

August 21, 2008

The Carroll County Board of Supervisors held an adjourned joint meeting with the Planning Commission on Thursday, August 21, 2008 in the Board Meeting Room of the Carroll County Governmental Center.

Present were: David V. Hutchins, Vice-Chairman
Andrew S. Jackson
Wesley G. Hurst
Dr. Thomas W. Littrell
Gary Larrowe, County Administrator
Ronald L. Newman, Assistant Administrator
Larry Chambers, Planning Commission Chairman
Beverly Tipton, Planning Commission Vice-Chairman
Rex Hill
David Williams
Shelby Inscore-Puckett
Margaret Leggett
Namon Strickland
James E. Cornwell, Jr., County Attorney

Mr. Hutchins and Mr. Chambers called the meeting to Order at 6:08 p.m. and asked Mr. Larrowe to lead in prayer and the pledge of allegiance.

Mr. Hutchins told that the Board was waiting on a quorum and asked Mr. Cornwell to review the proposed Ordinance.

PROPOSED SUBDIVISION ORDINANCE DISCUSSION

Mr. Cornwell reviewed the changes to the Subdivision Ordinance. He told that it would not affect current subdivisions, only new ones. He told that it is a consumer protection ordinance, a plan for future needs and to have organized growth. He told that some of the changes were to comply with the law. Listed below are the changes as stated by Mr. Cornwell;

113-1B	Changed title to 15.2
113-2	Added Section M
113-4	Expanded definition of Agent, new definition for boundary line adjustment, expanded definition of building, Recreational subdivision deleted, Re-subdivision expanded, add definition for setback, changed definition of subdivision, added definition for Family Subdivisions.
113-6	changed to 14 and changed Section E, must have access to state maintained road
113-9	Changed to Title 15.2
113-11	Changed to DPOR
113-12	Deleted provision concerning advertising of lots, deleted reference to Recreational Subdivision

August 21, 2008

- 113-13D Expanded to meet State Code, added paragraph E for rate structure, J added for reserve area for sewage drain fields
- 113-14 Changed number of copies to 11, added small subdivision condition
- 113-15 Added last sentence
- 113-16 Changed to meet State Code
- 113-21 Give developer more time to for completed requirements before recording plat
- 113-22 Changed number of copies, moved water consumption information from advertising, added L
- 113-26 Added P
- 113-27 Paragraph 2 will mandate that lots are served by State maintained street, paragraph 3 concerns streets for lots less than 24 acres, added E
- 113-29 Added last sentence concerning wells being on lots, changed lot size to have one acre if well and septic, added D, added F
- 113-30 Defines family subdivision
- 113-34 Was in code previously under 113-18
- 113-36 Added
- 113-38 Performance guarantees and conforms to Code of Virginia

PLAT REVIEWS

While waiting until time for the Public Hearing, the Planning Commission considered plats submitted for review.

PUBLIC HEARING – PROPOSED SUBDIVISION ORDINANCE

Mr. Hutchins opened the public hearing at 7:06 p.m. and discussed the rules of speaking.

Mr. John Lynch told that he has been a resident for 8 years. He told that he located here because of constringent zoning in Connecticut. He told that the Recreational subdivision concerns him because of not being able to get emergency vehicles in and wondered if the County is liable if something happens on the roads that the County has approved. He stated he is concerned with small lots and wanted to know if they were perked. He told he is concerned with his drain field being on his neighbor's property and stated that there should be regulations to prevent this. He told that there must be changes to the recreation subdivision roads and that the County needs to protect roads. He told that limited zoning will allow protection.

Mr. David Phillips told that he is concerned about the young people of the County and stated that springs and streams should be shown on plats. He told

August 21, 2008

that the VDOT regulations will eliminate ½ of the available land. He suggested 5 acre tracts and told that as much of the rolling land as possible should be used for.

Mr. Alan Caudell told that the County needs to think of this as an economic ordinance. He told that what he would discuss would effect what the Board considers each year when adopting the budget. He told that the proposed ordinance would eliminate the 5 acre exemption and eliminating the recreational subdivision will cause land not to be divided. He told that it would regulate family subdivisions and the 100% septic reserve will eliminate many lots. He told that the proposed ordinance would load the developer with a burden of developing a water system, road maintenance and having a bond. He told that the cost would be passed on to the customer or the developer would walk away. He told that the Board needs to know the cost of adopting the ordinance. He told that the present ordinance is not a problem to the County and asked the Board to make adjustments that were necessary.

Mr. Steve Gregson told that in reading the ordinance it looks like it is for a city, not a county. He told that the issues have been road width and told that if they require a water system the home owners association will be double paying. He told that the County needs to address how to deal with drain fields and package plants. He told that the ordinance does not address RV parks. He concluded by stated that VDOT doesn't want more roads.

Mr. Brian Sutphin told that he is with Carroll County Voices for the good of Carroll County and told that there are more problems with the proposed ordinance than with the current. He suggested taking the current ordinance and fixing the problems. He told that the County needs road standards and there is a big difference between some pig paths and VDOT roads. He told that a VDOT road could not be built on some of the places where people buy lots for the view. He told that people want gated communities. He told that Carroll County has I-77, the Parkway and an ordinance that allows development for reasonable costs. He told that if the Board adopts the ordinance, people will not get off of I-77, but will go to Patrick County.

Mr. Dick Johnston told that he has been a developer for 22 years and they sell mostly to retirees. He told that this creates jobs because they have disposable money which can stimulate the economy. He told that they developed Laurel Mountain with 5 acre tracts with 11 homes. He discussed the increase in tax revenue this has created for the County.

Mr. Olen Gallimore told that he supports the current ordinance as it is and told that no one should be told how wide a right of way should be. He stated that if someone were selling property they might only sell a narrow right of way to protect from the land being developed. He told that West Virginia has a lot of roads that are 20 feet wide with 10 foot pavement. He stated that the

August 21, 2008

E&S inspector should have the authority to let people know if something is unsafe.

Mr. Justin Barnard told that he works for a neighboring locality and they are constantly forced to deal with issues where developers didn't do things right. He told that the County needs to keep future homeowners as well as developers in mind. He asked the Board to take the existing ordinance and make revisions. He told that if there are not regulations in place then people will not do more than what is required.

Mr. Aldean Snow told that he has owned a business in Carroll County since 1987 and is in favor of revising the current ordinance. He told that the proposed ordinance would eliminate 90% of the 2nd home market. He told that 2nd home buyers want a rustic setting. He told that there are streets in Hillsville that would not pass this ordinance. He told that he has developed 2 subdivisions and the Recreational subdivision has sold more lots than the other subdivision.

Ms. Janet Tate told that she has a science background and that she is for responsible development. She told that a working person should be able to purchase affordable housing. She told that the developers pass the cost of development to the purchaser. She stated that she was told that the State Code allows for family subdivisions. She told that there were 884 roads in the County and she is told that there are not services for private roads. She told that the solution to the problem is not to make it worse. Ms. Tate told that private roads are dangerous for emergency vehicles and she discussed the lot sizes concerning well and septic. She discussed increased police activity in recreational subdivisions and told that 11% of the parcels are recreational. Ms. Tate told the advantages of living in Carroll County.

Ms. Nancy Beasley told that her family is in construction and they have worked in areas that had responsible development. She told that she has concerns with recreational subdivisions such as the water supply, septic and sewage and roads for emergency vehicles. She told that when real estate changes hands that the next family will want all of the benefits that the County can offer and it will cost money. She told that the roads should be to VDOT standards with maybe the exception of paving. She told that recreation homes will become permanent homes for retirees requiring more EMS. She told that the County needs to raise standards for future years. She asked if any developer had considered developing a retirement community. She told that she appreciates the months of work that the Planning Commission did on the ordinance and told that there are some planning commission members who are attending classes to become certified.

Mr. Tim Tolbert thanked the Board for allowing for a Public Hearing. He told that the value of recreational subdivisions is greater than \$116 million. He

August 21, 2008

told that the problem with the ordinance is that it is one size fits all. He told that it would stop developing areas like Chalet High and told that there are issues in some developments but VDOT standards preclude a lot of developments. He told that the worse thing about the ordinance is the prohibiting of 5 acre lot subdivision. He told that if the County wants to stop development the Board should adopt the ordinance.

Mr. Tom Slusher thanked the Board and the Planning Commission for their work. He told that he has been attending meetings for over 25 years and developing an ordinance does not happen in a day or two. He urged the Board not to vote on the ordinance until they look at the difference between the current and the proposed ordinance. He told that major differences are the reserve areas, family subdivisions, streets and lot sizes. He told that the streets are an issue and they want the EMS people to be safe. He told that the current Recreational Subdivision does not stipulate road width. Mr. Slusher suggested that the County needed to look at putting things in place for recreational subdivisions. He told that the Board needs input from the public, developers and surveyors to develop an ordinance for Carroll County.

Mr. Charles Martin told that he has been approached by people who wanted to buy his land to develop. He told that he does not want a development in his area. He stated he does not want to go back to the big city or for it to come to him. He told that he gave $\frac{3}{4}$ of a mile to the State to improve the roads and he asked if he would still be paying the taxes and if so he would like to have the road fixed. He told that there is nothing wrong with developers, but they need to be controlled.

Mr. Tom Kyle told that he has a real estate office in Fancy Gap and people want away from the city. He told that the large part of his business is people who want recreational land. He told that the current ordinance needs to be improved to allow for safety and for emergency vehicles. He told safe roads need to be built with good judgment.

Mr. Brad Dalton discussed duplex developments and told that the County needs to allow for them.

With no one else to speak, the public hearing was closed at 8:33 p.m.

Mr. Hurst told that he would like to see the ordinance go back to the Planning Commission to discuss the issues that have been brought up and to come up with what is the best solution for the County.

(Order)

SEND SUBDIVISION ORDINANCE TO PLANNING COMMISSION FOR REVIEW

August 21, 2008

Upon motion by Mr. Hurst, seconded by Dr. Littrell, and passed, the Board approved to send the Subdivision Ordinance back to the Planning Commission to resolve the issues that have come up during the Public Hearing.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Not Present
Dr. Littrell Yes
Mr. McMillian Not Present

(Order)

AUTHORIZATION TO ADVERTISE PIPERS GAP 704

Upon motion by Dr. Littrell, seconded by Mr. Hurst and passed, the Board approved to advertise Pipers Gap Unit 704 for sale according to the approved process for disposition of property.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes
Mr. Dickson Not Present
Dr. Littrell Yes
Mr. McMillian Not Present

(Order)

APPROVE TRANSFER OF FUNDS

Upon motion by Dr. Littrell, seconded by Mr. Jackson and passed, the Board approved transferring \$72.00 from 011010-7006 to 012030-1003 and \$800.00 from 091500-5799 to 091499-9999.

VOTES

Mr. Jackson Yes
Mr. Hurst Yes
Mr. Hutchins Yes

August 21, 2008

Mr. Dickson Not Present
Dr. Littrell Yes
Mr. McMillian Not Present

(Order)

ADJOURNMENT

Upon motion by Mr. Jackson, seconded by Dr. Littrell, and passed unanimously, the Board adjourned at 8:41 p.m. until September 8, 2008 at 4:00 p.m.

W. S. "Sam" Dickson, Chairman

Ronald L. Newman, Assistant Clerk