

**Buckingham County
Planning Commission
Monthly Meeting
Packet**



March 28, 2016

Buckingham County Planning Commission
Agenda
Monday, March 28, 2016
County Administration Building
7:00 P.M.

1. Call to Order by Planning Commission Chairman
 - Invocation
 - Pledge of Allegiance
 - Establishment of Quorum

2. Adoption of Agenda

3. Approval of Minutes
 - A. February 22, 2016 meeting*

4. Public Comment

5. New Business
 - A. Introduction – Virginia Keys School adding property to SUP*

6. Reports / Correspondence
 - A. February Building Permits*

7. Zoning Administrator's Report

8. Commission Matters / Concerns

9. Adjournment

**Buckingham County
Planning Commission
Regular Meeting
February 22, 2016**

At a regular meeting of the Buckingham County Planning Commission held on Monday, February 22, 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; Patrick Bowe; James D. Crews; Sammy Smith; Chet Maxey and Danny R. Allen, Board of Supervisors' representative. Also present were Rebecca S. Cobb, Zoning Administrator and E.M. Wright, Jr., County Attorney.

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

Chairman Bickford called the meeting to order and Commissioner Smith gave the invocation. Vice-Chair Gormus 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-eight of eight members were present. The meeting could continue.

Re: Adoption of Agenda

Bickford: Adoption of Agenda. Ms. Cobb is there any changes in the agenda?

Cobb: No sir.

Bickford: Do I have a motion to approve?

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

Re: Approval of Minutes

Bickford: Ok that brings us to our Approval of Minutes. We have minutes for our regular meeting of January 19th. Any changes from the directors?

Smith: Make a motion we approve it.

Bowe: Second

Commission Smith moved, Commissioner Bowe seconded and was unanimously carried by the Commission to approve the minutes of January 19, 2016 as presented.

Re: Public Comment

Bickford: Ok that brings us to our general Public Comment period. Since we have no one here we'll move forward on with the docket.

Re: Old Business-Planning Commission By-Laws Review

Bickford: Ms. Cobb that brings us to our Old Business-Planning Commission By-Laws Review.

Cobb: Yes so when we adopted the By-Laws we made a couple of changes and I just wanted to present those for you to officially see and approve. You'll see 2-3. It said January meeting. We were saying that everyone expired basically the end of December whatever and started in our January meeting. We decided to take that out because our terms are staggered. So I just took out the word January and it just says regular meeting. And then...

Bickford: 6-6 and 6-7?

Cobb: Yeah there are 6 and 6-7 are two new items. The first one says "For record keeping purposes, the Secretary of the Commission or other appointed staff will provide a sheet for all public commenters to write their name and address after they have finished their comments." And then 6-7 says that basically we reserve the right to call first for sign up and then we would walk through each person who signed up. So I just wanted you all to see how I had phrased that and see if you had any changes.

Bickford: Commissioner Smith?

Smith: I think I have a change.

Cobb: Ok.

Smith: 7-2 "Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order." Blank amended. We're using the short correct? It's really kinda a moot point but it goes to back to the Board of Supervisors when someone has made some nasty comments about us not obeying Robert's Rules of Order and as long as we're using Robert's Rules amended the Chairperson is in charge, parliamentarian is second and public comment has to stay in line. Correct?

Cobb: So you want to add that there?

Smith: I would like to add Robert's Rules of Order Amended.

Bickford: Ok. Any other items of the Commissioners or questions in regards to dash 6-6 and 6-7?

Allen: 6-7 was brought up in the Board of Supervisors' meeting last time about what do people do who if they hear you say something, they want to talk about it, they're not able to because they didn't sign up in the beginning.

Smith: Not true because in your By-Laws it says the Chairman can recognize anybody from the floor that stands up in an orderly manner or he can ignore him, one or the other.

Bickford: Right. Ok.

Cobb: And this is not to do it on a regular basis. This isn't going to be necessarily the standard for each time. But sometime if we have a really large case and we're going to have a lot of public comments, it would just be a little more organized and easily move through I think if we could have people sign up ahead of time.

Smith: And it also helps when you can't spell the name, you can't hear the address.

Bickford: Right. Record keeping would be a lot easier.

Smith: Yes. I think it would make it easier on everybody.

Bickford: Ok. Alright that was the only changes. Any of the Commissioners have any other thing?

Smith: Move to accept.

Allen: Second.

Commissioner Smith moved, Supervisor Allen seconded and was unanimously carried by the Commission to amend the Planning Commission By-Laws as presented.

Bickford: Ok they are amended as presented with the changes that Commissioner Smith had. Ms. Cobb that brings us to our Public Hearing for the light industry zoning ordinance for amendment for Gold Hill School.

Re: Old Business-Public Hearing-Light Industrial (M-1) Zoning Ordinance Amendment and Zoning Map Amendment for Gold Hill School

Cobb: Yes so this is Public Hearing for Tax Map Section 68, Lot 37 containing an approximate 25 acres, on Gold Hill School Road right along Route 15, in the Marshall Magisterial District. The owner is Buckingham County. And we're doing two things here. One is to amend the Zoning Ordinance the Light Industrial. And I provided you all with a draft of those changes. The changes are underlined in your copy. And then to rezone that particular parcel to Light

Industrial. I did receive, just to let you all know, the adjacent landowners' letters went out and the advertised in the newspaper. I did receive a couple phone calls just asking what does this mean, what all things would be allowed. I had assumed that one person would be here tonight but I'm not seeing anyone. So maybe they couldn't make it but and I...

Bickford: Were they voicing a concern against or?

Cobb: I believe so. They didn't specifically say that they were against or in favor but the questions seemed to be of concern to me. I did provide you all with the zoning map of the area because we do have kinda a mix of things going on in that area. So mostly it's A-1 which is what this property is zoned which you'll see to the north there's like a light pink. That is a chiropractor's office. There's also even a little further to the north a light industrial piece. And then moving back to the south, and I should mention you'll see the Gold Hill property is kinda outlined in blue, so then just to the south of that property you'll see a light green which is agriculture comprehensive for chicken houses. There's also a convenience store gas station right in that same area that is a grandfathered A-1 use. You can see a little speck of red there for business. So there's a mix of things going on in the community that I did want you all to be able to see the zoning map. Like I said the person that called me didn't specifically say that they were against it. I'm just assuming that from questions and concerns that they had asking about you know something with a permitted use and it came there. How were we going to make sure they followed DEQ regulations and stuff like that and weren't using it as a dumping site or you know something like that? So but I don't see them here tonight to speak so... The other person that called just simply asked you know and I read off some of the list of what the district was going to be changed to and they said thank you and that was it.

Bickford: Ok. Well evidently you must have satisfied their concerns I assume since they did not show. Ok any Commissioners have anything they want to comment on or ask Ms. Cobb prior to opening up the podium?

Gormus: I just want to know if on the map what's the gray?

Bickford: Maxey Bryant Lane.

Gormus: I can't think what that might be.

Bickford: Is that road the Rosewood Center? Is that right Rosewood Center?

Gormus: I don't know. It's M-1.

Allen: This is back off the road.

Cobb: Well and I can tell you if you give me just a minute. It was provided... I provided the list in your packet last time about all of the light industrial pieces.

Crews: That's where they used to have that mulch yard isn't it.

Gormus: Too far down for that.

Bickford: No. That's not down that road.

Bowe: It's not on that road no.

Bickford: That's not the cell tower is it?

Cobb: No it's not.

Gormus: That's too far down for that too.

Allen: Well it's not that far pass Penlan Road.

Bickford: Yeah Maxey Bryant Lane.

Gormus: I'm sure it's fine but I'm just curious.

Bickford: Oh I know what that is. Is that not George Pankey's?

Cobb: I don't remember it being that name.

Gormus: Mulch yard used to be?

Bickford: Well George has got a...he stores some rock and stuff, mulch behind his house there. Where he used to live.

Gormus: Ok.

Bickford: That's just a guess. But that's about the right area.

Allen: That's by William Woodson's place right there ain't it?

Bickford: I think you're right.

Allen: Maxey Bryant Lane. Isn't that the trailers behind William?

Bickford: Yeah that's exactly where it is. It used to be a small trailer court there but they were just a couple trailers.

Gormus: That wouldn't be M-1 would it?

Bickford: No I'm not sure why that would be M-1.

Smith: Hook the GSI up.

Gormus: It may be code colored wrong.

Bickford: That would be my guess.

Cobb: If you want you can open up the Public Hearing and I'll...

Bickford: I'll do that anyway. Alright I'll...since the Commissioners don't have any other questions, while she's seeing if she can find that out I'll open up the Public Hearing. Alright I'll now close the Public Hearing and turn it back over to the Commissioners. What is the pleasure of the Commission?

Smith: I'd like to make a motion that we send it on to the Board of Supervisors.

Gormus: I second.

Commission Smith moved, Vice-Chair Gormus seconded and it was unanimously carried by the Commission to send to the Board of Supervisors the Gold Hill School Zoning Map Amendment and Zoning Ordinance changes.

Bickford: Ok. That moves on forward Ms. Cobb. If you find out what the gray block is you can let us know.

Cobb: I believe it says Troy Lee, I mean Troy Lee Dunn is the property.

Allen: That'd be the one right beside William's.

Bickford: They did have a truck in there.

Inaudible.

Bickford: He did do trucking for a while. Satch is selling cornhole boards now and working.

Cobb: I think this was an application back from a long time ago requesting to do something.

Bickford: This is not going to be part of the...is this map going to be part of the things on record?

Cobb: No this was just to show you what's in the area.

Bickford: I was going to say you could just take that out. But it it's not part of the record it's not an issue anyway.

Re: Old Business-Continuation-Dam Inundation Zones

Bickford: OK. Ms. Cobb that will bring us to Continuation of the Dam Inundation Zones.

Cobb: So yes here we are again talking about the dam inundation zones. We've got everyone here this time to talk about this. Since our last meeting E.M., myself, Kelly, Tommy Ranson our building inspector met. We even got the engineer on the phone to ask some questions. And so learned a lot from that meeting and so tonight I have several options for you. You'll see the original two options are there. I've also got that we could do option 1 in addition to that we would be treating all building, all dwelling permits within the dam break inundation zone the same as building permits in the FEMA flood zone which it means that they would require engineer's stamped drawings. So currently FEMA flood zones if someone comes in and wants to put up a building, you see that it is in that flood zone, Tommy says you've got to give me stamped drawings before we can issue you the building permit.

Bowe: Building a residence.

Cobb: Currently the FEMA zone is any building.

Bowe: Ok.

Cobb: But I think that we had talked from what I gathered from our last meetings we had kinda said we were more concern about dwellings so here I just said dwellings. Option 4 would be to create a new overlay district. So just like we have M-1, A-1, B-1 all that, we can do a new district that would kinda be like our watershed overlay. This would be something separate that would be a dam break inundation overlay so that we could identify all those areas. Now with that we would have to do just like the other districts and list out what is specifically permitted and what is not permitted. So those are the options. I've got some maps for you all to see.

(Passes out maps.)

Allen: For the ones that weren't here can you do a little update of where we've been.

Maxey: Because I missed...

Bickford: Oh certainly. Ms. Cobb would give Commissioner Maxey just a quick update on how we got to the point we're at. Or I'll be glad to whichever.

Maxey: Either one.

Cobb: I don't know where to begin. Ok so basically this has come about through Kelly's office. How long ago was it that they did this? Maybe she should come up and give the...

Bickford: That might be ideal. Kelly could at least introduce it and then...

Cobb: And explain what you want.

Snoddy: Ok. The watershed flood control dams had dam break inundation studies done back in 2011. These studies showed the areas below the dams that would be inundated with flood waters during different events: so a sunny day failure, a normal day like today where the water would go; or with the activation of the spillway and the high flood waters; or activation of the spillway and a complete break of the dam. So these are different areas that are outlined in these zones. Within these zones we have now found homes and bridges that will be inundated if this were to ever happen. So we have emergency actions plans associated with these zones to know who to evacuate, which roads to close, things of that nature. So the District has now come to the County and we are requesting something to be in the Ordinance that would help to either make an awareness to people that are going to potentially be building in these zones or to minimize building in the zone. The words we used before were minimize and maximize. So our minimum is just an awareness. Somebody comes in Rebecca can tell them you're in an inundation zone. It probably be a good idea if you moved your house. Maximum they can't build there. So right now we're asking just to talk about it, come up with a plan, do something that can help us track it and be prepared during an emergency. Now to give you another background last week we finalized what Cumberland wanted to do. Their Board of Supervisors approved to just make a check box on the zoning ordinance form.

Cobb: So yeah in the part of the first option mimics what Cumberland has done which is any time somebody comes and gets a building permit they first see me for a zoning permit and I'm looking at setbacks and things like that. But on that they have to also explain if they are in a FEMA flood zone and so we would add in that same area with the FEMA flood zone we would add kinda a checkbox to say yes or no I'm in a dam break inundation zone and if they check yes to that... Now when I say they check that I really mean me check or whoever is in my position in the office. Because I've got the maps and the data and I'm going to look it up and let them know what box they need to check. So once they, if they check yes I would you know say do you realize this is there and if they still want to continue to build in that area then I would notify Kelly and probably tell them that they should talk to her as well. That way she can get their information so that for emergency contact because they do monitor during storm events, especially large storm events. They monitor the dams to see if there needs be an evacuation or something so they could be added to that list. So that's what Cumberland has elected to do is to on that form that people fill out when they come see me have that there just kinda as an awareness for them. Also for whoever is in my position so this doesn't get lost and forgotten about. What else? They added in the ordinance just some general language which you will see in option 1 is basically the same thing that they did adopt. Other localities... a lot of localities have put something in their subdivision ordinance which is more triggered when there's multiple homes. And then there's pressure put on the developer who's developing the land, building multiple homes to either move the homes out of the inundation zone or to pay whatever the cost would be to upgrade the dam to keep everybody safe. Again that's more of a large development which we don't really see here right now. And so I think we don't want to look over the one person. I think we want to notify everybody and not wait until three or more are going in. And like I said those other localities is more geared towards the developer. And here we have people splitting land and selling it and so that doesn't really catch the purpose of letting them know hey you're buying land and building in a possible inundation zone.

Bowe: I don't think we're really discussing my concern. And my concern is not somebody's going to lose a house. My concern is right now they're saying even though we know that if that dam breaks 17 feet of water coming down through here, a third of a mile below the dam and there's not going to be anything left, family's dead, gone, house everything's gone I just cannot see why we should approve that dwelling being built there. It makes no sense. I think...I thought we had it down to where it was agreed that this is nothing more than an engineering problem. And where does the channel stop and the sheet flow start? Don't have a problem with a couple feet of water coming through their living room if that's what... if they can live with it. But I do have a problem if it's going to take momma and daddy and all the kids down the creek.

Cobb: So from our meeting the other day that we had and in talking with the engineer and he can jump in if I'm giving misinformation, but so from the maps you'll see if you'll turn to the second... Well let me just... Yeah let's walk through the maps for a quick second. The first map is a FEMA flood line so the yellow and black line is showing a flood area. You'll see like a little green and blue squiggly line. That's a creek and on each side the yellow and black that's a FEMA 100 year flood line. The second page of that you'll see has a lot more colors. And this is showing the dam inundation zone along with the FEMA. So you can see the areas where the inundation zone goes beyond the 100 year flood. You'll see that the purple is a sunny day failure. Then the green is...Kelly help me out. What is that called?

Snoddy: Sunny day failure with active spillway but the dam did not fail.

Cobb: Right. The dam did not fail. And then the deeper blue color is full failure. So you can kinda see the difference there. In looking at overall the whole County in these areas for the most part it does follow the FEMA lines and then I just zoomed into an area here that's just west of here that does show an area where it does go out beyond the FEMA flood line. And from talking to the engineer on the telephone the question was OK so when this color stops are we on dry ground? And the answer was yes.

Maxey: Is this one dam we're dealing with?

Cobb: Yes, this is one...

Snoddy: That picture you have yes.

Maxey: Each one has its own...

Cobb: Area.

Bowe: Projections.

Bickford: Right. There's 17 water sheds.

Maxey: It's all the ones you deal with right? Ok so this is just one example.

Snoddy: Right.

Cobb: Yes this is just an example.

Maxey: Alright. The line is that this DBIZ line the black and the yellow?

Snoddy: No that's the FEMA flood plain.

Maxey: That's the FEMA.

Snoddy: The dam break inundation zone lines are the purple, green and blue. They are different ones.

Maxey: Ok I got you. What's our policy with the FEMA line on the James River right now?

Cobb: So FEMA line is if you are building beyond that then you have to have engineer's stamped drawings before Tommy will give you a building permit. But he does issue building permits for that.

Maxey: And they need an elevation they have to get from USGS monument. Yeah we've dealt with those. So you can actually build in a flood plain?

Cobb: Yes.

Maxey: Well I know they have. I didn't you know...

VanLier: Generally you have to be elevated though because you have to be out of that 100 year flood plain. You go through the FEMA process to see where that line is.

Smith: I hate to do this to you but I'm deaf as a post. Would you please step to the podium?

VanLier: I'm Rob VanLier. I'm the dam safety representative for this area. I've been working with Kelly. Patrick I don't know how to pronounce your last name.

Bowe: Bowe.

VanLier: Bowe. Ok. To let you know something there is not a community or county that has at this point in Virginia denied anybody from building in those zones. You would be a first.

Bowe: So?

VanLier: I'm just letting you know that. I'm not saying you can't do it I'm just letting you know you guys are on the cutting edge of this situation.

Bowe: To me it makes no sense.

VanLier: I understand. And there's another thing you're seeing. The 100 year flood plain that you're seeing there is generally not a rapid moving water. You know you've seen those. You've seen those floods. It's dangerous, it's powerful but the inundation zones are actually a flood wave as you have said 17 feet. And you know half an hour from now this area here will be rubbish and this area here you know will be down the way we'll be seeing that flood wave. And so it's not...they're not similar in the sense of how they move downstream. Current law for the State of Virginia says, and this was brought up with regards to developers passed in 2007, basically says that any developer who comes to the planning office and says I want to put my development here if that planning office has inundation maps, which the dam owners are required to submit to them but many of them have not done that, they look at that location, they look at the inundation map that the dam owners should have provided, and if it looks like it's in that zone that's all the planning office has to do. They call me, send me either an email showing me where it's going to be and ask me "Rob is this going to make them have to build a bigger spillway if they put this here?" And if the answer is yes they have to build a bigger spillway. Then that developer will be required to pay 50% of the upgrade of that spillway. Well it get a little complicated because if you don't have plans and specs how can you tell somebody what the spillway costs are going to be and we have not gone there yet. We have never tested this law. Because what's happened is anytime a developer in any part of the State has tried to do this and they see what they're up against they say how about I just move those houses out of the inundation zone. And that was really the goal was to get those developers to not build in that zone. The law tried to say don't build in that zone. The compromise was this issue the way that it's written. But again the definition of a development in that situation is 2 or more houses. And we know in this rural community that really doesn't fit well in the situation of the one house situation. You know Cumberland's decision to say we're going to tell these people hey you build there you're at your own risk but we're telling you right now you're in a dam break inundation zone for only Kelly's dams. I mean that's all we're talking about here. You know I have a lot of private dam owners. I give private dam owner courses. And I bring this up to them "How many of you have sent your inundation maps to your local planning office?" And they go "Were we supposed to?" And so they haven't done it. Here's the thing. The planning office cannot be held liable if the owner did not submit their inundation maps. And so if that owner comes back later and says wait a minute now I have to build a bigger spillway because of this developer then the question would be did you submit your plans to the planning office and your maps to the planning office. If they did not then the planning office in no way can be held liable. It's only...they can only be held liable in the situation is do they have the maps in their office from those owners? One of the things I've got to say about Kelly which I'm really impressed by her in all of this is most of her dams are already elevated to high hazard dams because they found out there are already houses in the zone. She's not doing this because she wants to get these people to pay for a bigger spillway. It's too late now. The cattle's out of the barn so to speak. But what she wants to do is at least find a way to get people to be aware of their situation that they're in an inundation zone. When I worked in northern Virginia, the city of Manassas has a huge dam in Prince William County that's their water supply dam. And over the last 30 years 6,000 homes have been built in their inundation zone. And until the inundation zone was put on the internet for people to see most of those people living in those homes had no idea that they

were in a dam break inundation zone. Many of them called me and were very, very angry that this was the way they found out. You know my point to you guys is, you know, even if you take a baby step which is to say we're going to make sure that people who build in these zones are aware of the consequences is a step forward in protecting public safety. So you know that's my point. When I talked to John your Chairman on the phone about 3 or 4 weeks ago one of his questions was how accurate are these maps such that if we get someone challenging us on this issue? And my point is the same model, the same Corps of Engineers model that developed the 100 year flood plain were used to develop these zones. So the accuracy for these flood plain maps are no different than the accuracy of your 100 year FEMA flood plain line. They're about the same. Now I looked at the report that you're looking at and it looks like GSI mapping that they had had 10 foot intervals. I like it better if I've got 2 foot elevation or 4 foot elevation. But what that says to me in some of the reading I've done after I talked to John was that that means that these lines could be off by 10 feet. But not much more than 10 feet in terms of where they are. And so if somebody says here's where my house is and it's completely in the zone if we could get them to move it 20 feet out of the zone we probably would be saving lives. One of the questions or one of the issues you brought up Mr. Bowe was this issue of is this going to be a tranquil flood or is it going to be a fast moving flood? Actually these inundation maps if you look at them at their cross-sections where they actually drew the cross-section of the flood they give time of travel and they give velocities on those things.

Bowe: And depth of water.

VanLier: And depth of water. And the general rule of thumb in our field is take the velocity of the water times the depth, which is kinda weird if you think about it because you're getting feet per second times feet and that should be acceleration but it's really not because it's the depth of the water times...if that number is greater than 7...so if I have you know 5 feet of water and it's only moving one foot per second that's probably going to be a little safer than...and will not be knocking the house off its foundation. It will maybe kill a baby. You know it's tall enough to. You know someone, a child could drown. But it's not going to knock the house off the foundation. But when you get above 7 on that number that's when you're talking destruction and as you said whole families being maybe moving down stream. I you know I don't see that you guys have the resources to be able to tell everybody when they say here's where my house is, to be able to say well hey let's take a look and see what your depth is and what your velocity is. But at least telling these people that there's a danger for you to be in this zone is a major step forward and you should be commended because there are not a lot of counties that have done this.

Bowe: Well I'm going to continue...

VanLier: Ok.

Bowe: I'm a developer. This map that we're looking at here...

VanLier: Right.

Bowe: I buy me I don't know 3 of those parcels.

VanLier: Right.

Bowe: Then I decide I'm going to sell me some waterfront property.

VanLier: Right.

Bowe: So I come 100 feet up off that creek and I sell it.

VanLier: Right.

Bowe: Cut them into 200 foot lots which is legal. Right on down.

VanLier: Right.

Bowe: Sell the ones on the other side of the street for less money because they don't have the waterfront.

VanLier: Right.

Bowe: But they are going to stay dry.

VanLier: Right.

Bowe: I can see it happening.

Smith: Oh yeah.

Bowe: And to me it's a crime to sit here for us to approve something that we know what can happen. And if you look at the one there Chet that we were using last time 1/3 of a mile below that dam the water was coming through there at 17 feet deep a third of a mile below it.

Maxey: I think we need to do something but I don't know if we need to go that far because I've got a dam right above us and it takes a lot of land out of play if you say you can't do nothing on it, build a barn whatever so.

Smith: Nobody ever said you couldn't build a barn.

Maxey: A house. It doesn't matter as long as I know. We can't govern everything. Come on. Let people make their own decisions for some of this. I agree I think we need to do something. I think we need to let them know and I think we may even need the engineer to stamp his approval on it. But there's people building down on the flood plain on the James River. Hey if they get flooded out I really don't care. They made that decision to do so.

Bowe: But the man that can buy at the James River versus the man that's going to buy a 2 acre lot along one of these creeks in Buckingham County is totally different, different clientele.

Maxey: It is and it isn't. We're still saying that all of this property that we have below the dam that people...we didn't have a choice when those dams went in.

Bowe: No don't get me wrong. I'm not saying we're going to condemn property that's below there. I'm simply saying you cannot...

Maxey: Build on it.

Bowe: From this day forward build in an inundation zone. Now if it's just because it's going to get wet in there I couldn't care less. And that's where you know it does come in a choice.

Maxey: I don't know where the line...I don't understand where...

Bowe: Well that's what I thought we were going to get here tonight was an engineering solution to it. At what point does it cease being a flood and start being sheet-flow.

VanLier: Generally it's by the time it recedes there's no sheet-flow. It's gone.

Smith: It's just like flushing a toilet.

Gormus: Well what would be the difference in this and when they bring the watershed all the way down for maintenance?

VanLier: Trying to understand that question.

Snoddy: I emptied one and it flooded downstream, because it got a log stuck in it.

Gormus: So what would be the difference?

Snoddy: Downstream was flooded because of that. The difference was what was coming out of the pipe was still a restricted flow.

VanLier: It wasn't a huge failure. It wasn't you know...

Gormus: That would be a sunny day.

Snoddy: If we had a failure like a sunny day that means the dam broke and everything came down at once.

VanLier: And what happens...but what happens in those situations on those sunny days is usually it's a piping failure. What happens is there's a seep in the dam that nobody really knows about and so and when it finally gets to the front end of the dam it's pulling parts of the dam out

and it literally makes a pipe right through the middle of the dam. And as that water's rushing when it finally gets enough velocity it will within 2 hours literally in most cases, and most of these models will do a factor of safety, they'll break the dam in the computer at about an hour's time that they'll release the water. Generally I would say 2 hours might be more reasonable but the one hour break makes it a factor of safety that we actually seeing the worst case scenario of it. And it can happen. It can happen in an hour. And so what you're seeing is this dam emptying a lot faster than what Kelly did because it's releasing all this water uncontrolled through which was a hole now is a big gap in the dam and it's rushing through there. Now, you know, as I said to Kelly I said let's, you know, let's make sure we call these dams what they are. These are probably some of the safest government built dams in the state. You've got some private owned dams that were put together not that well and those, you know, eventually we'll get the inundation maps for those into this office. I keep working on my dam owners. Those are the ones that worry me more than Kelly's especially on a sunny day break. You know as you...you look at how well she maintains those dams and how often she inspects those dams. I get dam owners that they've gone 4 years and they've not even looked at their dam for a seepage problem or anything like that. They just don't understand what the liability they have in their backyard. Whereas you know we've got a really good team here in the district that takes care of these through flood control plus gets assistance through NRCS who designed all those dams. Plus she gets a free engineer to do her inspections through my office. It's not me but she gets a free engineer for all that. So I commend Kelly for all the work she's done. We're not allowed to say this. We're not allowed to say that what's the odds that this dam's going to break worse than this one over here. But I would say that she's got some of the safest dams in the County because of the government funding and the government design and everything else that we put... But when any earthen dam overtops from rain water from rapidly filling and overtopping, the emergency spill-way has done all it can do. Some of hers can only do about 25% of the PMF, Probable Maximum Flood. And although people say 36 inches of rain can't happen in 24 hours well it did in South Carolina when we saw those floods. That's when finally America started to wake up and say you know there are some storms out there that are pretty bad. What happens when an earthen dam overtops is the velocity coming over that earthen crest as it goes down literally has 2 vectors. It has a vector force that is pulling away. And it's pulling away earth completely away from the dam. That's why you want a really good grass cover because that you know if you just have 6 inches and it doesn't last very long you may save the dam. She's got some of the best grass cover on any of the dams you've ever seen in the country you know in terms of all that. But I'm more worried about probable maximum flood or the 50% of probable maximum flood occurring as it did in South Carolina with some of her dams which don't have spill-ways large enough for what they are now that they are high hazard. They used to be significant hazard or they used to be low hazard. Development downstream of houses and these maps that we have more information has opened up our eyes that these dams we thought were not going to be a problem actually are a problem and can be a problem. So again I'm here to give you some details but in reference to your choice of what to do you know in reference to restricting in these zones has got to be your decision. And I just wanted to let you know you know where you stand. And you know I'll be proud to be able to tell my staff at the next meeting when I go to Richmond if you guys do what you're thinking about doing or what I'm hearing to say guess what folks we've got somebody who actually has some guts and ability to put something into an ordinance. So I don't know if... Any other questions that I can help you with?

Wright: Walk them through between you and Ms. Cobb walk them through what happens in Mr. Bowe's situation where a fellow comes in and wants to divide. In other words he wants to create a subdivision. Under what scenario...what happens there? He comes to Becca's office and she sees that it's in the inundation zone. What does she do at that point?

VanLier: Right. At that point she calls me.

Wright: Ok.

VanLier: And here's the problem. If it's one of Kelly's dams it's already a high hazard dam. So that means it has to have 100% probable maximum flood spill-ways so it can pass the 100% probable maximum flood without over topping. And a lot of her high hazard dams can't do that because they recently changed from a significant hazard where all they were going to do is take out a road or a barn are now going to take out houses. So now we had to go from a 50% PMF spill-way to a 100% PMF spill-way. And guys and gals this is you know in many of my MDM's we're talking millions of dollars to expand these spill-ways. We're not talking you know we're talking millions of bucks. We're doing it out in the Shenandoah Valley right now. Upgrading a lot of district flood control dams that have seen this same increase. We call it hazard creep, hazard class creep because as development comes into these existing dams that were rural zones they used to be low hazard, now they're significant hazard and now they're high hazard. That changes their spill-way requirements. So let's go back to your original question sir. If it were Kelly's dam and it's already high hazard and the Planning Office says Rob I've got this development going into one of Kelly's dams and I'm looking and it's right here in the Probable Maximum Flood Dam Break Zone I can't say a word to them. She can't say a word to them. Their spill-way already needs to be expanded. They're not changing... They're already high hazard. This development is not going to change that. It's already deficient and high hazard and it wouldn't be fair to say you caused it because he didn't cause it. The developer did not cause it. So in that particular case the answer would be you, you know, you can go ahead and build in there and we would hope the Planning Office would say you are aware... I'm going to let you see where you are building. You're building with some structures according to your plan in this inundation zone. Now if it's one of Kelly's significant hazard dams which only has a 50% spill-way or less and this developer comes in there and changes the hazard class because now it a house that's going to be...now it's got people. So significant hazard is you know only a road or a shopping center or something like that but not a dwelling. The moment someone puts in a dwelling in her inundation zone of her significant hazard dams that makes the dam a high hazard dam. That also makes her responsible or her district responsible for finding enough money to increase that emergency spill-way. And that could be millions of dollars. And so in that case we would tell the developer OK we're going to have to sit down with you and look at some plans and specs on how to increase the spill-way.

Bowe: Let me interrupt you for just a minute.

VanLier: Yeah.

Bowe: I'm not going to develop it. I'm just going to sell lots. And make it ten times worse on you.

VanLier: Yeah and there's no...

Bowe: You can't deal with me because I'm just selling land.

VanLier: I can't. I can't. The law doesn't allow me to deal with you.

Gormus: Ok so the law says that the realtor is not advised of this. Is that what you're saying?

VanLier: There's nothing that advises the realtor or anything else. Now if you guys make it so such that this individual was informed that these lots are partially in the inundation zone... I actually have got quite a few dams that I have not...that I cannot get the people to bring their dams into compliance with the regulations. Part of the reason is that they've passed a law in 2002 that said any dam prior to that you had to be over 25 feet. 2002 they lowered that to 6 feet. Everybody prior to that built their dams at 24 ½ feet to get out of the law. The law didn't grandfather them ok. So I've written to some of these people and whenever I find somebody trying to sell a piece of property with that dam on there one of the things at least I try to do is to write to the real estate agent and say "Guess what? You're selling a piece of property that has a dam on it that needs to be regulated." Knowing that that realtor has to reveal that to the buyer. And I try to get that letter out as soon as I can. I don't have a lot of enforcement to us and so I do what I can. In your situation there's not much I can do. My hands are tied. I can't force...

Bowe: So then it's just up to the poor little individual that couldn't afford to buy on the high grounds so he's down here in the creek bottom...

VanLier: Right.

Bowe: Buys himself a lot, has his double wide put in there and here comes the creek and there they all go.

Wright: I don't think they can put a doublewide in there because he's going to be in the FEMA flood zone if I'm understanding you correctly certainly on the hard flow part. There might be some on the other flow part. I'm not claiming to be 100% but if he's in the flood plain Rebecca what's going to happen then?

Smith: That's option 3 right?

VanLier: If everybody turns to the second page. You know if you look at this with the one Slate River Ranch Lane is there on that second page you can see where the 100 year flood plain is. And you also notice, which is nicely done by your Planner by the way, is that you've got some inundation zone that's outside of that ok. Now that individual has got restrictions on what they can do inside the FEMA flood plain by Federal Law. But they don't have any restrictions right now where that inundation zone is. And that's the one issue that you know I have to say

one of the nice things about the maps that we're looking at today is you will notice that there in most cases it mirrors pretty close to the FEMA line. It gets out in a few places, so that's a help to some degree. But there are clearly are some places here where there's lots if you look at where somebody could build in that zone. You can be in a dam break zone and be completely out of the 100 year flood plain.

Wright: Say that blue area. That map 2 that you're looking at right in the center of the map there's light green and then another green. Do we know the depth...from these maps can we tell the depth of the water whether it's 7 feet and how fast it's moving or whether it's going to be a foot at that? Do we know anything in that respect?

VanLier: If you look at where the cross-sections were done, which were done by the modeler, a lot of times those are 100 or 200 feet apart and if you look at what the depth is there and the depth downstream you can interpolate that information. That's why I was saying earlier you really do not have those kind of resources to provide that kind of data to anybody. And you know and I don't have those resources. You know I'm dealing with 15 counties around Charlottesville and you're one of them. And I've got over 500 regulated dams and another 400 I need to bring into regulation.

Bowe: The only ones we're concerned with here tonight are Buckingham.

VanLier: Buckingham I know. I know. I know that and should be that the private dams that are going to come into play on the road here too eventually yeah.

Bowe: And then love them when we get to it.

VanLier: I understand.

Wright: What about Mr. Maxey's situation if he wants to build a barn? He comes...he already owns the land and comes in and asks for a building permit ag exemption, a building permit to construct that barn. What happens then Rob? If it's in the FEMA plain what happens then?

Cobb: If it's in the FEMA flood plain then it's under the same standard. He has to have it engineered and drawn and have an elevated barn basically.

VanLier: I mean the goal in that case, on the FEMA stuff, is trying not to change... When you put a structure in you're going to change the flood plain. And that's going to change the characteristics of the flood plain. So the reason they want you elevated or as closely elevated is to do as little impact by changing the flood plain such that your either going to raise the water in that area during the severe flood or restrict the flow in some way. That's the goal there. So that's why they're marked. In my case you know if somebody wanted to put 3 barns you know in the inundation zone there would be no phone call to me. It's dwellings that we're concerned about.

Maxey: This raises a question. Kelly we've got a situation right now on one of the rental farms we're farming. They're redoing... They had a permit to build a dam. They're redoing it and it's getting bigger. You're probably aware of that but I mean what do we...I mean this causes a major problem above our farm that we're leasing. What is the rule on doing that? Can you do anything? It's a private pond but it's gone from a little pond that was leaking into now quite a big dam that's going to be an issue in that low-grounds. They're going to wipe out all my cows.

VanLier: The law that I work with, the regulations that I work with that says each dam that you're going to build that's greater than 6 feet high from the stream to the top of the dam and greater than 50 acre feet of water... Well most people don't know what an acre foot of water is. But if I have an acre and I put a foot of water on it that's an acre foot. If I have...so if I have 50 acre feet of water I have one acre that means I have 50 feet of water on top of that acre or I could have 50 acres with one foot of water. Both of those would be 50 acre feet of water. Since lakes aren't like cubes like we all know they have sloping bottoms the rule of thumb generally is to take the maximum surface area when the water is at the top of that dam that would be with a planimeter or a GIS program take that depth, the maximum depth of that lake which could be estimate sometimes with the height of the dam, multiply that acreage times that feet times .4 and that comes up with a pretty close approximation of the acre feet behind that dam. This person you're talking about may be building an illegal dam. They may have should have come to me and gotten an alteration permit.

Maxey: Where they're going to create outside the flood plain they're going to create a lot of space like you have in this map outside of that FEMA flood plain because of where they're building it. I don't know. It's just a question.

VanLier: I get a lot of cases where people you know are still living in 2001 when 25 feet was the number and they don't realize that they need to come to me to get a construction permit or an alteration permit. So this individual may be building something that is a violation of state regulations. But that's not...that's veering from the subject. I apologize.

Maxey: I apologize.

Bickford: Mr. Wright...

Crews: I have a little bit different question. Do we have VDOT roads that fall in these zones in Buckingham?

Snoddy: Yes.

Cobb: Yes.

Bickford: And bridges.

Crews: Shouldn't we be working with VDOT then for corrective action with the roads because that could be a dangerous situation also.

VanLier: VDOT is well aware of inundation zones and they traditionally build the culverts underneath the streams that these are to less than 100 year flood. And they will not increase it. Their attitude is we're satisfied with closing the road in an inundation situation. And that's their philosophy.

Crews: Well it would be too late then if it causes a flash comes down and catches somebody.

VanLier: Well it could be too late as you said. We have emergency action plans that give time of travel. A lot of these roads have 45 minutes before you know they're going to see this wave.

Bickford: Mr. Wright?

Wright: Yes sir.

Bickford: Does this Commission have the authority to say no one can build in an inundation zone?

Wright: Probably not.

Bickford: Ok.

Wright: Probably can force it to go be engineered and signed off on so that some engineer is going to have to say if it's been elevated enough or adjusted enough. That's why I was asking the question about the flow rate and all those types of things. They're the ones that are going to have to do the research to find out if it's right on the edge of the highest calamity deal and the water's not really running but whatever that force measure was it probably would be designed differently than if you're putting it closer, right next to the stream. But I think what you can do is force them to, now I need to check on this, we had some preliminary discussions with Tommy the building inspector to try to get a notion, trying trying to analyze between 100 year flood plain. He says they can build right there but they've got to get a stamp so that an engineer says this house will be what it's supposed to be when that 100 year plain shows up. They can be right in the middle of the James River. If we think about some of Frank Lloyd Wright renowned architect he's got streams running under his house. So as long as you engineer it right you can build it. Now the rub comes in what Mr. Maxey might want to do make the farmer go get a barn built to engineering specs so that if it does come there it's either going to have to...well... You all thank goodness you all make the policy. I'll tell you legally where you might have to put it. You all get to make the policy. When you all get to decide inherit conflicts...

Maxey: I think the issue is you have to have an elevation. I mean you can't just look at these colors and say where that line is.

Bowe: You got to have a contour map.

Wright: And that's where you put the...

Maxey: But I want to know do you have those that you can give somebody, an engineer? I think we need to do something but...

Bickford: Rob you...

Maxey: We have a lot more sophisticated...

Bickford: Rob you indicated to me that you thought you could get it within 25, 20, 25 feet on the ground if it was required.

VanLier: In this case because of the intervals. It's probably closer to 10 to 15.

Bickford: 10 to 15?

VanLier: If you look at those maps that line that she's got on her maps with the topo maps you can very closely estimate what the elevation of that flood plain is because it sits between 2 contours. And so if it's 10 foot contours you can kinda estimate by how close it is to one or the other approximately what the elevation of that edge of flood. So we're talking a valley here and you're picking that point when the flood wave is right there.

Bickford: Because that was one of my main concerns was could they if we got challenged or if you said they couldn't do it and we got challenged and somebody said...

Bowe: Well you can look at any of these pieces of property on these maps that Rebecca gave us you know there's not a reason why anybody couldn't build some place other than in that blue, green or purple area.

Bickford: Right.

Gormus: Alright I'm just going to throw this out here.

Bickford: The problem is...

Wright: The question is where you put the burden.

Gormus: I'm going to throw this out here because I feel like you know I have young children who are in the building stage of their life and I'm not so much in the building stage of my life and so I would like for us to think about putting on our building permit you know that they have been advised that they are contemplating putting a building into a possible flood zone. Because if you put it in there that it's in a flood zone you know we're not guaranteeing that it going to flood. We not guaranteeing that it's not. And if you advise people of it then they have to use their common sense or their lack of common sense to do what they want to do. But if you have advised them and advised them you know Johnny if you put your house there you need to go buy some flood insurance because it might flood.

Bowe: The pocketbook usually makes the decision though.

Gormus: Right. Right, exactly.

Bowe: So if this is all they can afford are you willing to let your daughter and her husband and babies build in the area there below the dam.

Gormus: Well you know I am because I think that when they advise them they would say oh let me think about this a little bit harder you know.

Wright: From experience from what you see it's never the first owner. It's the second and third owner. First owner when they build they've checked the box and they know and when the transfer comes from the first owner to the second owner that information does not always get passed along.

Gormus: Right. Because if the realtor is not advised when this land is sold it's just like somebody who dies in the house. You know you don't have to tell them about it.

Charlton: You guys are hitting all around the question that I've been wanting to ask E.M. Do we have the authority to require that language stating that the parcel...?

Wright: I don't know the answer... anticipating the question. Can we make the first owner tell the second owner?

Charlton: Placed in the deed.

Wright: Right. I don't know the specific answer to that. I'd rather not shoot from the hip and be totally wrong. OK.

Charlton: Ok.

Gormus: And to me if they've got overlay maps in the zoning office that would be a plus too.

Smith: Well that's really one of the things I like about option 3. It doesn't say...

Gormus: Well I like 1 and 3.

Smith: It doesn't say a thing about a farmer losing his barn or that you can't put a barn there. It just says for a dwelling.

Gormus: Yes I like 1 and 3.

Smith: You're going to get engineers... Well 1 and 3 is the same one. One is one with three as an option added on to it.

Bickford: Ok.

Bowe: I don't like that sentence in there about the footnote no way can you prohibit building in this area or something.

Smith: Where is that?

Cobb: "however, no structure shall be prohibited as a result of being located in a DBIZ."

Bowe: I don't like that statement in there.

Smith: I don't either.

Cobb: Well I think according to Mr. Wright that has to be there. I don't think that we can say...

Wright: I think you can make it engineered to a whole lot of different deals so that it would stand. We'll have to come back and look at it. I mean there's a state regulation you know on building permits as far as what you can have to comply with when you build and where you build. And we don't get to set that. Locally we've adopted somebody else's deal and that's what we're bound by it. And I haven't...we had a preliminary discussion with Tommy and he says I require if they're in the wrong place to engineer it...bring me an engineer's says if you're building it there the engineer says it will do what it's supposed to do when the water comes down. And what we're deciding is what you all part of your policy deal is how far are you going to expand outside of FEMA and then who is it going to apply to? The 100 year flood plain when I say that... I guess it crosses my mind when I'm thinking about it, if the dam breaks and the worst case scenario does match the 100 year flood plain but I suspect it would a different type rush of water for about half an hour than a 100 year flood so what might stand, withstand the FEMA won't necessarily stand the velocity coming through when a dam breaks.

VanLier: Stand the velocity coming through.

Bowe: No way.

Gormus: Right. Be like a tsunami.

Smith: Like a flash flood.

Bickford: It's just a big wave.

VanLier: They basically...if you talk to anybody's who's been downstream of a dam break you know a lot of woods and everything, breaking of the timbers it's just so loud it's unbelievable. It's just like a tornado in terms of a freight train as it's busting through all these woods, busting up timber and everything else. It's a scary sound. I've heard a recording of it.

Wright: What's the consensus of the Commission on where you'd like to go and then Becca and I can sorta see if whether we can legally get you there.

Bickford: Well that's where... that's what we're sorta arguing. We've got some Commissioners that want to take it a little bit more stringent than others.

Wright: That's what I'm hearing.

Bickford: So we've got to come to the point where we got to decide how stringent we want to be or how as...

Wright: Cumberland says notice. In other words you come in and you're in there and we'll tell them and let him know and then...

Bickford: I think it's a pretty good consensus that we'd like to be a little bit tougher than that but yeah I don't know that we've found a ground in between yet.

Allen: Well you don't have authority either.

Bickford: Well we can't go but so far because we don't have the authority according to Mr. Wright.

Bowe: You know I lived down in Chesterfield for an awful long time and I did a lot of developing down there and by God you better not get within 50 feet of a creek. And I don't mean a creek like this. I mean a stream that's wet in March.

Wright: And there are other things too that kept you from doing that. Not just the dam but there were other things that kept you out of the 50 foot area.

Bowe: No it's just a flat rule.

Wright: Ok.

VanLier: It's environmental concerns and everything else.

Bowe: Yeah so I mean...

Wright: You want to be 50 feet off the creek you ain't going to catch very much of it that way.

Bowe: No I'm not saying that E.M. What I'm saying is they could prohibit me from doing anything within that 50 feet. That's a buffer. You cannot touch it.

Wright: I understand that. We expanded that buffer a whole lot further than 50 feet in these situations. If you look at that other map, I don't know what scale is that last part is a lot more than 50 feet, the little one that has that hoof that comes back around on it...

Bowe: Right.

Wright: If you want 50 feet I can get you 50 feet.

Bowe: No 50 feet ain't going to do you any good.

Wright: I know. I agree with you on that. And that's...

Looking at maps.

Bickford: I guess the point we're at now is trying to decide which of these options or combination we're going to go with.

Allen: I like option #3 myself. I like the engineer for dwelling since we can't stop them from doing it.

Smith: And I like 3 because I don't want anybody to take away my privileges to build a barn away either. There ain't nothing living in a barn.

Maxey: Right. I agree with Sammy.

Bickford: Alright.

Maxey: We need to do something no question. I think we need to do something. Everybody's agreeing with that.

Smith: If I thought we could get away with stopping it, that's where I would be.

VanLier: One day you might be there. Moxie moves slowly but you know it does well.

Smith: It won't be next January.

Gormus: I don't know. If it is it's because a dam breaks and then people will be crying.

Bickford: Ok we've got several Commissioners in agreement on option 3.

Allen: I make a motion that we go with option 3 and we'll see what you all want to do.

Bickford: Alright I have a motion to adopt option 3. Any further discussions since some of the Commissioners haven't voiced their opinion yet.

Charlton: With the concerns we've heard concerning flow rates, impact of water and differences between that and the FEMA flood plain I have a hard time with it.

Bickford: Well option 3 actually is referring to not only the FEMA but it goes all the way to...FEMA was already there. It goes all the way to the inundation zones.

Charlton: Right but if someone is going to build to FEMA standards for that kind of flood we refer them to that type of construction technic.

Cobb: No what that would be saying is you are in an inundation zone. Take the inundation zone data to your engineer and they have to engineer your dwelling to that standard. Not the FEMA standard.

Smith: It's on top of the FEMA standard.

Bickford: It's added to it. Because...

Charlton: Who provides them with the data?

Cobb: I would refer them to Kelly's office where they can get the information.

Charlton: You told us it would be hard to...

VanLier: It would be hard for you guys internally to do all that. What I'm saying is it took us forever to get a modeler who's an expert in our program.

Charlton: Right.

VanLier: To get that and that person probably is I'm guessing making \$80,000.00 year. Buckingham County's not going to hire somebody at \$80,000.00 a year to answer questions. But what this thing comes with from the engineers that did this inundation zone, all of their data, their input data, all of this stuff about and we said there's cross-sections, if I were an engineer that got hired by say Kelly that wants to build a house in this cell I could take this information, look at the cross-section that she might be building in and be able to interpolate what at her location the velocity and the depth of water would be at that location and it wouldn't be that hard to do from this data. Of course you're going to need somebody who understands Hec HMS which is corps of engineer modeling but most civil engineers have someone in their office that does that now because this has become such an important factor that most civil engineering firms have a Hec Ras, Hec HMS. Those are acronyms for the models that the corps developed to develop these maps. And all of that data is on this disc. It's public information. If I'm a private consultant I could get this information. I might not be the expert in modeling but I hired somebody on my staff that is and say hey look at this. Tell me what...Kelly wants to build right here tell me what velocity and depth of water I'm going to be looking in this zone if she choose to build. And my hopes would be that that engineer would say to Kelly you know Kelly you really shouldn't build there. You really ought to build up the hill a little bit more. That's the way I see it.

Bowe: That's just common sense.

VanLier: It's just common sense you know but that information can be derived you know from somebody who wants to get that information from Kelly's office or even my office. I have these same reports.

Bowe: Do you think that engineer would be willing to guarantee that house he just designed to withstand 17 foot high wall of water would stand?

VanLier: I don't think he would do it.

Bowe: I don't think he would either so what have you got after you do all of that?

Wright: I don't think he's going to certify. I don't think he's going to be able to certify it. What you are doing is making the cost of building, the front end of cost of building so expensive that the average person is not going to do it.

Bowe: Well we're doing it for just houses.

Wright: Right.

Bowe: Now it's turned into barns too.

Wright: Well I think they want to exclude barns.

Cobb: No, just for houses.

Bickford: Just for houses.

Wright: I'm not sure it's going to solve your problem because here's what's going to happen with your problem. I'm going to want a cheap piece of property. So I'm saving my money. I'm going to buy a cheap piece of property. And then two years later I going to go to build on it, and I'm going in and ask for my building permit and I'm going to see her and she's going to say you in this inundation zone you've got to see an engineer to get your deal done and they're going to say oh my goodness I've spent \$10.00 on this piece of land and now I've got to spend \$100 .00 so I... They may end up owning a piece of land they can't build on. They can't afford to build on.

Smith: Or just move it to the other end.

VanLier: Hopefully they can go uphill.

Wright: Depends on how small it is. I mean if they buy a small enough piece of land in there.

Gormus: Be a camping site.

Wright: And you've got a problem because you're going to have to have an alternative...in FEMA you almost are going to have to have an alternative to sewage disposal to get the solid waste out of the flood zone into a dry area.

Bowe: Pumping system.

Wright: So you've got to have a pumping system when you locate there. So it's a question of how much protective you want to be. You know it is the classic...

VanLier: Anytime you've gone to the beach you've seen all these beach houses that you can rent. You notice all the garages are underneath with no living space. That's FEMA. Of course there's situations to be (inaudible). Localities find somebody who's tried to add a shed or something else down the road there they're asking you remove those things.

Smith: All you can have is a shower. That's it. A shower and a garage. No electrical outlets.

Wright: No legal electric outlets.

Smith: Can't even have coffee down there.

Bickford: Any other discussion from the Commissioners? We do have a motion to vote on.

Maxey: This...one question. This doesn't deal with structures right? It just deals with dwellings?

Bickford: Just dwellings.

Supervisor Allen moved, Commissioner Smith seconded and was carried 6 to 2 by the Commission to approve Option 3. Commissioner Bowe and Commissioner Charlton voted against.

Bickford: And that passes 6 to 2 so we will go with option 3 Ms. Cobb.

Wright: We will tell you that we will make our best effort to get it there. If we have problems getting it there, if hit a legal wall we will be back to talk to you again.

Bickford: Ok. Rob I would like to thank you for coming.

VanLier: Oh yeah. Job well done folks. I'm pretty impressed with all of you.

Bickford: I appreciate the information and the answers. Thank you so much for that sir and Kelly.

VanLier: Thank you so much.

Bickford: Ok Ms. Cobb that brings us your reports and correspondence.

Re: Reports/Correspondence-January Building Permits

Cobb: January there were 14 building permits totaling \$2940.80. And I did my usual breakout.

Bowe: Any of them DBIZ?

Cobb: No.

Bickford: Alright. Is that all Ms. Cobb?

Cobb: Yes.

Re: Commission Matters/Concerns

Bickford: Alright Commission Matters.

Gormus: Why did you give us these?

Bickford: Oh I had asked for those providing Commissioners cell phone numbers and emails and stuff.

Gormus: Oh alright because I don't think the expiration times are right.

Smith: We don't care about that.

Bickford: Most of us are expired but anyway. But that way if you have an issue you can call somebody or if you get hung up or something and can't make it. Alright any Commissioners have anything they want to voice?

Re: Adjournment

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

Smith: So moved.

Charlton: Second.

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

Commissioner Smith moved, Commissioner Charlton 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

Buckingham County Planning Commission
March 28, 2016
Administration Building
7:00 PM
Introduction of Case 16-SUP233

OWNER: Hoover Johnson 2010 Rock Island Rd. Cumberland, VA 23040

APPLICANT: Learning Independence & Necessary Knowledge, LLC 433 New Dominion Ln Cumberland, VA 23040

PROPERTY INFORMATION – Tax Map Section 140, Lot 56 containing an approximate 2.5 acres, on High Rock Rd and New Dominion Ln, in the Curdsville Magisterial District.

ZONING DISTRICT – Agricultural District (A-1)

REQUEST –Special Use Permit –LINK, LLC is asking the Planning Commission to recommend a Public Hearing date to hear the request for a Special Use Permit for the purpose of a 24 hour trade school on additional property that they are in the process of acquiring.

BACKGROUND/ZONING INFORMATION: The property is located in the eastern portion of the County. The property is zoned Agriculture (A-1) and the Comprehensive plan list the area as agricultural and forestall. The adjacent property owned by LINK, LLC has a Special Use Permit to operate a private school. LINK, LLC is now purchasing an additional 2.5 acres that has an existing home and an auto mechanic shop. This property sits at the front of the existing LINK property and they have expressed in their application that they would like to use this property for their administration office and other school uses.

What are the wishes of the Planning Commission?

Set a hearing date and time?
April 25th?

APPLICATION FOR A SPECIAL USE PERMIT

CASE NUMBER: 16-SUP 233
(Case Number Assigned by Zoning Administrator)

DATE OF APPLICATION: 3/18/16

Special Use Permit Request: Request a special use permit to use property as Administration office, housing and educational purpose.

Purpose of Special Use Permit: To establish a residential school and vocational training facility and Administration office for VA-Keys school

Zoning District: Agriculture Number of Acres: _____

Tax Map Section* 140 Parcel _____ Lot 56 Subdivision _____

Street Address: 2010 High Rock Rd
Directions from the County Administration Building to the Proposed Site: RT60 East of

spruces corner 6 mile Take highrock Rd on Left, Travel 2 miles

Name of Applicant: Learning Independence & Necessary Knowledge LLC
Mailing Address: 433 New Dominion Lane Cumberland VA. 23040

Daytime Phone: 434-983-1776 Cell Phone: 434-547-2829

Email: richardkingswell@msn.com Fax: 434-983-1428

Name of Property Owner: Learning Independence & Necessary Knowledge LLC.
Mailing Address: 433 New Dominion Lane Cumberland VA. 23040

Daytime Phone: 434-983-1776 Cell Phone: 434-547-2829

Email: richardkingswell@msn.com Fax: 434-983-1428

Signature of Owner: [Signature] Date: 3/14/2016

Signature of Applicant: [Signature] Date: 3/14/2016

Please indicate to whom correspondence should be sent:
 Owner of Property Contractor Purchaser / Lessee Authorized Agent Engineer

ADJACENT PROPERTY OWNER'S LIST

(Required)

The applicant shall provide a list of all adjoining landowners, including subject property and all property immediately across the street/road from the subject property. Any body of water does not constitute a boundary line for this purpose, therefore a body of water and the property adjoining the subject property but separated by a body of water is still considered an adjoining landowner. County boundary lines and those adjoining property owners in the next County are considered adjoining property owners if the land adjoins the subject's property. Adjoining landowners can be verified through the Buckingham County Clerk of Courts or the Clerk's Office in the adjoining County, or by personal contact. The list shall include the name, address, town/city, zip code, road route number, tax map section number, parcel number, lot number, and subdivision. The list shall be typewritten or printed legibly. Failure to list all adjoining landowners could delay the process.

1. Name: John and Diane Britton

Mailing Address: 1749 High rock Rd. Cumberland VA 23040

Physical Address: 1749 High rock Rd. Cumberland VA. 23040

Tax Map Section: 140 Parcel: 52 Lot: _____ Subdivision: _____

2. Name: Fanni Braxton

Mailing Address: 1815 High Rock Rd Cumberland VA. 23040

Physical Address: 1815 High Rock Rd. Cumberland VA. 23040

Tax Map Section: 140 Parcel: 53 Lot: _____ Subdivision: _____

3. Name: Fanni Braxton

Mailing Address: 1815 High Rock Rd Cumberland VA. 23040

Physical Address: 1815 High Rock Rd Cumberland VA. 23040

Tax Map Section: 140 Parcel: 54 Lot: _____ Subdivision: _____

4. Name: Lisa Bolden and Carol Renee Baker

Mailing Address: PO Box 323 Dillwyn VA. 23936

Physical Address: PO Box 323 Dillwyn VA. 23936

Tax Map Section: 140 Parcel: 55 Lot: _____ Subdivision: _____

6. Name: Thomas Bolden
Mailing Address: P.O Box 323 Dillwyn VA. 23936
Physical Address: P.O Box 323 Dillwyn VA. 23936
Tax Map Section: 140 Parcel: 55A Lot: _____ Subdivision: _____

7. Name: Deborah Patterson
Mailing Address: 25 new Dominion Ln Cumberland VA. 23040
Physical Address: 25 New Dominion Ln Cumberland VA. 2340
Tax Map Section: 140 Parcel: 55B Lot: _____ Subdivision: _____

8. Name: Melvin Braxton
Mailing Address: P.O Box 813 Dillwyn VA. 23936
Physical Address: P.O Box 813 Dillwyn VA. 23936
Tax Map Section: 140 Parcel: 56A Lot: _____ Subdivision: _____

9. Name: _____
Mailing Address: _____
Physical Address: _____
Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

10. Name: _____
Mailing Address: _____
Physical Address: _____
Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

11. Name: _____
Mailing Address: _____
Physical Address: _____
Tax Map Section: _____ Parcel: _____ Lot: _____ Subdivision: _____

ADJACENT PROPERTY OWNERS AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

This 15th 16⁰⁰ day of March, year 2016

I Richard Kingswell hereby make oath that
(printed name of owner/contract purchaser/authorized agent)

the list of adjoining landowners is a true and accurate list as submitted with my application.

Signed: (to be signed in front of notary public)

[Signature]
(owner / contract purchaser / authorized agent – please circle one)

NOTARY:
COMMONWEALTH OF VIRGINIA

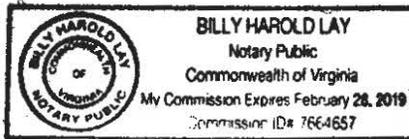
COUNTY OF Buckingham

STATE OF Virginia

Subscribed and sworn to me on the 16 day of March

of the year 2016. My Commission expires on Feb 28, 2019

Notary Public Signature: [Signature]
Stamp:



INTEREST DISCLOSURE AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM, VIRGINIA

On this 15th day of March, of the year 2016

I Richard Kingswell (printed name of owner) hereby make oath that no member of the Buckingham County Board of Supervisors nor the Buckingham County Planning Commission has interest in such property either individually, or by ownership of stock in a corporation owning such land, or by partnership, or as a holder of ten percent (10%) or more of the outstanding shares of stock in or as a director or officer of any corporation owning such land, directly or indirectly by such members of his/her immediate household, except as follows:

Signature of Owner: (to be signed in front of notary public)

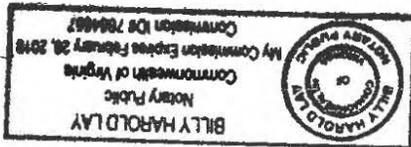
[Handwritten Signature]

NOTARY PUBLIC
COUNTY OF Buckingham STATE OF Virginia

Subscribed and sworn to me on this 16 day of March

of the year 2016. My commission expires Feb 28, 2016 ⁹ ₁₀

Notary Public Signature: Billy Harold Lay
Stamp:



CULTURAL RESOURCE ASSESSMENT AND RECORD CHECK FOR
PENDING DEVELOPMENT APPLICATIONS

Case Number / File Name: Learning Independence & Necessary Knowledge

Visual Inspection Findings (describe what is on the property now):

Brick and mesonite siding home

Auto shop

County Records Check (describe the history of this property):

The property was owned by Mouver Johnson. He operated a Auto Garage. and lived in a house on property.

Were any historical sites or gravesites found on site, or be suspected by a reasonable person to be on the site? Yes _____ No X

If yes, please explain and show on the site plan the location of such and explain any historical significance:

Will this proposal have any impact on the historical site or gravesite? Yes _____ No X

If yes, please explain any impact:

Owner/Applicant Signature: R. Kingswell Date: 3-15-2016

Printed Name: R. Kingswell Title: Owner

APPLICATION FOR A TRAFFIC IMPACT DETERMINATION

Please fill out the following information before presenting to VDOT:

Case Number / File Name: _____

Applicant: Learning information & necessary knowledge

Location: ~~433~~ 433 New Dominion Ln Cumberland VA 2304

Proposed Use: Educational and Vocational Training

For VDOT use only:

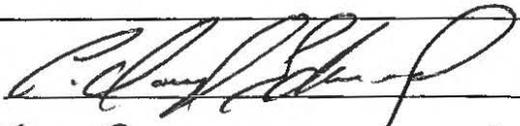
A Traffic Impact Statement is required per 24 VAC 30-155-60.

A Traffic Impact Statement is not required. The traffic generated by the proposed zoning change / development does not exceed normal thresholds.

The Traffic Impact Analysis has been waived by the Zoning / Planning Department for the following reasons:

Does the existing entrance meet VDOT requirements for the proposed use?

Yes No If no, please explain the necessary steps to bring into compliance with the requirements for the proposed use:

Signature of VDOT Resident Engineer: 

Printed Name: Charles J. Edwards Date: 3/18/16

SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF VIRGINIA
COUNTY OF BUCKINGHAM

On this 14 day of March, in the year of 2016,

I Richard Kingswell the owner of # _____
(printed name of landowner) (Tax Map Number)

Hereby make, constitute, and appoint Bill Lay
(printed name)

my true and lawful attorney-in-fact, and in my name, place, and stead give unto him/her said full power and authority to do and perform all acts and make all representation necessary, without limitation whatsoever, to make application for said zoning. The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the day 14 of the month March in the year of 2016 and shall remain in full force and effect thereafter until actual notice by certified mail with return receipt requested is received by the Zoning / Planning Office of Buckingham County stating that the terms of this power have been revoked or modified.

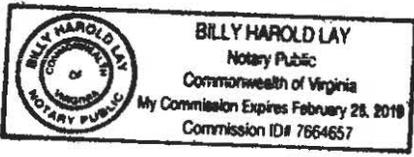
Signature of Landowner (to be signed in front of Notary Public):

[Handwritten Signature]

NOTARY PUBLIC
County of Buckingham State of Virginia

Subscribed and sworn before me on the 16 day of March
in the year 2016. My commission expires Feb 28, 2019.

Signature of Notary Public: [Handwritten Signature]
Stamp:



BUCKINGHAM COUNTY
CHRISTY L CHRISTIAN
(434) 969-4744
POST OFFICE BOX 106
BUCKINGHAM VA 23921

Date : 3/18/2016
Register: TC4/TC1
Trans. #: 36864
Dept # : SPUSE
Acct# :

SPECIAL USE PERMIT - ZONING
SPECIAL USE

Previous Balance \$ 200.00

Principal Being Paid \$ 200.00
Penalty \$.00
Interest \$.00

VIRGINIA KEYS SCHOOL

Amount Paid \$ 200.00

*Balance Due \$.00

Pd by VIRGINIA KEYS SCHOOL Check 200.00 # BBT 55132
BALANCE DUE INCLUDES PENALTY/INTEREST THRU THE MONTH 3/2016

Land Use

The property 2010 High Rock Road is currently unoccupied and in a state of disrepair. We would like to purchase this property and use as an office and bedroom space. The attached garage would be remodeled and returned to operational condition and opened as an auto repair shop. All repairs will be in compliance with local codes.

The school will work closely with local zoning and trade organizations in the upgrade and utilization of these buildings.

Cultural Impact

Virginia Keys School owners and officers have walked the property, reviewed the local county historical maps and spoken with Historic Buckingham County officials. No evidence has been discovered that would indicate the disturbance of historic gravesites and building foundations.

Economic Development

The Virginia Keys School opened in September of 2015 currently with 6 students, employing 2 teachers, 1 teaching assistant and 2 administrators, 2 facility manager and 1 office administration person and 4 full time and 3 part time residential staff. As the school continues to grow we will maintain a very low student to teacher ratio. This low ratio of student to teacher will provide jobs and support positions for the community. The school will be a day school and residential facility that will require twenty-four hour a day staffing.

Fire and Rescue

The Virginia Keys School of Technology will support the local Fire and Rescue departments and the police agencies in our community. We do not expect our needs to be significantly different from the New Dominion School. Access to the school is via New Dominion Road and High Rock Road, both are paved and privately well maintained.

Housing

The school intends to use the existing buildings as classrooms and residential housing. However, we do anticipate renovations to the existing buildings and make improvements as needed.

Libraries

We will use the library as a community resource for our students and staff. Weekly fieldtrips will be planned with the librarians assistance.

Libraries

We will use the local library as a community resource for our students and staff. Weekly fieldtrips will be planned in coordination with the library's schedule and the librarian's assistance.

Parks

The students and staff will use the local parks for study and recreation. We will coordinate the activities with the local parks to include environmental study and exploration. We do not anticipate any negative environmental impact on the local park systems or the county.

Potable Water and Septic Systems

The Virginia Keys School of Technology will adjoin the existing water and septic systems already in place. The system is green and will meet the community's requirements.

Real Estate Taxes

The School will pay real estate taxes based on the assessed value of the property. We expect no investment by the county for roads, school, water or fire/rescue.

Schools

We will support the local schools when needed.

Telecommunications

No changes at this time, we will continue to use our local service providers.

Transportation

We will be in contact with VDOT to determine if a traffic impact study is necessary.

