

At the recess meeting of the Giles County Board of Supervisors on Thursday, February 15, 2007, at 6:30 PM in the Giles County Administration Building, 315 North Main Street, Pearisburg, the following were present:

Howard Spencer	Chairman (Western District)
Eric Gentry	Vice Chairman (Eastern District)
Paul W. "Chappy" Baker	At-Large Member
Barbara Hobbs	Central District
Richard McCoy	At-Large Member
Chris McKlarney	County Administrator
Kevin Belcher	Assistant County Administrator
John Mills	Building/Zoning
Craig Whittaker	County Planner
Bryan Reed	GIS Coordinator
Susan Kidd	Board Secretary

## CALL TO ORDER/INVOCATION

Mr. Spencer called the meeting to order. Mr. Gentry offered the invocation and led the Pledge of Allegiance.

## APPROVAL OF MINUTES

*Mr. McCoy moved to approve minutes of January 18, 2007. Seconded by Mr. Gentry. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Gentry, Mr. Baker, Mr. McCoy, Mr. Spencer.*

## BUDGET SUPPLEMENTS/TRANSFERS

Mr. McKlarney presented a list of budget supplements and line transfers. He stated that most of these resulted from grant funds received. Mr. McCoy asked about the supplement for a golf cart. Mr. McKlarney said a golf cart was stolen from Castle Rock and the supplement was insurance coverage (less the county's deductible) for it. He also explained the funds received from Virginia Tech were for deputy's salaries when they worked there. These are reimbursed to the county.

*Mr. McCoy moved to approve the budget supplements as presented. Seconded by Mr. Baker.*

\$500.00	<b>Community Foundation Grant</b>	<b>Senior Center</b>
\$610.65	<b>Insurance/Reynolds</b>	<b>Sheriff's Dept.</b>
\$565.57	<b>Insurance/generator</b>	<b>Sheriff's Dept.</b>
\$700.00	<b>Insurance/golf cart</b>	<b>Castle Rock</b>
\$6,350.00	<b>Wolf Creek Housing Payment</b>	<b>Water Dept.</b>
\$10,904.61	<b>Flow Thru Money</b>	<b>Schools</b>
\$23,592.98	<b>Flow Thru Money</b>	<b>Schools</b>
\$3,920.14	<b>VT Games Payment</b>	<b>Sheriff's Dept.</b>
\$299.89	<b>VT Games (FICA)</b>	<b>Sheriff's Dept.</b>
\$600.00	<b>Protective Vest Grant</b>	<b>Sheriff's Dept.</b>
\$615.81	<b>Town Tax Ticket Reimbursement</b>	<b>Commissioner</b>
\$615.81	<b>Town Tax Ticket Reimbursement</b>	<b>Treasurer</b>
\$4,745.16	<b>Lafon Property Funds</b>	<b>Emergency Serv.</b>
\$500.00	<b>Town of Pearisburg Payment</b>	<b>Chamber of Commerce</b>
\$16,184.00	<b>Security System Grant</b>	<b>Clerk's Office</b>
\$70,704.62	<b>TOTAL</b>	

*The motion was approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Gentry, Mr. Baker, Mr. McCoy, Mr. Spencer.*

*Ms. Hobbs moved to approve line transfers as presented. Seconded by Mr. Gentry.*

\$1,425.00	<b>From IDA</b>	<b>To Chamber/Business Appreciation</b>
	<b>#4-310-81500-5897</b>	<b>#4-100-72600-5682</b>



## MISCELLANEOUS ITEMS

Mr. Spencer asked what constituted a day of time charged at the regional jail. Mr. McKlarney said staff has asked that question before – one minute is charged as a day. Mr. Spencer said if they house someone 2 hours and then someone else the other 22 hours, they are getting paid for two prisoners for the same slot. Mr. McCoy said that is true and they also keep the extra per diem paid after they become state prisoners and continue to charge the counties the full amount.

Mr. Mills noted that Pastor Shawn Wilburn called and told him the House bill that the board worked on with the fire marshal's office on has been rescinded. Pastor Wilburn extended his thanks for staff and the board working with them.

Mr. Whittaker announced that the road viewers have re-examined the current list. Two of the three members have completed their review. Mr. Whittaker will work with the other member and they should have a recommendation from them at the next board meeting.

## APPOINTMENT

***Mr. McCoy moved to recommend reappointment of James Stafford to the Board of Zoning Appeals for a four year term ending December 31, 2010. Seconded by Mr. Gentry. Approved unanimously (5-0). Voting YES: Ms. Hobbs, Mr. Gentry, Mr. Baker, Mr. McCoy, Mr. Spencer.***

## JOINT PUBLIC HEARING – REZONING REQUEST – BRIAN/PEGGY SMITH

Mr. Spencer opened the public hearing for a rezoning request. He asked anyone who wished to address the board to sign up and please try to limit comments to three minutes due to the large number of people wishing to speak. Mr. Mills presented the application for rezoning by Brian and Peggy Smith on land at the end of Thomas Hill Road in Eggleston. It is currently zoned RRA-1 and they are requesting a map amendment to R-4 – Planned Unit Development.

Mr. Mills asked to clarify a couple issues before proceeding with the hearing. He said that the R-4 Zoning District, Planned Unit Development, is a concept used as a planning and development tool in many areas of Virginia. When implemented properly, this zoning designation provides a win-win for the property owner and the community. The request discussed here tonight is the first of this magnitude brought forth by an applicant in Giles County. Mr. Mills stated that the request has generated a great deal of interest and discussion in the community. This is a good thing. Zoning decisions are important to everyone living in the county. R-4 is new to Giles County and also unique within the ordinance. R-4 is a zoning map amendment and a sub-division request wrapped into one package. A typical subdivision request requires Board of Supervisors' approval, but no public hearing. R-4 Districts, by design, allow the Board of Supervisors and the developer great flexibility in the design and planning of a tract of land. However, if the zoning map amendment and the plan receive approval, then the approved document becomes a very rigid and detailed guideline. Any significant change in the plan would require the owner to submit to the same process being utilized for this application. Mr. Mills said that Mr. Brian Reed would be providing technical support to Mr. Smith for this application. This is a service Mr. Reed provides for any applicant in order for the board and public to better understand the application.

Mr. Mills said he also wanted to clarify that the county made an error in the advertising procedure. The public hearing was advertised with an incorrect date. It was originally supposed to be January 18<sup>th</sup>. Due to the county's error, they could not have the hearing on that date. Mr. Mills said staff did not think it was a good idea to hold the hearing at the next meeting, because their experience has been that for public hearings of this nature, a night time meeting is better. Mr. Mills said he discussed this with the applicant and they agreed for an extension until tonight. From a staff perspective, this request has generated numerous questions and concerns. All of these have been delivered with a great deal of civility. He hoped exchanges at this meeting will continue that trend. People can vehemently disagree but still be civil. Mr. Mills thanked everyone for showing up and being interested in this process. He also announced that letters and emails concerning this hearing have been received and supplied to Planning Commission and Board of Supervisors members and are a matter of record.

**Brian Smith:** Mr. Smith is the applicant in this process. He thanked everyone for attending regardless of which side of the fence they stand on. He presented the plan for Three Meadows Subdivision located on Thomas Hill Road in Eggleston. Mr. Smith said this was just east of his home on Kerr Lane. He said he would like to give a bit of background, discuss the conservation easement, the lots, the open space, access and the covenants and restrictions. The Planned Unit Development (PUD) affords the land owner (Mr. Smith) an opportunity to develop a small fraction of their land and still maintain the vast majority of 155 acres in pastures, forests and farm land. Mr. Smith said this is compatible and in keeping with the stated objectives of Giles County – to retain open space and scenic vistas, preserve existing ridge lines and water courses, identify and protect prime farm land.

Mr. Smith presented aerial photos of the property as well as topographical maps and photos. He stated there were 200 total acres in this parcels. However, this application is dealing with only 155. In 2005, after he purchased the property, he contacted the Virginia Outdoors Foundation and the New River Land Trust about the frontage on the New River. The end result was that 43 acres were deeded to a conservation easement. This deeded easement includes the cliffs, the New River frontage for approximately one mile, approximately 20 acres of bottom land, and a small portion of Sinking Creek. He said as far as the cliffs are concerned, the distance in the easement is approximately 600 feet, or two football fields, in depth.

Mr. Smith said he has modified his original plans and provided updated copies of the covenants and restrictions. They are now requesting 18 residential lots – 17 single family, and one twin cottage lot containing four cottages resembling single family dwellings– each containing two separate residences. This is a total of 18 lots, 21 structures, and 25 residential units. Mr. Smith said the size of lots varies from 6/10 acre up to about 7 acres. The beauty of a PUD is the variety of lot sizes and flexibility of setbacks allowing proper placement of homes to match the topography and landscaping. Two of the lots outlined on the maps showed where the three existing farm structures were located.

Mr. Smith noted that open space on the map was designated by a green area. This is virtually contiguous and creates a green “envelope” around the entire lot area. It preserves agricultural space, meadows, and forest. A PUD requires 50% open space and this plan exceeds that with 61% open space. If the full 200 acres is considered, then it is 70% open space and 30% building sites.

Mr. Smith noted that access is provided on Thomas Hill Road and there is a deeded right of way the entire length. A PUD does not specify a minimum road width or right of way. They have planned improvements, paid for by the land owner, include grading, gravel, and pull offs. They do anticipate a limited width increase. There is a 50 foot easement and road maintenance agreement covering 93% of Thomas Hill Road. The remaining 7% (300 feet) is at the entrance. That is of undetermined width.

Mr. Smith said he felt the Covenants and Restrictions have been strengthened and enhanced. There are no square footage requirements. He said he personally owns a 1,200 square foot home. If they put in 2,000 square foot limitation, they would not be able to build their own home on that site. He said there would be a three-member architectural review committee whose job is to review building design, maintain compliance with free cutting restrictions, and placement of building envelopes to minimize visibility from the river and the ridgelines. In addition, tree removal is limited to the house footprint plus a 20 foot parameter. No trees over 8 inches in diameter are to be cut other than those prescribed by the architectural review committee. Violation of that is subject to a \$2,000 fine and replacement of the tree. Construction is also designed to incorporate energy conservation measures – windows, doors, insulation, and appliances.

Mr. Smith said in conclusion that it is their backyard and their land. This will continue the farming that takes place on the land, it will continue to provide a place for themselves and others to reside and enjoy the river and the open space. They are proud of the development and will be proud of it 10 years from now.

**Brett Stoudemire:** Mr. Stoudemire said he and his wife own and operate an outfitting business in Pearisburg and are residents of Giles County. He felt it was important to be at this hearing. Mr. Stoudemire estimated he spends 200-250 days a year on the New River. He said it was very important to get this PUD right this time because they are setting a precedent for all future PUDs in the county. Development is coming to Giles County;

everyone knows that. It is no secret. Mr. Stoudemire said the water quality in Giles is very good when compared to other places. Nowhere in this plan does it address water quality. The river is the water people drink and it has been here a lot of years. It cannot speak for itself and people have to speak up for it. Mr. Stoudemire said he was concerned about water quality with this development and future developments of this kind. He estimated each house being 2 bedrooms would mean over 20,000 square feet of drain lines for this subdivision alone. He mentioned what is happening with a Montgomery County subdivision on Brush Mountain where “crap” is bubbling in the yards. They have stopped building houses there. When Giles County clusters all of these houses together, what will happen to the crap – it will be in the river. Mr. Stoudemire said he had no problem with PUDs. There was a special exception recently for 5 or 6 units on 50 acres, and he felt that was pretty good. This is 25 units and he felt it was much bigger than a PUD should be. Mr. Stoudemire said they should make sure the regulations are done right and even consider a minimum house limit to have state road and county water and sewer. The water shed cannot speak for itself and they need to take note of that.

**Temple Lawrence:** Ms. Lawrence spoke as a member of the Giles County Historical Society. She said this was unofficial, but she did speak for a number of concerned members. First, she asked the board to remember the history of Mary Draper Ingles rescue. This is a unique, compelling story that happened in only one place on the planet – the Palisades in Eggleston. For this reason alone, they should be protected. In addition, Ms. Lawrence said there is a growing realization that the economic future of Giles County lies in tourism and outdoor recreation. Anything that adversely affects the natural beauty of the county compromises the growth of these industries. Last, she noted that every community has special places. These, for lack of better words, could be called sacred places. Giles County has a number of those. The beautiful courthouse is one. The Cascades are another; Angel’s Rest is another, and Ms. Lawrence said she would submit that the Palisades are a sacred place to be protected and preserved. About 15 or 20 years ago, a bumper sticker turned up in the area saying “The New River Like It Is.” She proposed they need a new one saying “The Palisades Like They Are.”

**Doug Worrell, Jr.:** Mr. Worrell is a resident of Eggleston. He said he agreed with Mr. Stoudemire’s comments. He did urge the Board of Supervisors to exercise an extraordinary amount of care and thought on developing the rural regions of this county located in the New River Valley area.

**Robert Bracken:** Mr. Bracken stated that he was concerned about two things. One is streets and other is water. Until these two items are cleared – without water, without streets – you don’t have a subdivision in this county. He asked Mr. Mills if that was correct. Mr. Mills said that within the confines of this type development, it is a lot more flexible as far as road widths. Some of the water issues must be addressed through the Giles County Health Department. That may not be to the degree some folks feel is necessary, but they will have to have approved health department water and sewage disposal or his office will not issue a building permit. Mr. Bracken said that answered his question.

**Jim Connell:** Mr. Connell stated that it would be difficult to cram 260 years into three minutes. He was concerned because he fell in love with Mary Draper Ingles a long time ago. Yesterday when he was up there, it wasn’t the wind, but the ground trembles when he walks through that area. Mr. Connell said he has spent quite a bit of time, money and energy devoted to the memory of Mary Draper Ingles.

Mr. Connell spoke of historical evidence of poor sanitation and typhoid. He noted it was as lethal today as it was in the past. If a lot of wells and septic systems are placed on that property, the same thing could happen again. They should be concerned about it.

Mr. Connell said he had made money from real estate and cannot be hypocritical, but he would rather not see high density as opposed to low density. He has asked how many units are going to be there. Mr. Smith mentioned duplexes, but they are still rentals. That is not a community Mr. Connell would want to live in. He lived in those in big cities. He moved to this area because of Mary Draper Ingles and he wanted to be in the woods with other critters – not in a housing development with duplexes.

Mr. Connell said several questions come to mind when they talk about the different right of ways. He said this is the most nebulous thing he has encountered. He said he first heard that someone was going to come up on that sacred ground and build a house. Then he heard it would be developed in 20 acre lots, then it was 15, then 10 and now it is in 1 acre lots with duplexes jamming it all together. That doesn’t sound like a pristine area to

him. He said they talked about deeded right of way. He has never signed any on his property and didn't know anyone who has. This is a 10 foot soil road and they are going to put a multi-million dollar project on it. They cannot put a lot of people on it.

Mr. Connell said he had asked everyone to come to this meeting. Ms. Joy Huffman said they all wanted to come and see how Giles County is handling Giles County business. They are all involved in it. This is not a one-way deal – it is a democracy. Mr. Gentry agreed and said the board was glad they were here. It makes their job easier if everyone gets involved.

**Pat Muldoon:** Mr. Muldoon said he lived on a farm on Sinking Creek near Hoges Chapel. He said he wanted to take issue with Mr. Mill's statement this was a win-win proposition. It is a win for developers; it is a loss for the county. The present zoning is proper and correct and there is no need to change it.

Mr. Muldoon said he spoke in 1970 when Giles County first put in the subdivision ordinance. One of the things they were assured was that the subdivision ordinance was to prevent what is being discussed tonight. Out of the eleven objectives of zoning, Mr. Muldoon felt six were in direct conflict with this proposal. He said at those meetings years ago, they did lose the privilege to do what they wanted with their property under zoning, but they were given the privilege to speak out against any development – including subdivisions.

Mr. Muldoon said if this variance was allowed it would be a blight on Giles County and will cost each citizen money. Roads will have to be put in, improvements made to present roads, water and sewer will have to be put in and they may even have to build on to the schools. This would be an expensive thing. He said a Planned Development is a wolf in sheep's clothing. If they approve the change, it will look like they are only looking after the coffers of Giles County and not the welfare of the citizens. The board does have the power to accept this, but they also have the responsibility to obey the objectives as well. He said this will cost citizens a great deal of money and he hoped they would not go forward with it.

**Shaena Muldoon:** Ms. Muldoon spoke on behalf of her brother, Patrick. Comments are attached in letter form from Patrick Muldoon.

Ms. Muldoon also stated that she has been fortunate to travel to seven continents in the world and this (Giles County) is the most beautiful place in the world. She asked the board to take that into consideration when making their decision.

**James McGrath:** Mr. McGrath presented information from a 35-year study by the Environmental Law Institute of Washington, DC and the Southern Environmental Law Center in Charlottesville from 1999 called Smart Growth in the Southeast: New Approaches to Guiding Development. Mr. McGrath noted that a report was given by other people in the acknowledgement, "thank the many people who contributed information from their years of experience in working with land use planning, environmental conservation, and economic development throughout the southeast. And special thanks to the 1,000 Friends of Florida..., NC Sierra Club, Energy Environment and Resources Center, University of Tennessee, Piedmont Environmental Council, The Georgia Conservancy, South Carolina Coastal Conservancy Group and the Headwaters Group." Mr. McGrath acknowledged that the study states his main objection to the proposed development. Any development outside of the main infrastructure – water, sewer, roads – comes back on the tax base and raises the taxes for the people. He did not feel that in this county with the average annual income of \$25,300, they need increased tax rates. On February 3<sup>rd</sup>, he was at a meeting in Eggleston where Mr. Smith proposed this development. At that time, Mr. Smith stated he had never done anything like this before, but that he had the best of intentions. Mr. McGrath questioned Mr. Smith and referred to the above mentioned document. Mr. McGrath paraphrased Mr. Smith's response as stating that he would not be raising taxes by developing outside of the infrastructure. Mr. McGrath said he was confused how someone with no experience in this sort of venture, and in conflict with a study by these institutes and foundations, can assure the blue-collar working people of this county that their taxes are not going to go up. Mr. McGrath said his feelings are that anyone who has never done anything, yet knows everything, has no clue. He said he would like for Mr. Smith to explain to this county how he is going to be able to keep the tax base secure.

Mr. McGrath said his main concern about this, outside the infrastructure, is the water. The average water consumption in the county per household is 128.2 gallons per day. He used 100 gallons per day to average the amount for 25 units at 2,500. That is roughly 60,000 gallons per month going into the ground. Mr. Smith referred to using an advanced septic field. Mr. McGrath said he built many houses and cut many septic fields, but he did not know what an advanced septic field meant. Mr. McGrath said the county's aquifer has not recovered from the drought of 2000. At that time, the water level fell 50 feet in 11 days. He said neighbor's wells have been going dry and the county has actually proposed going to the river for water. If Mr. Smith is going to put 30,000 gallons of sludge into a septic field, he wonders if the development goes through, will the water they flush today become the water we drink tomorrow. That has to be addressed.

**Dave Wolf:** Mr. Wolf noted that he attended school here 20 years ago and has returned here to retire. He owns about 60 acres directly across from this proposed development. This is one of the most beautiful places he has ever been. He felt everyone who moves here feels that way. Mr. Wolf said he would love to see subdivision development, but felt it would be better more toward towns so people who want the rural experience to enjoy can continue to do so. He said for that reason he opposed this request.

**Ray Lolli:** Mr. Lolli said he has lived here for 30 years and in a lot of different areas of the county. He now resides in Newport. During that time, he has worked at Carilion Giles Memorial Hospital. They have been working for some time, but they do plan on building a new hospital in the county in a few years. It will be an economic driver for the entire community. He said for many years, it has been worrisome that the county's population has not grown and remained stagnant over the decades. He is concerned about the future of Giles County. Mr. Lolli said he has had opportunities to leave and work elsewhere for more financial gain, but he decided to stay here because it is a great community and a great place to live. This is a very desirable community to live in and people are going to want to move here. It is important that there is a plan for growth. Growth can be a good thing if it is planned and controlled. Giles does not want to turn into a Montgomery County, but we do need to move forward.

Mr. Lolli said there is probably some wiggle room for developments like this. There should be some compromises made and they should not totally be excluded from consideration. He said he noticed some of the people who objected to this have only been in the county for 2 or 3 years. It seems like a "not in my backyard" thing.

Mr. Lolli said he can look out his back door and saw a farm and mountains. About five years ago, a young man purchased 5 acres of that land from his grandmother to build on. He discovered he did not have right of way to the property and his grandmother would not sell or give him the right of way. Mr. Lolli said he gave this person the right of way so he could build his house and enjoy Giles County. Sometimes it is good to have cooperation and generosity and work with people – it could be a good thing for the county. He said he thought that planned growth was a good thing for the county.

**Kay Stratton:** Ms. Stratton said she was a newcomer to the county, but she was a tax payer here. She lives in Pembroke and has a beautiful view of the river. To the right of her home – across the river – there are several home sites being developed and people are building whatever they want. She said she also knew Brian and Peggy Smith and was with them the day they wrote the contract to purchase their own home in Eggleston. No one is more in love with Giles County than Brian and Peggy. They purchased the land in question when it came on the market to add to their property. They also wanted to know that it would be developed with love and care. Mr. and Mrs. Smith have put in many hours talking with people, working with soil scientists and others to see how to best develop this land – it is coming. The Smiths have put a lot of time, effort, and love into this. They are not trying to harm this community.

Ms. Stratton acknowledged that she is also a realtor, but has no vested interest in this development. She would probably not sell any of those lots. She moved here because she loved the area and the neighborhood. She said that she needed to clarify what Mr. Stoudemire said about Brush Mountain and the water shed. That happened on one or two lots only. She said if people look at Brush Mountain West they need to envision houses on 1.5 to 2 acres. That cannot support a gravity fed septic system. They had to re-design and re-engineer septic systems that would not harm the land and allow people to stay there. They have NOT put a moratorium on building. Those are the kinds of things that can happen with a mega development. However,

the Smiths are proposing a very small number of homes on 200 acres. They are giving the community green space and are protecting the Palisades. They have put things in perspective in terms of protecting the neighborhood. She said she understood that groundwater was a concern. One of her most favorite things is to look at the New River – it is beautiful and she hopes it stays that way. With planning like the Smiths have put forth, it will stay that way. They will try to protect it. Ms. Stratton said she hoped people will work with them. She felt it would add to the county's tax base – she herself pays a substantial amount in property tax here. She shops here and supports the economy. Ms. Stratton said she hoped they would give this a lot of thought and consideration. She said she felt like the lone voice in the wind, but she hoped they would really study this proposal and don't be afraid.

**Ted Harris:** Mr. Harris said he was not from around here. He has lived in Christiansburg for the last 20 years and traveled most of his life. A few years ago, he purchased land on Thomas Hill Road bordering Mr. Connell's property. According to Mr. Smith, they own a 93% right of way. Mr. Harris said he did not know where that was. He owned 40% of that road on his side, and Mr. Connell owns up to that. He said he thought Mr. Smith had been sold a bill of goods. Mr. McNair (the previous owner) in 1990 had some landowners sign an agreement to maintain that road (50 feet of it) for a bus to travel to pick up children. Nothing else is mentioned. Unfortunately, it did not include the first three people living on that road – Mr. Barnett, Mr. Vaught, and another owner. Mr. Harris said if Mr. Smith was allowed to have 50 feet of that road, he needed to know what would happen to his house, garage, and septic tank.

Mr. Harris said he did not have anything against Mr. Smith. He has lived there for three years now and has not met him. If Mr. Smith wants to develop it, he should do it right – not like Montgomery County. He said farming there is quickly going by the wayside. This is an opportunity to do it right. He hoped the county would not take his home to do it though.

**Trish Muldoon:** Ms. Muldoon stated that she has lived in Giles County for 38 years. Of the eleven purposes of the Giles County Zoning Regulations, Ms. Muldoon said this proposed rezoning appears to violate six – including “to protect against destruction of and encroachment upon historical areas.” Ms. Muldoon said the Palisades is one of the only remaining sites connected with Mary Ingles that is still preserved. It would be like putting an amusement park on top of Angels Rest. Ms. Muldoon said Giles County is proud of the New River – it is prominently displayed on the Giles County web page, on the Bicentennial logo, the Bicentennial quilt in the courthouse, on the note cards, the heirloom throws and the entrance signs to the county. She felt the New River is a legacy for all 16,000 residents of the county, not just for the number of dwellings that would look down on the river from this Planned Unit Development. Ms. Muldoon said there is a more thoughtful way for Giles County to grow than is proposed by this rezoning request. Planned Unit Developments are on the fringes of cities of Ft. Myers, Florida, Louisville, Kentucky, and Bucks County, Pennsylvania. This is all done to prevent urban sprawl.

Ms. Muldoon said this issue has divided the village of Eggleston. Friendships may eventually heal, but once developed on top of the Palisades, the land is gone forever. She charged that the board has an opportunity to help plan and develop the future growth of this beautiful and unique county. Instead of rezoning, Ms. Muldoon requested they study the future plan to ensure that the impact on the river and on the current and future residents of Giles County be minimized. Here in a democracy, you hear the people and she emphasized that the board is hearing from them tonight. She implored them to vote no on the rezoning request.

**Mr. Mills** clarified that there would be no decision at this meeting. The board and Planning Commission will only hear comments about the application at this meeting. The request will be referred back to the Planning Commission for further study that may be required.

Mr. Muldoon asked when a decision would be made. Mr. Mills said if everything goes smoothly, it could be as early as March 1<sup>st</sup>. With all the complex issues involved, it may be longer than that. That is a decision for the board and Planning Commission, but March 1<sup>st</sup> is the earliest a decision can be made.

**Gail Vaught:** Ms. Vaught stated she has lived here all of her life. Forty-two of those years have been in Eggleston. Ms. Vaught said she opposed this request because of the access to that property – she is part of the 7% Mr. Smith does not have. As far as she can tell from her deed, they have never given right of way to anyone

and have no intention of doing so. Another reason she opposed this is the increase in property values. It would greatly increase the property taxes and she does not need that. She did not think people around her needed it either. Ms. Vaught said local government may see it as a tax base for more revenue, but she wondered how many citizens who might move in will shop, eat here, or attend local churches here.

As far as this being the first development, Ms. Vaught said she heard there was an approval for a PUD on Mr. Don Chance' property – where Mr. Smith now lives. Mr. Mills said this was not the first PUD, but the first of this magnitude.

Ms. Vaught said Mr. Gentry (board member) lives on a private road and he probably would not want people having to travel his road. Likewise, Ms. Hobbs lives on a private road. Ms. Hobbs said it was not a road, it was a path. Ms. Vaught said that is how she felt – Thomas Hill is a path for the people who live there. Right now there are 8 households on that road with about 15-20 people. Mr. Smith may not be a developer yet, but he is a businessman. This is an investment and he intends to make money on that investment. Ms. Vaught said she was a middle class working person who hopes to be able to afford to live on the property where she has lived for 24 years. She asked the board not to forget the little people who have been here for the county, formed it and worked for it, when the bigger people are coming in.

**Randall Vaught:** Mr. Vaught said, like his wife, he has not signed off any right of way to anyone. Mr. Smith does have a right of way off Croft Road. He asked why they didn't put the PUD on property where he lives now. If he doesn't want it in his front yard, why should he want it behind him. He does have a right of way off Croft Road, but doesn't want to go across Sinking Creek with a bridge. For the lower 90 acres, that is the right way into the place.

**Debbie Dull:** Ms. Dull said she has lived in Eggleston since 1993, because it is the most beautiful place in the world that they could find. She has a farm and shares a 1.5 mile driveway (10 foot wide) with two other houses. It can be difficult for even people in three houses to get in and out of that road. Ms. Dull said she was opposed to even the density of a modified proposal. She liked the idea of a PUD and actually expected to support this project. However, she said what she liked about it was in contrast to the 5 acre standard subdivision. She would definitely take clustering some houses and leaving some open space. However, this is not the case.

Mr. Smith does not have the right of way to do a five acre subdivision. She objected to using a PUD as a way to get around the VDOT 40 foot right-of-way requirement. There is a real bottle neck on that road and even 24 units will generate a lot of traffic. Ms. Dull discussed this with VDOT in Christiansburg. Based on their estimates for vehicle trips per house, this could result in an additional 240 vehicles per day on that road. Ms. Dull said the county would have to not only improve Thomas Hill, but probably have to make improvements to Rt. 730 as well.

Aside from the logistic problems of emergency vehicles (some fire trucks are 12 feet wide), they have to consider getting people in and out, school buses, garbage and mail service. She asked them to image 75 school kids waiting for the bus just off Sinking Creek and 730 in the snow or rain. There is not room to build those little shelters some people put out by their driveways. She asked the board to image 90+ bags of garbage piled at the intersection in front of the Vaught's and Barnett's. Ms. Dull said she was trying to paint a picture of what this could look like in real life. Also, there is the water issue of building outside the infrastructure. She heartily supported those comments.

Ms. Dull urged the board to ask the Smith's to redraw their lines to be more consistent with the rural area. They have cut the size in half. Ms. Dull said she could support a PUD to get a driveway in there with 5 or 6 30-acre lots, but not a development on this scale. (Copy of complete comments attached).

**Terry Nicholson:** Mr. Nicholson said he spoke first as a citizen of Giles County – he lives in Narrows. The second capacity he spoke for APVA – Preservation Virginia. This is a preservation organization that has a vested interest in this project.

His bosses in Richmond understand the need for R4 development and in some cases would encourage that; however, not at the expense of historical or natural resources. Those things have already been talked about.

Mr. Nicholson said he wanted to talk about what APVA would do to encourage citizens to get involved in this process. They encourage citizens to get involved at the level of the comprehensive plan. Giles County has a great plan in place here. Mr. Nicholson asked them to consider these things in the plan when considering this request. The plan talks about identifying goals, policies, and plans the county will follow now and in the future. They looked at several different goals – growth management and development patterns – doing so in a manner which will maintain or improve the quality of the nature and manmade environment. Policy 1.4 says it will assure that residential development density is compatible with utility and road capability for the county. Another statement says they will limit the densities, placement and types of development and activities that occur in places identified by the drastic map of susceptibility to groundwater statement. Policy 1.8 says they will encourage growth in the desired, existing population nodes and focus future development into serviceable areas of the county. Policy 1.11 states they will retain open space and scenic vistas – the Palisades has been discussed as having historical and nature resources. Strategy 1.11.1 states that in conjunction with the Virginia Outdoors Foundation and the Virginia Department of Historic Resources, they will seek voluntary conservation easements for areas of the county rich in historic or scenic value. That has been addressed on both sides at this meeting. Strategy 1.11.4, Scenic Vista Criteria-identify those on the county future land use map. Goal #2 under Economic Development, states to maintain scenic beauty and environmental quality while looking at economic development. Strategy 2.3.1 encourages priority be given to plans that minimize conversion of prime farm land to other land uses. That is a key statement in tonight's arguments. Mr. Nicholson stated that Goal #4 under Natural Resources states that they will achieve a harmonious relationship between citizens and their environment and assure for all citizens a healthy and aesthetically pleasing county. Strategy 4.1.1 continues enforcement of zoning ordinance as it pertains to the presence of natural hazards, view scapes, air and water resources, etc. He said he was trying to point out that the county has the tools in place with the 2005 Comprehensive Plan to deal with this particular aspect. The citizens here tonight are asking the board to stick to this plan and not make exceptions for something that comes up as a financial thing.

Mr. Nicholson said that the last sentence under the RRA-1 designation states that "in the agricultural regions of the county, plans should encourage the use of the land for viable economic purposes and discourage the conversion of land containing prime farm land as defined by USDA and identified by the Giles County Soil Survey into non-agricultural activities." That is the issue in tonight's argument.

**Steve Bodtke:** Mr. Bodtke is a developer in Blacksburg and a business partner with Peggy Smith. He said he has been through this process before and heard very similar things again and again. Some of these things were applicable and some were not. The Palisades are, in fact, preserved in a conservation easement in perpetuity. Mr. Bodtke said he did not know if that needed to be brought up again.

Water and sewer are a state regulated entity. They cannot be done unless they are done within the state regulations. Those regulations changed a few years ago, and they are highly regulated. The farmland everyone is talking about is very well preserved in this project. The tree cutting is beyond anything Mr. Bodtke has seen. Coal Bank Ridge is a development Mr. Bodtke did and is used as a model development for sustainable growth. The tree cutting regulations in that development allow tree cutting for the house and 60 feet around the house. The Smiths have reduced that down to 20 feet. There are no better tree regulations that Mr. Bodtke has seen and he has studied covenants for years.

Mr. Bodtke said this plan has been reviewed, the citizens have been heard, and reductions have been made. The main goal of the Smiths when they began this process – they bought the land and took the risk – to protect their view shed. They live in a straight line across the river. Between the Smiths and Ann Goette doing conservation easements, the two have essentially protected that entire bend of the river in perpetuity. Mr. Bodtke said he didn't know how many people in the room tonight can say they have done the same thing. That is done regardless of what is decided on for the future of this project. The Smiths are doing the right thing.

Mr. Bodtke said this project preserves farm land, preserves pasture land, preserves the river frontage, and is incredibly low density by any definition of the word. If this land was to remain with cattle, there would still be septic issues – cows do the same thing as people. This is not an issue – it is regulated by the state.

The right of way issue is a real issue. That is a very clear and legal definition. Whether it is or is not there – it is 100 per cent correct that if it is not, then it cannot happen. If they have it, they have it. That is a legal question. If it's there, it is there.

Mr. Bodtke said people need to understand that development and people are coming to this county. It is a beautiful county. Smart development is the way to go, and this is smart development.

**Jim Sarver:** Mr. Sarver said he had been a resident of Giles County for four years and a property owner here for eight. He was attracted to the area because of the beauty, history, the slow pace, and the solitude. He wants to see the area remain an attractive, rural community. He also wants it to be a welcoming community that others can call home. A stagnant community is an unhealthy one. That is why he is in full support of the Smiths PUD. Mr. Sarver said he wanted to applaud their careful planning, sacrifice and judgment during the planning stages that precluded this meeting.

As a friend of the Smiths who has followed this from the beginning, Mr. Sarver said he could say without reservation that they have put the community and environment first every step of the way as evidenced in their proposal. He asked how many present can say that they would put restrictions on what they could do on their own property for the sake of conservation. He asked how many placed their own dollars at risk and the potential to make a profit on your property second to the good of the community. He asked how many have taken suggestions from neighbors on what they could do on their property. How many have given up prime, developable land to permanent open space in a conservation area. Mr. Sarver said he would guess that few, if any, have done these things.

As a real estate professional, Mr. Sarver said he had first-hand knowledge of the high demand for quality parcels in a good location that are buffered from future development. This subdivision is just that and much more. Mr. Sarver said he also wanted to rebut some of the things he has heard about the Smiths intentions and the initial transaction. Mr. Sarver had this property listed and it received a great deal of interest from people in this area and several outside of the New River Valley, including a developer from Northern Virginia. When Peggy Smith came with an offer, he asked her why she sought this property. Her response was that she looked at this pasture each and every day; what will happen to it if she didn't buy it. The Smiths took action – plain and simple – paid list price so they could ensure that care would be taken with the treatment of this property. Many of the concerns posed in previous community meetings have been addressed quite well by the Smiths. The proposal presented tonight, along with the restrictive covenants, are the direct result of months of deliberation.

Mr. Sarver said he had an additional concern that no one else has mentioned. If this development is prohibited, how many other developers will attempt a PUD. A PUD is, by design, with a 50% open space requirement, more friendly to the environment and the rural character of the community than is a traditional subdivision. However, PUDs are much more time consuming and far more expensive than a by-right subdivision. If a PUD that is conscientious to its environment and its neighbors is prohibited, why should we expect anything contrary to a traditional development in the future. Mr. Sarver said this was excellent opportunity for both the Board and the County to set a positive precedent for development.

**Debbie Jenkins:** Ms. Jenkins stated that she lived in Briar Patch Acres in Eggleston. She is Mr. Sarver's neighbor and purchased property from Mr. Bodtke. She is opposed to rezoning of the Palisades regardless of the number of units. (Further comments attached in written form to the minutes.)

**Alan Leet:** Mr. Leet said he was not opposed to a Planned Unit Development nor to the notion of working with the Smiths to get to the right plan. He said he applauded the county for having R4 zoning and he has learned a lot about it in the last two weeks. It is a tool for Giles County to preserve rural character in a thoughtful way. He said as Mr. Mills had noted, R4 is very flexible at the beginning, but at the time it gets approved, it is very exact and precise. Mr. Chance described it as "contractual re-zoning". It is nailed down so the citizens and community know exactly what it is. Because it is flexible at the beginning and not an absolute right, it is something that policy makers have a great deal of discretion about. Mr. Leet said the board had to weigh citizen input and community interest with the interest of the land owner.

Mr. Leet said the community of Eggleston and the community in Giles County have tried to do their part by providing the board with feedback so they know what people think about this plan. He felt they have a problem though providing real feedback – and it is somewhat procedural. Mr. Leet said he felt it flawed the process so far. One reason for that is that the plan is a moving target. The second is he does not believe the application is sufficiently complete to allow those who would like to comment to do so.

Mr. Leet noted that the Smiths filed an application for 46 units in December. They had a site plan and a very preliminary set of covenants (2 pages long). Yesterday, the Smiths decided – and they have probably given it much thought and considered community feedback – to cut the plan from 46 units down to 25. Tonight, they have presented a new covenant package of 46 pages. There is a lot of talk about tree cutting – none of that was in the original covenants. Mr. Leet said he could not comment on a plan that has just changed – it is a new plan.

Mr. Leet addressed the completeness of the application. The county ordinance is very detailed on what is required for a Planned Unit Development. There are a lot of requirements. The application does not respond to many of those. Section 607 (Data to Accompany the Application) lists things to be included in the application. A few of those are proposed drainage plan, proposed location of buildings and improvements, proposed landscaping plan and screening – those things are not in there. Mr. Leet said he was taking Mr. Mills at this word – when it gets approved, it is real precise. However, it is not real precise yet. It is difficult to comment on it other than generally.

Mr. Leet said developers should not be encouraged to come to Giles County and submit a plan that is two-pages long and come in the night of the public hearing with a 46-page plan. If that is all progress, Mr. Leet said he applauded it, but he did not have time to comment on it. He did not think the board had time to consider it. Mr. Leet urged the board to continue to hearing next month to give the community an opportunity to review all this. The community has had an on-going dialogue with the Smiths and appreciates their openness. Mr. Leet said he was hopeful that working with the community, they would get to the kind of plan Mr. Mills referred to at the beginning of this meeting – a win-win – for a portion of the property that is appropriate in scale, deals with the water and access issues and other issues discussed tonight.

**Debbie Leet:** Ms. Leet stated that she was a resident of Eggleston. She is concerned about the water and sewer issues. That is obviously an issue others have as well. Ms. Leet said she was not an expert on water and septic and neither are her neighbors. They have consulted with a civil engineer in the area of water quality who is in the Blacksburg/Christiansburg area. She read a few of his comments/concerns.

Concerning storm water: The proposed development and access road will result in significant loss of pervious surface. An intricate storm water management system – culverts, drop inlets, retention ponds – will be necessary for a development of this magnitude. The goal of storm water management should be to capture and treat storm water run off emanating from this development. This would be necessary to minimize sediment and non-point style pollution going to Sinking Creek and the New River, as well as ensure that the flood plain is not adversely affected from the resulting run off. This system should also prevent storm water from flowing into known or discovered sink holes. Under extenuating circumstances, storm water can be diverted to a sink hole. This would require obtaining a Class 5 Underground Injection Permit Program.

Concerning septic: Septic systems in karst regions, like the Palisades, can be very tricky to install and often adversely impact ground water quality. Ms. Leet said this was important because most of Eggleston is on private water systems. Groundwater velocity in karst regions are usually very high, sometimes traveling up to a mile per day. This indicates that gray water from a failing or improperly installed septic field could impact a down gradient private water supply well and/or surface water with harmful bacteria. The soil must adequately percolate before the Virginia Department of Health will sign off on applications of this type.

Ms. Leet stated that she did read the application that the Smiths submitted to the board. What they have submitted had none of this information in it. She hoped the new application submitted tonight has some of this information or directly addresses these types of issues.

**Mr. Gentry** asked what engineer provided the information. Ms. Leet said he asked not to have his name out there, but she could provide it in private.

**Brian Scheid:** Mr. Scheid spoke behalf of some of the land owners whose property rights might be affected by this proposed development. The task of the board is to take the proposed development and concerns of citizens who purchased property with a particular type of character and to try to preserve that character along with the development. Mr. Scheid said one of the big issues he heard addressed at this meeting was access. He has been asked to look into that. The access these people have along Thomas Hill Road has been described as a 10 foot wide dirt road. The Smiths have indicated there was no width described for this road in a deed. Its actual width is about 10 feet. Mr. Scheid said he did not know how they came up with the percentage of 93%. The important thing with that is that it recognized they did not have an easement of 50 feet to access their property. They recognized that there is 7% (according to them) that they do not have. Unless you have it all, you cannot change that easement.

Mr. Scheid said there was a second issue beyond that. Even if you determine that the access is adequate – under a PUD that is the board’s determination to make – there has been a lot of talk tonight about a 10 foot wide road not being adequate both from a convenience and safety standpoint. Until they get the entire easement changed to a 50 foot, it remains a 10 foot. Beyond that, Mr. Scheid noted that even if the board determines that easement is adequate, the land owners who have that easement have the right in court to fuss about the increased use that will be occasioned by the change in character in their property along that road. That remains a separate and viable issue for them.

Mr. Scheid said the main thing for the board to remember is this process comes down to – if approved – a plan, which has to be very specific and clear about what is and is not allowed. Any confusion in that could be held against the county. It needs to be clearly in there. Mr. Leet indicated a violation of that plan is how you have to go about correcting what they would do on the property that would be not allowed by what residents would have anticipated. It is very important you specify in that plan, and that the plan is very concise, and that it addresses all of the issues involved – not just the access – the water issues, etc. The people Mr. Scheid spoke with did not want to say they are opposed to this thing totally. They want to work with these people. Mr. Leet’s observation that they have not had an opportunity to review what has been submitted today is a good point. To allow the hearing to be postponed or continued so the board can take comments on what exactly has been proposed today would be helpful to everyone.

**Ann Goette:** Ms. Goette stated that she lived on Kerr Road in Eggleston. All of her land has been placed in a conservation easement. She said this project is low density for Blacksburg, but it is not low density for Eggleston. Ms. Goette said she first met Mr. Mills and had an enthusiastic conversation about the uncounted glories of Giles County. Mr. Mills lifted up a bottle of water and said he told people he lived in Giles County for the same reason he drank that water. He chose it for what was not in it.

Ms. Goette said growth is surely coming to Giles County. She believes they can grow and still maintain the rural character and protect the precious river. To the best of her knowledge, she did not felt the growth this hearing addressed was the answer. In fact, Ms. Goette said it is a question without any answers on how the development will be accessed, how first responders will reach it, how schools can absorb 24 new families, where the run off will go after rain fall, how or where the septic and wells would be placed. It could be worse – what the proponents of the plan tell us – is not an answer.

Ms. Goette said the Smiths are her neighbors and they are honorable people – just as the Bryant’s and the Stanley’s, Jim Connell, and Darrell Davis are their neighbors. Preserving the land is important and building and preserving communities is also important. None of the residents want to see disagreements over this development do irreparable harm to the community. Ms. Goette said if they cannot protect this precious and highly visible piece of land, then there will be no Giles County land that can be protected. This development will set the precedent. To paraphrase Mr. Mills, it will put what is not in the water, into the water. As well meaning as they truly believe themselves to be, the Smiths are here tonight not as stewards of the land, but as business people. They own the land this group is discussing. Yet, Giles County owns some very responsible zoning laws. The re-zoning request is all about changing those laws. This hearing tonight is not just about how good

or bad the development will be. It is about who gets to decide how Giles County will grow, the developers or the people.

**Steve Davis:** Mr. Davis and members of his family own about 60 acres of land off Croft Road. This land joins the Smith's property along Sinking Creek. He has heard about the access to this property across Croft Road on the back or western side. Mr. Davis said that if Eggleston Road is not a thoroughfare, then Croft Road is certainly not. Two cars cannot pass without one pulling over now – even though it is a paved, state maintained road. He said he actively farms this property and has a concern. It is not a big farm, but it is his. He is concerned about Sinking Creek bordering the Smiths property. He understood that Mr. Smith does not think Mr. Davis' property would be impacted because the border is in a big gully. Mr. Davis said at the bottom of that big gully is Sinking Creek. That creek flows into New River soon after leaving his property. He said he was concerned. He felt this did need to go back to the Planning Commission and let them take a look at it. He agreed with Mr. Leet that he has not had a chance to read the covenants that were made available tonight and he would like to do that. Then, he would like to opportunity to come back with the board in another hearing and express concerns on these new covenants that are 40+ pages long.

Mr. Davis said once the proposal is finally modified, he would like to see what the final document/plan looks like. It has gone from 46 units to 25 and duplexes. He also invited Mr. Smith to come sit on his back porch because from there you will look directly into one of those duplexes.

**John Simon:** Mr. Simon introduced himself as one of the design professionals involved in this project. From day one, the Smiths have been two of the most concerned people in preserving property of any clients Mr. Simon has worked with. Giles County has a wonderful staff and the county is truly on the cutting edge of open thought. Montgomery County has far stricter zoning and land development regulations than Giles County.

Mr. Simon said that regardless of what is being said about the PUD, the norm here is for a five-acre chop ups without public roads. This is a much nicer project. The septic systems proposed for this go beyond the state regulations. These are in the covenants. They have not been designed yet, but they all require pre-treatment. That is unlike some of the speakers here, some of theirs are installed right up next to the creek. These will all renovate the affluent back to ground water quality within 1-2 feet. All of that has to meet state law and the Smiths are going well beyond state requirements.

Mr. Simon noted that the storm water plan has not been prepared. It would be a waste of resource to prepare such a plan without knowing if the development will be approved. The river quality will not be affected by this project. There is a huge buffer around every home site. Most of the things included will try to mimic nature and they already have a wide natural buffer.

Mr. Simon said that unlike driving along Spruce Run Road, Rt. 730, or other areas in the county – this is a project that has been well thought out. It is not just chopping up lots along the road. If it is approved, it will be the compromise of a lot of viewpoints. He has seen the Smiths back down already and listen to the input of a lot of people.

Mr. Simon reminded everyone that the Smiths have a right at this time, to timber the entire tract. They are giving that right up with the PUD. They could sell the farm to someone else who could timber it. Mr. Simon said that is not a threat, but is a reality. Mr. Simon said this will be a solution of these two boards and with the input of the citizens. He said although he was not a citizen of the county, he felt it was one of the most beautiful counties in the world.

**Corbin Vierling:** Ms. Vierling said the board had been told the same thing over and over tonight, but she was going to tell them in a way they would never forget it. That development is like being a slut, you don't know til you get there and then it is too late. There is no going back.

Ms. Vierling said that all year she has covered the bicentennial. She has met people from all over the county, the state and the south. Everyone has commented on how unspoiled Giles County is – that is the word everyone uses. The Bicentennial banner says "You Love Coming Home" and people do. Generation after generation, people leave Giles County to get an education or get a job or both. All their lives, they dream about

making enough money to come back here to live. Some of them stay, even though they could be making more money someplace else. They stay and come back for – these mountains, these hills, these creeks, and these rivers. Once enough of the things that make Giles County special and unspoiled are gone, this is going to be just another place and Ms. Vierling promised, people would not be coming home anymore. They will stay where the good jobs are.

Ms. Vierling stated this is the beginning of the end or the beginning of the beginning. Either they are going to sell off Giles one beautiful view, one stretch of river, or one mountain top at a time – or they are not. Once they make a few easy decisions that can be justified as pro-business or pro-tax base, it is too late to go back. She asked the board to make the decision to look very closely at every zoning request they receive. All across the county, citizens who have helped to build this county are trying to protect it from development that will destroy its natural beauty. For example, Mr. J. B. Buckland whose ancestors helped build this county, put 833 acres of land overlooking the New River, north of Glen Lyn into a conservation river easement. That stretch of river is being considered for Federal Scenic River status. The New River is already designated a National Historic River.

Ms. Vierling noted that the ladies who made the Bicentennial quilt did not have a single square with a subdivision in it. The 700 children who painted the tile wall did not paint subdivisions either – they painted mountains, trees, the river and creeks, and the families who live and love among those places. Ms. Vierling said this is their heritage. She asked to board to have the foresight to know that the best way to protect Giles County's future, is to protect what all the counties around us are already losing to development – the God given natural beauty of the mountains and hills. Ms. Vierling said all too soon people will be willing to pay whatever price is asked just to visit because they will have built over all the beautiful places where they live.

To re-zone or not to re-zone. This is not a 50/50 proposition. Ms. Vierling said the natural presumption should be against re-zoning and against making a radical change in the use of the land. She said the Smiths were speculators who wanted to make money by carving up the top of a mountain that is now a combination of woodland and pasture visible for miles around. The Smiths cannot prove the county will be better off in the short term or the long term. Ms. Vierling stated that in the Bible, Esau sold his birthright for a mess of pottage. She asked that the board not do the same thing for a handful of tax dollars. She asked them to protect the birthright of everyone who loves coming home and the birthright of all of Giles County's children. These children have already told us in hundreds of six inch tiles what they think is the most important thing about Giles County.

**Robert Jones:** Mr. Jones stated that he was a professor of Forest Ecology at the university. He moved here ten years ago because of the land and beauty. There is great wildlife diversity here. He said this development is poorly located, in his opinion, because of many of the reasons heard. Putting these development clusters close to cities makes a lot of sense. They already have light pollution, cats roaming and killing wildlife, and have water and transportation issues dealt with. As the cluster developments – even 25 units – move in sections throughout the county, they will begin to deteriorate the quality of habitat for bob cats and other charismatic animals. They will begin to develop light pollution and take the beauty and great vistas, difference in elevation between the river and 4,000 foot mountains – and deteriorate that quality. That quality and character is vitally important to the future of this county. Mr. Jones said he agreed with most of the people who have spoken on these aspects. He said he opposed this type of development in this location and other locations along the river corridor and away from population centers due to the reasons of spreading out people, the influence of people and developments on wildlife populations, light pollution, etc. He urged the board to be careful and think about development patterns they support in this county.

Mr. Jones said he appreciated the people in Eggleston who have dialogued and discussed these issues. It has been very helpful. He has been impressed with the quality of thought put in by everyone tonight.

**Shawn Hash:** Mr. Hash said he had a lot of questions and wanted to look at this from the larger perspective of the river. The river is our largest resource in this community. It is awesome to see how many people are here tonight talking about water quality.

Mr. Hash said as far as the tax base – taxes are going to go up. People are going to continue to come to the county, development or not. He said he was glad to hear people talk about water quality. What they should do

on that is band together and go to Grayson, Carroll, Wythe, and Floyd – that is where the concern for water quality is because that is where our water is coming from.

Mr. Hash said he felt that here in Giles County he is part of the problem. He brings people into this community. Some people don't like that and some people do. Look at what has happened over the years though – some businesses have come into Giles County because of how beautiful it is. Tangent Outfitters is a new thing even though they have been running on the river for years. The Inn at Riverbend -- if the county wanted to preserve everything, the Inn would not have been here. Mr. Hash said he felt that is one of the crowning jewels of the county. That is one of the red-letter businesses that everyone talks about because of the beautiful view. People want to come and stay at the Inn.

Mr. Hash said with current zoning, you could five-acre Giles County to death. Maybe that needs to be revisited. If someone has a farm and breaks it into five acre chunks, it is no longer a farm. That is detrimental to an agricultural area. He said he would love to drop everything and not see any development on the river corridor, but that is not realistic. Mr. Hash has floated down the river for over 20 years and seen a lot of things happen – Horse Shoe Bend, Riverbend, things toward Narrows – the river is changing. This group has the opportunity to make sure things go correctly.

Mr. Hash said a lot of the argument on run off – he feels sorry for the new hospital coming in. They are going to have more run off and pollution than any PUD you could have. All of that will run off the parking lots and into the river. The watershed is huge – Giles has to be concerned with Burkes Garden, with Floyd and Grayson. He said they need to look at not just one little thing but with everything that is happening to the river.

Right now, Mr. Hash said there are 80 acres in Grayson – beautiful river bottom land – that is being considered for a prison. Wythe County is considering a Yogi Bear Camp Ground in the middle of New River Trail State Park – that is like putting a Motel 6 in the middle of the state park. Those are major bombs going off and Giles should be thankful this has opened a dialogue. There are developments all over with the five-acre deal with no question asked and many of them are on the river. Mr. Hash said this development was opening itself up to being policed, whereas with the current zoning they can do what they want within the zoning. Mr. Hash said he appreciated what the board had to do and he would not want to be in their shoes.

**Randy Lemon:** Mr. Lemon said he owned property in Giles County, but he lived in Montgomery County. He said he endorsed the concept of rural clustering as opposed to the typical cookie-cutter type development. Unfortunately, current zoning of five-acre lots allows that. Mr. Lemon said he was very familiar with the property being discussed as he encouraged the conservation easement on it. Mr. Lemon noted that the line has been surveyed on this property and the view shed is protected. Building cannot occur anywhere near the Eggleston cliffs. That line is way back from the edge of that cliff and it is well marked with ribbons and survey markers. The view shed aspect has been protected.

Mr. Lemon said he was one of the few people who initially designed the River Bend subdivision. That was actually designed using a Virginia environmental endowment grant for water and view shed protection. That is different because it has access to the water. It was designed with a river inn on the hill and a park along the river – that is where the Inn at Riverbend and Whitt-Riverbend Park came from. There is open space of 40 acres that is visible from the river in conservation as well.

Mr. Lemon said this property tweaked the thing. He laid out preliminary plans for Mr. Smith a year ago in terms of what land should be saved. Pretty much everything suggested – along the river, up to and over top of the ridge, everything along Sinking Creek, and some incredible trees – about 70% in open space. This is low density and pretty close to the suggestions made a year ago. This would preserve the property if people would work it out with the Smiths. The access is the most important issue and legitimate issue discussed. Mr. Lemon felt they were working toward a good project that would be a very nice project for the area. He agreed there is still a lot of work to be done.

**James Whittaker:** Mr. Whittaker said he has lived in Eggleston on Cliffview Street all his life. He did not want to change it; he liked it the way it is. His family has been there for a long time. His grandfather farmed that land and would not like the change being discussed today. Mr. Whittaker said he crossed the bridge with a friend and they could see the balloons from the bridge. He said his vote was against it.

**Don Waschman:** Mr. Waschman said he lived on Eggleston Road. He has seen a lot of very dangerous situations there – near misses and accidents. Helicopters have had to come in and ambulances travel there regularly. Mr. Waschman said if they are talking about an 80% increase in potential traffic along the road, the board needs to look carefully at the situation regarding fire and rescue. In addition, keep in mind school buses travel the road on a regular basis.

**Chris Munger:** Mr. Munger owns 70 acres of field and woods immediately adjacent to the Smith property. He said he would certainly be one of the people whose life would be degraded by this project. However, that is not what he is speaking about.

Mr. Munger said they have heard and will hear more about soil pollution, schools and other things. He said he was not qualified to speak about that. He said he decided to talk about intentions and motivations and what is right or wrong to do. Now he is in a bind. By having the submissions changed, he did not feel prepared, could not collect his thoughts or direct his intentions to the nature of what is being discussed. That puts him at a disadvantage. He said he would waive his comments and ask that this be continued until they have time to look at what is actually being proposed.

**Don Chance:** Mr. Chance stated he was a former resident of Eggleston and is a land use planner. He was not speaking for or against this, but he did want to make a comment about the R4 zoning district provisions. The R4 is the strongest tool that Giles County has in terms of maintaining the rural character in its future. Most of the county is currently zoned for one unit to two acres or one unit to five acres. Under Virginia state law, anyone who has that zoning designation on their property and can meet the basic standards of the subdivision ordinance, they can pretty much have a by right development. The county would have a hard time denying a project as long it complies with the underlying zoning density.

Mr. Chance said most people do not understand that you have a build out of one unit to two acres or to five acres, or even one to ten acres, and you lose the sense of rural character quickly. He has been a planner in five states and came back to Virginia. They have used these kinds of densities over and over again. All of the research and field experience tells them, it does not work. It has been a miscalculation on the part of rural planners. It is a tool they are not rejecting and looking for other options. The solution is out there and the single best tool available to maintain rural character is the planned unit development. Very high levels of open space can be maintained – 50-60%. Mr. Chance said some of the board was familiar with his PUD on 60 acres with five units in Eggleston. This plan preserved over 90% of the property as open space. That is really what is required to maintain rural character.

Mr. Chance the beauty of this R4 zoning district is that the board has total discretion to negotiate what does or does not get approved, densities, standards, etc. That provides a tremendous amount of design flexibility, which is necessary for these types of advance designed PUDs. If you did not have the R4 district, you would get nothing except 1:2, 1:5 or 1:10 acres lots all over the county. Mr. Chance said he was making a pitch for the power of the R4 district.

**Steve Craig:** Mr. Craig is with Giles Rural Development. He said he would like to support those comments – the R4 is a tool that definitely needs to be utilized. It needs some tweaking probably. He urged people to try to work together – they lost that opportunity in Newport very early in the battle. He said he felt this was the wrong place for the first R4 to go in the county. They should not back away from R4 – it is a great tool. It needs help and more meetings like this. He urged people to keep a dialogue open and keep it civil.

**Pat Laughlin:** Mr. Laughlin has lived here about a year and a half. He felt everyone was missing the important point – they are talking about land development and breaking up farms. That is true and those things are going to happen. However, when they are talking about the Palisades, they are talking about something that is

incredibly unique. To bunch this in with farms that will be broken up into five acre lots is missing the point. They need to look at it like it is a national treasure and proceed accordingly.

**Ms. Hobbs** said that she had received comments/calls from the following people who were unable to attend but were opposed to this: Meagan Muldoon, Mary Coffey, Sam Thomason, Doug Eaton. Most of the objections were ground water contamination possibility and the access to the property.

Mr. Gentry said it had been mentioned several times about extending the hearing or having another meeting. He wanted to know about the deadlines – Mr. Smith has a right to an answer to his request within a certain time frame. He asked Mr. Mills if he could explain what the procedure was on this. Mr. Mills said he wished Mr. Chidester was present to do that. The county has already received an extension of the time in order to afford everyone an opportunity to come tonight. Mr. Mills said he would have to review the ordinance and all the application dates in order to answer that accurately. He did not want to provide faulty information. Mr. Gentry said he knew that in order to extend the time, the applicant has to allow it. Mr. Mills said that was true and if the Smiths were willing, that could be done. He just did not have a time line in front of him. Mr. Gentry said he was not asking for that. He just wanted to clarify what the requirements were.

Mr. Baker stated that he was handed documents just before he came into this public hearing. He was not presented this before he came tonight. He asked Mr. Mills how come he wasn't given this document before this meeting. Mr. Mills said he was asking the wrong person. It is Mr. Smith's application, not Mr. Mills. Mr. Baker said people came to this meeting to address things in this document, but did not get it until tonight. Mr. Mills said that was true, but that was the nature of the application. Mr. Baker said there were things in there that the people were not aware of and that he was not aware of and this is the public hearing. Changes have been made here.

Mr. Spencer stated that the process is to send this application to the Planning Commission for review. After they have made a study, they will make a recommendation to this board. There are still steps to go through.

Ms. Dull stated that the application was for a 46 unit project with a two-page covenant. She did not understand how, procedurally, they can change their proposal both in terms of the units and the design and covenants and the county still feel they are bound to give them an answer. If they have to have an answer, it should be on the 46 units. Then, they can move on to consider what is presented tonight.

Mr. Spencer said that may be exactly what the county attorney will tell the board, but he is not present tonight. Mr. McCoy said there may be some confusion. There is no vote coming on this tonight. The Planning Commission can make a recommendation, recommend tabling this for further research, or requesting a new public hearing. The meeting tonight was to hear what was in the application – the 46. That was changed tonight. It now goes back to the Planning Commission for their recommendation of what the next step would be.

Mr. McGrath asked if the public would have a chance to respond to the re-done application. Mr. McCoy is if that is the direction the Planning Commission recommends. Ms. Dull said this was a new proposal both in the covenants and the plans. Mr. McCoy said he would go back to what Mr. Spencer said. From here, it goes back to the Planning Commission regardless.

Mr. Mills said what has taken place is that this is the first request of this magnitude this board has received. He believed, to this point, the procedure has been correct. That does not necessarily make it right, but the way the ordinance is laid out at this time – staff and Planning Commission have proceeded properly. Maybe the procedure is flawed, but that is something that may need to be worked on. This should not be reduced to finger pointing about somebody trying to do this or that, or documents arriving at a certain time. That happens every meeting. Things happen; things come up late. This may not be the best way to do business, but it is the first go at something of this magnitude. To give the appearance of trying to push something through – that is incorrect.

Peggy Smith said they were under the impression they were to submit a plat to the Planning Commission and Board of Supervisors and listen to public input. They have had public input even prior to this public hearing. Not many people do that. They have tried to respond to the public input that was given prior to this meeting and before getting feedback from the Planning Commission. Ms. Smith said maybe that was their mistake – trying to

take some of that feedback given prior to the public hearing and Planning Commission meeting and to address some of the issues that were raised. Ms. Smith said they have absolutely tried to respond to concerns voiced in the community meeting. Maybe part of this misunderstanding falls on their shoulders. They did not know they could not change anything prior to the Planning Commission meeting.

Mr. Spencer said the Planning Commission members are present and have heard all of the comments. With the direction of the attorney, they will follow the proper procedure. Ms. Jenkins asked how they could find out the outcome of Mr. Chidester's decision. Mr. Spencer said the Planning Commission meets the 4<sup>th</sup> Tuesday of the month. That is a public meeting.

Mr. Davis asked what was going back to the Planning Commission – the 46 unit document or the 25 unit document. Mr. Spencer said a few years ago, an application was modified and it was not allowed, but he did not know what would happen.

Mr. Connell said they previously had a proposal of only two pages and now it is forty some pages. How can they decide on something -- just throw it up or flip a coin. Mr. Gentry said that was not the process at all and was making light of something that they will try to do their best on. Mr. Connell said it looked like an answer could be given. They should be fair to the Smiths and the people interested, and have another meeting on the new proposal. Mr. Gentry said the board could not answer that until they have discussed it with the county attorney. Mr. Spencer said they may have to respond to the first application before anything else can be considered. He did not know that for sure yet. He said that Ms. Smith indicated one of the reasons for modifying the application was to take into consideration the comments of her neighbors. Ms. Smith said that may have been a mistake on their part. Maybe they should have waited until after the public hearing, but she did not know.

Mr. Mills said he did know that the original application may not be increased in any way – it may be decreased. If the Smiths want to go with less, they would be allowed to do so. They just cannot go with more. Mr. Whittaker noted that as far as the stack of documents – if this were to go forward with approval – there is going to be a huge stack of documents as far as the submission in terms of all of the different plans – road building plans, infrastructure plans, erosion and sediment plan, health department information. All of those things have to be part of it, but they are not necessarily nailed down prior to the application. However, Mr. Whittaker said the main function the public hearing serves is to get the voice of the community involved in this process. That is happening. When this goes back to the Planning Commission, if they feel they need to hear more of what is in this new information in order to carry out their function, they can investigate it. That is something they are charged with looking at. However, they may look at what is available and be ready to make a recommendation. The Planning Commission can take the comments received tonight and add those to the information provided. Mr. Spencer said they have taken the first step in the process – that is to get input.

**Grace Young:** Ms. Young lives on property adjoining the Smiths – at the end of Thomas Hill Road. Mr. Smith has been very good about stopping by her house and letting them know what is going on. He made a couple of changes that she definitely did not like. There are a couple issues – safety with her grandchildren, emergency response to the area, and travel on the road. The road as it is now is going to be a big problem.

The other thing Ms. Young addressed was the rental property. She has lived there 21 years. With people coming in and out renting, she would have no idea who is there. That is a concern with her grandchildren. That is not like having neighbors who are constantly there.

Mr. Spencer said the board and Planning Commission are going to follow the process. The first step has been taken. To live in a country that will allow this dialogue, they should be thankful.

There were no comments from the Planning Commission. It was announced that the Planning Commission meeting is on February 27<sup>th</sup> at 6:30 PM. Public can attend, but public comments will not be taken.

Following a short recess, the meeting reconvened.

No further business was introduced. Mr. Spencer adjourned the meeting until the regular meeting scheduled for Thursday, March 1, 2007, at 10:00 AM in the County Administration Building.

APPROVED:

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Clerk

RESOLUTION OF SUPPORT FOR  
GILES COUNTY HOMELESS SHELTER PROJECT

WHEREAS the Giles County Homeless Shelter, Inc. (the Shelter) is a not for profit corporation which provides a valuable service to indigent and homeless persons in Giles County, Virginia, and

WHEREAS the Shelter has obtained a loan from the National Bank and has requested a resolution of support from the County of Giles,

NOW THEREFORE BE IT RESOLVED that the Giles County Board of Supervisors expresses its support for the Giles County Homeless Shelter project which involves the construction of a new homeless shelter in Narrows, Virginia and finds that such shelter provides a valuable service for indigent, homeless and otherwise needy persons in Giles County.

This resolution of support shall not be deemed to be a pledge of the full faith and credit of the County of Giles nor shall it impose any legal obligation upon the County to appropriate any funds to the Homeless Shelter Project.

Adopted at a recess meeting of the Giles County Board of Supervisors held on February 15, 2007.

\_\_\_\_\_  
Howard Spencer, Chairman

ATTEST: \_\_\_\_\_  
Christopher P. McKlarney, Clerk