

***Campbell County Planning Commission  
Minutes  
September 23, 2019***

The regular meeting of the Campbell County Planning Commission was held on Monday, September 23, 2019 in the Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia. The following members were present:

George Bondurant  
Michael S. Condrey  
K. William Kirk, Secretary  
Dean B. Monroe  
Patrick Tweedy  
James A. Borland, Board of Supervisors Representative

Members Absent:

Dean P. Cumbo, Chairman  
O. Richard Metz, Vice-Chairman

Staff Members present:

Paul E. Harvey, Community Development Director  
Austin R. Mitchell, Zoning and Subdivision Administrator

// Secretary Kirk called the meeting to order with the Pledge of Allegiance followed by the invocation at 7:00 p.m.

// Secretary Kirk asked for corrections or comments on the minutes from the August 26, 2019 meeting. With none, Commissioner Tweedy made the motion to approve the minutes from the August 26, 2019 meeting. Commissioner Monroe seconded the motion.

The vote was: Aye: Bondurant, Condrey, Kirk, Monroe, and Tweedy  
Nay: None  
Absent: Cumbo, Metz

// Secretary Kirk welcomed Commissioner George Bondurant, representing the Timberlake District to the Planning Commission.

// **PUBLIC HEARINGS FOR CONSIDERATION**

// **PL-19-116 (Special Use Permit 101 Arrowhead Drive)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated the applicant is seeking to rent out the existing single family dwelling on a short-term basis through services such as Airbnb and VRBO. The applicant would like to rent short-term to allow the opportunity to consistently maintain the house while welcoming guests to the area. The applicant states that the home has sufficient off-street parking. There are strict house rules concerning parties and noise, guests are screened both online and vetted by the applicant, and there is a video doorbell to monitor who is coming in and when.

// Secretary Kirk opened the public hearing at 7:04 stating these public hearings would go before the Board of Supervisors at the November 7, 2019 meeting.

// Mr. Marc Corbett, 216 Norwood Street, Lynchburg, stated he and his wife lived at 101 Arrowhead Drive from 2008 until 2014 and the past four years they had rented the property to the same family. Mr. Corbett stated he felt short term rental would give him the opportunity to better upkeep the property. Mr. Corbett also stated the dwelling has five bedrooms and a circular drive for ample parking.

// Secretary Kirk inquired to the advertised maximum number of people being allowed to stay at one time with the house having five bedrooms.

// Mr. Corbett stated typically six to eight people with a maximum of twelve staying at one time.

// Commissioner Condrey inquired to the number of people the septic system was approved for and if Mr. Corbett has had any problems with the septic system.

// Mr. Corbett responded he did not know what the capacity was for the septic but other than routine problems there had been none with the septic system.

// Secretary Kirk inquired if there had been complaints from the neighbors and if Mr. Corbett had spoken with them concerning the short term rental.

// Commissioner Monroe inquired about the house rules and how they were enforced.

// Mr. Corbett stated the house rules were posted on the Airbnb web site along with a copy with the contract. Mr. Corbett also stated there is a video doorbell that allows him to see who is coming and going from the house and hear the activity outside.

// Secretary Kirk inquired to the distance Mr. Corbett lived from the property and Mr. Corbett responded approximately 15 minutes.

- // With no one present to speak in favor, Secretary Kirk asked those in opposition to please come forward.
- // Mr. Bobby Phelps, 54 Arrowhead Drive, stated he lived two doors above the applicants house and had lived there for fifty years and felt this was a single family residential neighborhood and a short term rental was not a good fit for the neighborhood. Mr. Phelps also stated he did not receive a letter from the County advertising the public hearing.
- // It was explained to Mr. Phelps per State Code only adjoining property owners were required to receive notices.
- // Mrs. Gail Wright, 133 Arrowhead Drive, stated she and her husband had purchased their home approximately two years ago and if they had known the property beside her was being rented as a short term rental they would have reconsidered purchasing their home.
- // Commissioner Monroe inquired if the driveway was a shared driveway and Mrs. Wright indicated it was two separate driveways with a row of hedges separating the two.
- // Mr. Larry Wright, 54 Arrowhead Drive, stated if this was approved he would feel like he was living beside a Motel 6 and also feels this was not a good fit for the neighborhood.
- // Mr. Douglas Deacon, 27 Belmont Place, stated he had to pass this property to enter and exit the neighborhood and had to come to a stop in the road in order for a renter to move their vehicle from blocking the road. He also stated if vehicles were blocking the roadway and if emergency vehicles could not get through, it could cause a major problem. Mr. Deacon also inquired how Mr. Corbett was renting the property short term for the past year without approval.
- // Secretary Kirk closed the public hearing at 7:28.
- // Secretary Kirk made the motion to recommend approval of PL-19-116 special use permit to an existing single family dwelling as a tourist home on property zoned Residential-Single Family located at 101 Arrowhead Drive. Commissioner Tweedy seconded the motion.
- // Commissioner Tweedy stated listening to the input of the citizens this was not in the best interest of this neighborhood.
- // Commissioner Monroe stated his public safety concerns for entering and exiting the neighborhood.
- // Commissioner Bondurant also stated he felt this was not the in best interest of the neighborhood.

The vote was: Aye: None  
Nay: Bondurant, Condrey, Kirk, Monroe, and Tweedy  
Absent: Cumbo, Metz

// **PL-19-125 (Special Use Permit 698 Orchard Road)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is from Henry Chiles, agent for Crown Orchard Company LLC, for a special use permit to use an existing single family dwelling to rent on a short-term basis as a rooming and tourist house on property zoned Agricultural. The applicant would like to rent out the existing Manor House at Lakewood Farm on a short-term basis through services such as Airbnb. A member of the partnership may live in the dwelling as well and manage it as a rooming house or an outside professional may be hired to manage it as a tourist house. The house has seven bedroom/bathroom suites and each room could house 1-2 guests who may also share the common areas of the house. A sign may be placed on Rocky Road to help travelers find the property. Guests would not be allowed access to the farm past the Manor House.

// Secretary Kirk opened the public hearing at 7:37.

// Ms. Cynthia Chiles, Crown Orchard Company, stated Crown Orchard Company purchased the property in January of this year and the main house is currently vacant and would like to use it as a tourist house. Ms. Chiles stated being an hour away they would employ a local manager to manage the rental and would be using Airbnb and or VRBO for rentals mostly on the weekends. Ms. Chiles stated there were three additional dwellings on the property and the farm manager lived in one, while the others were vacant. Ms. Chiles stated the orchard did have temporary workers from late July to mid-October occupying the dormitories. Ms. Chiles also stated this property participated in the conservation easement program and the short term rental met all requirements.

// Commissioner Condrey stated living in close proximity of the property, there has been no unusual activity and everything was kept within confines of the property.

// Secretary Kirk asked those to speak in favor to please come forward.

// Ms. Judy Chiles, Crown Orchard Company, stated her family had been in the orchard business since 1912 in Albemarle County dealing in retail and wholesale. Ms. Chiles also stated they wanted to be a neighborly neighbor but felt this would help the local economy and community.

// Secretary Kirk asked those to speak in opposition to please come forward.

// Mr. David Harvey, 101 Little Folks Lane, Rustburg, stated as long as this was limited to the large house, he had no problem. Mr. Harvey stated if the smaller houses located on the property would be used as short term rental, he would object.

// Secretary Kirk closed the public hearing at 7:46.

// Secretary Kirk made the motion to recommend approving PL-19-116 special use permit to an existing single family dwelling located at 698 Orchard Drive as a tourist home on property zoned Agricultural to rent on a short-term basis as a rooming and tourist house on property zoned Agricultural. Commissioner Tweedy seconded the motion.

// Commissioner Condrey suggested the applicant verify with the Health Department the number of people allowed for the septic system.

The vote was: Aye: Bondurant, Condrey, Kirk, Monroe, and Tweedy  
Nay: None  
Absent: Cumbo, Metz

// **PL-19-126 (72-A-36 & 72-10-9 - Special use permit)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is from Ken Niemann with Caden Energix Gladys LLC, agent for Plum Creek Timberlands LP, for a special use permit to construct a solar facility on property zoned Agricultural. Caden Energix Gladys LLC proposed to construct, operate, and maintain a 60MW PV solar energy facility on approximately 660 acres of the property. The solar facility would contain approximately 181,600 photovoltaic (PV) solar panels and the amount of energy generated over the course of one year would be enough to power approximately 12,000 single-family homes. The solar facility would connect to an existing Dominion Virginia Power 69kV transmission line that runs through the property. A new, small 3-breaker substation would be constructed on-site, but no off-site electric lines or structures would be required. The project includes an approximate 100-foot setback on all sides and would be enclosed with a fence. The applicant states that the project would be adequately screened from any neighboring properties. A decommissioning plan is included in the request.

// Secretary Kirk opened the public hearing at 7:51.

- // Mr. Ken Nieman, Caden Energix Gladys LLC, stated the Company headquarters are in Arlington, Virginia with offices in Richmond, Miami and Tel Aviv. Mr. Nieman indicated there were currently nine projects in Virginia, two in Appomattox, along with one in the City of Chesapeake, Prince George County, Wythe County, Henry County, Pittsylvania County, Greensville County, and Rockingham County. Mr. Nieman stated one of the projects in Appomattox County along with the one in Prince George County and the City of Chesapeake should be completed by April of 2020. Mr. Nieman stated the access road that is used to cut timber would be the road used for entering the site. There would be approximately 182,600 panels which were made in Ohio. Mr. Nieman stated there was an existing transmission line that would be used and the site is isolated. He indicated when all permitting is approved, construction would start in approximately one year and operational by mid-2021.
- // Commissioner Kirk inquired if there was a contract in place to purchase the power produced.
- // Mr. Nieman stated without all the permitting approved, there was no contract to purchase the power.
- // Commissioner Tweedy questioned the decommissioning plan and the life span of the project.
- // Mr. Nieman stated the life span was between 25 to 35 years and the value placed on the bond was based off of costs to shut the project down at 5 years. Mr. Nieman also stated the panels would have a recycling value at 5 years but at 35 years they would have no value. He also stated the bond value could be revised every 5 years.
- // Mr. Nieman also stated a community meeting was held on June with 6 attendees including Mr. Paul Harvey, Director of Community Development, and Mr. Austin Mitchell, Zoning and Subdivision Administrator, there was support from the community on the project. Mr. Nieman stated once approved, Caden Energix will immediately start the Department of Environmental Quality permitting. He also indicated once the project is started, the project should be completed in approximately 8-10 months.
- // Commissioner Tweedy inquired if the large trucks delivering the panels would interfere with the school bus traveling on Gladys Road.
- // Mr. Nieman indicated there would be no problem scheduling delivery around the bus traffic; he also indicated the panels would be stored at a central location and delivered in intervals.
- // Secretary Kirk asked for those in favor to please come forward.
- // Mr. Carey Douglas, 1799 Gladys Road, inquired if he would be able to see the solar panels from his house.

// Secretary Kirk reiterated with the 100' foot buffer in place the view should not be an issue and Mr. Nieman is willing to work with the neighbors to insure the panels are not visible.

// With no one present to speak in opposition, Secretary Kirk closed the public hearing at 8:29.

// Secretary Kirk made the motion to recommend approval of PL-19-126, special use permit for Caden Energix Gladys LLC, agent for Plum Creek Timberlands LP, to construct a solar facility on property zoned Agricultural. Caden Energix Gladys LLC proposed to construct, operate, and maintain a 60MW PV solar energy facility on approximately 660 acres of the property along with staff recommended conditions, and a further condition that the vegetative buffer shall be maintained for the life of the project. Commissioner Monroe seconded the motion.

// Commissioner Monroe stated he had met with Mr. Neiman and felt he was very willing to work with the neighbors. Commissioner Monroe also stated he has family members that live very close to the project and he has spoken with some of the neighbors and has not heard any opposition.

The vote was: Aye: Bondurant, Condrey, Kirk, Monroe, and Tweedy

Nay: None

Absent: Cumbo, Metz

// **PL-19-135 (Rezoning – 33-7-2A)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is to rezone 3.017 +/- acres from Agricultural to Residential – Single Family for use as a single-family subdivision. The applicant is seeking to rezone the parcel to Residential – Single Family for use as a single-family subdivision. The concept plan shows a proposed four (4) building lots for single-family dwellings. The proposed lots would have frontage on Colonial Highway and meet the required minimum lot area and lot width.

// Secretary Kirk opened the public hearing at 8:40.

// Ms. Kimberly Goff, 571 Red Oak School Road, Rustburg, stated these lots would have the same restrictions as Calohan Estates, Section I, which was approved in December, 2018.

// Mr. Michael Goin, Dickerson Surveying LLC, Appomattox, stated the proposed lots have had perk tests completed and has spoken with VDOT and there are no site plan problems.

// Secretary Kirk asked those in favor to please come forward.

// Mr. Frank Merryman, 1465 Wisecarver Road, Rustburg, stated he was both in favor and against the proposal. He indicated he was in favor stating every land owner had the right to develop their land but on the other hand he was concerned about increased traffic traveling Colonial Highway.

// With no one present to speak in opposition, Secretary Kirk closed the public hearing at 8:48.

// Secretary Kirk made the motion to recommend approving PL-19-135 request to rezone 3.017 +/- acres from Agricultural to Residential – Single Family for use as a single-family subdivision. Commissioner Condrey seconded the motion.

The vote was: Aye: Bondurant, Condrey, Kirk, Monroe, and Tweedy  
Nay: None  
Absent: Cumbo, Metz

// **PL-19-138 (2470 Clarks Road)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator, stated this request is from Thomas and Juliet Parmiter to rezone 2.181 +/- acres from Agricultural to Residential – Single Family for use as a single-family subdivision. The applicant is seeking to rezone the 2.181 acres of the parcel to Residential – Single Family for use as a single-family subdivision. The concept plan shows a proposed two (2) building lots for single-family dwellings. The proposed lots would have frontage on Clarks Road and meet the required minimum lot area and lot width.

// Secretary Kirk opened the public hearing at 8:51.

// Mr. Thomas Parmiter, 2470 Clarks Road, Rustburg, stated he would like to rezone 2.181 +/- acres from Agricultural to Residential – Single Family to sell for construction of a single family dwelling. Mr. Parmiter also indicated in the future he would like to build his house approximately ½ mile into his remaining acreage.

// With no one present to speak in favor or against, Secretary Kirk closed the public hearing at 8:53.

// Secretary Kirk made the motion to recommend approving PL-19-138 to rezone 2.181 +/- acres from Agricultural to Residential – Single Family for use as a single-family subdivision. Commissioner Bondurant seconded the motion.

// Commissioner Condrey inquired if Mr. Parmiter had completed a successful perk test for this property.

// Mr. Parmiter indicated he had not had a perk test but had submitted soil samples and the soil was very similar to the neighboring property which has had successful perk tests.

// Commissioner Monroe inquired if there has been restrictions placed on the property, Mr. Parmiter stated there has not been any type of restrictions.

// Commissioner Tweedy stated he was in favor of preserving agricultural land and stated the majority of the surrounding land was currently zoned agricultural.

// Mr. Parmiter stated the reason he was limiting the acreage on the proposed lots was the topography of the land; he indicated there was a steep ridge near the back and also a portion of the remaining land was in a flood zone.

The vote was: Aye: None  
Nay: Bondurant, Condrey, Kirk, Monroe, and Tweedy  
Absent: Cumbo, Metz

// **SUBDIVISION MATTERS FOR CONSIDERATION**

None

// **MATTERS FROM THE COMMUNITY DEVELOPMENT DIRECTOR**

Mr. Paul Harvey, Director of Community Development, invited the Planning Commission members to attend the Board of Supervisors work session being held on October 15, 2019, at Hyland Heights Church. This meeting is open to the public for input on the County as a whole along as well as the Comprehensive Plan.

// **MATTERS FROM THE ZONING AND SUBDIVISION ADMINSTRATOR**

Included in the Planning Commission packet were the changes to the Comprehensive Plan for Chapters 1, 3, 5, 9, and 10. A public hearing for approval of the entire updated Comprehensive Plan will be scheduled for the October meeting.

// **MATTERS FROM THE PLANNING COMMISSION**

// Secretary Kirk inquired if staff could provide the Planning Commission members with a list of rules and regulations surrounding localities have adopted concerning short term rental properties.

Secretary Kirk made the motion to offer no public hearings concerning short term rental applications until reviewing surrounding localities short term rental policies. Commissioner Monroe seconded the motion.

The vote was: Aye: Bondurant, Condrey, Kirk, Monroe, and Tweedy  
Nay: None  
Absent: Cumbo, Metz

Next scheduled meeting is October 28, 2019.

- // Secretary Kirk reminded the Commission members to please advise staff in advance if there was a conflict in attending the meetings.
- // Commissioner Tweedy made the motion to adjourn the meeting at 9:06.

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Dean P. Cumbo, Chairman

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K. William Kirk, Secretary