

**Buckingham County
Planning Commission
Work Session
May 16, 2016**

At a work session of the Buckingham County Planning Commission held on Monday, May 16, 2016 at 7:00 p.m. in the Peter Francisco meeting room, located within the Buckingham County Administration Complex, the following members were present: Alice T. Gormus, Vice-Chair; Royce Charlton, III; Patrick Bowe; James E. Crews; Sammy Smith and Danny R. Allen, Board of Supervisors' representative. Also present were Rebeca S. Cobb, Zoning Administrator, and E.M. Wright, Jr., County Attorney. The following member was absent: John E. Bickford, Chairman. Chet Maxey arrived late.

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

Vice-Chair Gormus called the meeting to order and Commissioner Smith gave the invocation. Supervisor Allen led the Pledge of Allegiance and it was said by all who were in attendance.

Re: Quorum Present

Vice –Chair Gormus certified there was a quorum - six of eight members were present. The meeting could continue.

Smith: Actually we have seven. I think one of them is indisposed at the time.

Gormus: Alright so we have a quorum.

Re: Adoption of Agenda

Gormus: Ms. Cobb is there any change to the agenda?

Cobb: No mam.

Gormus: Alright I'd like to have a motion to move for adoption of the agenda. And the vote.

Supervisor Allen moved, Commissioner Charlton seconded and was unanimously carried by the Commission to approve the agenda.

Gormus: Let the record show that Mr. Maxey is present now.

Re: Public Comment

Gormus: Public Comment there is no public so that is opened and closed.

Re: Old Business-Zoning Ordinance-Automobile Graveyards/Junkyards

Gormus: Old Business - Zoning Ordinance Automobile Graveyards/ Junkyards Ms. Cobb.

Cobb: Yes so last month we talked about the language on that. We looked at some State Code. I have provided you with proposed language and thoughts, ideas and questions. So do you want me to read through this or do you all want to jump in and start discussing or how would you like to proceed?

Smith: Madam Chairman I have a comment.

Gormus: Ok.

Smith: In reference to the grandfathering since Mr. Wright is here is there any way we can require income tax filing forms for people that are claiming that they have a, have had a junkyard or selling parts out of their home for a while?

Wright: I think you can create some criteria and I think you could designate that as one of the ways but I don't think that can be the only way that you would be able to.

Smith: Well and that was it but since we have to show an F form to...on our taxes for tax exemption.

Bowe: You don't have to keep a tax return but for 6 or 7 years.

Smith: Well how long are we going to grandfather these things back? That's what I'm asking.

Bowe: I don't know. Wasn't it...what was the date on this thing? It was in here.

Smith: Yeah there was a...

Bowe: That's 30 years ago when it was...

Cobb: 1970.

Smith: Yeah so...

Bowe: 40 years ago.

Cobb: 40 years ago.

Smith: Oh my.

Bowe: That ain't going to work.

Smith: Oh my.

Gormus: Alright any other comments? Ms. Cobb you want to give us some background about how you located what you located and how you came up with what you came up with?

Cobb: So let's see. The...just going through the proposed items what I'm suggesting is keeping automobile junkyard as a special use requirement. It's already listed in A-1, AC and M-2. And so I just suggest that we keep it at those areas. The concern though I have with that which you'll see with my comment to the side is that in the definitions which I got from State Code, two different areas in State Code, but Code 33.2-804 says "Junkyard means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard. "Junkyard" includes garbage dumps and sanitary landfills." I don't know that we want Special Use Permit for garbage dumps, sanitary landfills in A-1 and AC Districts. So that is a concern there as to whether we want to take it out of A-1, AC District and not even have it as an option to apply for. What else? Then we talked last time about adding definition of junk which I took directly from the code again. Also because we're splitting out currently our ordinance has junkyard, graveyard as one thing and we are separating those out by the State Codes. So I've also got automobile graveyard listed. The question I have about that definition is that it also mentions that it's located or found which to me means not just from sight from a road or from somebody else's property that just you know if you just dislike your neighbor and he has you know 8 vehicles on his property that nobody can see but you're mad and you want to turn him in then I go and find them does that mean because I have found them, located them that then he is in violation? Mr. Wright mentioned last time that because these are State Code requirements we can't really tweak them. But from another portion of the Code 15.2-904.A where it talks about "fully enclosed building or structure or otherwise shielded or screened from view" I was wondering if we could add that to the automobile graveyard definition to help with that located or found because I think from our previous discussion that the concern was being seen that we weren't as concerned with something that is not seen. So Mr. Wright do you have any comments on that?

Wright: You have to be careful how you mix them because you're relying on authority from two different sources to do two different things. The inoperable motor vehicle is really designed to just establish...to deal with the accumulation of vehicles where I think the other part is more of an ongoing business concept as I interrupt those items so. You go back to your situation where you've got 5 cars there at your neighbors so maybe we just need to create two types, two

classes in the Zoning Ordinance and let one address the business operation and let the other part address the... what's defined in 15.2-904.

Smith: I thought we already established that...

Allen: Split that up last week.

Smith: Yeah last time. I thought we already decided that they needed to be separate.

Cobb: Well because this is automobile graveyard which is not the business item I don't think unless you read it as it is. But my concern with automobile graveyard is even though it's not the business item it does have that piece in there saying located or found.

Wright: Graveyard definition occurs over in 33.2-804 so you could probably make a comment that they can't be either seen...I guess you could blend them to the point that they can't be seen 5 or more vehicles. Where we are with the 15.2 section? Are we all on...is it consistent with all of it being 5 vehicles? Do we worry about anything until it gets past 5 vehicles?

Cobb: 15.2 just says that we can restrict. It doesn't say only 5.

Wright: Where what's the feeling of the Commission on that? In other words if someone's got vehicles parked in the yard that are inoperable or otherwise how many do you think you need there?

Smith: I thought we had already established the five. Wasn't...

Wright: Is that the number? Because for some reason I remember that two but that doesn't mean...

Smith: Yeah because we talked about the 5 before.

Gormus: There was talk about if your property was big versus if you were right next door to somebody.

Maxey: Is that per tax parcel?

Cobb: Yeah.

Maxey: Alright.

Wright: Buy yourself a few lots and scatter them out right.

Maxey: It needs to be defined.

Allen: So we are going back to separate junkyard from graveyard?

Wright: That's what I'm asking whether...

Allen: That's what I thought we were talking about last session.

Cobb: Well that's what I have here is separate junkyard from graveyard.

Wright: Yeah she separated them.

Allen: Ok.

Smith: And the only other thing that we were still considering on the junkyard was that fact that it could be a landfill dump at the same time. And I don't know how we're going to drive that out. Didn't we have some private landfills in Buckingham a few years back?

Allen: Yeah.

Gormus: Yeah I don't think they turned out good.

Wright: I know of two that were commercial. They were privately owned but they were commercial. One of them the County now owns.

Smith: Yeah and we're still paying for it.

Wright: Discussing with EPA still...

Allen: Used to be a whole lot of them that nobody knew about. Everybody just dumped it in a ditch.

Bowe: Yeah.

Wright: If it wasn't in a ditch it was just down a long road.

Allen: Right oh yes, oh yes a whole lot of that. Washing machine, dryer, stove...

Smith: Yup I had to move some washing machines when I first moved in.

Gormus: So as a buffer to this I guess I could say are we going to put somewhere in there... You know the Comprehensive Plan talks about wants to keep our County rural and scenic and

you know I understand that the whole concept is not having junk there but it worries me when we put this out if we don't put it out as we're trying to maintain the scenic, pristine county environment then people are going to come up here I've got grandma's old whatever and you know my uncle's car that won't run and he still owes me \$200.00 and you know I holding it and that kind of thing. I don't want the room to be filled with a bunch of people with a bunch of excuses when this goes to the paper because they won't write it up like we want it written up unless we have a buffer on it.

Cobb: I think last month it was mentioned that when I take it to the Board of Supervisors to talk about the Comprehensive Plan with that and so that's what I'll do.

Gormus: Ok. Everybody ok with that?

Maxey: It's still 5 vehicles though.

Gormus: I know it but you know sometimes if you ease into things it's a whole lot better than if you go in like a bull.

Allen: So if you've got 5 vehicles in your home more or less what you're going to end up telling them is they've got to build a fence around it or get rid of it? Is that where we're at?

Maxey: Per parcel.

Allen: Ok well this has got one parcel with 6 vehicles. You going to tell them to build a fence?

Maxey: That's what we're saying.

Smith: Or get rid of one them.

Allen: Or get rid of one of them.

Wright: Let's get back to the question of the grandfathered. Do you want to give them a certain amount of time to bring themselves...if they are grandfathered do you want to require them to bring themselves into compliance after a certain amount of time?

Smith: Can we do that?

Wright: If they go to four if they ever take one of them away you can.

Bowe: Well if the grandfathered date is 1970 a 1971 vehicle means they are not in compliance. So I mean it'd be easy enough for somebody that knows vehicles to look at them and tell what year they are.

Cobb: Well it's not by the date of the vehicles.

Bowe: Yeah but it couldn't be there if they were...if they had this thing before 1970.

Cobb: But if they had had you know 10 and sold 2 and got 5 more and then sold 3 and got 6 more.

Bowe: If, if, if.

Allen: Alright so where do you set a business at? What are we going to do about business same thing? Or are they...you're going to jump into a whole lot of stuff. We come up the road a while ago and I mean...working on...

Bowe: Here we are worried about...

Gormus: We counted what 25 from Sprouses Corner up here? I mean those are the ones we can see.

Bowe: You all are worried about cars that you can see and I've got 2 trailer things across the street from each other none of which are inhabitable. They are junk and we're worried about cars down in the woods some place. I mean if we're going to clean things up, we need to clean things up.

Smith: Yeah, there's an empty wood lot at the corner of Briar Hook and 60 right now that I guarantee you has 15 inoperable cars that were not there 3 months ago including semis. Guarantee you they weren't there 3 months ago.

Allen: Well most anybody who's working on vehicles is going to have a bunch of them in the yard.

Smith: There is no yard. I mean it's just an empty lot.

Allen: Oh yeah but I'm just talking about in general. Anybody who works on vehicles is going to have a pile of them in the yard so... where are we at I mean?

Smith: And since the County doesn't require a business license for any business, or this business, how are you going to do this?

Cobb: Typically now when someone says oh you know I've always had this automotive business or junk business or something like that, then they have to show us some documentation showing that it is a business whether that's just an old electric bill with you know a business

name on it and date and that sort of thing, an address or you know something like that. But so that's just the question that we were gonna continue with that or what would be the method?

Crews: Enforcement is going to be the next big problem. That will take a full time operation.

Bowe: I think it's a waste of time because when it gets to the Board of Supervisors they're going to laugh at this saying this land belongs to that man he ought to be able to do what he wants to.

Gormus: So is it the consensus of the group to go ahead with this or to stop. Speak now.

Crews: It's certainly an eyesore.

Gormus: Or forever hold your junk. It is an eyesore and you know we want to keep the County clean but...

Smith: And it's a deterrent to property values.

Gormus: And you know Pat brings up a very good point. You know trailers with the door hanging open...

Bowe: No they not even there anymore. It's just old. You just walk in. No door any more.

Gormus: Maybe it's the wildlife habitat.

Bowe: Six of them lined up there. We came home 11:00 last Friday night there were 2 cars up in there.

Gormus: Checking on the wildlife.

Bowe: Drug dealers probably. I don't know.

Maxey: The bottom line is you're going to have to down the road increase taxes to enforce all of this or you're wasting your time. It's going to take a full-time person. Pat said it first day either you do it or you don't. It's going to cost the County money. It's going to cost tax payers money.

Gormus: Alright so with all those comments made give me a motion one way or the other because if we don't want to go any further with this we'll stop and do something else. Regroup.

Smith: I'd like to make a motion that we go forward with it.

Gormus: Alright.

Smith: And let the Board of Supervisors make the decision.

Gormus: Alright.

Smith: That's my motion.

Gormus: Alright we have a motion for that. Does anyone wish to second that?

Crews: I'll second it.

Gormus: Ok we've got... Alright the motion's been made that we go forward with it and dully seconded it. We will vote on it. Yes if you chose to go forward and no if you do not.

Commissioner Smith moved, Commissioner Crews seconded and the motion to move forward with the Zoning Ordinance-Automobile Graveyards/Junkyards failed with 4 no and 3 yes votes with Gormus, Charlton, Allen and Maxey voting no and Bowe, Crews and Smith voting yes.

Gormus: We have 4 no's and 3 yeses so that becomes null and void and Ms. Cobb if we could work on something else that would probably be...

Re: Commission Matters/Concerns

Cobb: Alright so what does the Planning Commission want to work on? Or do you not? Do you want to take hiatus from working and we'll just do what cases come to us?

Allen: I had a person come to me talking about the noise ordinance. I was just going to talk to Ms. Cobb.

Cobb: I'm listening go right ahead.

Allen: Oh I'm sorry I didn't know you were listening. Thank you. I had somebody come to me about the noise ordinance and they would like to bring it back to 9:00. Right now it's 11:00. But not in all areas. It would be like in cluster communities where there's a lot of people in one area that we could maybe make 9:00 noise ordinance. I think his area he has a lot of people around him and he likes to go to bed around 9:00.

Maxey: Whatever you do you have to do it across the board.

Smith: Yeah you can't just do pieces.

Cobb: Yeah we don't really have areas and the Sheriff's Office is who enforces that and they don't really have any way of knowing a boundary. I mean...

Smith: I mean we don't even know what the boundaries of the County are. So we can't subdivide the County.

Allen: It doesn't matter. I'm just saying people are complaining about the noise and they'd like you to cut it back. If you all want to cut it back...cut it back.

Bowe: Is this Commission Matters now? Is that what we're doing?

Gormus: Yes.

Cobb: Pretty much.

Bowe: I've got one.

Cobb: Ok.

Bowe: I had two people who've come to me. Both of them are kennel owners and both of them are raising cane because they missed the one day that the County or whatever it is with the cheap shots, rabies shots and there was no notice sent out. And for example why couldn't the County...they collect their money so they know who they are, why couldn't they send them a notice that on the 15th of March every year there's going to be a rabies clinic some place? And just make it a day or two days a year and send kennel owners notice. It seems simple enough. The big complaint was that...I don't know what all vets charge but the vet these two charged \$20.00 a dog and the cheap one in \$6.00 a dog. So you start talking 10 dogs \$140.00 difference.

Allen: That'll add up right quick.

Bowe: It does add up quick. You can buy probably a half a month's dog food with that for their kennel. So I don't know what's involved in doing that.

Cobb: Yeah we would probably have to tie that to the Treasurer's Office. They're the ones that know the kennel owners and take that fee and all that stuff. So I would have to pass that along to our Animal Control and Treasurer and probably Rebecca Carter and they can put their heads together and see if there's something an easy fix for that.

Bowe: So we don't have to do anything?

Cobb: No I don't think so.

Allen: So is it like a first Monday a certain month every year they do it?

Bowe: They were telling me Powhatan always has one day every year. And I can't imagine everybody trying to deal with one day but evidently they do it.

Cobb: I know very little about this but what I know is it's usually around the same time but I think it's dependent upon when the vet says they can come and do it. And I think in the past they've put up the sign a week or two in advance like at Food Lion or at the site saying rabies clinic going to be here next Saturday or you know whatever.

Gormus: They had it in front of the old school but it was so small you had to actually pull in there to read what it was.

Cobb: Ok. And that's what I thought we do. Do it twice a year.

Gormus: That and the tire recycle day. It was crazy.

Cobb: Do you hear me Pat?

Bowe: No.

Cobb: I think we do do it twice a year though in the spring and the fall.

Bowe: What they were both interested in was some kind of notification from the County to them.

Cobb: Ok we can check into that.

Wright: Who sets that up? Do you all know? Does the animal warden set it up or...?

Cobb: Yeah they do.

Gormus: Are there any other Commission Matters or Concerns.

Wright: Broadcast it on the alert system. Wouldn't have to send a dime out.

Allen: That's another way of doing it.

Gormus: Yeah. Does everyone in the County are they all on the alert system?

Allen: No they have to sign up for it.

Cobb: If you signed up for it I believe.

Gormus: Seems to me that that would be very advantageous to have some kind of little box on your County I mean on your tax thing says do you want to be on the thing? Add your telephone number.

Smith: Or whatever number you want it to be.

Gormus: Cell number or whatever because a lot of people don't know about going on the computer and go to Code Red and all that.

Smith: A lot of people aren't interested going on Code Red.

Gormus: No until something happens and then they get mad because they didn't know.

Allen: I would like to ask one more question.

Gormus: Alright.

Allen: We've got into this junkyard thing but is it a why and something we're going to have to go back to again? I mean we jumped in and jumped out and now is it just something that's going to require us to do something? Or are we just or is it just something we going to talk about?

Cobb: It's something that I have been getting more and more complaints about and the way that it's worded now it's just a little hard to enforce and say whether or not someone is in violation or not. And when they say well I have race vehicles or you know this and that it's just a little more difficult but we can keep on going.

Smith: And you're absolutely right and Pat was right a while ago. When being in the car business for so many years I would ride through the countryside and I would see something that was a potential profit maker for me and this is the standard answer: I'm going to fix it one day or you can't give me enough money for that car. And then 6 years later you see the same car has got a tree growing out the window that's this big around. And you know that it's been there 20 years. So and they never do fix them. No I take that back. I can't say never because I have seen some that disappeared and then later saw finished. It's a pride thing.

Gormus: Well I have one I wish would disappear and come back finished.

Cobb: So are there any other items that the Planning Commission wants to work on?

Charlton: I have a few comments regarding light pollution. In the past I have brought that up before.

Smith: What kind?

Charlton: I've received comments in the past regarding light pollution. I know I've brought that up before. People complaining they can't see the night sky like they used to which I share that concern myself. I don't know if there'd be any support for developing something along those lines or not.

Cobb: I know that in the past we've tried to...when special use permits have come in and things like that we've tried to put conditions in those permits to address that but...

Charlton: Like a broad general thing.

Cobb: Right a broad thing countywide.

Gormus: Have we done any more on the Industrial Park? Thinking about putting any roads in...

Smith: We're still working on a grant correct?

Cobb: Correct.

Gormus: Ok.

Cobb: Trying to get the money to figure out what we need to do and do it.

Gormus: Because I had one man come and I told him to call the County Administrator to see how much the lots were adjoining the school down there. And I don't know whether he ever did or whether he didn't but I don't see anything going on there.

Cobb: Looking for a grant at this point for that.

Smith: Are we still looking for a grant for the sewer extension too? Or is that coming to fruition?

Wright: What I understand about the sewer there is going to be...there is some work being done to make it available at all four corners at Sprouses Corner. If we're out of that project it probably would proceed a short distance south on 15. Not very far. Not enough really to involve very far down there. There's some consideration looked at running it down 20 to where the schools are or a little past that but that's on hold right now. If that helps any.

Smith: It does.

Gormus: Any other matters or concerns or motions to move along with something else?

Cobb: I would just like to say if you don't have anything to work on that you're wanting to work on, that we need to work on then a motion to cancel our scheduled work session so that we can change that on the calendar for the public not that we have public pouring in here but just in case and for you all to know that you don't have to show up.

Gormus: That also keeps us in compliance right?

Cobb: Yes.

Gormus: We want to be in compliance. So if I could have a motion one way or another in some direction please.

Allen: I think we need to take the whole ordinances and just go down through them, work on whatever we think is best but I mean we need to go over them a little bit more.

Smith: Can you put that in the form of a motion?

Gormus: And say what you want to work on first. Pull something out.

Allen: I ain't pulling nothing out. I just want to say that we need to go over the whole list.

Bowe: Start on page 1 huh.

Allen: And we'll work on it as the group feels we should work on it.

Cobb: Well one thing before...

Allen: How's that sound? Bad?

Cobb: So maybe edit that motion. As the Planning Commission you're charged by the Board of Supervisors to work on the Zoning Ordinance, Sub-division Ordinance. I believe and Mr. Wright can correct me if I'm wrong, the other ordinances and things like that you would have to be tasked by the Board of Supervisors you know if they have something they want you to work on then they would ask you to look at those items. So for yourselves as far as not getting into too much work and then finding out they don't want you to touch it, if you want to meet then I would say your homework would be to look at the Zoning Ordinance, the Sub-division Ordinance. See what changes you might want to make and we'd come back and talk about those. You could also maybe propose to the Board of Supervisors to look at the other ordinances and you know ask them if they want you to address anything in those but...

Allen: Yeah I was just thinking we could connect it to the Comp Plan.

Cobb: Right.

Allen: Just you know any changes that need to be made.

Smith: I did want to make another comment since you're not going to put in a motion and we're not going to vote on it. There are some education plans available for members of the Planning Commission if anybody wanted to further their education or expand their knowledge of laws that affect Planning Commissions and Board of Supervisors yearly. I'm putting in my two cents worth here. And I believe there's a couple more days before the cutoff. Am I correct?

Cobb: Yeah I think so.

Smith: And it's June 3rd. Starts at 4:00 in the evening. Isn't it 4:00 in the evening? And dinner's involved. I'm pretty sure it is.

Cobb: Have you gotten your confirmation on that Sammy?

Smith: Yes.

Cobb: Ok good.

Smith: I'm keying it up right now to see if I can get the registration confirmation.

Gormus: Is that in Roanoke again this year?

Smith: Actually this one is in Charlottesville at the Hilton.

Cobb: Hilton? Usually the same place every year in Charlottesville.

Allen: You don't think it's a good idea for us to start looking at the ordinances?

Smith: 2016 LUEP Legal Seminar Friday June 3, 2016 starting at 4 p.m. at the Omni Charlottesville. See if I can do the calendar. Oh great I hit the calendar file and the NASCAR racing results came up.

Gormus: Sound like one and the same to me. So do we have a regular meeting for next week?

Cobb: We do have a regular meeting next week. We have the Public Hearing for the Bed & Breakfast.

Gormus: Ok.

Bowe: That will be a full house.

Gormus: Commissioners we need direction for June 20th for the work session.

Allen: I think you need to think about it and come back at the next meeting and make that decision myself.

Cobb: We can do that. Yeah. That's a good idea.

Gormus: That's fine.

Smith: We can make it at next Monday night's meeting.

Gormus: Put that in a motion please.

Allen: I make a motion that we wait until the next meeting to make a decision on the work session.

Maxey: I second.

Gormus: Dully made and dully seconded. We will vote now.

Supervisor Allen moved, Commissioner Maxey seconded and was unanimously carried by the Commission to wait until the June 23, 2016 meeting to make a decision on holding the next work session.

Re: Adjournment

Gormus: Are there any other matters? Could I have a motion to adjourn?

Smith: So moved.

Maxey: Second.

Gormus: Dully made and seconded and vote

Commissioner Smith moved Commissioner Maxey seconded and was unanimously carried by the Commission to adjourn the meeting.

There being no further business, Vice-Chair Gormus declared the meeting adjourned.

ATTEST:

Rebecca S. Cobb
Zoning Administrator

John E. Bickford
Chairman