

BOARD OF SUPERVISORS MEETING

May 9, 2023

A work session of the Campbell County Board of Supervisors was held on the 9th 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 (arrived 5:40 p.m.)	Altavista Election District
Steve W. Shockley	Sunburst Election District
Charlie A. Watts II	Brookneal Election District

Also present were:

Frank J. Rogers, County Administrator
Clifton M. Tweedy, Deputy County Administrator
F. E. "Tripp" Isenhour, III, County Attorney (arrived 4:41 p.m.)
Paul Harvey, Director of Community Development/Assistant County Administrator
Austin Mitchell, Zoning & Subdivision Administrator/Deputy Director
Catherine H. Moore, Clerk

Chairman Cline called the meeting to order at 4:00 p.m. and announced this work session was scheduled at the request of the Board to review the Comprehensive Plan.

Comprehensive Plan

Every locality in Virginia was required by the Code of Virginia to adopt a Comprehensive Plan to guide and accomplish a coordinated, adjusted and harmonious development of the locality's territory which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities. It is required to be adopted every five (5) years; Campbell County last updated its plan in August of 2022. Public hearings are required to amend the Comprehensive Plan.

The focus of the work session was on Land Use. The County's zoning map and land use map were available for this meeting. The land use map is generally the picture of what we would like the County to look like in the future and is used to guide development, particularly in rezoning applications. The Board may want to consider two questions. Does the zoning map allow the current preferred uses? Does the land use map reflect where the Board wants to go in the future?

Mr. Mitchell provided an overview of the current Comprehensive Plan focusing on the land Use chapter. The Land Use plan is implemented through the use of zoning and subdivision ordinances that reinforce the goals and objectives of the Plan, decisions of the Board of Supervisors to rezone land and grant special use permits, and decisions of the Board of Supervisors regarding approval and/or funding of infrastructure projects. He indicated the Comprehensive Plan may be the most important and most commonly relied upon factor to be considered when making a zoning decision. The basic premise of the Land Use Map is the separation of rural areas from more developed areas in order to alter the existing sprawl pattern of development. The current Land Use Map designates approximately two-thirds of the County for continued rural uses, and the remaining one-third for more intense uses.

Mr. Harvey provided a review of existing conditions and trends beginning with population. The County experienced moderate growth between the 2010 and 2020 census. The Weldon Cooper Center who does population estimates for the State projected relatively flat growth for the 2030 census. As the Board just observed in the 2020 Census data, the northwest quadrant of the County gained about 1,800 people, and the rest of the County lost about a 1,000 people which resulted in major changes to the Sunburst and Spring Hill Districts. According to Health Department statistics, deaths were exceeding births by approximately 200 per year which was

impacting the County's growth projections. Any net increases in population would have to come from migration.

Looking at average daily traffic patterns for some of the main roadways over 2017 vs. 2021, there were no significant changes in daily vehicles. Census data showed more of our workforce was working from home, but the mean travel time to work for those that did commute was gradually increasing (currently 24 minutes each way – up from 22.3 minutes in 2010). This would impact quality of life and businesses.

Mr. Harvey reviewed data from CCUSA that was shared at a previous work sessions. CCUSA had seen increases for new water accounts in all areas, but the largest increase was for townhomes. CCUSA also shared they had water and sewer capacity in the Brookville/Timberlake area and the Liberty Ridge & Simon's Run areas. There were hundreds of acres of property already zoned Multi-Family, Single Family, Business and Industrial that had not been developed. Mr. Harvey commented it was important to make sure infrastructure was overlapping with the growth area. He added that most of that area was in the Brookville school attendance area.

The number of building permits and subdivision plats had remained steady over the four year period from 2018 to 2022. Building permits had ranged from 1,000 to 1,200 a year; subdivision plats had ranged from 150 to 180 a year which was normal. Staff observed that construction activity was concentrated in the growth areas. Most of the construction activity occurred by right without a need for a rezoning. Over the same four year period, there were 66 zoning requests with only six (6) denied. The majority of the rezoning requests were in the Concord, Rustburg and Spring Hill Districts, and no particular type of rezoning was prevalent. The average time to complete a rezoning from application to final decision averaged 69 days. The Code of Virginia allows up to one year.

Supervisor Shockley spoke to the significant increase in traffic in the Sunburst/Timberlake area. He realized builders wanted to build where there was infrastructure, but it was becoming congested in that area. He wondered if it would be acceptable to expand infrastructure into the agricultural zoning to have more space for residential use. Mr. Harvey indicated development anywhere north of Route 24 would be in line with the land use map. Supervisor Shockley believed that when all the townhomes and apartments that were being built now were occupied, the population numbers would increase for the County.

Mr. Harvey commented that with all the growth in that area, the student population for the Brookville area schools had remained constant. Somehow the area had absorbed the additional population. Also, the perception was that traffic had increased, but VDOT's numbers indicate there were fewer vehicles on Timberlake Road than four years ago. Supervisor Hardie questioned the census numbers as he too had observed tremendous growth in the last few years. Mr. Harvey agreed it seemed like Campbell County had more houses than population, but the census showed that fewer people live in homes as compared to years ago when there were more people in a household. Supervisor Watts pointed out the VDOT numbers were from 2021 which may have been impacted by COVID. He agreed younger people were having less children or none, but he believed Campbell County was growing. He would like to continue looking at ways to expand infrastructure believing it would encourage development.

Supervisor Carwile commented there was a need for additional housing in the Altavista area and asked if there was a way to facilitate more growth in that area. Administrator Rogers indicated the Town was aware of that need and had purchased property to encourage residential development. Supervisor Watts concurred the inventory in Altavista was low. There was public water along Route 29 all the way to Altavista, but public sewer was not available for the entire area.

Supervisor Watts spoke to the cost of developing a subdivision when you had public water and sewer versus when you did not. It was financially difficult to develop a property for a nice subdivision when you had to pay for roads, sidewalks, water, sewer and other infrastructure costs such as electricity and broadband. There was a demand for single family residential developments, but the cost versus profit was prohibitive. That was the reason so many developers were building townhomes. Supervisor Watts indicated there were pockets of residential development in the County such as Wheeler Road and Collins Ferry Road, but they were being built on the road

frontage. Mr. Harvey interjected the setbacks were such that it was difficult to build on smaller lots; the Board indicated its desire to discuss setback requirements further in this meeting.

The meeting was recessed at 5:35 p.m. for dinner.

The meeting was resumed at 6:00 p.m.

The Board members were provided a copy of the land use map and zoning map for each District along with the permitted uses for each zoning designation.

Minimum Lot Size in Agricultural District/New Zoning Designation in Agriculture District

The Board discussed at length the pros and cons of reducing the minimum lot size in an Agricultural District to allow a parcel to be subdivided further without having to rezone to Residential. Administrator Rogers suggested instead of reducing the agricultural lot size of 2.5 acres, the Board may want to consider an additional zoning designation such as Rural Residential or Agricultural Residential. One of the reasons is that if you reduce the minimum lot size further, you would most likely see more lots formed on the road frontage. Over time, it may create more access points on State maintained roads creating safety issues and without utilities, the residential development could impact ground water. Also, the property owners who backed up to farms may have issues with the noise and smells from the farms.

Supervisor Watts liked the concept of an additional zoning designation such as Agricultural Residential (AR) or Rural Residential (RR), but that would not make sense for property with public water and/or sewer. Mr. Harvey indicated there was hundreds of agriculture zoned properties that had access to public water and/or sewer. Supervisor Brown commented there was much to consider regarding a new zoning designation such as setbacks and restrictions. Mr. Harvey interjected that because R-1 was so restrictive, there may be property owners who want to rezone to the new designation to have more flexibility on their property. Supervisor Watts added it may be simpler to just reduce the minimum lot size in an agriculture district. Mr. Harvey advised the advantage of an additional zoning designation would be the Board would have already determined the allowable uses for the new designation and could consider each rezoning on a case by case basis. The Board was reminded that there were over 70 by-right uses for agriculture zoned property.

The Board members agreed a one-acre lot was not really agricultural and could be problematic with the uses that are by-right for agricultural. Also, the Health Department requires a property owner to separate the drain field and well, and that was difficult to do on a small lot. Supervisor Moore commented that larger lots along roads in an agricultural district were more beautiful, and there were less problems with wells and septic systems.

There was discussion of an overlay district to reflect the Board's vision of where residential growth may occur in an agricultural zone. The discussion turned to reducing the minimum lot size from 2.5 acres to possibly 1.5 acres. Supervisor Watts indicated anything less would not be consider feasible in an agricultural zone. Supervisor Hardie commented that what the Board decides would impact the County well beyond their lifetimes, and he wanted to be careful of the impact on the agricultural sector. He questioned if there were many requests to rezone a 2.5 acre lot into a smaller lot. Supervisor Watts answered that you could change it through a rezoning application, but many would not want to rezone to residential. Mr. Harvey indicated they did not get a lot of applications, but he did not know how many people did not apply because of the process involved.

At the end of the discussion, staff was directed to put together a draft ordinance to create an additional zoning designation in the agriculture district with suggested setbacks and road frontage requirements. The new designation could be considered in lieu of reducing the minimum lot size.

Mixed Use Zoning

Mr. Mitchell indicated Mixed Use Zoning is usually a zoning designation that allowed residential and commercial use. Currently the County Code allows one residential unit incidental to commercial use. For example, if you wanted to have a retail establishment with apartments

above, you could not do that in the County expect under the Planned Unit Development (PUD) ordinance which required 25 acres and other criteria. A Mixed Use Zoning designation had not been discussed due to the lack of demand. Supervisor Watts believed mixed zoning may become more popular as people like to live in a community with walkability to businesses.

In the discussion that followed, it would make sense to have Mixed Use zoning in areas with access to public water and sewer. One idea was to take the PUD ordinance and simplify it to make it easier to rezone the property. The Board requested staff to provide more information on Mixed Use Zoning, how the PUD ordinance may be simplified and next steps.

Setbacks

The County currently requires a 15 foot setback on each side. Mr. Harvey suggested reducing the 15 feet to 10 feet to allow for a bigger footprint on the property. The 25 foot setback in front was probably sufficient; the 25 foot rear setback could be reduced to 20 feet. Accessory buildings had to be 10 feet from the adjoining property line. That could be reduced to 3 to 5 feet. At the request of the Board, staff would draft a proposal for consideration by the Planning Commission and the Board of Supervisors.

Joint Meeting with Planning Commission

Next week the Board would be meeting with the Planning Commission. One of the topics to be discussed is the many requests staff receives for a second dwelling unit in a single family home for immediate family members. Also to be discussed are rooming houses and tourist homes. A person wanting to rent out a room or a part of the home and lives on site would apply for a special use permit for a rooming house. A person that wants to rent out their property and not live on site would apply for a special use permit for a tourist home.

The Planning Commission has taken a position that when the owner does not live on site, there could be problems with noise, trash and other disturbances to neighbors. Airbnb and other platforms do collect taxes and forward those to the locality. However, they generally did not disclose the properties, so it was very difficult to track if taxes have been paid on a particular property. Another issue with taxation is the property owner may not know if taxes had been paid on their behalf and may pay twice.

The Board discussed adding a second dwelling unit for an immediate family member as a by-right use. They also discussed the possibility of adding a rooming house as a by-right use as well. Just recently the Board approved a tourist house because they had a property manager. This would be discussed more with the Planning Commission.

In conclusion, Supervisor Shockley would like to discuss at the joint meeting the background for conditions the Planning Commission adds to recommendations for approval in rezoning or special use permit applications. Supervisor Watts would like to have additional discussion of an overlay of the Land Use Map to identify areas that could be changed to transitional zoning due to existing infrastructure. The last changes to the Land Use Map were approximately 10 years ago when the quarry was approved. Future discussions should include where the County should extend public water and sewer.

// ADJOURNMENT

On motion of Supervisor Brown, the meeting was adjourned at 7:47 p.m.

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

MATT W. CLINE, CHAIRMAN

Approved: _____