. I understand why there what's happening. When you travel Route 20 and you get ready to go up on the bridge at Scottsville and you look to the right at the low grounds what category are those?

Smith: Temporary. It says campground.

Bickford: It's a campground but...

Wright: They stay there year round. They rent a spot and never leave.

Maxey: It's a tough situation. I mean how do you deal with that?

Gormus: But the people aren't there year round.

Bickford: Yeah the vehicles are.

Smith: Well see that's just like Chincoteague and not Assateague, Chincoteague and Nassawadox. They have permanent campgrounds that are part-time residents.

Wright: Is it a second home? I'm curious how those are taxed. Are they taxed at all here?

Maxey: If people are living in them they need to be taxed but getting to that point is very difficult. That's the problem.

Bickford: I guess my thought is along the lines of Commissioner Smith if we want people living permanently in an RV? I know people have to live where they can live but I don't know if that's the best situation for the County.

Maxey: It's not.

Bickford: People living in an RV permanently. Of course the new ones are very nice I mean but we're talking about older RVs.

Maxey: But how do you get that? That's the problem. That's the whole problem.

Gormus: Where are you going to put them if you say they can't do that? Are you going to take them home with you? I mean you know. And then otherwise we've got homeless problem. So...

Maxey: It's a tough one.

Gormus: It is tough.

Smith: Can't send them all to STEPS even if they do have a homeless program.

Cobb: E.M. would primitive living...isn't there some stuff regarding primitive living and what people are allowed to do in the name of that?

Wright: There are certain criteria. The State has some criteria on primitive living. Yeah. I think I can go out if I don't...if I just live off the land and not have a house and not have a tent or I maybe just have a tent there I can be a Boy Scout and dig my privy in the ground and move it as often as I need to on the property. I think if I'm camping. I think it goes to intent. And that's what we're saying it's hard to distinguish.

Bickford: Yeah absolutely, without a doubt.

Gormus: I know when you cross over the County line from Buckingham into I believe it's Nelson there's a yurt right on the side of the river.

Smith: Because they couldn't get a building permit.

Gormus: Right. Very nice people. Very nice.

Smith: They're wonderful people. They just can't get a building permit because they're in a flood zone.

Gormus: Right. Very nice yurt out there, circular house.

Cobb: There are yurts here.

Gormus: I just can see that.

Bickford: Well we can ask Becca to look at what other counties are doing I guess we can dish off on her again.

Maxey: I think you're going to have to. I mean I don't have any solutions. I think you're exactly right. It's very difficult.

Cobb: Well the interesting thing on this is I did start kinda doing some searches and I came across a whole community of people looking to do that. To do this very thing and having this huge discussion about is there anywhere in the United States now where you can just get a little piece of land and live in your RV and be off the grid and you know this and that. And I was like reading some of the comments kinda like oh gosh.

Smith: There's three major publications: Homesteader; New Farmer; Subsistence Farming. And was that one of the ones that you found? And they are the ones that pointed out the information I gave you a while ago that it is not illegal in Virginia to have an outhouse except Richmond, Portsmouth, and Norfolk. Can you imagine an outhouse in Virginia Beach one foot above sea level an outhouse, think about it.

Gormus: I expect there used to be a whole lot of them down there.

Maxey: The difficult part though folks is I mean you can't...you're going to hurt people who were just using their camper every now and then. That's the problem.

Gormus: Well you can't make regulations that you can't regulate.

Maxey: Exactly. If you regulate the ones who are not doing the right thing then you're going to hurt the ones who are doing the right thing. They're just using it as a camper and they're storing it. That's the problem.

Smith: Let me be devil's advocate for just a second. Let's just say, as Rebecca was telling about, there is a section of humanity that is looking for a county... let's just say Buckingham that has no restrictions what so ever on bringing a camper in or a tent to live fulltime. There is. There is a large section of people. So do we want it to be Buckingham County or do we want it to be Springfield, Illinois?

Gormus: Well I think that goes back to what Mr. Maxey says. We can't regulate what somebody can afford. God knows if Ben and I got a divorce I might have to get my tent and go somewhere you know just for peace of mind. And not that it would be a bad thing you know if that's what I chose to do. Then as long as I'm not you know taking my sewage and dumping it on your property you know that kind of thing. I don't think we can regulate that.

Cobb: And so how do we make sure you are not dumping your sewage maybe on your property and that it's washing on to somebody else's?

Gormus: Right. Right.

Cobb: How do we do that?

Gormus: I don't know. That's that fine line.

Maxey: I think Johnny has a good point. Can you see what other counties are doing in that situation?

Cobb: Yeah I can check into other counties. The thing that I've seen so far is I've seen a lot of stuff about campgrounds and not a lot of stuff really that talks about living in a RV. One person on their land or sharing land with somebody else.

Gormus: Well that's just like you know once these port-a-johns get outdated for whatever reason they can sell them to you. And you can take that and have you a nice outhouse on your property. You know you can call the company and have them pumped out if you wish to however you want to deal with that. But you know we don't have any regulations on that either if we really want to get on down to it. We're getting into some business we might not want to get into...the sewer business.

Bickford: Are you getting quite a few complaints about this Rebecca? I mean is this why it's been...I know we've touched on this before but just curious.

Cobb: It's a growing...

Bickford: Situation?

Cobb: Yes.

Bickford: Ok.

Cobb: Whether it's not necessarily complaints but just people that I'm aware of that they came to the office and said I'm going to put my RV here. Is that alright? I'm going to come back and get my zoning permit and build my house and then I don't hear from them again. And so I assume they are just there living in their RV.

Maxey: In that case you've got a very good right to charge them as a dwelling, in that case. I mean that's pretty straightforward.

Wright: If you can charge them on personal property tax as an automobile you'll make some money.

Maxey: Right. Exactly. So in that situation and I think it's clear cut but...

Gormus: I thought all of them were taxed as personal property kind of like a boat.

Cobb: There's no mechanism at this point that I have any paperwork from them. That is a simple conversation and I hand them a zoning form and they say alright I'll bring it back.

Maxey: But if they want to live on the property and live there until they build their house they should be taxed as a dwelling period. That's...

Gormus: Well the RV might be registered somewhere else.

Maxey: It doesn't matter. If it's in Buckingham we tax it.

Gormus: Only if we know about it.

Smith: There's a provision on there which county...

Maxey: Well they told Rebecca they were building and going to live in an RV so they're living in a dwelling until they build their house as far as I'm concerned.

Gormus: Well I don't think you can go by that. That's hearsay.

Maxey: Well that's what they told her.

Gormus: Wouldn't that be hearsay Mr. Attorney?

Wright: It would be an admission rather than hearsay.

Gormus: What?

Wright: It's an admission rather than hearsay. Hearsay is a third party statement.

Gormus: Oh Ok.

Maxey: They just told her what they're going to do so they can be taxed as far as I'm concerned.

Smith: Ok. Let me be devil's advocate one more time. Let's just pretend that you know where there is a dwelling, and I call it a dwelling because it has electric power run to it, and there's 3 RVs there and the resident says oh no I'm not living in these RVs I'm living in this other building and I'm just storing these RVs for some people that I met. So what are you going to do then about the 3 RVs?

Maxey: They had electric power running in from the electric company?

Smith: Yes.

Maxey: They are charged as dwellings period.

Smith: That's what I wanted to here. Now we're heading in the right direction.

Maxey: It's simple. That's a simple thing. Just like if they told Rebecca they were going to build but were living here for a while. That's simple. That's not...that's not even... I mean it's a simple solution. That's easy.

Gormus: But in the same instance they may have told Rebecca that and then go back and have some kind of big blowup and they hook up their RV and go on about their merry way.

Maxey: Doesn't matter. They're still being taxed.

Gormus: That's what happened at a place I know too. The intent was to build and live in an RV while we're building and then the blowup came and then they hooked up and hauled out.

Maxey: Well if they left they left. I mean it's just like any other situation. I mean that's easy. Alice that's easy. I mean they've already admitted to establishing a dwelling while they were building their main house. That's easy.

Crews: Whether they own the land that's another factor you'll know whether they're going to build a house or not.

Maxey: Exactly.

Gormus: That's right sometimes the land becomes foreclosed on them.

Crews: Right.

Gormus: The RV can be pulled away. The land can't.

Maxey: When they go away they don't have to pay any more taxes. I mean that's a simple solution. The other things about people coming in and not being forthright in what they're saying in what they're going to do that's the problem. That is easy as far as I'm concerned. Mr. Wright?

Wright: That is a policy question but it is the fundamental question if I take my motorhome and drive down to the Chairman's property and say can I park my motorhome over there for whatever? And he says yes. And so I put my motorhome on his property and move in with my

10 children and my 2 wives, or one wife and one friend., and live there in that small motorhome what am I violating? If I've got my offsets and then every day I take it up to the...over and dump the sewer out of it and then come back...

Maxey: That's the difficult part.

Wright: So what about that picture do you all want to regulate it?

Maxey: You can't regulate it.

Bickford: You haven't violated anything right there.

Maxey: No you can't regulate that but you can regulate some of it.

Smith: Hold on a second. Are your kids in school?

Wright: Certainly. I'm going to home school. I haven't decided which. Some are public schooled and some are home schooled. And some of them are not old enough to go to school yet. And I'm operating a daycare in the back.

Bickford: That's in that big shoe right?

Wright: Right.

Gormus: Sounds like a plan to me.

Smith: Well my primary thing is they are not designed to be lived in.

Wright: What happens if you move to a situation that addresses some places...some of you I think I've heard you say that you can't store or park a mobile home whether it's occupied or not within the setbacks for what it might be required for a residence. What about...I heard you were getting some complaints because it was parked right up to the line. Is that what you were...?

Cobb: Well that was from the thought of are they living in it or are they not? So maybe it has to be a broad thing that says all RVs have to be setback.

Wright: No storage of vehicles located within so many feet of the....

Maxey: Yeah, I mean that's one solution. We can deal with parts of this. I don't think we can deal with everything.

Smith: Well I have a question about...I don't know who mentioned it...we can't regulate someone's expenses or the fact that they do or do not what they can afford. I'm afraid the world regulates what you can and can't afford so.

Bickford: Alright well for to move along Becca you're going to look at what other counties are doing. I would suggest that the Commissioners think about first do you want as a county to allow people to live in a RV permanently? That's probably your first thing you need as a Commissioner is decide in Buckingham County do we want to allow people to park a RV and make it a permanent residence? I think that's your first genre and then we can work from that point. And then we'll work from that point.

Smith: We'll have to figure out what permanent is.

Maxey: Well Johnny I think everybody has...I think everybody says that's talked tonight says that no we want to tax them as a dwelling.

Bickford: That's not answering the question I just said though.

Maxey: I'm sorry.

Bickford: We've had discussion here whether you want to even allow them to live permanently in a RV. That's been batted back and forth.

Maxey: I'd say yes but tax them...

Bickford: Well that's what I'm saying. You need...that's the first question I see that needs to be answered.

Maxey: I'm sorry.

Bickford: Then you work from there.

Maxey: Right.

Bickford: You know if you decide we're going to as a County we're going to allow we're going to allow people to live in a RV permanently then if we decide as a Commission that's what we're going to do then we can start saying alright then the next would be the suggestion about the septic system and the setbacks. But if you're going to say I don't think I want the County to have RVs parked all over with people living in them permanently then we'll have to look at well how we're going to stop that. So I think...that would be my suggestion.

Wright: When you say RV are you talking about ones you drive or are you talking about the ones you tag along too?

Smith: All of them.

Bickford: I think...

Smith: They're all not designed to be lived in.

Bickford: Permanently.

Smith: In fact when you buy one that's the first thing they tell you. It doesn't make any difference if it's \$170,000.00 Blue Bird the first thing the manufacturer will tell you in the owner's manual is this vehicle is not designed as a permanent dwelling. And that's a \$170,000.00 unit. And when you put blow-out sides to it you can go a whole lot higher. I have seen \$350,000.00 campers. And I'm thinking to myself why? But that's just me.

Maxey: Let me ask you this question. How do you defer between a utility camper and a trailer if you get a tornado coming through? If you're talking about the safety of your citizens what's the difference?

Gormus: None.

Bickford: There is none.

Maxey: There ain't no difference. Exactly so how do you...you've got to answer that question first.

Gormus: What's going to constitute...

Maxey: What's going to constitute a utility vehicle or is it a trailer?

Gormus: What constitutes if they're there permanently there or not because they've underpinned the bottom or added a deck or...?

Maxey: Exactly.

Gormus: I mean if you go to lakefront property that's what you see. That's what you rent if you rent...

Maxey: I've got half of Appomattox on the farm down there from this last tornado. I'm serious.

Smith: Yeah, amen.

Maxey: Yeah I mean it's ridiculous I mean so how do you...I mean you can't defer the difference between the two.

Bickford: Ok. Alright we have a lot to think about, so a lot of discussion and questions that need to be answered as to how we want to proceed so that will be homework.

Smith: And you'll have all this by next week right?

Cobb: Actually you have your packet already for next week.

Bickford: Well that does bring us to...no you don't have a report. Did you want to make mention of the package or just...

Cobb: I just did.

Smith: Ok.

Bickford: I like that. That was very brief and...

Re: Commission Matters/Concerns

Bickford: Any Commissioners have any matters or concerns they want to voice?

Re: Adjournment

Gormus: Wish to move for an adjournment.

Bickford: Ok got a motion and a second?

Charlton: Second.

Bickford: All in favor raise your right hand.

Vice-Chair Gormus moved Commissioner Charlton seconded and was unanimously carried by the Commission to adjourn the meeting.

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

ATTEST:

Rebecca S. Cobb
Zoning Administrator

John E. Bickford
Chairman