

**Buckingham County  
Planning Commission  
February 27, 2023**

At a regular scheduled meeting of the Buckingham County Planning Commission held on Monday February 27, 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, Stephen Taylor, Pete Kapuscinski, Ashley Shumaker and Board of Supervisor Danny Allen. Also present were Nicci Edmondston, Zoning Administrator, and E.M. Wright, Jr., County Attorney.

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

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

**Bickford:** Nicci any changes to the agenda?

**Edmondston:** No, sir.

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

**Allen:** So moved.

**Dorrier:** Second.

**Bickford:** I have a motion and second to approve any discussion. All in favor, raise your right hand. All right, that passes. We have minutes from January 23 regular meeting. Do I have a motion to approve?

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

**Allen:** So moved.

**Shumaker:** Second.

Bickford: Motion and second to approve any discussion? All in favor, raise your right hand. That moves through. Thank you. That brings us to our general comment period, public comment period. Do we have any people signed up?

**Supervisor Allen moved, Commissioner Shumaker seconded and was unanimously carried by the Commission to approve the minutes as presented.**

**Edmondston:** Yes, sir. Mr. Chairman, we have five signed up to speak the first will be Guy Dixon followed by Mindy Zlotnik.

**Bickford:** Mr. Dixon, you can come on up front. You have three minutes. You're speaking on anything in a county other than the three public hearings that we have tonight. Could you give your full name and address sir.

**Guy Dixon:** My name is Guy Bishop Dixon 228 Rosney Farm Lane Dillwyn Virginia. It is lately come to my attention that the county is poised to consider a set of significant changes in the zoning rules that would if adopted place serious new restrictions, if not outright bans on various types of mining on the vast majority of privately held land in Buckingham. My company, as many of you know, has been based and has had 100% of its operations and employees in Buckingham for the better part of the last century. And given that KMC I think has played a somewhat significant and positive role in the economic development of our little corner of the world over the course of those many decades. And that we have been a reasonable corporate citizen over that vast time span. I feel that it would not only be sensible, but prudent for the people considering these changes to study the issue with the diligence and care. It's such a significant shift in policy deserves. And it's hard for a reasonable person to imagine that such diligence would not at least include a careful consideration of the long term effects that such a policy shift would have on the economic development and employment situation of the county in the decades to come. And Kyanite mining would gladly participate in that discussion in any way that the county thought appropriate.

**Mindy Zlotnik:** Good evening, my name is Mindy Zlotnick. I live in district five. The amendment to the zoning ordinance that the supervisors have decided to move ahead with is not without risk. Even though the Virginia code gives municipalities permission to regulate mining through zoning history shows that corporations often use the takings clause based on the Fifth Amendment of the US Constitution to sue or threaten to sue local governments to change their minds. Brian Carltons excellent editorial on the Farmville heard last week, close Aston's Bay CEO Thomas Ehrlich saying that his company plans to continue working with local landowners, no matter what local officials do. Moreover, Allah continues, quote, if the county decides to remove that right to mine, then it's a takings issue for landowners to pursue and read the landowner as Wyrhauser there. What is a takings issue? The Supreme Court established the regulatory takings issue in 1922 case of Pennsylvania coal company versus Mahone. This case is often cited by the legal community for the proposition that if environmental regulations take property under the Fifth Amendment, it results in the necessary compensation for the property owner as an eminent domain. Mahone, however, is the first case in which the Court declared that

the Fifth Amendment mandated that corporations be compensated for the diminishment of property value resulting, resulting from the application of regulations seeking to protect the health, safety and welfare of people in the natural environment. In other words, if Buckingham County has a zoning ordinance that results in limiting a future profits of a company or the diminishment of property value the county can be sued. It's not an automatic win for the corporation's the courts would have to weigh in. But the above early quote sounds like a warning or saber rattling to me. I suggest you ask the county attorney about takings issue and see what he says. He has stated his concerns about the vulnerability of the rights based ordinance in terms of the county being sued. But what does he think about counties getting sued or threatened under the takings doctrine, which has a long history of lawsuits against local municipalities in just your position? The right space ordinance is not within your purview as it is not a zoning or land use law. We feel that both ordinance would be stronger together and thus we ask your support to recommend both to the supervisors. While you're working on the zoning amendments, please ask the supervisors to send the toxic trespass ordinance to a public hearing to protect the home we love. And I have copies of it if you'd like.

**Edmondston:** Mr. Chairman, next on public comment signup is Heidi Berthoud followed by Kenda Hunanman.

**Heidi Berthoud:** Good evening. My name is Heidi Divya Berthoud and I live in district five. I hope you've had a good chance to read and digest the emails we sent you last week about metallic mining. I also sent an update today. Have you thought about contacting Augusta and Richmond counties to learn from their process of creating a zoning ban on fracking not no comment on fracking. Just an example. We asked you to proceed with caution to take your time to understand what you're getting into. The popular sentiment in the county is that no one wants A gold or other metallic mining, how to stop it from coming in is in search of agreement. We've been working hard for going on three years now learning as much as we can. There's a lot to relearn. Why are we in such crisis? Our focus is to protect our own homes and our home planet. In the process, we found that the courts long ago gave rights to corporations that were only intended for humans. Those corporate rights have the objective of empowering and enriching the wealthy, while disempowering our republican form of government. These rights were not also given to public corporations for our states and municipalities, you are leaders. This is how the minority rule the majority, which is we are told what the revolution was about throwing off the tyranny of the monarchy, the power of the few over the many, but today we're ruled by obscenely and immorally. wealthy corporations. This is what we are up against. To do nothing is to welcome in self-serving polluting industry which feeds the stockholders, not our community. We have satisfied Dillon's rule finding Virginia code that empowers localities to protect themselves. The next obstacle is in establishing freedom from the toxic trespass and metallic mining. That is daunting is the daunting illegitimate power of the corporations to trample our health and safety because they have the right to thanks to judges that ruled on behalf of the wealthy, not the public. We think that your process of creating zoning law will do well to be informed by the right space approach. It doesn't propose regulation of metallic mining in the county rather it insists we protect the rights of the people and communities here to be free of toxic trespass. Please read the ordinance and notice the elements pushing back against corporate

rights and the brilliant prove it first section. Also, as my email said please may we discuss safeguarding re mining and reclamation of existing abandoned mines. It has to be written write or we risk banning it or stirring up existing toxicity. I'm frustrated with this one way, direction of communications. I'm only having public comments to give you information that we have worked hard to assemble. We asked for the goldmining committee to foster discussion. That was deeply disappointing. I hope the committee meets again, please know that Virginia community Rights Network and friends of Buckingham are available to share information with you if you are open to hearing other ways of looking at this. Thank you very much. And thank you for giving me another sentence.

**Edmondston:** Kenda Hanuman and Richard Michaels.

**Kenda Hunanman:** Good evening, Kenda Hanuman district five Steve Dorrier district. And I wanted to thank Mr. Dixon for coming tonight because we really have been wanting to talk with Kyanite we're trying to do everything we can to avoid impacting Kyanite or the slate industry. This is about metallic mining, not about what they're doing. So Mindy, and Heidi did a pretty good job of covering a lot of things I had in my notes. I will say that the Farmville Herald article, quoting Thomas Elrich, was pretty eye opening. It was Friday's edition in case you haven't seen it, I would really encourage you to look at that. I sometimes I wonder if I'm, we're being heard when we speak because I see some distractions, and I don't know what that really is, but I appreciate your attention. So regarding the Fifth Amendment, which talks about the takings. In the move to amend, there's some very good explanation of that. And it basically says that the fifth amendment's many provisions include No person shall be subject for the same offense to be twice put in jeopardy of life or limb nor be deprived of life, liberty and property without due process of law. And as it goes forward, it says legally mandated compensation of loss, present and future corporate profits, deters the passage of democratically enacted regulatory law, protecting public health, safety and welfare. So that's, it's a complicated topic, and I really hope that you will turn to pay people who have experienced with this such as Richmond who passed an amendment, they had a proposed amendment that they pass to their Richmond County zoning ordinance. So they've got some experience with working with something like this. Also, Southern Environmental Law Center, and Community Environmental Legal Defense Fund, both works with lawyers. And this is the work they've done over years and years. So they could offer their experience but they're not going to come to you and ask it's up to you to reach out to them. But we have let them know that you are working on it, and they are interested in working with you. So I really recommend that you take that on Ben Price in the video he presented to the Board of Supervisors. I really hope you'll hear what he had to say. And thank you.

**Edmondston:** Mr. Chairman, Mr. Michaels just came forward and indicated that he had signed up incorrectly for public comment. He's actually here specifically for the public hearing regarding the rezoning case on buffalo road with Calvin Bachrach, it's at your discretion to be able to move.

**Bickford:** That's fine. If he accidentally signed up. I'm not going to penalize him; he can speak on it.

**Edmondston:** Okay. Then I've moved him to his three-minute comment period during the public hearing for that case.

**Bickford:** We have anybody left now.

**Edmondston:** That's it for public comment.

**Bickford:** All right. I'll close the public comment period. And that'll bring us to our old business. We have three applications that all have public hearing. We'll start with Olympia Moore's application.

**Edmondston:** Yes, sir. The first case before us regarding a public hearing is case 22 ZMA 321. The landowner and applicant is Olympia Moore. The property is located currently at or near 29661 North James Madison highway in New Canton in the Marshall magisterial district. It is tax map 42, parcel 208. And there's approximately 13.77 acres in that parcel. It is currently zoned a one agricultural and the request before you since this case came to the planning commission is a request to rezone from agricultural a one to business b one for commercial use. Our applicant, Miss Moore is in the audience with us this evening to address any comments, questions or concerns. And we do have three individuals signed up for the public hearing this evening.

**Bickford:** Thank you Nicci before opening public hearing is there any commissioners have any questions for the applicant at this time?

**Allen:** Only question I would have which has anything changed since the last meeting.

**Moore:** No.

**Bickford:** Okay, thank you. All right. We'll open up to public hearing now, for this case.

**Edmondston:** The first individual signed up for public comment is Teresa McManus followed by Franklin James.

**Teresa McManus:** Teresa McManus District Two, all I want to say is I came here to an A one zone, I bought a farm. And I wanted to run a business. Rebecca Carter was in office, and she helped me through the process, every step of the way. I had to go back two or three times because my application was not complete. I did not have how many people, what the business was going to entail. How I was going to run it. I did not have enough information on it. I hope Miss Moore has filled her application out. That's all we're asking. I hope and wish her well. That she has a wonderful and prosperous business in this county. But Miss Moore has to fill out her application the same way I did. And fill in every dot cross every T and dot every I. I'm also here to say goodbye. You don't have to listen to me anymore. It's been fun fighting with you. It's been fun. I will tell you I have never been so disappointed in a county, as I have here. And that's why

I'm leaving. I have seen corruption. I've seen malfeasance. I've seen unfairness by all of the county. I'm ashamed to say I am from Buckingham County.

**Edmondston:** Franklin James followed by Curtis Moore.

**Franklin James:** Franklin James and I come to support Miss Moore, for whatever she wants to do with her land and everything. And that's it.

**Bickford:** Would you state your address, sir?

**James:** 767 Brooks Hall Road Arvonnia Virginia.

**Edmondston:** Curtis Moore

**Curtis Moore:** Good evening. My name is Curtis Moore, Olympia Moore's husband with this property right now, she hasn't decided exactly what we're trying to do with it. But we're in the process of working with different people to try to figure out what we're trying to do here. We want to do something, like a restaurant or grocery store something in the community. Me and my wife have been married now. 26 years. When I met my wife, we came up here. She said this was her mom's home, which is right up the street. That was 26 years ago. Well, guess what? It's 26 years later, and it still look the same. Nothing changed. So the people, they want progress. Kids grow up here. There's nothing for them to do. They leave, they don't come back. There's no jobs. There's nothing for them to do here. So that's all I got to say.

**Edmondston:** And, Mr. Chairman, I did want to add this is no one signed up for public comment. But there were two letters of support sent in. I will not be reading them. We're not operating under COVID regulations, but they are for you to read if you choose to. They will be committed to the minutes of the meeting. But I leave one at each station.

**Bickford:** They're fairly short. Do you want to go ahead and put them on public record? Reading them since they are short. That way they will be on record.

**Edmondston:** Yes, sir. Mr. Chairman, the first comment comes from Pamela Logan at 4270 CG Woodson Road New Canton, and her comment reads Ms. Edmondston. I would like to support Mrs. Olympia more with a request to have her property on James Madison highway in New Canton and Virginia zoned from residential to commercial property as a citizen of Buckingham County living in the new Canton area. I know that there are many businesses that we could benefit from all this into the county, a bank, a grocery store and a family restaurant are just a few examples. New Canton Arvonnia new residents must travel to Dillwyn or Fluvanna County in order to get goods and services from any of these businesses of all size laundromat and a bakery or other establishments that would be nice to have in the area. If we could attract the big names such as 711 or sheets or a drive thru carwash that would be awesome. I fully support rezoning the property which could result in additional revenue for the county and much needed convenience for the new Canton Arvonnia new residents. If you have any questions, please let me



know. And the last letter of support is from Diane Holman James she's out of the Whitehall precinct district two. She states I am writing in support of miss Olympia Moore's request to rezone her property on route 15 in the new Canton Arvonía area from residential to commercial. The establishment of new businesses and economic development are essential factors to the growth of our county. However, I think the kind of business should be seriously considered in order to ensure that the best serves the immediate community as well as the county. I feel that she will make a proper assessment before moving forward. Miss Moore has deep roots and lots of family ties and Buckingham and will want to make them all proud of her new venture. Diane Holman James.

**Bickford:** Thank you. So with that, I'm going to close the public comment. And we'll move it back. That is all the speakers correct?

**Edmondston:** Yes sir. We'll close the public hearing and turn it back over to the commission. Oh, I'm so sorry. One change, Mr. Chairman, I apologize. There was a lady that came to you at the beginning of the meeting. And I don't have her name.

**Bickford:** That's right. All right, would you come forward and state your full name for us and address?

**Dolores Green:** Good evening, I'm Dolores Johnson Green. I'm Olympia Moore's mom. I bought some others with me. But they didn't know that they had to sign in. And I see some other supporters here that probably did not know they were supposed to sign in as well. Good afternoon, I fully support the request from Olympia Moore to rezone her property located on Route 15 Arvonía from agricultural to business. Miss Moore has said from the beginning that she wants and values input from the community as to what type of business they would like to see there. It seems to be a good idea for business growth, due to the lack thereof in that particular area. I have spoken with local business owner, Mr. Jeffries a couple of times, and he supports having a business directly across the road from his business, the shed service station. I've spoken to many homeowners in the Arvonía your new Canton corridor, and they support having a new business there also. And quite frankly, it is disheartening to see the animosity and negativity associated with Miss Moore's request. Earlier she was even denied the right to have a public hearing. The public has the right to voice their opinion, whether yea or No. People should have the right to say what they want and where they want to live and the services that they use. And so we're here again tonight, there appears to be much more animosity and negativity directed towards her. As reflected in your videos online from past meetings. There is no need for the condescending and sometimes rude comments that have been directed to her. Thankfully, it is clear that this type of behavior is not reflective of the entire board. I grew up in Arvonía and as in a decent law abiding citizen. My family only wants what is good for this community. After all, we are a part of this great community and county. Remember, the greatness of a community is most accurately measured by the compassionate actions of its members. While is not yet known, what type of business will end up there, rest assured that it will be family oriented and an asset to the Arvonía New Canton community and Buckingham County. All we ask is a chance to prove it. And to the board thank you for your service to this county.

**Bickford:** Thank you ma'am. That's all speakers. All right. We'll close the public hearing. Turn it back over to the commission. Any commissioners have any questions? I only have one the application I think you'd indicated Nicci has been completed.

**Edmondston:** Yes.

**Bickford:** Anybody would like to speak to the applicant, have any questions for her?

**Olympia Moore:** Good evening, everyone. Again, you know, we've been here you know, a few times. So I think everyone is really familiar with the case. Again, nothing has changed. But I have completed the application and I have submitted it to Nicci, um, for everyone's review. So hopefully all the T's have been crossed and the I's have been dotted. But if you have any questions or concerns, you know, I'd like to address it at this time.

**Bickford:** Okay, appreciate that. I'm not sure if we have any questions.

**Allen:** I just still feel like... I've had family and friends. Actually I picked up my wife from Arvonnia. So I know all about Arvonnia. I think it's a good idea that you want to have some kind of business then the only thing is it's the planning commission job is to have an idea of what you want to put up before we say we approve it. Before we change it. That's just my idea and to me. I would be glad put on hold if you found somebody and brought it back and said we want to build this right here right now. And then we could go forward with it. To me, that's just way im thinking. I just wanted to let you know how im thinking. I think it's a good idea to do something to have some extra in Arvonnia but until we find out what it is to me it's a no move until we find out.

**Moore:** Yes, I understand that. But yes, we are within the right to, you know, put a business there, there is already, you know, a business across the street. So just to change it, or to have it rezoned would, is within reach of what the county is trying to do, where the land is located. And being that it's not, I mean, it is residential, but there's already businesses in that area. So it is, you know, within reach of what the county is trying to do, and where the land is actually located. So, you know, as the planning commission, yes, it is, you know, within your right to say, you know, that that type of business, you know, weighs heavily, however, you know, as a member of the community, it is within our right to have it zoned from a one to be one, because, you know, you can say that it's going to be a certain type of business, but that might not actually be what happens there. So I don't know how much weight, saying you're going to put a hair salon is going to be there, and then it changes later, after it's zoned.

**Bickford:** You do understand the list of by rights in a B1 are the only thing....

**Moore:** I have that paperwork.



**Bickford:** And you do understand anything business if it were to go forward would have to be require a special use permit. But as long as this were to pass and go forward through the board, it would be just that businesses listed on that by right. Just want to make sure you understood that. Any other questions for the applicant?

**Dorrier:** What would be the chance, as Danny suggested to put it on hold until you could find someone? Would that be feasible for you? I know it looks bad that we don't go ahead and pass it. But we do need a reason or a business that you would want to put there. But could you put it on hold until you find someone?

**Moore:** So is that like a county or something law that it has to be something has to be shown there is that like in the paperwork? because I didn't see write something had to say that this is exactly what you're going to do. And stick to that.

**Bickford:** If your request for business one, that by right list is what could go in it. And you're asking to change it over. So those businesses, those specific ones, that's all that could can come in there.

**Moore:** Right. And that's exactly what would be.

**Bickford:** Both commissioners are just asking, they would feel more comfortable. If they knew that you had something that wanted to come in or whatever that business was,

**Moore:** What we're wanting to do is a family style owned restaurant.

**Bickford:** That would be your choice they're, they're requesting that. Now, that is your option. To do that, suspend your application at this point.

**Moore:** I don't want to suspend.

**Bickford:** You can go right ahead and see what happens with the with the vote here. I understand your position. And if we don't have any other questions, Im going to ask them to sit down.

**Gooden:** I just have a comment. And it's mainly discussion board discussion. I am still concerned because we've changed from a one to b one before, since I have been on this board. And I am still at a loss. Why as a board, we're having issues with Miss Moore's application. And I don't understand that she has a list of things that she can put up. And she's agreed to that list. And I just I'm not following, her application is complete. And I presented to the board before my concerns. So the application is complete, but you want to know exactly what's done. And we know there have been people who have had changes for zoning, and those changes and then they change their mind from what they've told us. And then there have been other people who present it to this board who have had a no idea what they wanted to do. That's the best way I can put it. And we've tried to help them relocate find a position. What about this? What about that? And we

have soft balled so many people. And just let me help you. Let me help you. I just failed to understand why we are not passing. Miss Moore on to the to the planning commission.

**Bickford:** You mean to the board?

**Gooden:** I'm sorry, to the Board of Supervisors Well, planning commission too as long as we've taken with this particular case. But we have we have literally held other people's hand. And I just, I don't get it, don't, it fits. What is in that application fits for that corridor. It's a request, we have the list of things there. It does not say you must tell us absolutely what you're going to do. So I just don't get it. I fail to understand why we have so much issue with this.

**Bickford:** Well, everybody looks at an application a little different and looks at the merit on it. At this point. What I'd like to do is make sure... I want to ask them to sit down if we don't have any other questions for them then we'll debate.

**Gooden:** One other thing, and asking her to hold off on it until she gets something you know, we tell she finds a buyer does not make sense. We haven't asked anybody to hold off on it until they find a buyer. We've had to unless we're finding a buyer and a commercial business for her. Because we've said come back, we'll try this, try this. But just to say, Oh, well come back when you've really made up your mind. And for her to I don't see that she should stand up and say, I'm going to put up a retail shop. And then you can say okay, she's going to put up a retail shop, but you're going to complain if she doesn't put up a retail shop. If she puts up another business and said, Well, she lied to us. We've had people absolutely lied to us before. Absolutely lie. I know, they lying. They know they lying. And they know we know where they lying. So I don't get I don't get that.

**Bickford:** Okay.

**Taylor:** But this is the first meeting that she's had the paperwork completed right?

**Moore:** I had it completed before I did not have I think page 11 something was missed or missed the B dot and I had to wait to actually get that back from him. But I had everything that I needed to be done. I just had to wait for Vdot to give me his portion. That's Virginia Department of Transportation.

**Gooden:** And I need to speak to that too. Because the implication that her paperwork wasn't complete. And I rely on miss Edmondson to bring, what she brings us to the board. She does her due diligence. And so for her to bring something to us, that is as administrator. I don't look for her to bring something that is not ready for us to discuss. And it only has to be complete. If I'm correct. By the time it goes to public hearing. And like Vdot had to sign off by the time we got the public hearing. I think that's how it operates. So it was complete and ready for discussion, or else Miss Edmondson would not have brought it to us for discussion. So I just make that clear, just like when we discuss items here. We discuss it. And if we send it to the board of supervisors, we have done our due diligence.

**Bickford:** Okay.

**Gooden:** Okay. Thank you.

**Bickford:** Any other questions before they sit down? Y'all may sit down. We'll debate it now. Do we have any other? How do you want to proceed? You can table and try to get more information but I think we've gotten it because we've been here for so long or move forward or turn it down.

**Gooden:** I move that we pass this on to the Board of Supervisors.

**Bickford:** Okay. You want to move this forward? Do I have a second?

**Allen:** Wait a minute. She hadn't said whether she approved it or failed it. You got to say that. You got to say, yes, we will move to the Board for approval.

**Gooden:** Thank you Danny. I move that we pass miss Olympia Moore's case on the board of supervisors for approval.

**Bickford:** Okay. I have a motion do I have a second?

**Shumaker:** Second.

**Bickford:** All right. All in favor, raise your right hand. All opposed the same time? we have deadlocked tie. If I remember correctly, Mr. Wright said they have the option to move it forward to the Board of Supervisors. Correct? Am I remembering that correctly?

**Commissioner Gooden moved, Commissioner Shumaker seconded, and was carried 4-4-0 by the Commission to move Case 22-ZMA321 on to Board of Supervisors.**

**Edmondston:** The motion that was made to move it forward with a recommendation of approval that failed with a four to four.

**Bickford:** Okay, so because it's a tie. We've turned it down. But they still have the right to go onto the board of supervisors. Okay. Miss Moore, do you understand? What's your recourse? Your course of action is? In other words, you can move on, request to go on to the Board of Supervisors. We ended up with a deadlock on the planning commission. We need to verify that with Mr. Wright

**Edmondston:** Mr. Chairman, members of planning commission and those with us in the audience this evening, I did take a moment to check with our county attorney. And as of right

now with the motion failing with a four to four vote as of now there is no recommendation to give to the board of supervisors at this time.

**Bickford:** Right. I understand that. But they do have the right to go on to the Board of Supervisors if they choose to?

**Edmondston:** We may need to bring our attorney county attorney out for a bit more discussion at this time. I don't have anything to send to the Board of Supervisors for a finding from the planning commission.

**Bickford:** Well, would you keep Mrs. Moore posted on that please?

**Edmondston:** Yes, absolutely.

**Bickford:** Okay. All right. We'll move to the next public hearing which is Jonathan King.

**Edmondston:** Yes, sir. Mr. Chairman, the next case before you is case 23 SUP324. The landowner is David Stoltzfus. 455 Miller Camp Road Buckingham and the applicant is Jonathan King at 328 Johnson station road. The property in question for the special use permit tonight is actually tax map 196 parcel 31. It contains approximately 56.7 acres and it's located at or near 13603 Francisco Road Farmville 23901 in the Curdsville magisterial district. It's currently a one and the request is to obtain a special use permit for the purpose of operating a private school one room parochial school house. The landowner and applicant is present with us this evening and we do not have anyone signed up for public hearing.

**Bickford:** Do any of the commissioners have questions for the applicant if So I'll bring him up forward.

**Allen:** Yes, I see three houses going up there already.

**Bickford:** Would you come forward sir.

**Jonathan King:** Good evening, Jonathan King 320 Johnson station road Dillwyn.

**David Stoltzfus:** David Stoltzfus 455 Miller Camp Road. Buckingham, Virginia.

**Bickford:** Thank you, sir. What was your question?

**Allen:** My question is, I saw three buildings already over. I didn't know what would you do with all three buildings.

**King:** The new construction, he's building his residents back in there.

**Allen:** So a home and a school and what else?

**King:** The school will be 300 feet off the road. The residence is on in the back.

**Allen:** This was three together. I just went down there.

**King:** Ill let david speak I'm not sure what he's building back there.

**Stoltzfus:** so the one on the left hand side of the driveway is my horse barn. The one on the right hand side is my farm shop, hay storage, equipment storage building. And the one in the middle all the way in the back is going to be my new home, where me my wife and my children want to live here as soon as we can get to house built.

**Bickford:** Any other questions for the applicant? Nothing in your application. Nothing has changed since you brought it forward right? Everything is the same.

**King:** No.

**Bickford:** Operation time bringing students by vehicle other than the ones who will walk.

**King:** Yes.

**Bickford:** Okay. Just clarification. Thank you. Y'all can sit down since we don't have any other questions. All right. What's the pleasure of the commission?

**Kapuscinski:** I move we move it on to the board of supervisors.

**Bickford:** I've got a motion to approve and move to the Board of Supervisors. Do I have a second?

**Crews:** Second.

**Bickford:** Any further discussion? All in favor, raise your right hand. That passes. You go on to the Board of Supervisors. Nicci that brings us to Calvin Bachrach.

**Commissioner Kapuscinski moved, Commissioner Crews seconded, and was carried unanimously by the Commission to move Case 22-SUP324 on to Board of Supervisors.**

**Edmondston:** Yes, sir. Mr. Chairman. The final case for public hearings this evening is 23 ZMA 325. landowner, and applicant is Calvin Bacharach. The property information is tax map 126 parcel 11 lot A contains just over two acres and it's located at or near 5784 Buffalo road Dillwyn in the marshal magisterial districts currently zoned a one the requests before you as a zoning map amendment rezoning from agricultural a one to business b one for commercial use. We do have one individual signed up for the public hearing.

**Bickford:** Okay, very good. Commissioners have any questions for the applicant before I open up the public hearing? Open up the public hearing.

**Edmondston:** Richard Michaels.

**Richard Michaels:** Evening, ladies and gentlemen, privileged to be here in front of the planning commission. My name is Richard Michaels have a 5581 Buffalo road. My property immediately abuts the property that's in question for the petition for Mr. Bachrach. There's a couple of problems. I have the download of the entire form here. There's a couple of problems as I see them. The largest one is in his application for the zoning map amendment was he identified that the purpose is going to be for towing service. That is pretty open ended. Because the question is, if he's going to be having tow trucks going out and picking them up, taking them to the Buckingham County impound lot, taking them to auto body repair, or taking them back to this location. At which time, he would probably wait for insurance companies should there be any to either satisfy the claim for that particular vehicle it's been damaged, if it was non repairable similarly, it'll be salvaged and will have to be hauled let's say to Farmville for scrap. There's a question as to whether or not there's going to be significant amount of noise. There's no noise abatement that's being processed here. We're using a towing service. We've lived for 20 almost 22 years 22 years in September, at this location. And we have put up with logging trucks full and empty. We have put up with eight or nine Sea land type containers on this property. The logging trucks were especially obnoxious As much as we had to power wash the house two times a year because of the dust on the road and the dust from the logging trucks going down 631 Now known as Buffalo road. So there is no identification, what towing service actually means, based upon discussion with other residents in the area. The understanding is, is that he's at what used to be the CNC motors up off right off 622. And while he didn't own the building, the building is going to be sold out from under him and he needs to move all those vehicles. I stopped by there today and took a picture. There's at least 20 or 30 vehicles in that lot, which would have to make the transition right next to me, right next to my house. With more will come, whether they will be scrapped. Whether they will be there'll be a salvage yard weather will be sold for parts. With the comings and goings. It's, it's a little much the end of his property line is exactly 100 feet from the end of my property line on that side. On the plat diagram, there's a plat diagram that's carried on Buckingham County books is complete, it's completely blank. But on the plat diagram was furnished to the appellant. He used the relationship or where he wanted a building and where he wanted the lot. It's not typically centered in the plat. That's immaterial probably. But he's got 100 feet close to my property and 200 feet away from where Buckingham branch railroad is.

**Bickford:** Time's up, sir. Okay, I appreciate it. I thank you.

**Michaels:** I would say I discouraged this application

**Kapuscinski:** Can I ask a question?



**Bickford:** Let's wait. Let's close the public hearing and then when we discuss and if you want to save it. That's all speakers?

**Edmondston:** Yes.

**Bickford:** Okay. I'm going to close the public hearing. I'm going to have Mr. Bachrach come up and give a quick summary of the project and maybe answer some of the questions.

**Calvin Bachrach:** Calvin Bachrach Gold hill first thing and I've been meaning to reach out to Mr. Michaels and I did not I own CNC Motors Building and to the best of my knowledge, I haven't been evicted. And I'm not planning on moving those vehicles anywhere. I've owned the building 20 some years now rented at the first but I bought it a long time ago so I don't know where that came from. We're not moving that business to this lot. There's no intent of that.

**Bickford:** Okay. There was some question with regard to the centering of the business on the lot you got a two-acre lot. What's your distance off his property line, that the building would be? Do you recall off top of your head.

**Bachrach:** I don't have it with me I provided it at application.

**Edmondston:** It would need to be 25 feet from side property lines.

**Bachrach:** Ive got the fenced lot 100 foot off of his property line.

**Bickford:** 100 foot.

**Bachrach:** 210 foot off of the road 100 foot off of his property line.

**Bickford:** Okay. Yes, Pete.

**Kapuscinski:** Two things. Last time you were here. We talked about you discussing this with your neighbor. You obviously haven't gone there to talk to him yet. Is that correct?

**Bachrach:** I had the opportunity to talk to some of them. I was going down there today and which is the last minute and we had some cow surgery today.

**Kapuscinski:** So the previous speaker is the one who has the White House up on the hill.

**Bachrach:** I'm aware and I would like to talk to me.

**Kapuscinski:** I think and I'll make a comment. I mean, I suggested that with all due sincerity. I think it's necessary when you do this sort of thing to talk to your neighbors specifically, specifically if you want to change zoning but aside from that, the reason that I, that I suggested early on, instead of going to a be one to use the SUP is because I thought perhaps we could put

some conditions together that would satisfy your neighbors. One of those conditions was to put up a sound barrier, we suggested trees. So, I mean, we were already told that this the sound, your next door neighbors already concerned about the sound. So, again, we've got, if we were to rezone this thing to a B, one, then all of a sudden, we have no, there's no way for us to put conditions on this thing that would satisfy your neighbors. And that concerns me. All right. And so I mean, I need to know, I need to know that your neighbors are satisfied that this is not going to impose on their way of life. I mean, we've seen some of this before. And honestly, it concerns me. So I don't know what your plans are now that we've had discussions. What will you do in order to help this neighbor of yours be satisfied that he's not going to be encroached upon?

**Bachrach:** We discussed the buffer and I'd like to discuss it with him Because I don't think as privacy fence would do him any good, because I think he'd be looking over top of it. Well, I think the vegetative barrier would be better.

**Kapuscinski:** But you're not forced to do it. That's something...

**Bachrach:** I'm aware of that. I don't have an argument for that. Except I've been doing business for 30 years in Buckingham, and I know that some of you don't know, you may some of you do. So. I've always done what I've said. But again, I don't expect you just to take my word blindly. I don't have an answer for you.

Kapuscinski: Excuse me Miss Edmondson, what is the setback from is it 50 foot?

**Edmondston:** 50 feet from the front and 25 on the sides and rear from an adjoining agricultural district from a b one.

**Kapuscinski:** So if you know, one of the reasons you asked for a b1, zoning change was so that you wouldn't have to come back to us in the event that you wanted to expand. And again, our concern, my concern was, are you going to expand towards your neighbor? Or are you going to expand from front to back I mean, this, again, you're taking our ability away to discuss this stuff with you if we rezone, and that's a concern. That's a concern I have with everyone who comes in here and asks for a rezoning. Particularly if you have you're in any one district and you do have a neighbor that you're butting up against. So I just don't know how to go about this and give you a you've already got a complaint here, you I don't know how to go about this and make sure that there's not an encroachment on the part of your neighbor having you having not spoken to him. So I guess my point is, maybe this thing ought to be held until we have some conversation between you and your neighbors so that we know that there's some satisfaction there. I guess that's my point.

**Bickford:** We certainly have the right to table it if you choose to. I guess the only caveat I will say to that is he can talk to Mr. Michaels. And they can come to agreement, but it's voluntary, if we change the zoning.

**Kapuscinski:** Understand that.

**Bickford:** I mean, not to say Calvin would go back on what he promised. I don't think he would.

**Kapuscinski:** But its a concern.

**Bickford:** Just so you understand that.

**Kapuscinski:** Well. And that was one of the reasons I wondered whether or not we just keep it as an SUP on a one district because he could get the same thing done. The only thing is, if he if he wants to expand, he'd have to come back to us I just didn't see the harm in that. And I didn't know whether or not you'd be willing to reconsider.

**Bachrach:** I'd rather just stay with what I'm doing. At CNC I've done to SUPs in the past were still zoned A one and I would have to do SUPs in the future and never change that zoning out there and it's... I'd rather just stay with this requests. Honestly.

**Bickford:** Any other questions for the applicant?

**Allen:** How big a lot is that you got? you got a lot right. They're showing it's 210 feet from the highway.

**Bachrach:** The fenced lot is 80 foot square 80 by 80.

**Allen:** 80 by 80 and that's where you count on putting wrecked vehicles inside.

**Bachrach:** Police calls they want a secured lot it not a lot different than what the county has right here. That's next lot over except my building would be on the outside of the fence.

**Allen:** I know the rest of the people on the road just called me and talk to me about it his all said they don't want to see any wrecked cars or like a junkyard So yeah, if you keep it inside of... is it going to be covered fenced?

**Bachrach:** I was planning on chain link but it doesn't matter. I mean, it's like I say I've looking at what your impound lot here. As far as the junkyard I spoke to some of the neighbors today and earlier in the week or last week, excuse me. A junkyard would need an SUP even with b1 zoning. So I have no intention of a salvage yard or a junkyard.

**Allen:** Yeah, I just know that everybody would like to not see the vehicles no matter if they junkyard or just wrecked vehicle. And I'm just wondering if you get that lot, maybe the front side, you could put...

**Bachrach:** They have the slots you can put in the chain-link.

**Allen:** Yeah something to cover it so you couldn't be seen. Most of the people in your area, in that area, that's what they want.

**Bickford:** Okay, any other questions for the applicant?

**Kapuscinski:** At any one time what would you suspect the amount or the number of wrecks you would have sitting in that yard? I mean, basically, the garage is to hold the roll off you're not going to keep any wrecks inside the garage? You're not not? You're basically using that to house the roll off.

**Bachrach:** House the roll back and maintenance on the roll back trucks.

**Kapuscinski:** Okay, so then then how many? I mean, with your experience? How many would we expect to see? If we drove by that lot? How many? How many damaged vehicles? Would we expect to see?

**Bachrach:** I can't imagine I'm stacking up. Like I said, the insurance company is not going to let them sit there because they don't want to pay storage.

**Kapuscinski:** But what happens if you don't get an insurance.

**Bachrach:** You're going pick them up from Sheriff's Department, state police, and there are is no insurance and they don't come after them. I have to get paperwork from DMV to get a title before I can dispose of it. That can take up to a month. Far as an amount? I can't imagine 10 cars. That would be a lot. Because they come and go. The trucks come in, we talked about that the truck is not a logging truck, it's about as loud as a diesel pickup. That being said, it does have a backup alarm, and it's going to beep when I'm backing up. And that's louder than the motor of the truck. But lights are not flashing. It's a roll back when I'm towing one you don't have the lights on. If I have them off, turn them off at night for I pull in so they're not bothering anybody's house.

**Kapuscinski:** You're going to have lot lights out there, right? Security lights?

**Bachrach:** You would have lights on them and around the building. And I can't... it's not going to be lit up like a shopping center now.

**Bickford:** Any other questions for the applicant? Calvin you can sit down. Im going to turnover to the board for discussion.

**Kapuscinski:** I guess I'm just concerned because I was concerned the last time about the neighbor, if you recall, conversation. And my suggestion to, to the you know, the individual was doing the proposal here was that they sit down and talk to that neighbor, particularly that neighbor that lived next to the lot. Now don't get me wrong. I mean, I saw the lot cleaned up that lot is significantly improved. Since he's taken all the trash off that lot. I mean, I saw the imprints of those, those transport containers were and I mean, it wasn't, I can't imagine that, you know, the Navy would have appreciated that either. So there's been some cleanup. But still, same old

story. When we change the zoning on a piece of property, we take the right of the neighbors away. We take that right away from them to have something to say about what's going to go into their into that neighborhood. And you know, and you've already heard, I think what is a legitimate complaint, and it concerns me. I saw your house, I know it sits on a hill, it's a nice piece of property and you're right that that building is going to sit 100 feet away from that fence. And we did ask if there was going to be a vegetative buffer if you recall I suggested maybe trees. But again, the conversation didn't take place between the neighbor and the person who's proposing this thing. I just, I'm just really concerned about moving ahead without that conversation taking place.

**Bickford:** Okay, if I'm reading your discussion properly, you would like to table this to see if Calvin and Mr. Michaels can work out some details.

**Kapuscinski:** That's my view. I'd like to hear from the rest of the group though.

**Gooden:** Well, Mr. Chairman, I am not going to send this forward. And it has more to do with the equity in the treatment of the two people who have come before the board and I've given you my opinion and in work session. But I don't think we're being equitable. I know, we need to know what neighbors have to say. And we had a public hearing for that reason. And a public hearing here. And a public hearing at the Board of Supervisors gives the neighbors two opportunities to speak. But I'm not moving this forward, simply because we're not being equitable in our treatment of applicants. We have treated and I've said it before we've treated our female applicant different, and we're treating our male applicant. And I can read my objections, you know, for the video, but it's already on video what I've said about the equitable treatment, we need to treat people fairly. And it's not we're reading into, is the land use appropriate? Yes. Then we should be able to pass it on to the Board of Supervisors. So I'm not passing this on, simply because we're not being equitable in our treatment of our applicants.

**Bickford:** Okay. You've stated your position. How about the other Commissioners to Peter sort of suggested table admits to allow time for Calvin to talk to Mr. Michaels and see if they can come to a resolution.

**Taylor:** Well, I mean, Calvin has a business plan for his land, but the other applicant didn't. They just want to do you know, whatever was within b one. So it's not the same. You're right. It's not someone being treated, because a man or a woman or whatever, he has a plan. Other applicant doesn't?

**Bickford:** Well, he has a plan, but it's like we stated in the January meeting, once you change the zoning doesn't mean he has put that.

**Taylor:** Exactly right.

**Bickford:** I mean, so that plan means nothing. It just means that, but that's what he hopes to get there.

**Taylor:** Right, but he has one.

**Bickford:** That's the thing that Pete's brought up is you can't put conditions on a text zone. And, and that's, that's because what you're saying is you're allowing whatever is on the list as a by right in business to come in there.

**Taylor:** Right. But at the last meeting he agreed to put trees there.

**Bickford:** And again, it's just like we say it because he says he's going to put a towing service here, we could move it on board of supervisors, and he doesn't have to do that. Once its passed he could change it. As long as it's whatever is allowed him in B1. So you've got an argument, and we've been through this several times. There is an argument there, but it's not an it's not a lot of difference between the two applications.

**Shumaker:** With what Pete is suggesting. I think that is a nicety. But it is not a requirement. So I don't think that is a reason to table. Nicci has given us data in the past. I think she said 95% of our county is currently zoned a one Does that sound about right? That's a that's my rationale. While I respect Joyce's position, my rationale was to move it forward with the same reason that I voted for Miss Moore. And that is because if we are going to continue to try to micromanage every business that comes in here and not rezone to b one, on the heels of our economic development committee meeting that we had the other day, there will be no progress. If we are not willing to rezone some of the property, especially in cases that the land use makes sense. Then we're not making any progress as a county.

**Taylor:** Right, but if someone comes in with a business plan, they're going to buy that property and do that, right. They're not going to be like, Oh, let's see what we can do.

**Shumaker:** Not necessarily but I'm not going to make this about the previous applicant.

**Taylor:** I'm just saying that in general not previous applicant just in the future, in general, like today or tomorrow.

**Shumaker:** The planning commissioner job is to look at the land use and assess that not the business plan itself. So if the area is right for business if the landowners as weighing you know the proponents for it and the opponents against it if the Planning Commission and the Board of Supervisors see fit that it is a place for proposed development I think the business itself is irregardless.

**Bickford:** Okay, good discussion.

**Allen:** Just go back to finish up what we're working on right here now if you would like to look at what we're looking at to see what he's going to build can you take yours over and show him



the one with a lot on it? That shown where he would be able to build and a lot. Have you seen that?

\*Inaudible\*

**Allen:** With the drawing of the lot, and the building, the building, okay, I didn't know if you've seen that.

\*Inaudible\*

**Allen:** Yeah. And you know if you approve that or you didn't approve it and you like it or you don't like it. Okay.

\*Inaudible\*

**Allen:** I didn't I didn't know if you've seen that. And I knew that they wanted to have more discussion.

\*Inaudible\*

**Bickford:** All right. Thank you for your comments. Let's move it back to the commission. Any further discussion before making the motion? You got three options table, approve or disprove. Do I have a motion?

**Dorrier:** I'll make a motion that we table this until we have both participants equal with what they want to have what they want to do if they could work it out. If not, then we'll have to do something different. But I just think that you need to resolve that like Pete was talking about first. So I think we should table it.

**Shumaker:** But would that be binding whatever and the planning commission really isn't involved in the verbal agreements that landowners have.

**Bickford:** That's correct. By tabling and they're just given an opportunity to talk and then come back to us for the decision. But it's voluntary. We have no authority to make that happen. But that is a motion do I have a second?

**Kapuscinski:** Ill second it.

**Bickford:** I have a motion and a second any further discussion? All in favor that want to table raise your right hand. All opposed that motion same sign. Joyce your abstaining.

\*Inaudible\*

**Commissioner Dorrier moved, Commissioner Crews seconded, and was carried 3-4-1 by the Commission to table Case 22-ZMA325.**

**Bickford:** Not at this time sir. Please. I got to work this out here. So we may have to have Mr. Wright, we got a tie. Wait we had 4 to 3. Okay, I'm sorry. Alright, that motion failed. So now we're left with two options either approve it or disapprove. So do I have a motion either way?

Shumaker: I make a motion would be to approve it and move it along the Board of Supervisors.

**Bickford:** Okay, we have motion to approve. Do I have a second?

**Taylor:** Second.

**Bickford:** Any further discussion? All in favor, right, raise your right hand to approve it and move it forward to the board supervisors alright, that they will move on forward. All right. New business.

**Commissioner Shumaker moved, Commissioner Taylor seconded, and was carried 5-2-1 by the Commission to move Case 22-ZMA325 on to Board of Supervisors.**

**Edmondston:** Mr. Chairman, as we discussed last week, at the work session, the gold mining committee held a meeting, the day of the Board of Supervisors meeting just prior to that, and there was a finding from our gold mining committee. And as a finding of the gold mining committee, there was a recommendation back to the board regarding removing metal mining from the zoning ordinance or to task the planning commission. With the consideration of an amendment to the zoning ordinance to remove metal mining as an activity allowed in any district. Obviously, as many comments were heard here tonight, and I know there's been lots of discussion on the board, there was discussion last week at the work session for unintended consequences and ensuring that the Planning Commission carries forth their due diligence, that's the only item that we have under new business.

Bickford: Okay, I do understand that we have Board of Supervisors, Jordan Miles is going to come up and sort of give us a summary of what the board is expecting from us.

**Jordan Miles:** Mr. Chairman, members of the Commission supervisor, Allen, thank you all for having me. It was my understanding that you want me to, to come and sort of elaborate a little bit on the board's action. And my role as...yes, sir.

**Kapuscinski:** I'm having a hard time. Can we shut that door back then? I'm sorry. I beg your pardon.

**Miles:** You, Mr. Chairman, I did want to also acknowledge the presence of our Board Chairman, Chairman Chambers as well. So going back to what Miss Edmondson was saying, Mr.

Chairman, the committee that was comprised of myself, as chairman of the committee, supervisor, Bryant, from district five, one member of the northwestern portion of the county representing interests, there too and several other staff members made up of that made up that committee. And before our meeting, on February the 13th, we did have a committee meeting. And that committee was established, Mr. Chairman, to respond to this report. And the report. It's a it was a state study and a report from the National Academy of Sciences that resulted in this report as a result of House Bill 22 13. That came before the General Assembly in 2020. This report did find that the Commonwealth of Virginia doesn't have the regulatory framework to support an industrial scale gold mine in in the Commonwealth of Virginia. So therefore, the Board of Supervisors put together this committee for a recommendation to the full board, so I offered the motion the board voted on it on a vote of six to one as supervisor Allen knows well, that was the board vote to make the following recommendation to the Board of Supervisors and hence you all as our planning commission to amend the zoning ordinance to remove metal mining as an activity allowed in any zoning district. And item b would be that the zoning ordinance be amended to define what metals will be prohibited or allowed. out. But, you know, however you won't want to do that. And to note to what Miss Hunanman said that you know that I agree that obviously, and in tune with what Mr. Dixon said there in no way does anyone in the county, you know, want to see our current industries impacted that would be the aggregate operation with the slate quarry and also what Kyanite has contributed as a good corporate partner over the last many, many years. And that can be done in terms of the details you all put forth. So that's kind of where the board is, again. And just to just to be clear, there was one opposing vote to, to that recommendation, as there was the vote was five to one at the committee level, to offer this recommendation. And of course, you know, there's been a lot of discussion, some good discussion now, with regards to the I'm sorry, that evidence based, I said that it work all the time, the rights based ordinance prove it first. The board did see fit to add to have to go through the zoning ordinance with regards to end up an amendment to the zoning ordinance. That's really where we are. I'd be happy if, you Mr. Chairman, have any questions I might have to call on Mr. Wright if you get some I'm not a lawyer, and I will not pretend to be one. I don't get paid like they do.

**Bickford:** I think the high point of it was you want no metallic mining in any district?

**Miles:** That's what the board voted on. Yes, that if that was the board's vote,

**Bickford:** Just want to make sure I understood that correctly.

**Miles:** I think, you know, we're going to the board is going to be relying heavily on the planning commission to, to, you know, dig in and, and nothing gets a great idea to include some of our current industries, and even the aggregate, folks. And I know, you and I both have had calls from the Virginia transportation construction Alliance, which is in the aggregate business. And I think you all bring them to the table and then also Kyanite would be very prudent in in how you all judiciously go about threading the needle.

**Bickford:** Thank you. Jordan. Any commissioners have any question for him?

**Allen:** I just got a statement that I like to say if it's got something to do with chemicals, and I think it's something we need to get rid of. But the word mining...my whole family. When I was younger, I worked at Solite, Slate quarry and Kyanite. So these are mines in this county that's run this county for years. So to put the word mining in that would be against any of these, in my opinion. So what we ought to do is have something that says we're going to do something about the chemicals, so that people will not bring any chemicals into this county and make it make your water go bad, land bad, or whatever, you know, whatever they used to wash their the gold out. There's another chemical to use for that. But if we can put that in. To me, that would be a better deal. You know, we can cut them off, but not worry about the people or the mining that we already have in the county. That's my opinion.

**Bickford:** Well, that sort of dovetails with the call Jordan as well as Nicci myself and Rob Langham. And I've said with Nicci's assistance, but mainly her help, and she did most of it. And now we have a work session set up for March 20. We had planned to introduce the comprehensive plan, but they're going to bring, Rob is going to assemble a group to come and speak to us. And there'll be mining companies, I've have already expressed to guy and John Kyanite to come also, I think he's also probably going to try to add some engineers from Virginia Tech, it'd probably be somewhat similar to the group that we had for the core sampling when they came and talked to us about that. Now Rob was supposed to have sent email I'm going to have to contact him because he he'd as to anybody that had questions, Planning Commission, as well as the Board of Supervisors, to send them ahead of time and they could already get the answers and prepare for that information. And what you're indicating Danny is exactly what one of my concerns was, look, we don't want to, right now, I don't know the process for all of these metals for extractions. The process and what's involved in a chemical wise or not. So I think the more information we can get about the mining industry from them and what actually is involved in, what are the hazards of, of this metallic mining, and how to separate Kyanite situation as well as aggregate businesses like the slate quarry. So that's set up for the 20th, Nicci got that arranged. And I'll I guess I'll get him to email you, I'll make a call tomorrow and ask him to email. But that's where we stand on that. I think that'll lead us a lot of information. I also talked to Mr. Wright, and regards who are timeframe. And he said, we really basically had 120 days before we needed to get something to the Board of Supervisors. Now, I don't know that it will take that long. But I would rather take time and make sure we've got all the information, we'd need to make a proper, craft a proper ordinance, where we're not having damage done to the existing mines already in the county, also keeping our exposure for legality for the county at a minimum, but also accomplishing what the Board of Supervisors has charged as well. One of the other things concern is what Pete had brought up to with the reclamation of the existing mines, we have to be really careful if we want that process to go on, which is very important, I think because it's just like Pete indicated, it takes, you know, you're getting some of that stuff out of the ground. Now there might be leaching, and we can get that under control. But we have to be careful that they don't get swept up in new ordinance that we craft. So I think the more information we get, the better process we can have and hopefully about a very good crafted ordinance that will satisfy all three conditions.

**Miles:** And too Mr. Chairman, if you want, if you have any trouble sleeping. This so this document has... this study has a lot of good information in all seriousness, so I would, you know, there were a lot of hands that that made that that study work or come to life. So I would I would highly encourage you all to take a look at that. At least the first part.

**Bickford:** Jordan, I would also extend the invitation to any of the committee members that would like to be here for that work session. To participate as well, or take notes, whatever. And it very well may be important that we have a meeting with the committee at some point in the crafting process.

**Miles:** I think I think they'd be open to that. I don't see an issue with that. I'm speaking on behalf of myself.

**Bickford:** Very good. That's where we stand. Does anybody have any?

**Kapuscinski:** Just a question. If we invite these people, and I'm really encouraging that we encourage that we are inviting them, it's going to be discourse, right between us. And them. I'd like to be able to ask questions?

**Bickford:** To the people. Absolutely.

**Kapuscinski:** I know it's a work session. But I'd like to make sure of that.

**Bickford:** The way it will be set up is that they're going to present and any questions that can be submitted earlier, they will answer those, you know, they'll have those prepared. But yes, there will be interaction. If it was like the core sampling they had a speaker that might would speak and then you had the ability to ask him some questions, then another speaker, you know for another one. So it will be a lot of interaction.

**Kapuscinski:** You know, my position is I felt before, I think this is an unbelievably complex situation. We've got laws bumping up to each other, we got mining in the in the community, there's a definition that, you know, when it comes down to the kind of mining, I mean, is it called a mineral is gold called a mineral? Because it could be my point is that, it seems to me that, you know, whatever we end up with here. We're looking to provide an ordinance that that keeps our community safe, and maintains land value out here. But at the same time, you certainly don't want to interrupt these businesses, as you mentioned, that we already have here. But I also wonder whether or not you ought to be seeking some advice from people who have been involved in ordinance writing in the mining in the mining community, particularly as it relates to other municipalities or counties that have had issues with this. And I and we were given an offer here. There's the SCLC and in the Cal def, which I think have lawyers on staff that are willing to talk to us, and I wouldn't I would not completely ignore those people. I'm not talking about just Mr. Price, who does presentations, I'm talking about people who've actually had the task of writing those ordinances to make sure that they keep us out of the courts, in some way we can. I

don't know if it's going to we can do this in one work session, but on some of those work sessions, I think it's important for us to get the appropriate advice. Well, no, no disrespect meant to Mr. Wright or anything, you know?

**Bickford:** Well, I think it's probably realistic. It's not going to be resolved in one work session, we're probably going to have at least two made even possible three. And you know, the main thing if you get it correct, and what we can do is look at these outside sources and see if we can get them to come or at least present a summary or something. So we can look at that. Any other questions for Jordan or comments on this?

**Miles:** Mr. Chairman, just to be crystal clear that the Board of Supervisors going on that affirmative vote did would like to use the land use based regulatory framework as outlined in the Code of Virginia using the zoning ordinance in putting up that whatever the end of putting up these appropriate guardrails. The guardrails will differ for how we go about threading this needle is what I'm saying.

**Kapuscinski:** I think basically, you're right. I don't know that we I think the other law is basically civil rights, correct?

**Miles:** I can't speak to that.

**Kapuscinski:** That's not within our purview. I mean, if you talk about toxic trespass, that's not in our purview, if I'm not mistaken.

**Miles:** I can't answer that, because I'm not. I would defer that to Mr. Wright.

**Bickford:** I think we would try to stay within a legal frame that we've been given, which we're working on now.

**Kapuscinski:** What was in our purview, but I think we can do some things. It's just that I don't want to do things that are going to be that are going to end up, you know, we will not have the ability, the ability to enforce for one reason or another. Like I said, these laws have a tendency to bump up against each other, even including the US Constitution. So we need to be very careful.

**Bickford:** Thank you, Jordan. Appreciate it. I extend the offer to the Board Supervisors also for the work session.

**Miles:** What was that?

**Bickford:** You're more than welcome. Hope you can attend the work session.

**Miles:** So thank you, members, Mr. Chairman.

**Bickford:** Thank you. If there's no more comments on this, we'll close out and Nicci that brings you to your building permits and report.



**Edmondston:** This evening. I do not have anything to add under zoning administrator.

**Bickford:** Okay, very good. That brings us to commission matters and concern commissioners have any concerns that they want to express at this time? I'd say none. Do I have a motion to adjourn?

**Kapuscinski:** So moved.

**Crews:** Second.

**Bickford:** We have a motion and second. All in favor, raise your right hand.

**Commissioner Kapuscinski moved, Commissioner Crews seconded, and was unanimously carried by the Commission to adjourn the meeting.**

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

ATTEST:

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Nicci Edmondston  
Zoning Administrator

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John Bickford  
Chairman