

BOARD OF SUPERVISORS MEETING

May 16, 2023

A meeting of the Campbell County Board of Supervisors was held on the 16th day of May 2023 in the Multi-Use Room of the Walter J. Haberer Building, Rustburg, Virginia. The members present were:

Matt W. Cline, Chairman, Presiding	Concord Election District
Kenneth R. Brown	Spring Hill Election District
Justin A. Carwile	Timberlake Election District
Jon R. Hardie	Rustburg Election District
A. Dale Moore	Altavista Election District
Steve W. Shockley	Sunburst Election District
Charlie A. Watts II	Brookneal Election District

The members present from the Planning Commission were:

K. William Kirk, Chairman, Presiding (arrived 6:08 p.m.)	Spring Hill Election District
Michael Condrey	Rustburg Election District
Trish Hedges	Timberlake Election District
Dean Monroe (arrived 6:23 p.m.)	Brookneal Election District
John Thilking	Sunburst Election District
Megan W. Witt	Concord Election District

Absent from the Planning Commission was:

Thomas Lawton	Altavista Election District
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Also present were:

Frank J. Rogers, County Administrator
Clifton M. Tweedy, Deputy County Administrator
Tripp Isenhour, County Attorney
Paul Harvey, Assistant County Administrator/Director of Community Development
Austin Mitchell, Zoning & Subdivision Administrator/Dep. Director Comm. Dev.
Catherine H. Moore, Clerk to the Board

Chairman Cline called the meeting to order at 6:05 p.m. Commissioner Condrey called the meeting of the Planning Commission to order at 6:05 p.m. This meeting was announced as a Joint Meeting with the Planning Commission.

// ROOMING HOUSES/TOURIST HOUSES

Administrator Rogers advised the Board of Supervisors met in a work session last Tuesday, May 9th, to discuss a number of topics including the Comprehensive Plan, Land Use, Rooming Houses and Tourist Houses. The takeaway from that meeting was that rooming houses (owner/steward of the property on site) may be an acceptable activity to allow by-right. There was some additional conversation around tourist houses (owner off premises) to continue the practice of requiring a Special Use Permit (SUP). The Board would like to invite the Planning Commission to share their thoughts. Any proposed amendments to the Campbell County Code would be advertised for the next update.

Chairman Cline added the Board had historically approved every application for a rooming house, and he believed it would be beneficial to the citizens to not to require a SUP for that use saving the taxpayers time and money.

Commissioner Hedges asked if the County received revenue from the short term rentals, whether it was a rooming house or a tourist house. Administrator Rogers indicated this would fall under the purview of the Commissioner of the Revenue to collect the transient occupancy taxes. Currently, the Airbnb platform submits a tax payment to the County, but the County was not confident it was equal to the number of rental homes that exist. This would require additional review and audit of the rental homes. County Attorney Isenhour added this was a statewide issue, but there was a method to tax the rental homes, but it was the responsibility of the platforms to collect and submit those taxes. The County was currently projecting \$275,000 in transient occupancy taxes which included the hotels and motels. Commissioner Kirk believed there were a number of properties that could be taxed, and the County may want to consider the same method used by the City of Lynchburg. County Attorney Isenhour commented the Virginia Code was very clear on the tax policy; it was the enforcement piece that was not clear. There was no action needed by the Board or Planning Commission. Administrator Rogers added a method that would require registration for rental properties would provide a more efficient method to capture that revenue.

As to approval of tourist homes, Supervisor Carwile invited conversation about approving tourist homes that were operated by a third party management company. The Board recently approved one application because they had a management company. Commissioner Kirk relayed concerns he had heard from citizens who lived in a residential neighborhood about a home next door that was sold to an Airbnb. When the property owner was on site, there were less problems with renters. Supervisor Moore agreed that we needed to consider the impact on neighbors living next door to a proposed tourist home. He disclosed he owned an Airbnb in Campbell County. Commissioner Kirk commented he believed the Planning Commission would be in agreement on amending the Code to allow rooming houses by right, but not tourist homes. Tourist homes should be considered on a case by case basis through the SUP process.

Supervisor Hardie shared he too would be in agreement of rooming houses being a by-right use or was comfortable if the rental was on the same property as the owner. He also agreed that neighborhoods and residential spaces should be considered on applications for a tourist house. Supervisor Hardie asked for thoughts related to the use of townhomes or multi-family complexes being used for short term rentals. Mr. Condrey recalled the Planning Commission recommended approval of one in English Commons because there was a Homeowners Association that provided

a layer of protection. Several agreed it would be well if the property had a property manager. There was also discussion of how to classify the rental of a separate structure on the same property as the owner, such as a guest house or detached garage. Would that be considered a rooming house? County Attorney Isenhour provided the definition included in the current County Code, but the definition could be expanded upon by direction of the Board. The current County Code would not accommodate a separate structure or an adjoining property as a rooming house. Mr. Mitchell indicated the current Code did not allow a second dwelling on the same parcel. If a structure had a kitchen and a living space, it would constitute a dwelling. At the direction of the Board from the May 9th meeting, staff was currently working on a definition of a separate accessory dwelling unit for use by an immediate family member to add that as a by-right use.

There was discussion of expanding the rooming house as a by-right use to include a separate dwelling unit. There was consensus to have staff include this as part of the proposed Code updates to limit the second dwelling unit on the same parcel to a max of two (2) bedrooms, maximum of 1,000 s.f. and the parcel had to meet current setback requirements.

As to approving tourist houses as a by-right use, there was agreement to have staff develop amendments to the County Code to consider tourist homes as a by-right use in an A-1 District with parameters as to the size of the parcel and setback requirements. The majority of the Board agreed the parcel would have to be at least 25 acres with setbacks of 50 feet on the front and 250 feet from the sides. Supervisor Carwile was not in agreement as the suggested acreage and setbacks were arbitrary and may incentivize the buying of agricultural land. Supervisor Hardie realized the Board and Planning Commission were attempting to streamline processes, but he was not sure how many SUPs were actually received for properties in an agricultural setting. The SUP approval process would continue to be required for tourist homes in other zoning districts. There was some discussion as to the use of multi-family town homes being used as tourist homes, and the potential to approve those by right if there was a Homeowners Association, but no direction was given to staff to advertise any changes to the County Code.

// REVIEW OF DISCUSSION FROM MAY 9, 2023 BOARD MEETING

Administrator Rogers provided an update for the benefit of the Planning Commission of topics discussed by the Board at their May 9, 2023 meeting.

- Discussed reducing setbacks for residential properties as well as reducing the setback for accessory buildings. Staff was directed to draft proposed amendments to the County Code for the July/August Code Update for consideration.
- Discussed the creation of an additional zoning designation known as Rural Residential to reduce properties in an agricultural zone down to 1.5 acres. Staff was directed to draft proposed amendments which were anticipated for the December code update.
- Staff would be preparing a white paper on development of a Mixed Use Zoning designation or options to simplify the Planned Unit Development designation.
- Discussed the zoning and land use maps to identify the best areas for growth in the County.

Mr. Isenhour provided draft amendments to the Board and Planning Commission highlighting suggested changes for residential setbacks and accessory buildings.

// DISCUSSION OF CONDITIONS ON SPECIAL USE PERMITS

The last item on the agenda was a discussion of conditions on Special Use Permits following the Planning Commission public hearings. Supervisor Shockley was curious what process the Planning Commission used to offer conditions on special use permits. Sometimes the Board did not see the need for the conditions, and the application would be approved without the conditions. For example, there was already a Noise Ordinance in the County that starts at 10 p.m., but the Planning Commission may suggest stopping music by 8:00 or 9:00 p.m.

Mr. Thilking indicated some times the conditions were as a result of citizens speaking at a Planning Commission meeting, but they did not speak at the Board of Supervisors meeting. Supervisor Hardie understood the Planning Commission sometimes heard more of the concerns and because conditions were recommended, those same citizens did not always come to a Board of Supervisors meeting. He believed the Planning Commission tried to seek a balance between citizen concerns and the request by the applicant. In addition, there were times the applicant amended its application based on the conditions established or were accepting of the conditions.

Mr. Condrey believed it was the Commissioner's role to make recommendations, and many recommendations were in response to citizen concerns. As a body, he did not believe the Planning Commission was pro restrictions as a rule.

Several Commissioners suggested that many citizens do not attend the Board of Supervisors meeting believing their conditions were met, and they did not have to. Mr. Kirk agreed with Supervisor Hardie that the Planning Commission sought to find a balance between the applicant's request, the County Code and citizen concerns. Supervisor Shockley added the Planning Commission was always careful to say that final approval rest with the Board of Supervisors, so it should be clear the citizens would also need to attend that public hearing.

// OTHER MATTERS

- Mr. Condrey asked the Board its policy on rebuttal by applicants. Chairman Cline indicated the Board allows the applicant an opportunity to respond to any complaints or concerns raised during the public hearing.
- Supervisor Moore asked if anyone wanted to discuss minimum lot sizes for properties zoned agricultural.
- Supervisor Watts raised a question about small subdivisions (one or more lots created) and the role of VDOT. Did Campbell County allow VDOT to put more restraints on the development of small subdivisions? Mr. Harvey indicated if the small subdivision was more than five (5) lots, the plat had to be reviewed by the Planning Commission. VDOT was an approving agency on the plat and this had been the practice of the County for more than 20 years. Supervisor Watts asked if this was more restrictive than other localities and asked staff to review the current practice.
- Supervisor Watts asked for clarification on storm water quality requirements. Mr. Mitchell indicated those requirements were put in place by the County approximately ten (10) years ago by the Board based on the TMDL loads of creeks, streams and rivers in the County.

These were more stringent than required by the State. Chairman Cline indicated recently an applicant had to change the size of a proposed building because the water credits were going to be a significant cost. Did the County want to continue to be more restrictive?

Administrator Rogers assumed the County adopted regulations to be more restrictive than the State regulations due to the impaired water quality in the County. Mr. Harvey advised the standards adopted were due to the pollution in the James and Staunton Rivers and were the standard already adopted by the City of Lynchburg. It was possible to petition the Water Quality Control Board to reduce those standards. Administrator Rogers added these were actually State regulations administered locally as a customer service.

// ADJOURNMENT

On motion of Supervisor Carwile and Commissioner Kirk, the meeting was adjourned at 8:36 p.m.

The vote was: Aye: Brown, Carwile, Cline, Hardie, Moore, Shockley, Watts
Nay: None
Absent: None

The vote was: Aye: Condrey, Hedges, Kirk, Monroe, Thilking, Witt
Nay: Lawton
Absent: None

MATT W. CLINE, CHAIRMAN

Approved: _____