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The Carroll County Board of Supervisors held an adjourned meeting on, March 23, 2009 in the Board Meeting Room of the Carroll County Governmental Center.

Present were: David V. Hutchins, Chairman  
Wesley G. Hurst, Vice-Chairman  
W.S. "Sam" Dickson  
Andrew S. Jackson  
Dr. Thomas W. Littrell  
Gary Larrowe, County Administrator  
Ronald L. Newman, Assistant Administrator  
Nikki Shank, Assistant Administrator  
James E. Cornwell, Jr., County Attorney

Mr. Hutchins welcomed everyone and asked Mr. Tom Slusher to lead in prayer and pledge.

Mr. Hutchins told that Mr. McMillian had an emergency situation and would not be able to attend the meeting. He told that the Board has heard the economic development issues and told that the Board understands that if they adopt the ordinance that it makes it non-profitable for developers and that is not good for the County. He told that we live in a beautiful area and the Board must strike a balance to protect the resources.

Mr. Hutchins then told that the process was for comments to come to the Planning Commission and then to the Board of Supervisors. He told that he did not attend the Planning Commission meeting so as to not taint the water. He told that each speaker during the Public Hearing would have a 5 minute time limit and asked that if someone agreed with the previous speaker to please indicate which speaker they agreed with. He told that the speaker was to address the Board and not the audience and asked that the speaker be specific in their comments with section numbers, page numbers, and issues.

### **PUBLIC HEARING – PROPOSED SUBDIVISION ORDINANCE**

Mr. Hutchins Opened the Public Hearing at 7:08 p.m.

Mr. Cornwell told that the ordinance was worked on by the Planning Commission for quite some time and there have been substantial changes. He told that to bring into compliance with the State Code that they have to change the way some things are addressed that the Planning Commission and staff have faced. He told that they changed some definitions, created 3 classes of

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subdivisions, lot sizes, road requirements, maintaining a 50 foot right of way, requirements to connect to water and sewer where available, added 50 % septic reserve with well and septic on lot, changes in plat review procedures, tightened bonding requirements and clustering.

Dr. Littrell asked Mr. Cornwell to inform the Board on any questions someone might have regarding something that is required by the State Code.

Mr. Hutchins told that the ordinance has not been approved by the Planning Commission. He told that the Planning Commission would review it over the next couple of meetings and the Board will not act until the Planning Commission re-submits.

Mr. Doug Phillips told that the single most important thing with the division of land is the VDOT regulations of sight distance increase and no more than 2 houses being served without a subdivision entrance. He told that developments are put on the best level land and we need to grow more food now than ever. He told that it needs to be studied more and water is important. He told that owners need to be allowed to divide land so there are strips running to water and that the County needs to do whatever it can for the young people.

Mr. Hutchins told that the sight distance is a VDOT issue.

Mr. Dale Akers told that he had not had the opportunity to read the ordinance. He told that he is a small farmer in Carroll County and it looks like the County is heading in the direction of dictating what people can do. He told that he knows there are issues of people misusing land. He told that people in Wythe and Pulaski County are not happy with their subdivision ordinance and most of the people that move here are not interested in a State road going by their house. He told that lots of absentee homeowners pay taxes but don't require services and it is important to think about what the County has and what requirements the County is putting on the land. He asked the Board to use careful consideration before adopting.

Ms. Marion Goldwasser told that she is reading for Donna Perry, who could not attend. Concerning Section 113-4, she read "I feel that all sub-division in this county be they classified A or B, should be required to have roads built with the basic footprint of a VDOT standard road. These roads should be in the first phase of any sub-division development. This would eliminate the need to exclude any county home (be it permanent or recreational) from any public services offered by the county of private contractor hired by the county. All sub-divisions in this county should have safe accessible roads for the residents of the subdivision, and for any public service employee who would have occasion to be on the properties located in the subdivision. WE need to ensure that police, fire and rescue workers could safely maneuver any

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emergency equipment in these developments, should the need arise. The cost of road construction would be the responsibility of the developer and would ultimately be passed along to the buyer of lots sold within the sub-division. Our lack of a comprehensive sub-division ordinances is probably one of the reasons so many developers from North Carolina, Florida and even locally come knocking on our door wanting to set up these so called “recreational sub-divisions.” Some would argue that a strong sub-division ordinance would hinder growth. Most of those arguments come from the developers themselves, the real estate agents that profit from the sales of the land or their legal representatives that profit from the legal work involved in the development of the properties and the sales of these properties.”

Concerning Section 113-7 she read “one item I would like to see addressed in determining the suitability of land for development is ridge top development. North Carolina has a Mountain Ridge Protection Act that allows some mountainous localities to restrict development on mountain ridges. I do not know if Virginia has anything similar or if counties in Virginia can restrict mountain top development on their own. I would like to see this committee look into any possible ways to prevent any further destruction of our beautiful mountains.” She then told that areas of concern not addressed by the ordinance included retaining “the right to reject any future sub-division development proposals, even if the proposals comply with all the county ordinances, simply for the lack of need for additional sub-divisions within the county borders” and determining “whether or not the developer, whether an individual, corporation, LLC or partnership, has the financial means to property complete the proposed development, to pay any tax assessments due to the county, or pay for any damages that may arise as a result of the development.”

Mr. Alan Caudell told that he is an attorney and a developer. He told that there are 3 big enemies to development – uncertainty, raising costs to develop land and complexity. He told that the County needs to determine what problems need to be fixed and then fix them one at a time. He told that it creates complexity by changing the entire ordinance at one time. He told that the ordinance strikes out the 5 acre exemption and that is a mistake. He told that 113-4 goes from no minimum lot size to 5 acres and a 30 foot right of way to gated communities and in 113-7 C&D he challenged the Board to read C and tell him what it means. He told that it gave no standard. He told that he is afraid the Board is about to pass the most unused ordinance in Carroll County.

Mr. Tom Slusher told that he appreciates the work of the Board and the Planning Commission and told that it is not easy to write an ordinance. He told that the County needs an ordinance that can be defended and that is black and white. He stated that he was not sure that all Class B subdivisions needed gated communities as called for in Section 113.4. He told that in 113.7 that it is not clear what is meant on the 25% slope because some land with 25% slope

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can be developed. He told that in section D where it says all land subdivided is to be served by a public road that many farms are divided to children with a private right of way. He told in 113.13G the fees are set too high, stating that Grayson has a \$2.00 fee per lot. He told that in 113.22E the minimum building line is now 30 feet and the ordinance lists 35 feet with a 15 foot side setback. He told that in 113.26P he doesn't think Carroll County wants to get into telling people where they can build a house and in 113.27 the minimum size for Class B is 5-25 acres and asked why can't things larger than 25 acres be Class B.

Mr. Guy Clark told that his concerns are the same as the two preceding gentlemen spoke of and told that next is to figure out what problems need to be solved and handle it that way. He told that 1 acre lots are too small and asked what if family members decide in the future to sell.

Mr. Ted Snow told that he agrees with Mr. Caudell

Mr. Brian Sutphin told that in 113-7 D&E regarding the 100 year flood plain and the 25% slope that it needs further clarification and in 113-13 J it says that there is a mandatory 50% reserve and told that the State has laws for sewer systems. He told that the minimum lot size in 113-27 should be changed from 5 to 2 or 2 ½ acres. He told that for the family subdivision in 113-30 there are lots in the County that are served by 10-18 foot right of ways and if someone wants to give property to a family member they should be able to do that with the existing right of way. He recommended taking time before adopting the ordinance because it is taking away from people's rights.

Ms. Debby Goad told that everyone hates rules and she would like to see a stiffer ordinance as a person but as a landowner would like to see them loosened. She told that the intent of the ordinance is to protect the citizens and have everyone on the same page. She told that it creates standard and nothing is going to satisfy everyone. She told that the County either needs to do something or forget about it.

Mr. Paul Burnette told that he agrees with Mr. Caudell and Mr. Sutphin. He told in 113.7 concerning the 18% grade that 50% or more of the roads and land is above this. He stated that if you can put a septic system in on a 40% slope and you can get trucks to the property then 18% grade is asking too much. He told that the County should allow more than 25% slope and that the ordinance needed to be taken one piece at a time.

Ms. Janet Tate told that when she started looking at land use issues she called Mr. Poindexter who is now a Delegate and there are 2 bills that he has introduced. She told that there are going to be problems with water with wildcat developments and these do not pay for themselves. She told that if there are problems with the roads more don't need to be created. She stated

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that the County needs to protect our resources. She told that more development means more services and more resources. She told that Floyd County requires larger lots and they are protecting their resources. She told that she supports the ordinance and would like to see it stronger. She told that many Planning Commission members have strived to learn more about planning.

Mr. Mike Turman told that Doug Phillips had a suggestion of waiting to see what happens with the VDOT entrance because it is important. He told that many discontinued roads have a 30 foot right of way and people would not be able to develop on these roads. He told that a lot of the past problems were due to improper documentation on what people are buying. He told that the County needs a legal instrument recorded with each change in property that the buyer has to sign saying that they will not be getting services.

Mr. Jeremy Ogle told that they have always built State roads into subdivisions and it is harder to build them in Carroll County. He told that 12% grade is excessive and VDOT allows 16% but reduces the number of houses allowed. He told that the commercial entrance should be presented before considering subdivision. He told that in 113-38B there was the requirement for VDOT to take the road into the system within 24 months. He told that there had to be three residences along a road and then had to wait one year before VDOT would take the road so this was impossible.

With no one else to speak, the Public Hearing was closed at 8:14 p.m.

Mr. Hutchins thanked everyone for coming and told that some will like what is done and some will not. He asked the staff to compile the comments and send them to the Planning Commission to review as they consider approval of the final draft.

(Order)

### **ADJOURNMENT**

Upon motion by Mr. Jackson, seconded by Dr. Littrell, and passed unanimously, the Board adjourned at 8:20 p.m. until March 30, 2009 at 7:00 p.m.

#### **VOTES**

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

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Dr. Littrell	Yes
Mr. McMillian	Not Present

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David V. Hutchins, Chairman

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Ronald L. Newman, Assistant Clerk