

**Buckingham County
Planning Commission
February 21, 2023**

At a regular scheduled meeting of the Buckingham County Planning Commission held on Tuesday February 21, 2022 at 6:00 p.m. in the Peter Francisco meeting room, located within the Buckingham County Administration Complex, the following members were present; John Bickford, James D. Crews III; Steve Dorrier; Joyce Gooden, Pete Kapuscinski, Ashley Shumaker and Board of Supervisor Danny Allen. Also present were Nicci Edmondston, Zoning Administrator, and E.M. Wright, Jr., County Attorney. Stephen Taylor was absent.

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

Chairman John Bickford called the meeting to order. Steve Dorrier gave the invocation, James Crews III led the Pledge of Allegiance and it was said by all who were in attendance. Chairman John Bickford certified there was a quorum- seven of eight members were present. The meeting could continue.

Bickford: Adoption of agenda, Nicci any changes to the agenda?

Edmondston: Chairman, I don't have any changes. But of course, the items that are listed under discussion we can take those in any order if you feel the need to tackle one before another. But other than that, I don't have any changes.

Bickford: No changes do I have a motion to approve.

Kapuscinski: So moved.

Allen: Second.

Bickford: Thank you. Have a motion and a second. Any discussion? All in favor, raise your right hand passes unanimously. All right, that brings us our discussion items. First on the agenda is A which is designated areas for development, growth corridors. So I'm going to first let you Nicci make a quick introduction, and then we'll get started.

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

Edmondston: Sure. So last month, we had a meeting jam packed, packed with lots of information and lots of spirited debate. And as a result of that, you as the Commission asked for a bit more information and an opportunity today to try to tackle some of the questions or just areas where you could use a bit more information. There were a couple of cases and we talked about areas designated for growth, high growth corridors, I included two sections out of our

comprehensive plan, which are sections four, and five, they were in the packet last week special policy areas and of course, the land management strategy. That's there. So I'm going to put that piece out, I included the zoning ordinance, because there was also a bit of discussion about certain districts that permitted by right uses and anything that may be obtained by way of a special use permit, or just seeing the different districts as they are now and why an applicant may rezone from one to another with some of the information that you have in the comprehensive plan. So the information was, I know it was a lot, but it was kind of meant to work together to try to answer some of the questions on some of the cases we've had just so that we can be as best prepared and informed as possible. And these work sessions give us give you guys the opportunity to look more closely at some of the growth plans and patterns.

Bickford: Okay. All right, thank you, Nicci. Let's open it up for discussion. Probably the best way to do this, I would seem and try to keep it orderly is just start with district one, which is the agriculture district a one which is most of the county of course. I'm just going to open up for discussion if anybody has any changes or additions, they'd like to see part of this process is we're starting if I recall, in March, the rewriting or five-year plan of the comprehensive plan, so if we want to make changes, you know, either deletions, additions, whatever, this was a great time to do it, because it will, it'll go right into the comprehensive plan, whatever we decide vote on at that point. So let's start with a one district and I'll open it up for discussion. That's on page eight.

Kapuscinski: Let me ask the question, these permitted uses in these various districts, how are they determined?

Edmondston: Well, the zoning ordinance was adopted by the county in October of 1997. I don't have a first version of that, but in the last 26 27 years, this is a living document. So you know, changes have happened additions and expansion of zoning districts as well. County did a wonderful job of undertaking the zoning and designating, you know, the appropriate areas for you know, that were undetermined you know, kind of aligned out a designation prior to that. So this, this update was in October, which there were amendments in the last year, one of them would have been for core drilling by right in some of the particular zones that went through the core drilling. And the board made its final recommendation. So this that was one of the changes that was implemented in October, you know, we as staff took a look at what needed to be included after you know, public hearings have been held and that sort of thing other changes happen when the board of supervisors hear from constituents take a look at certain things that maybe don't seem right for where we are as a county and maybe you know, the board will task the planning commission with taking certain amendments or revisions, holding the public hearing and the Planning Commission has been responsible to make a recommendation.

Inaudible

Edmondston: A lot of times too sometimes when cases get approved such as text amendments and special use permits that's an amendment to your ordinance. If they come through with a zoning text amendment, that zoning text amendment is then added to a list of other permitted uses or special uses within that district.

Kapuscinski: It stays there, correct? What I noticed was that there were basically some of the businesses that were allowed in one district were part of an SUP of another district. I guess my question is, I mean, it seems to me that if you have a district and you're allowing certain by right businesses, maybe some SUP suggestions, why would you allow those on a by right basis in another district? I mean, why wouldn't it be completely different? If you follow what I'm saying?

Edmondston: Are you stating that some of the permitted uses from your viewpoint should not be included as a permitted use?

Kapuscinski: No, no, I haven't even gone through to say that. What I'm saying is, it seems to me that. I just wonder whether or not I mean, it's a little confusing to me, because sometimes what I'll see in one zoning district on a by right basis is an SUP and another zoning district, I don't know, if you did that purposely or if...

Edmondston: I think you would need to take a close look at the district description of each zoning district. So in an A one agricultural district, you'll see certain things like let's pick on something such as a restaurant, that's a by right and a b one. So you're taking a look at the description for what integrity you're trying to maintain within that district, like typically within you're a one that is for agricultural use, there are residential uses more so there, so when you're coming through with certain types of business that may not be agriculturally based. So you're looking at a restaurant does that fit in that particular a one area, whereas an A B, one that zoned for commercial growth and things that are related to that particular type of retail establishment. So, you know, you're as a planning commission member, you're really tasked with each application that comes through, you know, at some point, the either it was included in a or maybe not included in an A one district, of course, under permitted uses, and maybe there was a case long ago prior to my records at the beginning of 98, which had a restaurant request. So it may have been a zoning text amendment, adding it to a special use, special uses because then the Planning Commission, the board says okay, if we take a look at this, and we review that this may be a proper use of the land in this particular area, we can attach conditions to it that would make the operation of the business safe and also maintain the integrity of the agricultural district and those living around. Going back, I know that the reason I did include this too, is because of rezoning requests. There was a question asked last month about what's allowed and the b one and why this came. Mr. Kapuscinski going back to your question as to what's allowed and where that description of what the zones are and, and their implementation into the growth plan for the county are strategic so you know, we've looked at recently the NC one neighborhood commercial that's a mix of residential and business. So but planning commission of the board gets to take a look at those type of housing that will go into that mixture you know, does that make sense and then also some of the additional business *inaudible*

Gooden: Just tell me again, route 20 market when it was brought forward what was it supposed to be? What was their application for?

Edmondston: Route 20 market was a grandfathered, non conforming existing business so their growth plan was to expand to 4500 square feet so, in an A one was a one so an A one I believe that we're capped if you take a look at special use permits. I don't have my glasses. Convenience stores have a maximum square footage of 2000 square feet and no more than four petroleum tanks. So the particular landowner, an applicant, and taking a look at a possible growth plan, which, you know, is also a development endeavor said, Okay, well, I know that I would like to expand I believe was 4000 or 4500 square feet. He had the opportunity either try to change a special use permit with another zoning text amendment or rezone to be one which truly represented the character of the property as it had existed for decades. And of course, it was on a growth corridor as well.

Gooden: Okay, so his property was rezoned.

Edmondston: To b one yes ma'am.

Gooden: To B1 okay.

Kapuscinski: Are there taxing differences between these districts?

Edmondston: I believe you and I have discussed that a little bit before in the past and approved permits and rezoning are discussed with the commissioner of the revenue, but that is completely and strictly up to the commissioner of revenue, and she is a much better person to answer that question.

Kapuscinski: I forgot to go back and talk to her I'm sorry.

Gooden: You said that, and back to about 20. Market, you said it was grandfathered.

Edmondston: Grandfathered, as it was existing. Anytime that you have a grandfathered, non conforming lot and the activity or use of that property changes, then that's considered expansion or enlargement. At that point, the landowner applicant must come into conformance with the zoning ordinance. So he was going to expand so his opportunities they are even if he if I'm not sure what the existing square footage is. So I'm just going to pick if it was 1500. And he wanted to expand that because he's expanding or enlarging his operation and the use of that he would have had to come back for a special use permit at minimum with that small expansion.

Gooden: So it was already a store. And that store was grandfathered in. It was a store in a one.. And then it was grandfathered in. And it was changed to a b one.

Edmondston: That's correct.

Gooden: So any expansions or anything that he does within that b one. So when he was putting up pumps or making all the changes in the store he didn't have to come back?

Edmondston: Cosmetic changes no, if he was going to increase past 2000 square feet or four petroleum pumps.

Gooden: Okay.

Edmondston: His request was to expand his operations, the store itself.

Gooden: But he changed his mind.

Edmondston: I believe and I may be speaking out of turn, the last conversation I had was, you know, the, started changing in prices of materials. I'm not I don't believe he was working with an engineer, and I don't believe he's abandoned that project whatsoever. I just think he's waiting.

Gooden: Oh, no, I've eaten there. So I've gotten... I've eaten there. And so. And so the discussion was, what do you want to do? But he talked about the expense of supplies going up. And not being able to do what he wanted to do. But that's all on him. Correct?

Edmondston: Correct. His property is zoned b1.

Gooden: Okay, I just wanted to make sure and id asked you about him before, so I just want to get that straight in my mind. Okay.

Allen: Upgrade his gas pumps...

Gooden: Yes, he did. Yeah. He did.

Crews: Poultry houses and hog houses that completely by right? Or do you have to apply

Edmondston: Depends on the actual density of the animals and livestock that you have the next district after a agricultural is AC one, which is ag comprehensive. So I'm just going to take a shot in the dark and think that when you're telling me about the poultry houses, we're talking, you know, 10s and 1000s of chickens or turkeys for a poultry operation, that's within ag comprehensive, types of things along with storage of the manure and those type of things. They all come in through a rezoning application because it's going to be an operation of livestock production. But that wouldn't be by right. There was a case just before I got here, so I guess that was in late 18. And I'm not sure the date, there's a turkey house off of Route 20 that was rezoned agricultural comprehensive AC one. That went through the process along with the public hearings. That's depending upon that density and you are have livestock per acre and what is required and then rezoning is required once it becomes a high density operation, so not all of that is allowed by right either.

Bickford: Also, it can be moved to AC due to the size of the building also which accommodates animals. So you've got a dual check there on if it moves up to the next level. And of course, it would have to be subject to approval, or special use permit, it was actually two other Turkey

houses that were at the same time that did not get approved. But the one off 20 did. No one has any other questions, or comment I will move out of a one. And we'll move to AC, since we started that, agricultural comprehensive. Let you take a quick look at that and see if there's anything that catches your attention that you might want to improve on or delete. And this is all ongoing process and don't feel like if you think of something later that you see we can't entertain it. This is just sort of a review at this point for everyone. So just familiarizing yourself, especially with all the new members we have on the commission, these districts and what's allowed in them and not allowed. But we can we can certainly entertain something you know later on. As far as change, even if it's later in the year and the comprehensive plan has been finalized, it still can be changed.

Kapuscinski: This new comprehensive plan, you're going to do a red line for us so we see what's changed?

Edmondston: Oh, we will be working very closely with CRC Commonwealth Regional Council going through many legs of this journey and working copies before there is a red line. Once you're comfortable with the changes, and it's ready for public review. *inaudible* So you will see it in working form.

Kapuscinski: Yeah, I just want to make sure that we see the differences. So that will be there.

Edmondston: Yes, sir. That will be included.

Bickford: One of the main things in your AC district that you probably want to put attention on at some point is your setbacks. Because at the history of these things, especially the two that did not get passed in the county, there was one issue was the close proximity to some residential homes and how close they had it to the road. It was back off proper distance. But it couldn't go any farther because of the topography was falling off. You know, you couldn't go back any farther. And that was an issue we had with those two turkey houses. But I would think at some time, you might want to just look at those and see if it makes any sense to change those or increase them. Delete them, whatever. reduce them.

Kapuscinski: The thing is the setback for land application manure, animal waste, you got from the property line 50 feet, you know, I've seen it a couple of pages with setbacks. I mean, that seems to be a bit close. But again, I'm not. I don't know how these numbers were established. So it's difficult I don't even know how you discuss them.

Bickford: Which one are you referring to Pete?

Kapuscinski: This is on AC setbacks for the land application of manure and animal waste. You got property line 50 feet. I mean, it just seems that seems to be close, but I'm not. I don't know how the number was created to begin with. So I don't know. I don't know how to argue it. Plus or minus. You know what I'm saying?

Bickford: Right most of your manure in these are going to be controlled, either in a facility or something. Maybe why it's 50 feet one thing you will see if you get application for AC, they have a pretty specific site plan. And, you know, showing the setbacks where the buildings are where everything happens to be.

Kapuscinski: Let me tell you where I'm coming from on this, we've got people that distribute products in our, in our county, that that's industrial wastes used for fertilizer. And I have a neighbor that had a hay field over there, and they were using the fertilizer from I don't remember the name of the company, but anyway, they, the company distributes his industrial wastes for fertilizer, converted fertilizer. He has a hill on his property that down gradient from that hill, are water sources on my property. And when he was distributing as his fertilizer, you could see basically where this stuff was leaching on the property and actually got into a ravine and was headed down for my pond. And I had to go back to him twice. And I said, Look, I said, I think you really need to move your flags back. I don't really care if you put this stuff on your property, I just don't want to leaching into my water. And after about the third complaint he finally moved back. So I don't know where these numbers come from. But I can tell you, the 50 foot would have basically put him on the side of a hill where what he was putting on his property was definitely leaching into my land. So again, I don't know how to argue this 50 foot, is a 50 foot a level, if that you know if it's meant not to allow leaching into somebody else's property than if you're on flat land. I can understand 50 foot but if you got any gradient on that land, you got a problem.

Bickford: I think in your situation, that was not an AC facility. He was just putting it on his fields.

Kapuscinski: It had to be a one. I think it was old. It was it was the Thomas farm next to me.

Bickford: Right but I don't believe... what I'm asking you is it wasn't agriculture comprehensive. He was just putting it on his fields right.

Kapuscinski: I don't know if he... I don't know what he was zoned. I know he used to have a cattle farm. It was Colin Rossen's property I don't know if that was zoned differently than the one I have now.

Bickford: No that's still agriculture.

Kapuscinski: That was all A1. So I mean, I would imagine when he was putting in was put down as fertilizer wasn't put down as waste but it was it was industrial waste.

Bickford: I understand your concerns but it's not talking about the same thing because that's not AC that would just be an A one agriculture.

Kapuscinski: Are there no setbacks on A1?

Bickford: Not for fertilizer.

Kapuscinski: Spreading manure or anything like that?

Bickford: Not that I know no sir.

Kapuscinski: Okay, well.

Inaudible

Bickford: Mr. Allen, did you have something?

Allen: It's the same setbacks on A1 as it is for AC.

Edmondston: That's for a structure.

Allen: For structure property line surface water, drinking water, chicken litter, or other dry waste and it's got those property lines to, it's the same thing on both of them.

Kapuscinski: Wasn't that the fact on mine when I wasn't in an AC at all?

Allen: You got 300 feet for dwelling or commercial establishment if you know, you got animals in it. You know, just telling you if your building a fence or something, go back 50 feet, but surface water and drinking water sources that's 200 feet. Then if you got dry waste go down to this. Then you got all the paperwork for the nutrient management plan. That's a big deal. Because I think what you're supposed to do now is take that stuff and put it in another building unless people are going to use it and get it away from there right now.

Edmondston: That's the waste from the lagoons that he was just talking about the spreading of the fertilizer.

Allen: Yeah, that's the same fertilizer as what they dig out a building or chicken house. The fertilizer he's talking about comes from New York from people. They bring it down here and then you see deer won't even come in that field after its been sprayed for months. That's my thought. What you want to know?

Bickford: I guess if we want to increase the distance off property lines? Under waste from lagoons or liquid waste in the nutrient managed plan.

Kapuscinski: It just seems to me that you have to take into consideration the geography of the land. I mean, if you're on a gradient, you know that stuff's going to Leach and maybe you got a neighbor that doesn't want that to leech on their property. If on the other hand, you've got a flat piece of land it's an entirely different geography I think. I don't know how you build that into an ordinance I mean, this is all new to me but you know, I'm just giving you my experience

Edmondston: Under the agricultural purview *inaudible*

Bickford: Like you say you have the nutrient management plan provided by DEQ. I'm assuming some of this came from there. These were established when I was on the board weve tweaked it some but it was here before I came on.

Kapuscinski: I don't know the answer I just thought I'd bring it up.

Bickford: It's a good question.

Allen: What are you kind of looking at the difference between a one if you change it to a b one? What people can have? Is that what you're kind of looking at? What's the difference between the A one and B one people what they can have without asking you anything?

Bickford: Oh, if you want to jump to business I was just going down in sequence. This is just what we're looking at, which is AC you know we're going down that list and she's got here. again, we don't have to spend a significant amount of time on these right now it's more just to get the process started.

Allen: Have things been added. I know we've passed some things in the last year that has added words. Has that been added all to this?

Edmondston: We made our best effort in October if there's anything that we've left out please let us know that now because we're more than happy to add, there's quite a list of items that were added in October Do you see something that we need to take a look at?

Allen: No I'm just asking have they been upgraded it's a whole lot of changes I know.

Bickford: I do see in the AC waste from lagoons or liquid wastes greater the distance set forth in a nutrient mangement plan or the distance that they gave and it has property lines 50 feet.

Kapuscinski: I mean something worth looking at that's all.

Bickford: Yeah, yeah. don't disagree with that. If its no more there let's move on to the rural small farm district RSA-1.

Allen: To me we go over each one slowly and come back and see what kind of changes would be made because it is a lot of things that could be changed or upgraded or.

Gooden: I have one question. The changes that were done in October. What I would like to do is, can you give me a separate copy of them, those amendments, where those changes were made? Like do you have like a packet of those amendments?

Edmondston: I have them in the form of an email.

Gooden: Oh, do you?

Edmondston: I have correspondence between myself, and the IT director Jamie on what was updated. *inaudible*

Gooden: That would be easy for me to see. Because I had the old document that I've highlighted and put some things in.

Edmondston: I'll send it over to you.

Gooden: I'd appreciate that. Thank you. Thank you very much. That would help me.

Edmondston: I'll send that out to everyone actually.

Kapuscinski: I'm looking at a lot of these permitted uses. I mean, I mean, at least until you get to the industrial, there's a lot of them that are pretty much the same. It's when you get to the SUP they can get to be pretty significant, which is fine. Because I think it's good that we look at conditions when people are asking for something that's out of the ordinary. But there's a lot of redundancy in here. I'm not saying it's bad. I'm just saying that's what I noticed. I'm sure. Whoever developed this did it on purpose, right?

Edmondston: I mean, I would imagine that after you know, the intense review *inaudible* and types of businesses and things that operated for years in certain areas of the county, I'm sure that that tasked with the planning commission and the Board of Supervisors they found *inaudible* certain types of businesses that you *inaudible*

Kapuscinski: Some of this has to do with those things that would likely be grandfathered.

Edmondston: I don't want to speak out of line I wasn't here during adoption or changes during *Inaudible* directly related to it. But I would imagine and looking at the growth patterns from the past and maybe where the county was during the time that the amendments *Inaudible* function with the comprehensive plan as to where *Inaudible* our county where the board ultimately saw growth happening, that they found this *Inaudible* type of business and certainly, I'm sure that you will see repetition between permitted items through the district's. Yes sir.

Kapuscinski: Mr. Chairman, I just don't know how much good we're going to do go through every one of them. I'm at a loss here.

Bickford: Well, it's a lot of information. I do understand that.

Edmondston: Should we skip to b one that's where a lot of the questions came from?

Bickford: It probably makes sense to go to that. B1 page 31.

Kapuscinski: I'm looking at the area regulation. I obviously because a lot of conversation is going on about the b1. I've been looking at this. I mean, the businesses obviously don't appear to be very objectionable but the area regulations where there are no minimum areas or size except as may be required by the Board of Supervisors. Seems to me that that sort of opens you up if somebody's got 100-foot lot, or somebody's got a 10,000-foot lot, you know, I mean, it doesn't make any difference. It just doesn't make any sense to me if you're going to do something commercially. I mean, it seems to me there ought to be a minimum, a minimum there. Now again, I'm real new at this. So I don't I don't know how those regulations were developed. And I don't know the idea behind it. But if you're looking at putting b1 areas together and say well, that's where our commercial growth is. It also seems to me that it ought to be, there ought to be some regulation with regard to the planning of the area. And again, 100-foot lot would make a whole lot of difference. If you're looking at something that that you would assume would need more room. Follow what I'm saying here?

Edmondston: I follow what you're saying. And I believe that this concept would be specifically related to public utilities. So if you have the opportunity to connect to public utilities, as you'll see in some of our other districts, you have the ability to have a smaller lot size, if you are going to be dependent upon private water and sewer that will go back to the subdivision ordinance, which is not overwritten by the zoning ordinance, which would require a two minimum acre plot, you also take like, look on the very next page, it talks about setbacks. So wherever you're located, you have to be able to sit meet those setbacks. So I believe that this was an opportunity by the planning commission on board during that time to recognize that some of our b1 districts are not always going to be clustered. While we've laid aside in the comprehensive plan for the growth areas and other growth corridors. Not all of them would have access to public utilities. So when you're taking a look at lot size, I mean, in an area where public utilities are readily available, you may be looking at, *Inaudible* to place your business on a quarter of an acre versus or that that sewer issue. *Inaudible* it's dependent upon the health department and those types? But I think that that was an opportunity to take a look at *Inaudible* growth, business growth. *Inaudible* proper usage of certain corridors.

Bickford: I'm sure you have noticed that all, most every all your growth areas and village centers don't have water and sewer. So they're going to be larger lots, at least at this time. I guess my thinking is what is there anything that you feel like maybe shouldn't be by right? I would look at that list first and see if you have anything there, because anything outside of that list has to be a special use permit, even though its B one. Think you can see there has been three editions. Starting with the automotive wash operations, in October of 2001. And then in 1999, it was restaurants with some premises alcohol beverage consumption. That was clarified and tattoo parlors. 2003 It was warehousing to include mini storage facilities.

Kapuscinski: I have no, I don't have a problem with what you put in an SUP. Because I'd say I think I think the opportunity for us there is to take a look at what conditions need to be added. I'm not arguing that, that all this stuff is great. But my point is in a b1 district, I mean, as long as its under a special use permit, we have we have an opportunity to comment on it. So do the people in the area. On a by right basis. I don't... stuff here doesn't... it's commercial. So if you're allowing commercial businesses in agricultural areas or areas where there are there are houses where there are residents. I mean, the argument is, if you if you, if you put up if you put a commercial, if you put a commercial lot in the middle of a neighborhood, and you're allowing businesses by right to go on to that commercial lot. And those people have no right to stand up and say these things are the things that are bothering me. That's the concern. It's not it's not that the businesses the permitted uses are objectionable. It's just it's just that, you know, where are you going to put it if you were putting it into an area where there were, there was a large area of commercial development, it'd be one thing but if you're putting it into an area where you've got farms and residents and people who've lived there for a number of years, and they have no right, any longer to step up and say, gee, I'd really like to have some discussion on this. You no longer have that right. That's the concern. I can't see anything that's objectionable, in my view of these permitted uses, I mean, they're commercial. That's what the one is, is a commercial. It's a commercial district. I think the list is commercial.

Bickford: Well, the I understand what you're saying, but you know, like we've discussed in the previous two applications, the residents do get a chance to come and voice their opinion, either pro or against. Because we have to have a public hearing to change to business from agriculture.

Kapuscinski: Well, yeah, I understand that's what I said on a special use permit or a zoning change. I understand that. But once you make that change, and and, you know, this is a whole nother story, I mean, we've got this, this conversation that I'm sure it's going to come up during the regular meeting. I'm just saying that, under the permitted uses under this be one, I don't see anything objectionable, it's commercial. You know, it's just a matter of when you change a zone from one to another, you know, what are you doing in that neighborhood? All right. That's a whole nother conversation. I mean, that's my point. But these, but to sit here and discuss these b1 uses, I mean, it's just the commercial there. I don't think there's anything objectionable about them.

Shumaker: As with the active cases that we have, and that is our job as a planning commission is to look and it says that in this paragraph above, to rezone at specific and appropriate location. So with the active location, and the active cases that we have is looking at that place and saying is this a growth corridor? And are we okay with rezoning and as Mr. Bickford said, having the public hearing so that the local residents do have the opportunity so I think all three of those things play together and making sure that we do our due diligence for economic development of the county and to the local residents.

Gooden: Nicci I have another question. The lady on 15. That wanted to and I want to say locks love locks or something.

Edmondston: Yes, ma'am.

Gooden: Okay, I can't, I can't think of her name. But it was love over...

Edmondston: Shelly Mays Couch. She was part of the LOC. Christ Family Services,

Gooden: Love over crisis. Okay. But her... she was grandfathered in where she was.

Edmondston: It had operated as a business. It was grandfathered and business plan that included growth and operating two to three businesses. *inaudible*

Gooden: Right, one of those businesses. Okay, so it was already a business.

Edmondston: It was already it had been a number of as a commercial building that had operated over the course of years as *Inaudible*

Gooden: What was it zoned? help me out.

Edmondston: It was a one.

Gooden: It was a one. And she wanted it. It was... but her businesses were grandfathered in.

Edmondston: The businesses that that existed one or two of them. But she was expanding. I believe.

Gooden: It only triggered as we were talking. Okay.

Allen: I thought the church part was the grandfather part.

Edmondston: It was along with some of the office space. And then she had, I believe three businesses under the purview. And there was an expansion. She wasn't satisfied with the grandfathering because she wanted to *Inaudible* clients operating the businesses that she had and any, you know, growth model that she had in place.

Multiple People Talking

Allen: It was for rent and now it's up for sale. So she's not. She's not even there I don't even know where she's going to.

Edmondston: It's b one property.

Gooden: But it is b one property. Okay. That's what I was trying to get into what's been done, and what the discussion because in my notes here, I highlighted all the different things with what was different between the two things that she could do, because she was really adamant about

changing it. And I was like, Okay, but what was the difference? If she thought she was going to be able to do.

Edmondston: Her growth model so what she was able to do already, like I said, I think it was two branches of the business but she had a growth model in place for her so she wanted to ensure compliance. And that was the avenue taken for the rezoning.

Kapuscinski: We had a we had a case this Last PC meeting that we had, where an individual wanted the zoning change, because he wanted to put this garage in for these roll offs. And I understand that in fact we passed it along to, I think it's going to be a public hearing, or maybe it's going to the board supervisors, it was fine. I mean, I didn't see any problem with it. The issue that I had at the time when I talked to the individual about it was, uh, was the border, there's a there's a home, it's next to this property, it sits back pretty well. But his property line where he was going to put his, his garage was probably a fair distance from the fence. My question to him at the time, and even at the PC meeting was what why do you want to change this from an a one to a b one? I mean, you can do this with a special use permit? The answer was, i may want to expand. He didn't want to come back. And maybe that's a legitimate reason to go ahead and change the zoning. But I'm looking at the setbacks. And I'm a little concerned because my question to him in the beginning was how far do you intend to setback from your neighbor's property? Because And will you would you, would you be willing to put up, you know, trees or something there? If you remember the conversation. And the individual said he, he'd be happy to do that. But he's not compelled to do that. And he's certainly not compelled to do it. If we change it to a b one. My question is, maybe we should, if we're doing these sorts of things, maybe the setbacks are not generous enough?

Bickford: That's a valid question.

Kapuscinski: This is only 25 feet from a neighbor's property, I don't know that those neighbors would be happy to have a garage built 25 feet from their property line. So maybe the setbacks need to be take a look at maybe they ought to be looked at in all these situations.

Dorrier: I have a question. One thing pops out to me on this list is a golf course and driving ranges thats a large area of land you talking about 150 200 acres of land.

Kapuscinski: Unless im playing.

Dorrier: Is that something we need to take a look at? That's a lot of land to be used in one area you and I was just curious, it just sort of jumped out of me

Edmondston; *Inaudible* Does that use of land make sense to me in a *Inaudible* different area and it's not on a growth corridor or *Inaudible* comprehensive plan doesn't support it? Those are all things that *Inaudible*

Dorrier: Im sure it would be individual basis on what where it was and you know, location.

Bickford: It appears from the discussion that what's allowed in business b one district by right is not a problem. I think Pete is correct, we probably need to look at the setbacks, and see if they make sense, or do we need to make them a little bit more restrictive. A little bit larger. We're going to have to make a decision tonight, but I think it would be a good idea to look at that. Is there any other concerns for to b one other than setbacks? Again, we'll be going back over this thing pretty regularly. If you think of something else that we haven't touched tonight.

Shumaker: I would be curious about other localities and their setbacks. If you think about business district, you know, we have such a huge county here, we're talking about some of these bigger lots like the towing business or the garage, whereas you know, you're talking about in Dillwyn, you know, the McDonald's dumpster, you're saying you that can't be more than 10 feet, you know, closer to that next property line. So there's a fine line there between being restrictive on smaller lots.

Bickford: It may be feasible to divide these into two categories in business one, where you if you have water and sewer, you can certainly make it more lenient towards smaller lot. But if not have water and sewer and maybe we got a different set of parameters as far as the setbacks. It might make a lot more sense that way. Why don't we look at it that way, and you'll think on it, and we'll, we'll entertain this out our next work session if we have time. All right, I see time is getting away from us.

Kapuscinski: I'd like to address something.

Bickford: Go ahead Pete. If you got a question.

Kapuscinski: One of the things that we've got in there is basically quarrying and mining. And I know we do aggregate mining in Buckingham, we just, you know, what happened at the last board meeting was that they were going to hand over to the planning commission, a question as to whether or not we create an ordinance against metal mining. And there's some concerns here, right. I don't have I don't have a problem with coring. I think what you're doing with if you continue to include mining in this emmalin district, what you're going to do is you're going to conflict with the ordinances that the board have already indicated that they would like to have at least changed. So if coring I have no problem aggregate mining, I have no problem. metal mining, I have a significant problem. I think I told you about that. But I do have another concern, because I know in other counties, they're doing reclamation, and I know we have mines, old mines in Buckingham, and I just can't help but think that they're going to be there's going to be somebody coming along that does reclamation, I knew of a company in Connecticut that made they were a public company. And they did do a lot of gold mine reclamation, and what they do is they basically dig up the finds, you know, the tailings and then and they go through and chemically separate the fines from whatever aggregates or whatever else was in the soil, essentially. And then they resell what they find. There is a company, there's a fellow, and I do intend to talk with them. There's a fella that's doing this in Goochland. Right now, who's doing reclamation and what he's doing, and he's doing it by centrifuge mining. So what he's doing is

there's no chemicals involved, they spin the aggregate, and he's pulling up the valuable metals. And at the same time, what he's doing is finding a safe way to dispose of the mercury in those mines, which I think is admirable. So if we, if we get involved, I know we're going to talk about mining here in a minute. But looking at this particular M one, I think probably you ought to take mining and out of there. If you're going to put it somewhere, put it in an SUP, so that we can talk about the restrictions, mainly the chemical part of it, so that we can keep that that sludge out of our out of our aquifers. That would be my recommendation here.

Bickford: I don't have a problem with what you're suggesting and might be...

Edmondston: Mining is currently listed under special use permit in an M1.

Kapuscinski: I thought we were under M1. Im on M1 right now. That's why I suggested... I thought I was talking about M1.

Bickford: M1 it's a special use permit.

Kapuscinski: M1 says permitted uses unless I'm reading incorrectly.

Edmondston: On the second page.

Kapuscinski: What page is that? Oh, yeah. I'm missing a page. Sorry, m two.

Bickford: Now M2 it is.

Kapuscinski: Got my pages mixed my apologies. In any, in any regard in those industrial areas, I would really recommend that you take that. Take that completely out of there, put it into if you want to put it in a special use permit, that'd be fine. But I really don't think it ought to be a By Right. I think it needs to be looked at before it's allowed, so that we can make sure that what's being done here is really going to and I really think and I know that I know that the county had considered proven safe. And we're going to talk about that later understand that in the county, it considered a proven safe ordinance. And but I'm beginning to think that maybe, you know, if you if you look at Virginia code, Virginia code says the county has the right to make sure things are done safely for the people in the county. Right. So we have that. We have that dillion rule or not we have that handed down to us from legislation. So my point is if we're going to put mining anywhere, it ought to be in a special use permit so that we can add conditions to ensure that what they're doing is acceptable is it relates to the safety of the people in this county. So I would like to see that mining taken out of any permitted use in any of our industrial areas. And that doesn't necessarily mean aggregate mining.

Bickford: You'd have to separate the two because you already got, aggregate mining in the quarry and all.

Kapuscinski: I think we ought to continue to permit aggregate extraction or whatever you want to call it. You know, I don't have any problem with that. But I do have a problem with metallic mining and, and the sludge pits that go along with it.

Gooden: I also think that when we're discussing this, we need to have vocabulary so that we're talking about the same thing. And looking at the same things. Mining in one place, you have quarrying, mining and quarry light aggregate, aggregate, manufacturing, quarry and mining. And so that we so we actually need a vocabulary for us. So that we know that we're talking about the same thing. And I just say that, and I'm going back to my nursing recently had a the question was, did his heart have a blockage? And I asked, Are you talking about an electrical blockage? A structural blockage? Okay, you're functioning of the heart. Okay, though we just using the word blockage meant different things to me. Did they have a pulmonary embolism? Was that narrowing of the arteries in the heart? Or was it an electrical problem with the heart? And actually it was an electrical problem with the heart blockage, but not a pulmonary embolism. So for that reason we need to have vocab but just saying blockage. It meant one thing to her and a different thing to me. So when we discuss this mining, we need a vocabulary so that we can be on the same page as we discuss it. I need a vocabulary.

Bickford: I don't disagree with that either. And I think that's going to be necessary to fulfill what the Board of Supervisors passed to us and make sure we got it correctly labeled and described. Because I read quarry mining as the operation itself. The lightweight aggregate manufacturing is taking what's out of the quarry, it's like the slate quarry. They're cutting it down to specific sizes and blocks. But that may be incorrect. So I think your point is valid. Nicci do you think you can get a list with descriptions of this? Better or better descriptions of what we're actually looking at. And we're going to need it anyway for the gold mining.

Edmondston: Yes, sir. And if you don't mind, is this an appropriate place for me to just move to Item D since we're discussing metallic mining?

Bickford: It probably would be.

Edmondston: The reason I've actually put this item which is gold mining committee meeting and recommendation to the planning commission by the Board of Supervisors is was simply because of the findings of the gold mining committee meeting. They met at 4:30. Prior to the board meeting last Monday, February 13. And the gold mining committee there was a report back to the board supervisors, supervisor miles actually made the motion. The motion to the Planning Commission or the motion at the meeting last week was to prohibit metallic he actually said metal mining so metal metallic mining in all districts the prohibition of metallics, he asked the Planning Commission to consider this amendment and ask for a public hearing. There was not another supervisor did chime in and ask if he would include the Planning Commission to be tasked with reviewing the right spaced ordinance and prove it safe. That was not part of the motion. The part of the motion was to and I placed this here so that there will be more information on the agenda for next week's Planning Commission meeting, because I will be asking you based upon the findings that we have. Staff has been tasked to also provide a

definition for metal or metallic mining as well. So next week, you will be tasked I will ask if you have enough information to move that forward and hold a public hearing for citizen input.

Bickford: Yeah, it would be nice to have the definitions and have a little bit more information.

Edmondston: Yes I will work on that.

Bickford: So you're bringing this to our meeting next week?

Edmondston: Yes.

Bickford: So at that point, we can either we can move it on a public hearing, or we can table it in for work session to make sure we understand exactly what we're voting on.

Kapuscinski: I would the only the only concern I have is if we're going through item A here sorry. Going through the zoning in an m two you have mining? Right, then I think you have to add to your recommendation that we strike that until we understand what mining is. Because I understand coring, I understand mining. But mining is in and of itself is a, as you said, it's a broad category. And it concerns me that we have it in there.

Bickford: And I don't disagree with that. I think think we need to make sure we get it specific enough that we're not handcuffed in some of the industries that are already in the county

Kapuscinski: But the other thing I don't want to do is contradict ourselves if we do turn around and say something about metallic mining. And then we turn around and say, Well, we're going to allow mining, I mean, I can see a court case coming up saying well, hey, do you or don't you?

Bickford: Right. But what I'm saying is you'll specify your metallic mining.

Kapuscinski: I think that's exactly right.

Bickford: So I'm following you. And I'm just saying we'll get it more specific before we vote on it. Yes, Nicci?

Edmondston: I apologize. I just wanted to add that there are two areas zoned for m two, heavy manufacturing. Currently, they were devised when the zoning ordinance came into being because of existing operations, one would be recognized on route 15 in the surrounding areas for Kyanite Mining Corp, and also on 15, just off of Bridgeport road in the slate quarry solite area, those are the only two areas that are currently zoned m2.

Kapuscinski: Both those companies, though we're doing aggregate mining, right? Like I know, Kyanite does but what about solite? What were they taken out of the ground?

Edmondston: Solite was using the slate and *Inaudible*

Kapuscinski: Slate dust so it's still aggregate? Okay.

Edmondston: But they are zoned M2.

Kapuscinski: Yeah, but I understand that I mean, what they were doing really what they were doing was aggregate manufacturing. You know, making byproducts are out of aggregate. So I get that. Again not metallic mining.

Bickford: Yeah, it was a product that they found there. Solite, at one time, in their heyday had seven plants on the East Coast. And the one at Buckingham was the largest. And they had the keels there for burning and it was a light aggregate and it went into cinderblock building materials. And now, of course, they're closed down and it's not functioning, but you do have Vermont Slate right across the road. So we got to be careful.

Kapuscinski: Again, it's an aggregate. I mean,

Dorrier: How do you consider Kyanite?

Kapuscinski: Aggregate. They're not pulling metal. And that's what they're doing. And they're using centrifuge and chemical separation.

Bickford: But you just need to again, you just got to make sure when we do this, we got it specific. That's my only concern is making sure we got everything specific to cover what we want to disallow. And, but not hinder what we do. No unintended consequence.

Edmondston: Just to throw out if you were to actually remove mining from M2 zoning district, any expansion that either one of those particular areas, landowners needed to experience they couldn't do that by right. They've been able to do that by right in those existing operations. So if they wanted to expand and you removed mining, from let's say they had an adjacent piece of property that needed to be rezoned, then they'd also have to ask for a special use permit. So, you know, probably does need to be quite a bit of vocabulary and review to m2 district.

Kapuscinski: I don't want to hurt business that's there, but I wouldn't want them to do gold mining either.

Bickford: I think we can talk accomplish both.

Edmondston: The motion was for metal or metallic mining from the board of supervisors.

Allen: But I would say keep your word of mining in there because we got four companies, that's mining in Buckingham right now. But to do the what we need to stop our trouble is make a chemical. Something that says that you can have no chemicals in Buckingham County that will mess up with people's water and mess up land.

Kapuscinski: Well, it's a two edged sword because you got a lot of people using pesticides and other things. And I thought about that. I said, Yeah, okay, fine, you go ahead and eliminate certain chemicals. What I'm trying to do is I'm trying to think about what you have to do to avoid some sort of a court case that says you've got contradictions in your county. So what is it? Is it this or is it that in which case you end up you end up... These companies that have a lot of money can virtually sue you until you can't afford not to defend yourself anymore? And that that I've seen that and I just it concerns me. Yeah, and I think, you know, pinning down the vocabulary is extremely important. I really do. And if we talk about, and even when you talk about metallic mining, if you got Reclaimers in this in this area, people who want to clean these areas up, but reclaim the gold out of the tailings, you're still doing metal mining, but you got to be careful about, you know, so do we not allow Reclaimers and you get, if you don't allow the Reclaimers in here, then you're disallowing them to clean up the mercury that's in the ground already that that's really probably seeping into the water. I'm not saying it is because I don't know. But I mean, it has the potential to do that. So I'm all in favor of people doing reclamation, as long as they're doing it, to get rid of the harmful chemicals not to add to them. If you understand what I'm trying to say there. So I mean, I think we got to, I think I think you're right, Joyce, I think the vocabulary is extremely important.

Bickford: The way you spell it out and differentiate what you're trying to try and eliminate what you're trying to keep. So hopefully we can get that resolved. Alright, if we don't have any other comments on mining, I will move as to the pre application meeting for special use permits and zoning map amendments. Just real briefly, I know you wanted to touch on that.

Edmondston: It was actually brought up at for some comments from last month's meeting and maybe December as well, you know, what goes into the pre application meeting? Of course, generally, the applicants have met with me two or three times prior to either their application for special use permit or re-zoning. We got through the zoning ordinance and possible challenges and opportunities along the way. Most of the time applicants ask how will it turn out, I never know how it's going to turn out. I encourage them to go back and watch prior meetings depending upon their subject matter. Also encourage them to contact all of the planning commission members and the board of supervisors as well. So if you hear from applicants and constituents, it's because I have sent them your way I feel like you all are the best asset and source of information for applicants with their questions based upon areas and maybe what some of their plans may be always like for you to know about the case, especially if it's in your district. Sometimes they call everyone and that makes it even better because the entire Commission and the Board is aware of the application. But we do sit down we talk about planned growth in the county what's allowed by right in areas, if it's a special use permit. We there generally are 10 or 11 standards that are attached to each of the special use permit applications and of course,
Inaudible

Planning Commission and the board can amend, amend, delete add, change to best protect them as a landowner along with everyone else in the *Inaudible* process and also, some of our pre application processes and meetings do not just consist of myself I will lean heavily on other staff our County Administrator Karl Carter along with our county attorney EM Wright, also been

some applications for our pre application meetings for many cell towers that we will probably see very soon. *Inaudible* IT director from a masterplan standpoint. Sometimes it's not just me having those pre application meetings I do like *Inaudible*

Kapuscinski: I was contacted last month before we had our PC meeting. I think I'm not the only Commissioner that got contacted by the gentleman who wanted to put the garage the for the roll offs over I'm 20 I thought that was pretty helpful. I mean, we had an opportunity to go out there and talk. He showed me what his floor plan was what he wanted to do his plot plan and we got an opportunity to talk about, you know what he was going to do in the future what you know how he was going to use this property. I think those things are extremely helpful. I think doing diligence before we get into these meetings helps us make an appropriate decision that we otherwise might make a mistake doing. So to the extent that you have people come in your office and ask for ask for permission to do whatever business they want to do. You know I'm always open to have having you have them contact me or I don't know how the other...the other folks feel here but I'm happy to work with them anyway, I can appreciate that.

Edmondston: I'll let applicants know sometimes they're able to contact you and sometimes they aren't in in an effort to be efficient. They will turn in their application and sometimes contact you afterwards or meet you at the introduction and you know go through *Inaudible*

Allen: You talking about the one on Buffalo road?

Kapuscinski: No buffalo road is near the school right? No? I don't know.

Allen: Buffalo is where they play baseball.

Kapuscinski: No, no, I'm talking about the one where it's off route 20. Just off just as you turn off route 20. On the right hand side, there's a fellow there wants to put on and it was I can't remember if he...was it 323 Or something I can't remember was, but it was the SUP that where he's going to put the garage up for the roll off. And he wanted us to rezone.

Edmondston: Firefighter association was it? Was it Mr. King who did the construction equipment?

Allen: Its Calvin Bacharach.

Kapuscinski: Okay, that's it. Sorry. In 20 years ill know how to get back home from here.

Bickford: I will tell you Nicci at least one applicant or possible applicant is headed your eyes he called me and asked me about his location for his potential projects. It was it was good to hear that. And I will also add it this. The ordinance committee that we've been working on that is one of the things that is talked about the pre application is going to be a requirement for any app. We're trying to streamline the process and get everybody doing the same thing in the same

timely manner. And that's going to be a requirement is Nicci will have staff, which whoever she picks to have a pre application meeting, before it ever comes to the planning commission.

Kapuscinski: Will that involve I mean, you'll be recommending that they talk to people on a planning commission, but its not required right?

Edmondston: Its not required generally, if an applicant doesn't have the opportunity to speak with you it just boils down to time, they may be out of town or busy and haven't been able to but generally, if they don't get to speak to all of you, they will make a couple of calls, I would say maybe to the representative in their district or they may go ahead and contact the board of supervisor and the Board may have a con conversation with you lately, but it only they are it's it is not required. It's recommended, but most individuals speak with you all at some part through the process.

Bickford: Any other comments on that? That moves us to Nicci you want to give the update on the upcoming training coach?

Edmondston: Yes, I hope no one has rotten tomatoes to throw at me tonight. But the upcoming training courses is quickly approaching I believe it said 12 days it's March 6 and seventh for the initial two days that you would need to attend at VCU and then it's going to be a self guided study with some assignments that will need to be turned in virtually. So I'm sure emailed and then may 15th, and 16th are the two final days, if there are any issues or things that we need to take care of. And this is truly something that you're not going to attend for with some other type of conflict, please let me know I will do my best to transfer payment to another session, I do believe in the last three years there has been lots of conversation about ways to strengthen the foundation that some of you have, and that some of you are building as you're newer to the planning commission. I do think that you will enjoy this program. But that's only me and my opinion. If there are any issues or anything that we need to address, you can contact me after the meeting or email.

Kapuscinski: The finals are also a VCU right?

Edmondston: Yes.

Bickford: Brings us to the Commission matters and concerns any commissioners have anything at this time?

Allen: Yeah, I'd like to bring up. But the lady in Arvonnia who wanted to change it over to b one. She's right in front of the shed you know, and I know somebody said somebody that was part of the, what you would call it, growth corridor, but it's not in the growth corridor, the growth corridor stops at Blinkys road and that's half a mile or so down the road below that. It's on the opposite side of the road and its down below it. So it's not. I just wanted everyone to know that, that's not another issue to add to it. I guess thats all. How many people going to this training?

Kapuscinski: I need it. I think it'd be helpful. I really do. Do you know what the curriculum is?

Edmondston: For this training, you're going to cover quite a bit of land use. It won't cover specifically our zoning ordinance is here. But you know, you'll get idea.

Kapuscinski: I understand we're supposed to go out and visit somebody else's commission having a meeting, is that the idea?

Edmondston: I saw that in the curriculum, I'm sure they will contact you. Or let you know, through that process, when the expectation is for that to happen. You have lots of localities very close to us. So you can I guess, maybe it will distance wise or per capita, or similarities between counties or maybe look at something completely different.

Allen: What happens if you pass all this stuff?

Kapuscinski: We take it and we run for the board.

Edmondston: I believe everyone will be just fine.

Kapuscinski: Mr. Chairman, I got a question. Yes, sir. Last, the last board meeting I during the public comment, session, I made a comment. Because I'm concerned about information conduit, you got a committee, and they come up with a decision. And that decision then comes to the commission. And then, when we do something we make a decision on it goes to the board. My concern is I don't know how much information is moving down the conduit from committee to commission from commission to the board. So my concern is this. If somebody's not reading the notes, or if there's no notes, or if there are, if there's no video, you know, what happens is the information that's being generated to come up with a decision that moves on to the next either commission or committee or board gets lost. And so we it's like a brand new case, we're starting all over again. And the decisions that I think we make, if we get, if we get, if we're getting a case from a committee, like the goldmine committee, it'd be helpful for me to understand completely, I went to both meetings. But if I were sitting here and hadn't gone to those meetings, it'd be extremely helpful for me to understand the conversations that went on in those in that committee to make them come up with the decisions they came up with, before I was asked to make a decision here, and then pass that on to the to the board supervisors. Likewise, I think it's extremely important for those supervisors to understand what went on in our meeting, before it gets to them so that they can continue the conversation. And as much as we all work for the same county, and we're looking for the same end result. It just seems to me that we end up losing, losing that continuity. And I don't know the best way to provide it. I know we have notes, and I know Nicci can read a paragraph or two about what went on here there the other place. But I just wonder why. As an example, the Board of Supervisors wouldn't have members of the Commission come up to the podium and ask questions, or likewise, the Commission wouldn't ask the committee to come up to the podium so that we could ask questions before we make our decision. I don't know what sort of a policy change if it if it is a policy change. That would take but it just seems to me that we're, we're not we're not using a conduit that we should have

available to us in order to really make an effective decision. Conversation you want to have on that?

Bickford: Im not sure I quite understand what you're referring to, because usually you have as far as your committees, you're talking about outside committees?

Kapuscinski: The Goldmine committee, , you know what they said the last few meetings?

Bickford: Only what I've read, those articles, that's all. I understand now. Now I understand what you're saying. So maybe what the thing to do, Pete, we have the authority and ability to call them to a work session, or call them to a meeting. And ask them to give a brief summary of their decision and how they came to that decision. And provide us with supportive information.

Kapuscinski: Yeah. I mean, it just seems to me that it would be helpful because otherwise we're making decisions. We're starting the case all over again, we're making new decisions may not even align with the decisions that the committee made, or maybe they might have a slight alignment, but we're making a decision not understanding clearly what the conversation was that went on in that committee to get them to that decision. And you know, likewise, when we make a decision here, and we pass it on to the Board of Supervisors, some of them may see the video, some of them may read the notes. And I have no disrespect them. But I've, I've read the notes in there, you know, I'd rather look at the video. But my point is that, you know, there's information that that could be garnered, if someone were, to be called to the podium and questions would be asked, now, we do have a board supervisor here, who sits with us. But I don't know, I don't know how much what you think about that, Danny. But it seems to me that it would be helpful if a committee to the commission or commission to the board so that these decisions that end up getting made get made uniformly. You know, because we're all working for the same county.

Bickford: Well, like I say, if, when we get into the gold mining, if you want to, as for those to come, a representative to come, one or two, whatever, and speak, we certainly can, we have the authority to do that.

Kapuscinski: I'd like to be I'd like to have them so that we can sit down ask them questions about how they came to their decision. I mean, there's a lot of good information, when I sat through those meetings, there's a lot of good information that those people came up with to come up with their decisions. And I just don't think that we ought to be making decisions unless we have at least some understanding of how they, they came to theirs.

Bickford: That's no problem. And they may not be able to schedule wise not be able to allow them to come and speak. But I can probably provide a narrative or a written summary of why they got that. Im like you I prefer a couple of representatives to be here. So you can just ask them a question.

Kapuscinski: How do we go about doing that?

Bickford: Its just a request.

Edmondston: The funny thing is for a little bit of humor, I serve on that committee, so I don't want to write up something that's going to be boring. You know, of course, I can give an overview that was not a, it was a pretty brief meeting, I think, you know, in an effort to be efficient, started at 430 and was over just prior to 530. And there were lots of considerations given, of course, you know, the board of supervisors are the policymakers within the county. So they really listened to the constituents and the citizens and, you know, make their finding, we as staff will provide documentation for, you know, other things that they may request. But I mean, I'm happy to give a report, and I can also pull in the minutes of the meeting, because they're taken, as well, the information, any handouts that had that were submitted to become minutes, part of the minutes of the meeting, I can, you know, provide those as well

Kapuscinski: I think they'd be good. I'd like to be able to ask questions, I'd also like to be able to ask questions, to some of the other people who were on a committee. I mean, I'm very interested in understanding EM Wrights position, because he was all in favor of one, but he wasn't in favor of another. And I need to understand whether or not that that has to do with a potential being sued, you know, all of those things, I think, come into play before we make an ordinance. You know, and I'm extremely concerned about making conflicting ordinances. I don't, I don't see where it benefits the county to say, We can do this, but then we can't do this. Alright. And if we ended up well, let me finish because I, you know, what I see eventually happening then. And again, this is a legal question. And it just seems to me that that conflict would lead to a court case. And those people that have deep pockets can fight those cases a lot better than the county can. And I just don't want to get into a situation where, quite frankly, you know, one of our ordinances get turned around just because we have language that that conflicts with ourselves.

Edmondston: Are you speaking to our zoning ordinance? And our comprehensive plan? Are you talking about...?

Kapuscinski: Let's say, for example, we pass a use ordinance, and then we pass a land use ordinance. And then we turn we say, no, no metallic mining,

Edmondston: An amendment to the zoning ordinances is what that would be.

Kapuscinski: Then we turn around. And we also say that we're not going to do that we do prove it safe. In other words, you can mine as long as you prove it's safe. Well, I can see some lawyer coming in here saying, Well, what do you don't you? You know?

Edmondston: Well, let's go back to there's a couple of different things going on right now the rights based ordinance and the prove it safe, they are working documents or items of subjects of conversation with the Board of Supervisors not with the planning commission at this time. I think that, you know, our county attorney would say that, you know, he probably would not give his opinion on, you know, very specific questions, just that just, you know, we would have but he does work for the board of supervisors and at their request to provide legal counsel the best

possible for the board of supervisors, but at this time, our Planning Commission has not been tasked with the right space ordinance or the prove it's safe. And of course, if some amendment any amendment comes to the planning commission to determine whether or not after a public hearing is held, that you know, the Planning Commission has, you know, given all It's due diligence to it. There will be a report made after that and a recommendation to have it's a recommendation back to the Board of Supervisors.

Kapuscinski: When we start discussing this ordinance that they pass on to us, we can't we can't suggest conditions so that ordinance, we can suggest amendments to the ordinance.

Edmondston: Yes, a public hearing will be held specific to a specific amendment to the ordinance. So if it's, you know, what the planning commission was tasked to do by the Board of Supervisors was to let me go back directly to my notes for Mr. Miles, was to prohibit metal or metallic mining in all districts, that is a very simplistic form of what Mr. Miles motion was.

Kapuscinski: So your telling me that's an up or down vote. And that means we can either say yes or no, but we can't add in?

Edmondston: After the public hearing, if you feel as a commission that you do not have enough information, or maybe that particular amendment is not exactly you know, you've found it, that you need to add some other changes to that, then you can either hold another public hearing, and I can report back that at this time a public hearing was held, but we do not have a recommendation at this time. So I mean, the planning commission was tasked with looking at this metal mining now, if anything changes from what the Board of Supervisors has asked the Planning Commission to do, I need to know so that I can have a memo back to the board of supervisors to say that at this time this was held due to citizen input or more information that maybe needed by the planning commission. At this time, the planning commission is asking one, maybe the board of supervisors to attend a joint public hearing for a similar reason or a different reason. I mean, you have the ability as a planning commission to take the task and hold the public hearing. And if you're not able to make a recommendation of approval, or on that particular amendment, it goes back to the Board of Supervisors. And at that time, you're saying, you know, I can't do this, maybe it's because we don't feel that it still offers protection to the district. That makes sense? But we have to look at what you've been as a planning commission specifically tasked to do at this time.

Kapuscinski: I just don't know if we're on a timetable. I mean, I don't think those people are going to start mining anytime soon. But I would like, you know, my concern is I'd like to do what we need to do. And I mean, it's already been expressed by the Board of Supervisors, what we have to do to protect the people in the county. And they feel strongly that we should have a land use ordinance that says you can't do metallic mining am I right on that, Danny? So, but my concern, is it my question is, it's not a concern. It's a question as to whether or not we should somehow be able to write into that ordinance of protection against toxic trespass. And the way you do that is say, Okay, fine. Maybe that mining is allowed in M2, as we discussed here. But you have to have a proven say first, I mean, I don't know that I just don't know.

Edmondston: There's not a prove it safe there's a requirement of having a state and or federal license or along with your application in the districts where it would be permitted only by an sup. And of course, any dish any business that operates even in a by right in any district has to adhere to state, local and federal guidelines.

Kapuscinski: May not be as rigid as ours. That's the problem.

Edmondson: I go back to we have not been tasked with a rights based ordinance or prove it safe. We've, as the planning commission had been tasked by the motion made by the Board of Supervisors.

Gooden: I have a couple of concerns.

Bickford: You want your list?

Gooden: Oh, I got my list. Yeah, I have my list and im ready. And I have some concerns. And I appreciate up bringing up not wanting to give out conflicting information. Because I think we have made some decisions as a board that have given out conflicting information. And the first thing I can think of is when the firefighters came before the board, and they wanted to put 6000 people on 28 acres and we said okay, and just for the record and I keep saying it has nothing to do with the tractor pull. I was there. I'll be at the next one too. But everybody else has been limited to 15 other people. Absolutely 1500 people. The firefighters only had 28 acres, only have 28 acres. And up in my district on Pattie road Whyko has 375 acres. Now, should he come back to the board...and those 6000 people were only reduced because the surveyor after surveying the land says, I think you should only put 4500 people on there. That's not equitable. And that's a mixed message. Should Whyko come back and say to us, what about this? You know, you did this for them? Why? Can anybody tell me why we passed and said yes to 4500 people? We said, yes to 6000 they reduced it. Okay, but it was okay without an issue. I don't think that's equitable. I also don't think it's equitable. Going back between Miss Moore and Calvin Bachrach, not equitable. Both people want to change from a one to b one. And I have looked at... I have looked at just a number of differences. And I've noticed that when a woman speaks before us, there's a different tone and a different way we treat her, if there's a woman standing there without a man standing beside he there's a way we speak to her. Oh, yes, it is, there is a difference. And the way we talked to Miss Moore, and the difference in the way we talked to Calvin Bachrach, it was so different. And I was like, what, what are the differences? and I just started putting things together, in my mind to figure out, and for those of you who don't know me, I will make lists and try to figure out what I'm doing is this. I do pros and cons. And I looked at Miss Moore is out of state Calvin Bachrach is in state. Because then say, Okay, now, have you noticed that I keep calling her Miss Moore, and I just call him Calvin. It shouldn't be. Okay, if I'm going to call him Calvin, I need to call her Olympia. That's equitable. You treat them the same. And both of them wanted to request a one to business. She had no immediate plans, but she wants to put a business there. He has a plan but he can change whatever he puts there. If he says he wants to put up a retail shop, he can do that. If everything goes through. All right. So her she does not have to

declare to us, but we're insisting that she declares to us, she said she has no immediate plans to sell. He says he has no plans to sell his property. They both can sell that property if they choose, it is their property, and it will be zoned b one. So I don't get that. Well, she doesn't you know, she might sell it. He might sell his. Now, I will say for Mr. Bachrach. He has other properties. He's a business person. He said that, listen to our discussion. I thought that was interesting. And I kept hearing that its for profit and want to line the pockets. But they both want to line their pockets. But we made an issue with Miss Moore. We made it an issue that she just wanted to line her pockets. So you know, and she has to give us something more. And I say we because it's as a board that we did it. Because she didn't want to do an SUP, we viewed that as a negative thing and we've held it against her. But because he stood here and said I don't want to do that. He didn't want to do an SUP talked about putting a barrier. But he just no he really didn't. I just didn't want to fool with SUP. She didn't want to do it. He didn't want to do it. But it was held against her because she didn't want to do it. That's not equitable. And it sends a mixed message just as the 1500 everybody that we've told they can only have 1500 people on their property and then you allow to the firefighters they have 45 Or No, not you, we allow the firefighters 4500 people, okay, that's not equitable. And, his business can fast track. Because it's, it's by right, if he sells his property to somebody else, it can fast track. Fine. If she sold a property, it could fast track. But it was well she might do something else where she doesn't know what she wants to do with it. But it was held as a negative for her. And it was okay for him. And that's what I could not find. And he's gone to public hearing. Okay, how long... she's going to public hearing? Why did it take he so long to get to public hearing? I just want to bring this to our attention. Because when we have a woman presenting without a man standing beside her, we interview her differently. And what's her name? Mary Margaret, that she talks... She's, and she gets spoken to differently. Calvin Bachrach stood there, and we literally just softballed. Okay, and voted. But when Olympia came, what are you going to do? Well, you don't know what you want to do? Well, you might sell it. Well, you just want to...that different conversation and actually go back and listen to our discussions about it. Okay, she's got to tell me what she's going to do, or what she thinks she's going to do. As if a woman cannot have a plan. Or if she cannot change your mind. I can change my mind if I want to. Just as Calvin Bacharach can change his mind and put any one of those things on it that's in a B one. And so I just, and then we said that, oh, she hadn't completed her forms comparing pages 11 and 12. It wasn't needed, for either of them. But it became a negative for Miss Moore. It was not even addressed with Mr. Bachrach. He didn't need it.

Allen: His was completed.

Gooden: But he didn't need it is what I'm saying.

Allen: He told us what he wanted to do. She don't ever tell us what shes going to do. She didn't finish your paperwork. And if you read our zoning, it tells you do not move it any further. If the paperwork is not complete, that's our job. But we're not doing If we go on and put it to a public hearing. That's wrong.

Gooden: Okay. Then take the paperwork, part out, take the paperwork part out, and then talk about why you want to talk about her having money, you know, trying to make money, why she wants to.... but having an SUP is, you know, she shouldn't do this, she has to tell us exactly what she wants to do. You don't have to do that to convert it to a b one.

Allen: In her first meeting, she wrote down that I want to change it so I can sell it. Then she changed her mind in the next meeting. So changing your mind every time you turn around makes a difference to me. She had already decided that this was just to make her more money.

Gooden: That's okay. We need to take the money out of it because everybody comes up here it's more money. But I have stood here and listen to men go all I want to do is work with my family... I don't want to do that; they have no other plan. That person is I just want to work with my family. I don't, I don't want to do that. I don't want to do that. And we work with them. But what I'm saying that's a male that we're looking at and as opposed to looking at it and working with a female we have treated females differently when it comes to the board.

Allen: The last few females weve fooled with we passing right on through.

Gooden: Why are you fooling with females?

Allen: What do you mean fooling with them?

Gooden: The term. Okay.

Allen: Females have been up here and we treated them just as good as we did to males.

Gooden: No, absolutely not.

Allen: Its depending on how they are....

Gooden: No. No. I disagree. I disagree with you, but they can change their mind. But that's what I want to bring because I want us to think as a board how we're treating people. Okay, and we need to be equitable in our treatment of people and our wording and how we question and our tones. And if you know if I'm calling you Danny Allen all the time, and I'm going to turn around over here and go, Mr. Bickford. Okay, you see what I'm saying? That doesn't that. You may not notice it, but I would notice that because that's a difference in the treatment.

Allen: Id say you like me better then you did me. I'm just kidding.

Gooden: Yeah, no, no, no, but I understand what you're saying. But, you know, or if I just, I called Nicci. Okay. And I will say, Nicci, but at the end this is but I may say Miss Edmondston. Okay, I know when to use her professional name. But we have to be more aware of how we're treating people. And the reasons and I'm looking like I said, property, firefighters. And just we take Moore and Bachrach out of it. Let's go with the firefighters. How do we pass the firefighters 4500 people, and we limited everybody to 1500.

Allen: Some of them did get 2000. I know it was changed around...

Gooden: Okay 2000 and we gave the firefighters 2500 more people.

Allen: That's just the way everybody voted.

Gooden: Why? help me. Its not equitable.

Allen: Trying to look out for the fire department. Because they said they had about 4000 on the last one.

Gooden: I was there. I was there with my lawn chair. Okay, I was there.

Allen: Did you see me?

Gooden: Did you see me? Okay. I got pictures. But what I'm saying is not the support its the equitable treatment that I'm talking about. And Whyko would have every right to come back and say, what about this stuff here? Okay, and you spoke of being sued. And let me just break it out one more thing, since I have not said it. Let's talk about white male and black female. Okay, let me just put it out there. Okay, so you hear it and I won't be stuttering. You're going to treat a white male differently than you treat black female.. How does it look? How does that sound? Does it make you uncomfortable? It made me uncomfortable.

Allen: I mean, that's what it sounds like you're saying that, you know, this lady is a black lady and the man who just passed was a white man. The only difference for me, and I know all about Arvonnia. My wife came from Arvonnia. And I think it would be good to have a business, more business and more restaurants and stuff down there. But paperwork won't filled out. That's one, two. She doesn't have no idea what she wants to build.

Gooden: Calvin can change his mind too.

Allen: But he has something that he started off with. And he has something that he's going to do.

Gooden: He says.

Allen: What are we going to do?

Gooden: Okay, but how many people have actually gone through with the plans that they put out? That's my question.

Allen: A whole lot of them haven't. The one you were talking about earlier. He didn't finish. Down there on 20.

Gooden: I was looking for the salad bar. Everything he wanted to do.

Allen: He said he isn't expanding right now.

Gooden: He can't He said it's about money but he did put up extra pumps and other things. But he changed his mind.

Allen: After we passed it.

Gooden: So you would rather have somebody come up and lie to you, okay, I'm gonna do this and then change your mind later. Like the like the person that had the person that had the barn, Miss Edmondston I mean, the building and then was going to put up a sawmill. As I came on the board, he built it knowing he was going to put a sawmill there.

Kapuscinski: Yoder.

Gooden: I really wasn't using any names, So that will be better. So the message is have them come lie to us. And no. Okay, but anyway, those are those are my concerns. So those are my concerns. And so I wanted to bring it to the board to make you aware that it's my concern. Okay. I don't necessarily know if we can... It's not something that you can cure in a moment. Because these are issues that are not unique to this board. But it's a board that I'm a part of, and I just cannot sit on a board and have and go what is that? What's going on? I don't understand that. How are we treating people differently? So that was just my comments. I don't know if they need to... If there's anything you can do. Mr. Chairman. Danny, I still love you. So I don't know. Can I have my candy bar back? But um, I don't know if it's anything that we can do. But I just want you to make aware of my feelings.

Bickford: Well, I think the main gist of everything you said is, is we need to be careful and consistent, consistent in when we're interviewing applicant and we're back and forth, to make sure we try to treat everybody consistently. And that's just practice and decisions you want to be as consistent as possible to not only for your board, but also for possibility of a lawsuit. You don't want that to happen for the county, but you're exactly right. We need to be as consistent as possible. However, each case is its own and stands on its own merits, and you have to equate them and but your point is valid. You pointed out some good examples here. And I think we can do our best to try to just be as consistent as possible. And treat everybody as fair as possible. Okay, any other commissioners have anything at all? All right. Do I have a motion to adjourn?

Allen: Adjourn.

Shumaker: Second.

Bickford: Adjourned.

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

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

ATTEST:

Nicci Edmondston
Zoning Administrator

John Bickford
Chairman