

**Buckingham County
Planning Commission
February 25, 2024**

At a work session of the Buckingham County Planning Commission held on Monday, February 25, 2024 at 6:00 p.m. in the Peter Francisco Auditorium located in the Buckingham County Administration Complex, the following members were present: John Bickford, Chairman; James D. Crews, III, Ashley Shumaker, Vice-Chairman Pete Kapuscinski and Dennis Davis, Steve Dorrier, Joyce Gooden Also present were Cheryl T. “Nicci” Edmondston, Zoning Administrator and E.M. Wright, Jr., County Attorney.

Re: Call to Order

Chairman Bickford called the meeting to order.

Re: Invocation and Pledge of Allegiance

The invocation was given by Commissioner Dorrier. The Pledge of Allegiance was led by Commissioner Crews.

Re: Establishment of a Quorum

Chairman Bickford certified there was a quorum, seven of eight members were present and the meeting could continue.

Re: Approval of Agenda

Bickford: Any changes to the agenda?

Edmondston: No sir no changes.

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

Kapuscinski: So moved

Dorrier: Second.

Bickford: Have a motion second. Any discussion? Seeing none. That brings us to approval of minutes

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	X	
Dorrier	X	
Bickford	X	
Shumaker	X	
Gooden	X	
Davis	X	

Commissioner Kapuscinski moved, Commissioner Dorrier seconded, and was carried by the Planning Commission unanimously to approve the agenda with changes.

Bickford: December 18th regular meeting any changes to the minutes?

Gooden: I submitted to Miss Edmondston and you some changes for the minutes. It had to do with basically Mr. Kapuscinski name throughout the document. Im very sensitive to people’s names. And Stoltzfus also the names were shortened. I submitted those corrections to Mrs. Edmondston.

Bickford: Do we have a motion to approve with the changes?

Shumaker: So moved.

Dorrier: Second.

Bickford: All in favor raise your right hand. Got 6 for and one abstain. Okay we have new bossiness which is consideration of revised by laws. Do any commissioners have any comments or changes to the revised by laws.

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	X	
Dorrier	X	
Bickford	X	
Shumaker	X	
Gooden	X	
Davis	Abstain	Abstain

Commissioner Shumaker moved, Commissioner Dorrier seconded, and was carried by the Planning Commission 6-0-1 to approve the minutes with changes.

Kap: Mr. Chairman a couple of them if you would. number 2.1 qualified by knowledge and experience Because experience It says what is that? Yeah, I don't understand the people up here would qualify does that imply education? If it doesn't I don't understand. Secondly it says county landowners does that count for homeowners or just land owners? Buckingham county landowners does any does have a red line here?

Edmondston: I don't have that, sir.

Kapuscinski: Okay. Um 2.1. At least one half of the appointed members must be Buckingham County landowners. The question is does that mean landowners are and homeowners or real property owners are what does that mean? And is it only landowners? I would assume it's property owners, regardless of the Edmondston: It will be landowners. We do have our attorney Mr. Wright coming out.

Kapuscinski: Hello Mr. Wright do you have a home or you don't have to own real property?

Wright: *inaudible* That's in code of Virginia they don't explain.

Kapuscinski: Okay. All right. I would also refer to I believe it's 2.3. Where you have your green, you said basically you're talking about malfeasance. And what you did in your letter was reference case law. I understand that there are three kinds of malfeasance. I understand that legally speaking. Do we want to reference in your definition case law isn't necessary?

Wright: Code of Virginia doesn't list anything further than that.

Kapuscinski: And we don't have to worry about that. All right. Let's see if there was anything else.

Edmondston: Mr. Kapuscinski Did you want to ask him about 2.1? Where you had the questions about knowledge and experience?

Wright: *inaudible* It's totally subjective.

Kapuscinski: Yeah, that's what I'm getting at. I guess it's totally subjective. Okay. Well, look, I mean, I'm making comments like you are there. It's totally subjective. So I don't you know, I don't know.

Wright: *Inaudible*

Kapuscinski: Yeah. Is there anything in the code? Or is there something that we need to mention? If you have three or more members gathered? does that constitute a special meeting? At one time it was you couldn't meet with three other three people?

Wright: *inaudible* There was an event that occurred and one of the Northern Virginia counties public body getting ready to have I mean, a public organization in the public, not a government that was having an informational meeting, they invited I think it was a Board of Supervisors. Well, several members showed up from the board of supervisors showed up at that meeting, and engaged in some conversation. Now, the Virginia Supreme Court has ruled that that was a meeting and they should have told us that they weren't going so it is thrown at us or independent who says it and what I mean it you will never be able to define every scenario in your by laws.

Kapuscinski: Okay, then if you go look at item six, I believe dash eight. Here we talk about the person chairing the meeting will have a last call for any additional names to be added directly before the scheduled public comment. As I recall, we don't do that. And I'm wondering if we should? In other words, what happens are people sign up?

Wright: I think they used to call it last call, maybe we need to take the chairman.

Edmondston: Usually, it's spoken when the signup sheet is taken. And if anyone comes in afterwards, what we have done in an effort to monitor that is ask the Chairman, if they would allow.

Kapuscinski: So do we leave it this way? Or what do you want to do?

Wright: I don't have any ownership of that its a policy question to me.

Bickford: I don't have a problem with it. Because what has happened in the past is some people you know, especially if you have a public comment period, and then a public hearing, they sign up for the wrong one. I don't want to penalize somebody that accidentally signs up for the wrong one.

Kapuscinski: I agree. I guess I'm just saying that I've seen situations where people come in and they say, Well, you know, I'm five minutes late, I'd sure like to sign up, but they weren't allowed to. And I'm curious to find out if this gives you an opportunity to ask if there are any additional signups that are required.

Bickford: I would interpret it as it does. If someone was to come to me and said, Well, look, I was here. I got didn't get here in time to sign up.

Kapuscinski: Okay, so at a meeting. My question is, do we from your chair announced, are there any other people that need to sign up that haven't signed up before we get this meeting?

Wright: In the meeting at the public hearing?

Kapuscinski: Well, before the meeting begins, or however you want to do it, because it says right here says the person cheering meeting will have a last call for any additional names to be added directly. I don't know if that meeting has to be started.

Wright: No that should be five minutes before the meeting starts.

Bickford: Rather than me. It might be good for Nicci to do it. Just say look, it's the time. If you haven't signed up, you need to sign up right now.

Kapuscinski: Yeah, one way or the other. I don't care as long as it's audible. I mean, I think that people need to know that. There's a last call.

Gooden: Mr. Chair. Isn't that on the signup sheet that says something about six, five minutes.

Edmondston: Yes ma'am and there is a sign.

Gooden: It's on the signup sheet. And when we've had meeting, there are people who have gotten here. And it's like I send the wrong sheet. Without it. We've had those instances and we've taken care of those instances within this meeting.

Kapuscinski: Well, I'm suggesting its audible.

Bickford: Okay, so if Nicci or myself and announce final call. Is what you're asking for?

Kapuscinski: Yeah, that's Let me ask. Let me see if there's any other questions. Those were the only questions I have. Thank you, thank you for answering.

Bickford: Any other commissioner have anything at this time? We have that one change. And we'll go and put the language in for that, where either you or myself, or one of the other staff just say last call. Alright, if there is no other changes, do we have a motion to approve with one change?

Kapuscinski: So moved.

Dorrier: Second.

Bickford: Motion and a second, any further discussion? All in favor, raise your right hand. Passes unanimously. All right, that brings us to Joyce had provided two documents for us to look at and maybe put it into your bylaws. One was conflict of interest, and the other was conduct Correct?

Gooden: Code of Ethics, code of ethics and code of conduct.

Bickford: I've had Mr. Wright look at them and he found no problem with either one. And so I will suggest that we go ahead and approve them being that there's no legal issues at all. And they'll serve as a parameter that we try to operate underneath then within. That's just a suggestion on my part. I'll now open it up to the commissioners to discuss. Anyone have any opinion on that? Or accepting those in into the bylaws?

Gooden: Are those documents in our packet?

Bickford: They should be?

Edmondston: They actually were not included. I'll be glad to go get it.

Bickford: Yeah, maybe that would be good.

Gooden: Dennis you've not had a chance to see it?

Bickford: While Nicci is going to do that I will circulate this will you take a quick read? Pete has provided a statement. And what I'd like to do is make that a mission statement because it basically is what we're trying to achieve at each meeting in our conduct. And I think it would fit well to be a mission statement for the planning commission, we'd have a parameter set with yours and a mission statement. So yeah, we'll take a look at it while Nicci i's going to get those and see what you think.

Gooden: Mr. Chairman, I, as much as I dislike kicking this can down the road. I don't know if everybody's had a chance to read the code of ethics and the code of conduct. And, you know, the mission statement. So maybe we should do this at the next meeting. And I'd like to get it done. We've operated this far without it. And we'd like to get it done. Well then I want people to be able to read and digest the information to.

Bickford: Ill let Nicci bring back and then we'll discuss it I don't have an issue with that whatsoever. If anybody if you'd like in a little bit more time. We've approved the minutes and that's what we operate on.

Davis: looks good, let me read it because I haven't seen it and then move forward I'm sure it's good though. Everybody else is good with it. Just let me read it.

Gooden: Mr. Chairman, so we're suggesting that as a mission statement, in addition to or as a replacement?

Bickford: Not as a replacement, what Pete did is revise it a little bit, I'd asked him to sort of revise it because I thought it'd be a good mission statement. Your code of conduct and ethics would be at the parameters that would be accepted. This would be the mission statement that you're trying to do at every meeting to treat everybody fairly. All applicants basically, hopefully the same way.

Gooden: Hopefully the same way. Thank you

Kapuscinski: Mr. Chairman, I got no great pride in penmanship but if everybody's ready, I'll make a motion to accept the mission statement where it is.

Crews: Second.

Bickford: I have a motion and second to approve the mission statement. Any discussion? Better wait till Nicci gets back before we take the final vote.

Shumaker: That's with your copy that you have in front of you being the official copy.

Bickford: Yes. That'll be I'm going to give this to Nikki and she'll put it down into the minutes as well as the bylaws. Nicci to bring you up to speed. Everybody has read the statement that Pete prepared and revised for the mission statement. Pete has made a motion JD second, we haven't voted yet. I want to wait till you got here. For the for acceptance of the mission statement, We have a motion on the table. All in favor, raise your right hand approval mission statement. Alright, that passes unanimously. Now, if anybody feels like they need some time to look over these two documents, we can postpone the vote on this to our work session and do it at the Commission matters.

Kapuscinski: one comment mr chair. Code of ethics for Matthews County Planning Commission Code of Ethics. Number four seek to find use most equitable I'd moved to change that to equal and strike the word equitable.

Gooden: I disagree on that because things can be equitable, but not it's hard to do an equal but you can do as an equitable and fair you can do. I feel I can do but making things equal because we seek to be equitable in our decisions. But our decisions are a certainly they are not equal.

Kapuscinski: Mr. Chairman in today's vocabulary equitable implies a prejudicial decision based on one's skin color, one's culture, one's gender, it is not meant to be equal. It is meant to be prejudicial. And I do not believe our job here is to prejudice our decisions based on any of those characteristics. We just wrote a mission statement. Exactly saying that. So equal implies equal and not equitable. They are two different things. And I'm very, very cautious about that. And honestly, I will refuse to vote in favor of these if that word is in there.

Bickford: How do the commissioners feel towards number four?

Shumaker: Think equitable gives not necessarily prejudicial outlook, but more on scope and size of projects as well. So as a planning commission, and I say this just logistically, when we're thinking about a small project versus a big project, that's what comes to my mind when I think about equitable, I can't consider them equally, but I can consider their impact equitably. Now, I'm not talking about treatment of citizens. I'm talking about treatment of projects.

Bickford: Any other comments?

Crews: I'd have to look closer at the definitions of both words before.

Gooden: Mr. Chairman, yes, sir. Do we need to take these home and read them and study them more?

Bickford: I think, probably a good idea. I've seen them and read through them but not as thorough as I probably need to. So why don't we table this issue until a work session and when we'll come up to commission matters. We'll decide whether to accept them and or if they need to be revised to be accepted. Alright, saying that then that will bring us Nicci there's no new business or brings us to your report.

Edmondston: I don't have anything to report to you at this time. There was a building permit report for your informational purposes. Nothing other than that,

Kapuscinski: Yes Mr. chairman one thing. I brought this up before the Board of Supervisors, I think it's necessary to bring it up in front of our commission as well. There are three bills that are either pending

or passed in the state legislature that has the could it pass have a very significant create a significant wave issue, as far as planning commission and Board of Supervisors work was concerned and they are House Bill 636. Senate Bill 567, and Senate Bill 697 567, and 636 have been continued into 2025. My guess is that even if they pass they be vetoed, but they could come up again, my understanding is that they will come up again in 2025. These bills relate specifically to solar. And if anybody hasn't read them, I will tell you what it says on those two particular bills that the county will have removed from its ability to govern over the installation of utility scale solar, and the state corporation commission will then take over in other words, we won't have a choice, right. Now those two bills have been continued. But there's a third bill 697 coming out of the Senate that did make it to the floor and understand it's going to be up for a vote. And my guess is it'll pass probably get vetoed at the at the Governor's desk, but then it'll go forward again. 697 specifically says until the land under panels now understand what I'm saying here under panels equals 4% of the total land mass in the county and we have 371,000 acres, then the county cannot pass conditions or restrict utility scale. utility scale solar installations, the two things I would recommend for the commission here at this point in time is this. Number one, we quit calling these things utility or solar farms, they are not farms are the furthest thing from farms. These things are solar utility industrial installations. That's what they are. Secondly, I would warn you that every time we put a panel up, we're not looking at the area under the panel, we are looking at the area on our panel, plus the recess in between those panels, you're looking at the holding ponds, you're looking at the setbacks. So on an estimated bases, 700 acres of panels under land under panels would probably require close to 1400 acres in order to satisfy that particular installation. It could be less, but generally speaking, it's twice the size of the panel. So if you're looking at 4% of the county land, you're looking somewhere between 12 and 15,000 acres if you don't count on count water land, alright. 12 To 15,000 acres would probably translate in anywhere to 25 to 30,000 acres of required solar installations before the county has any say in them. Now I'm suggesting to us that there is a position we should take. I suggested that to the board. Well, Mr. Davis, you heard me say it. I don't know how to do that. I don't know where it should come from. But I will tell you that we ought to have a resolution in this county that we will make our own land use decisions. It starts with solar. But I will tell you this is an egregious overreach of state government telling counties what they can do with their land. This this is this is county business, we may want solar in our county. But we want to make those decisions. We do not want some northern legislator who probably doesn't even know where Buckingham is to tell us where and how and when to put solar utility industrial sites on our property. That's, that's my concern. I'll open it up for conversation.

Bickford: I will tell you that I've talked to Mr. Wright in regards to this actually this week. And he will prepare us a statement. But he's wants to discuss it with the Board of Supervisors, because that's where it needs to come from not the planning committee. We can we can put our voices to it but it really comes from the Board of Supervisors. So it will be up to the one or more of the board of supervisors to question or ask Mr. Wright to prepare the statement, and then it would be voted on by them.

Kapuscinski: I appreciate that, sir. And I also would appreciate if somehow the commissioner names are, are on that as well. I did speak.

Bickford: I think that we could do that we could attach to it.

Kapuscinski: I spoke to both Tom Garrett and John McGuire about this whole thing. And both of them are no votes, they understand. But Tom did tell me, he says it did make it to the floor. And he said, I can't guarantee it's not going to get passed. That is a real, that should be an absolute concern to us. Because I will tell you, it starts with solar. What comes next?

Davis: And, Mr. Chairman? Yes, in my opinion on that, if that passes and comes to commission, tuition is no need for this board. And it's no need for a board of supervisors because the state's going to make all of this

Kapuscinski: Thank you, Mr. Davis. You're absolutely correct.

Davis: Buckingham County needs to decide what goes in Buckingham County, not Richmond or Northern Virginia.

Gooden: Mr. Chairman, if I remember correctly, we've had other county issues being addressed by counties and representatives out of this area. And I'm thinking when we're talking mining issues, I'm thinking we're talking when we talked about the Dominion compressor issue. So that is not a new issue when other people within the county do what I call an in run, and have somebody out of the area tried to decide what's going on in Buckingham. So you know, and I do agree, Buckingham should run Buckingham his business and not be decided by somebody out of the area, which may not know that Buckingham is the geographical center of Virginia. But and so I disagree with people outside running Buckingham business, but it's not the first time that it has happened. It is not new, and it has been used over and over within this county.

Bickford: I don't disagree with that. I think everybody probably feels very much the same. You don't want it should be a locality, making a decision on what goes in the locality based on what they want and where it's at and parameters of the application. Any other?

Kapuscinski: Mr. Chairman my only reason for bringing it forward is I'd like it. I'd like to become a part of the minutes. That's why I brought it up.

Bickford: Any other comments on that issue? All right, seeing none, we'll move to adjourn to have a motion to adjourn.

Kapuscinski: Moved.

Shumaker: Second.

Bickford: All right. No discussion. All in favor, raise your right hand. We are adjourned. Thank you

Commissioner	Yay	Nay
Kapuscinski	X	
Crews	X	
Dorrier	X	
Bickford	X	
Shumaker	X	
Gooden	X	
Davis	X	

Commissioner Kapuscinski moved, Commissioner Dorrier seconded, and was carried by the Planning Commission to adjourn the meeting.

Attest:

Cheryl T. "Nicci" Edmondston
Zoning Administrator/Planner

John E. Bickford
Chairman