

REPORT  
ON THE  
CITY OF LYNCHBURG AND COUNTY OF CAMPBELL  
VOLUNTARY SETTLEMENT  
OF  
ANNEXATION AND GROWTH SHARING



COMMISSION ON LOCAL GOVERNMENT  
COMMONWEALTH OF VIRGINIA

REPORT ON THE  
CITY OF LYNCHBURG - COUNTY OF CAMPBELL  
VOLUNTARY SETTLEMENT OF ANNEXATION AND GROWTH SHARING

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CITY OF LYNCHBURG AND COUNTY OF CAMPBELL  
VOLUNTARY SETTLEMENT OF ANNEXATION AND GROWTH SHARING

PROCEEDINGS OF THE COMMISSION

On August 14, 1985 the City of Lynchburg and Campbell County jointly filed notice with the Commission on Local Government of a proposed agreement which the two jurisdictions had negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia. Consistent with the Commission's Rules of Procedure, the joint notice was accompanied by data and materials supporting the proposed agreement.<sup>1</sup> Further, in accordance with statutory requirements, the City of Lynchburg and Campbell County concurrently gave notice of the proposed agreement to 16 other localities with which they were contiguous or with which they shared functions, revenues, or tax sources.<sup>2</sup>

The agreement negotiated by the City and the County contained provisions relative to (1) a waiver by the City of its authority to seek the annexation of certain territory in Campbell County for a 20-year period, (2) a waiver by the County of its authority to seek statutory immunity for the specified territory for such 20-year period, (3) investment by the County in improvements at the Lynchburg Municipal Airport, and (4) adoption by the County of certain land use regulations and tax policies for purposes of encouraging the development and use of that aviation facility.<sup>3</sup> This proposed agreement represented the culmination of negotiations which had been initiated in November 1984 and conducted, subsequent to December 11, 1984, under the provi-

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<sup>1</sup>City of Lynchburg and Campbell County, City of Lynchburg and County of Campbell Voluntary Settlement of Annexation and Growth Sharing, (hereinafter cited as Voluntary Settlement), 2 Vols., Aug. 1985.

<sup>2</sup>Sec. 15.1-945.7(A), Code of Va.

<sup>3</sup>See Appendix A for the complete text of the proposed agreement.

sions of Section 15.1-945.7(E) of the Code of Virginia.<sup>4</sup>

As part of its review of the proposed settlement, the Commission toured relevant areas and facilities in the Lynchburg area on September 29, 1985 and the following day received oral testimony from City and County representatives regarding the proposed agreement.<sup>5</sup> In addition to its receipt and consideration of materials and testimony from the City of Lynchburg and Campbell County, the Commission also solicited comments on the proposed agreement from other potentially affected local governments in the area and from the public. Each locality receiving notice of the proposed settlement from the parties was invited by the Commission to submit testimony for its consideration. Further, the Commission held a public hearing, which was advertised in accordance with the requirements of Section 15.1-945.7(B) of the Code of Virginia, on the evening of September 30, 1985 at the Central Virginia Community College. The public hearing was attended by approximately 25 persons and produced testimony from three individuals. In order to permit receipt of additional comments, the Commission agreed to keep open its record for written submissions from the public through October 31, 1985.

#### SCOPE OF REVIEW

The Commission on Local Government is directed by law to review proposed annexations, petitions for partial county immunity, other local boundary change and transition issues, and negotiated agreements settling such issues prior to their being presented to the courts for ultimate disposition. Upon receipt of notice of such a proposed action or agreement, the Commission is directed "to hold hearings, make investigations, analyze local needs" and to submit a report con-

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<sup>4</sup>C. Richard Cranwell, Special Counsel, Campbell County, letter to staff of Commission on Local Government, Dec. 9, 1984.

<sup>5</sup>Although Commissioner Hensley's term expired on January 1, 1986 he is a signatory of this report in accordance with the provision of Sec. 15.1-945.2:1 of the Code of Va.

taining findings of fact and recommendations regarding the issue to the affected local governments.<sup>6</sup> With respect to a proposed agreement negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia, the Commission is required to determine in its review "whether the proposed settlement is in the best interest of the Commonwealth."

As we have noted in other reports, it is evident that the General Assembly encourages local governments to attempt to negotiate settlement of their interlocal concerns. Indeed, one of the statutory responsibilities of this Commission is to assist local governments in such efforts. In view of this legislative intent, the Commission believes that proposed interlocal agreements, such as that negotiated by the City of Lynchburg and Campbell County, should be approached with respect and a presumption of their compatibility with applicable statutory standards.

This Commission notes, however, that the General Assembly has decreed that interlocal agreements negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia must be reviewed by this body prior to their final adoption by the local governing bodies. We are obliged to conclude, therefore, that while interlocal agreements negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia are due respect and should be approached with a presumption of their consistency with statutory standards, such respect and presumption cannot be permitted to render our review a pro forma endorsement of any proposed settlement. Our responsibility to the Commonwealth and to the affected localities requires more.

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<sup>6</sup>Sec. 15.1-945.7(A), Code of Va.

GENERAL CHARACTERISTICS OF THE CITY, THE COUNTY,  
AND THE AREA PROPOSED FOR IMMUNITY

CITY OF LYNCHBURG

Lynchburg was originally settled in 1757, incorporated as a town in 1805, and became one of Virginia's cities in 1852. The present-day City of Lynchburg plays a prominent role in the corporate life of its general area. Located within the City's boundaries are two major hospitals, three colleges, a variety of federal and State offices, entertainment and recreational facilities, and a broad array of commercial enterprise, including the largest shopping mall between Roanoke and Richmond. In terms of employment alone, the City of Lynchburg is of extraordinary significance to the region, with 1984 data indicating that 41,244 positions of nonagricultural wage and salary employment were located within the City's boundaries.<sup>7</sup> Commuting data for 1980, the latest year for which such information is available, reveal that 22,988 persons age 16 and over traveled to Lynchburg from other jurisdictions for their employment. Nearly half of that total (11,327) commuted from Campbell County.<sup>8</sup>

Demographic data indicate that between 1970 and 1980 Lynchburg's population increased from 54,083 to 66,734 persons, or by 23.4%.<sup>9</sup> The City's population growth during that decade, however, was largely due to annexation which, as of January 1, 1976, brought within the

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<sup>7</sup>Virginia Employment Commission, Covered Employment and Wages in Virginia For Quarter Ended Dec. 31, 1984. It is significant to note that the number of such nonagricultural wage and salary employment in the City was substantially in excess of Lynchburg's entire civilian labor force (35,137) at that time. (U. S. Department of Labor, Bureau of Labor Statistics, Historical Report on Labor Force and Unemployment, 1984, Apr. 1985.)

<sup>8</sup>Michael A. Spar, Transportation and Commuting in Virginia, 1980 (Charlottesville: Tayloe Murphy Institute, University of Virginia, 1984).

<sup>9</sup>U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, Number of Inhabitants, Virginia, Table 2. See

municipality 25.1 square miles of territory and 10,557 persons.<sup>10</sup> These statistics indicate that the number of persons annexed by Lynchburg in 1976 constituted 83.4% of the City's population growth during that decade. Demographic estimates for 1984 place the City's population at 67,300 persons, an increase of 0.8% since the preceding decennial Census.<sup>11</sup> Based on its estimated 1984 population and its current land area of 50.19 square miles, the City has a population density of 1,340.9 persons per square mile.<sup>12</sup>

In terms of the nature of its population, the data indicate that Lynchburg's populace is somewhat older and poorer than that of the State generally. U. S. Bureau of the Census data reveal that, as of 1980, the median age of Lynchburg's residents was 30.7 years, while that of the State generally was 29.8 years.<sup>13</sup> Moreover, statistics disclose that 14.0% of the City's 1980 population was age 65 and over, while the comparable statistic for the State as a whole was 9.5%.<sup>14</sup> In terms of income, the City of Lynchburg was estimated to have in

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Appendix B for a statistical profile of the City of Lynchburg, Campbell County, and the areas proposed for immunity.

<sup>10</sup>Voluntary Settlement, Vol. I, p. A-6; and Julia H. Martin and Michael A. Spar, Estimates of Virginia Counties and Cities: July 1, 1971 to July 1, 1978 (Revised) (Charlottesville: Tayloe Murphy Institute, University of Virginia, June 1980).

<sup>11</sup>Julia H. Martin and David W. Sheatsley, Estimates of The Population of Virginia Counties and Cities: 1983 and 1984 (Charlottesville: Tayloe Murphy Institute, University of Virginia, 1985).

<sup>12</sup>The City's land area is given in Virginia Department of Highways and Transportation, "Area in Square Miles of Virginia's Independent Cities," Dec. 1980.

<sup>13</sup>U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, General Social and Economic Characteristics, Virginia, Tables 62, 171.

<sup>14</sup>Ibid.



1983 a median family income of \$23,798, or slightly less than that of the State generally (\$26,153).<sup>15</sup> With respect to adjusted gross income (AGI), as reported by the Virginia Department of Taxation, 1983 data reveal that per capita AGI in the City of Lynchburg was \$7,657, or 90.4% of the comparable statistic for the State as a whole (\$8,469).<sup>16</sup>

In regard to Lynchburg's current physical development, 1982 land use data reveal that of the City's total area (50.19 square miles), 29.9% is utilized for residential purposes, 19.0% is devoted to public, semi-public, or right-of-way usage, 3.1% is committed to commercial enterprise, 3.1% is engaged in industrial activity, with 44.7% (14,266 acres) remaining vacant.<sup>17</sup> Of this vacant land, however, the City has estimated that approximately 2,500 acres are undevelopable due to major environmental constraints (e. g., steep slopes, floodplain), leaving approximately 12,000 acres of territory vacant and free of major environmental impediments for development.<sup>18</sup> Thus, approximately 37.4% of Lynchburg's total area remains vacant and generally amenable for future development.

#### COUNTY OF CAMPBELL

Campbell County was formed in 1782 from territory previously a part

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<sup>15</sup>John L. Knapp and Philip J. Grossman, Projected 1983 Median Family and Median Household Income in Virginia's Counties, Cities, MSAs, and Planning Districts (Charlottesville, Tayloe Murphy Institute, University of Virginia, 1983).

<sup>16</sup>John L. Knapp and Beverly H. Capone, Distribution of Virginia Adjusted Gross Income By Income Class and Locality, 1983 (Charlottesville, Tayloe Murphy Institute, University of Virginia, 1985). See the definition of adjusted gross income (AGI) given in Appendix D, n. 2.

<sup>17</sup>City of Lynchburg, Lynchburg General Plan, p. III-14.

<sup>18</sup>Ibid., p. 7.

of Bedford County. The County contains two incorporated towns, Altavista and Brookneal, both of which are located on its extreme southern boundary. The County's principal judicial and administrative offices are located in Rustburg, an incorporated community located in the central part of Campbell County.

Demographic data indicate that between 1970 and 1980, despite the loss of population resulting from Lynchburg's 1976 annexation, the County's population grew from 43,319 to 45,424, or by 4.9%.<sup>19</sup> The County's 1984 population was estimated to be 46,000 persons, an increase of 1.3% since the 1980 Census.<sup>20</sup> Based on its estimated 1984 population and a land area of 511.13 square miles, the County has an overall population density of 90 persons per square mile.

With respect to the characteristics of its population, the evidence discloses that Campbell County's populace is similar to that of Lynchburg's in terms of age and income. Bureau of the Census data indicate that, as of 1980, the median age of County residents was 30.1 years, or only slightly less than that of Lynchburg residents (30.7).<sup>21</sup> However, in regard to its elderly component, statistics indicate that only 8.7% of the County's 1980 population was age 65 and over, a percentage significantly less than that for the City of Lynchburg (14.0%).<sup>22</sup> In terms to income, 1983 data reveal that the median family income in Campbell County was \$24,520, slightly in

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<sup>19</sup>1980 Census of Population, Number of Inhabitants, Virginia, Table 2. Of Campbell County's total 1980 population, 5,303 persons resided within the County's two incorporated towns.

<sup>20</sup>Estimates of The Population of Virginia Counties and Cities: 1983 and 1984.

<sup>21</sup>1980 Census of Population, General Social and Economic Characteristics, Virginia, Tables 62, 171.

<sup>22</sup>Ibid.

excess of that in the adjoining municipality (\$23,798).<sup>23</sup>

Alternatively, Department of Taxation data for 1983 disclose that Campbell County residents recorded a per capita AGI of \$7,168, or 93.6% of the comparable statistic for Lynchburg residents.<sup>24</sup>

Like many other Virginia counties, Campbell County is experiencing development and a diversification of its economy. Employment data reveal that, as of 1984, there existed 18,369 positions of nonagricultural wage and salary employment within the County. Of those employment positions, 11,385, or 62.0% of the total, were in the manufacturing sector.<sup>25</sup> Despite the significant amount of nonagricultural wage and salary employment in Campbell County, however, farming and related activities continue to constitute an important element in the County's economy. The evidence indicates that, as of 1982, there were 740 active farms in the County cultivating a total of 143,127 acres.<sup>26</sup> As of that year (1982), the market value of products sold by the County's agricultural operations totaled in excess of \$14.8 million, an average of \$20,026 per farm.<sup>27</sup> Moreover, 1977 data disclosed that the County then contained 222,295 acres of property classified as commercial forest.<sup>28</sup> Those properties represented

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<sup>23</sup>Projected 1983 Median Family and Median Household Income in Virginia's Counties, Counties, Cities, MSAs, and Planning Districts.

<sup>24</sup>Distribution of Virginia Adjusted Gross Income By Income Class and Locality, 1983.

<sup>25</sup>Covered Employment and Wages in Virginia For Quarter Ending Dec. 31, 1984. The data indicate that as of 1984 the County had a civilian labor force of 24,364 persons. (Historical Report on Labor Force and Unemployment - 1984.)

<sup>26</sup>U. S. Department of Commerce, Bureau of the Census, 1982 Census of Agriculture, Virginia, Table 1.

<sup>27</sup>Ibid. Tobacco and dairy products were the primary agricultural commodities marketed by County farmers.

<sup>28</sup>Virginia Division of Forestry, Forestry Resource Data, Central Virginia Planning District, 1977, Table 2.

approximately 68.0% of the total land area in Campbell County. While the Commission does not have available current land use statistics for Campbell County, the evidence indicates that the County is experiencing development and a diversification of its economy, principally in areas adjacent to the City of Lynchburg and in proximity to its incorporated towns.

AREAS PROPOSED FOR IMMUNITY

Under the terms of the proposed agreement two areas in Campbell County adjoining the southern boundary of the City of Lynchburg would be immunized from annexation initiated by that municipality for a 20-year period. The two areas (identified in the agreement as Area A and Area B) encompass collectively 19.65 square miles and contain an estimated 1984 population of 11,043 persons and 1985 assessed property values of \$449.4 million.<sup>29</sup> The two proposed immunity areas embrace in the aggregate, 3.9% of the County's total land area and, as of the dates indicated, 24.0% of its population and 40.7% of its total assessed property values.

The two proposed immunity areas are markedly different in size and in the nature of their development. Immunity Area A, which adjoins Lynchburg's southwestern boundary, is a 17.01 square miles sector containing an estimated 1984 population of 10,942 persons and 1985 assessed property values of \$403.0 million.<sup>30</sup> Based on its area and 1984 estimated population, Area A has a population density of 643.3 persons per square mile, or more than seven times that in the County overall. In terms of its current development, the County estimates that 37% of the territory in Area A is devoted to residential usage,

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<sup>29</sup>Voluntary Settlement, Vol. I, p. D-5; and Cranwell, letters to staff of Commission on Local Government, Oct. 25, 1985 and Jan. 20, 1986. See Appendix C for a map delineating of the proposed immunity areas.

<sup>30</sup>Ibid.

4% is engaged in commercial enterprise, 1% is committed to industrial activity, with 48% of the area remaining agricultural or vacant.<sup>31</sup> Area A contains numerous residential subdivisions and apartment complexes, significant commercial activity adjacent to U. S. Route 460, various County properties (a branch library, two elementary schools, one middle school, and one high school), and facilities and offices of the Campbell County Utility and Service Authority (CCUSA).<sup>32</sup> It is relevant to note that Immunity Area A contains the Lynchburg Municipal Airport, a facility which is the focal point of the proposed interlocal agreement.

Immunity Area B, which abuts the James River and adjoins the eastern boundary of the City of Lynchburg, encompasses 2.64 square miles and contains a 1984 population estimate of 101 persons and 1985 assessed property values of \$46.4 million.<sup>33</sup> Based on its area and estimated 1984 population, Immunity Area B has a population density of 38.3 persons per square mile, or approximately one-third that of the County as a whole. In terms of current development, it is estimated that 7% of Immunity Area B is utilized for residential purposes, 11% is engaged in industrial activity, and 76% remains agricultural or vacant.<sup>34</sup> This proposed immunity area contains the industrial operations of the Lynchburg Foundry and Babcock & Wilcox.

Again, the proposed immunity areas, while constituting a small portion of the County's total land area, embrace 24.0% of its estimated 1984 population and 40.7% of its total 1985 property assessables. The

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<sup>31</sup>Voluntary Settlement, Vol. I, p. D-5. The remaining property in Area A is utilized for public or semi-public purposes (8%) and for roads and streets (2%).

<sup>32</sup>Ibid.

<sup>33</sup>Ibid.; and Cranwell, letters to staff of Commission on Local Government, Oct. 25, 1985 and Jan. 20, 1986.

<sup>34</sup>Voluntary Settlement, Vol. I, p. D-5. The remaining property in Area B is utilized for public and semi-public uses (2%) and for roads and streets (3%). There is no property in Area B utilized for

demographic and fiscal significance of the proposed immunity areas is evident.

#### STANDARD FOR REVIEW

As indicated previously, the Commission on Local Government is charged with reviewing proposed interlocal settlements negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia for purposes of determining whether such settlements are "in the best interest of Commonwealth." In our judgment, the State's interest in this and other proposed interlocal agreements is fundamentally the preservation and promotion of the general viability of the affected localities. In this instance, the Commission is required to review an interlocal agreement by which the City of Lynchburg agrees to waive for a 20-year period its authority to seek the annexation of certain specified territory (Immunity Areas A and B) in Campbell County in return for certain commitments by that locality.<sup>35</sup> Under the terms of the proposed agreement Campbell County agrees (a) to waive its authority under the provisions of Section 15.1-977.22:1 of the Code of Virginia to obtain statutory immunity for Areas A and B, (b) to pay the City of Lynchburg \$750,000, at the time the proposed agreement is judicially approved, to assist with the financing of certain improvements at the Lynchburg Municipal Airport, (c) to establish appropriate land use controls applicable to property adjacent to the Lynchburg Municipal Airport, and (d) to pursue a personal property tax policy designed to promote the growth and utilization of that airport facility.<sup>36</sup> A proper analysis of the proposed City of Lynchburg -

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for commercial activity.

<sup>35</sup>Sec. 2.00, Agreement. The City has also agreed that it will "remain neutral" with respect to annexations proposed by property owners or qualified voters under the authority of Sec. 15.1-1034 of the Code of Va. (See Sec. 2.03, Agreement.)

<sup>36</sup>Secs. 3.00, 4.00, 5.00, 7.00, Agreement. By supplement to the original agreement, submitted to the Commission on Local

Campbell County agreement, as mandated by statute, requires consideration of the ramifications of these provisions with respect to the future viability of the two jurisdictions.

CITY OF LYNCHBURG

The proposed agreement would prevent the City of Lynchburg from initiating, for a 20-year period following court approval of the proposed settlement, annexation actions with respect to two specified areas in Campbell County (Immunity Areas A and B) which contain a major component of the County's residential, commercial, and industrial development. The areas proposed for immunity, which adjoin the City of Lynchburg for over 50% (6.6 linear-miles) of the City's boundary with Campbell County (12.9 linear-miles), contain virtually all of the County's developable property adjacent to that boundary.<sup>37</sup> Those areas in Campbell County adjacent to the City of Lynchburg which are not within the proposed immunity areas are outside the corridors of past and prospective development due to terrain features which severely inhibit their growth potential.<sup>38</sup> Thus, by terms of the proposed agreement, the City of Lynchburg is essentially agreeing to waive its authority to seek to expand its boundaries to the south and east for a 20-year period. Consideration must be given to the ramifications of this waiver of annexation authority on the future viability of the City of Lynchburg. The following paragraphs

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Government in November 1985, Campbell County has agreed to forego any personal property tax, beginning January 1, 1986, on scheduled airlines based at the Lynchburg Municipal Airport for a 20-year period following court approval of the interlocal settlement. In return for this waiver of taxing authority, the City of Lynchburg agreed in the supplemental agreement to contribute \$130,000 to a loan pool to be utilized for the promotion of development in areas adjacent to the Lynchburg Municipal Airport. See Supplemental Voluntary Settlement included in Appendix A.

<sup>37</sup>Cranwell, letters to staff of Commission on Local Government, Oct. 10, 1985 and Jan. 20, 1986.

<sup>38</sup>Testimony of Garland Page, Consultant, Campbell County, Transcript of City of Lynchburg and County of Campbell Voluntary

such sales in the County grew during the same period from \$42.7 million to \$91.7 million, or by 115.0%.<sup>41</sup> Again, more recent statistics reflect a modestly changing retail trade pattern. Between 1980 and 1984 taxable retail sales in the City increased to \$509.5 million, or by 30.9%, while such sales in the County increased to \$131.0 million, or by 42.8%.<sup>42</sup> Despite the greater growth in taxable retail sales in the County in recent years, the per capita value of its sales in 1984 (\$2,849) remained only 37.6% of that in the City of Lynchburg (\$7,571).

In terms of Lynchburg's overall fiscal resources, several other measures might be noted. First, consideration should be given to the City's per capita adjusted gross income (AGI) as reported by municipal residents for State tax purposes. Data disclose that the 1983 per capita AGI in Lynchburg (\$7,657) exceeded that in Campbell County (\$7,160) by 6.8%.<sup>43</sup> Second, a weighted index of local fiscal resources utilizing true property values (weighted 0.6), taxable retail sales (weighted 0.1), and AGI (weighted 0.4), when calculated on a per capita basis for 1983, reveals almost identical scores for the City of Lynchburg (\$14,297) and Campbell County (\$14,136).<sup>44</sup> Further, this composite index reflects a virtually constant relationship in the fiscal resources for the immediately preceding years.

Turning to fiscal effort, or the extent to which local fiscal resources are utilized, the data disclose that residents of the City of Lynchburg bear a markedly higher local fiscal burden than do those

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<sup>41</sup>Virginia Department of Taxation, Taxable Sales, Quarterly Reports, 1970; and Annual Report, 1980.

<sup>42</sup>Ibid., 1980, 1984.

<sup>43</sup>Distribution of Virginia Adjusted Gross Income By Income Class and Locality, 1983. The 1983 per capita adjusted gross income in the City of Lynchburg was 90.4% of that for the State as a whole (\$8,469).

<sup>44</sup>See Appendix D for a comparative analysis of the fiscal resources and fiscal effort of the City of Lynchburg and Campbell



in Campbell County. Statistics for FY1984-85 reflect a per capital local tax burden in the City of \$458.41, or more than two and one-half times that in Campbell County (\$168.64).<sup>45</sup> Further, as of June 30, 1985, the City reported total net debt of \$44.7 million, or \$664.00 per capita, while the County's net debt at that time stood at \$4.9 million, or \$114.00 per capita.<sup>46</sup> Due to such differential in fiscal needs, residents of the City of Lynchburg confronted a true real estate tax rate in 1983 of \$1.03, or more than two and one-half times that borne by residents in Campbell County (\$.40).<sup>47</sup> Finally, it is significant to note that a study of the fiscal and demographic attributes of Virginia's 136 counties and cities, completed by the Joint Legislative Audit and Review Commission (JLARC) in 1985, concluded that Lynchburg was one of the Commonwealth's more fiscally stressed localities. Based on an equally weighted consideration of six factors (revenue capacity, change in revenue capacity, tax effort, change in tax effort, percent poverty, median family income, and

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County. The measurement of resources and fiscal effort on the basis of personal income is of questionable value due to errors which have been made in recent years in the calculation of personal income statistics for Virginia localities.

<sup>45</sup>City of Lynchburg, City of Lynchburg, Virginia Report on Audit For The Fiscal Year Ended June 30, 1985, Oct. 18, 1985; and County of Campbell, County of Campbell, Virginia, Financial Report, Year Ended June 30, 1985, (hereinafter cited as County Financial Report, 1985), Oct. 4, 1985. Revenues included were receipts for both jurisdictions from all property, motor vehicle license, franchise license, business license, recordation and bank stock taxes. Included for the City were revenues from tobacco and restaurant food taxes. Campbell County receipts reflect a tax on scheduled airlines. The inclusion of receipts from the local option 1% sales tax and, in the case of the City, its hotel and motel room tax would overstate the tax burden of each locality's residents, for it is reasonable to expect that a significant percentage of those taxes are paid by nonresidents.

<sup>46</sup>Ibid.

<sup>47</sup>Virginia Assessment/Sales Ratio Study, 1983.

change in income), the JLARC study found only 29 counties and cities in the Commonwealth to have a stress index statistic greater than that calculated for the City of Lynchburg.<sup>48</sup> Thus, while the data indicate that Lynchburg has experienced fiscal growth in recent years comparable to that in Campbell County, the City has been required to extract from its tax base substantially more resources than has Campbell County.

In terms of the City's prospects for future demographic and fiscal growth, consideration should be given to the vacant land within the municipality which is available to accommodate further development. As noted earlier, land use data for 1982 indicate that the City retains approximately 14,266 acres of vacant property; however, a portion of this land (approximately 2,500 acres) is located in the floodplain or on steep slopes (in excess of 15%) which severely inhibit its development potential. Thus, the evidence suggests that the City has approximately 12,000 acres of vacant property free from major environmental constraints and available for development.<sup>49</sup> While the largest concentration of this territory is in the eastern portion of the City adjacent to the U. S. Route 29 Bypass, the vacant property with perhaps the highest potential for development is located in the southwestern portion of Lynchburg in the area annexed in 1976.<sup>50</sup>

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<sup>48</sup>Joint Legislative Audit and Review Commission, Local Fiscal Stress and State Aid, House Document No. 4, 1986, Appendix A. On this index of six equally weighted measures (JLARC Method 2), the City of Lynchburg recorded a stress statistic of 26.75, while Campbell County was assigned a stress index statistic of 18.75. If JLARC Method 1 (which gives added weight to the factors of tax effort and change in revenue capacity) is utilized, Lynchburg is given a stress index statistic of 39.75, a measure of fiscal stress exceeded by only 18 counties and cities. On the JLARC Method 1 index, Campbell County is assigned a fiscal stress measure of 26.75. On all these indices, higher numeric scores reflects greater fiscal stress. (Ibid., p. 25.)

<sup>49</sup>Lynchburg General Plan, p. III-7.

<sup>50</sup>Ibid.

Addressing specifically Lynchburg's potential for future industrial growth, we note that there are 2,830 acres of vacant property within the City's corporate boundaries which are zoned for various forms of industrial activity.<sup>51</sup> Of that total, approximately 1,300 acres are considered prime for development due to their topography, parcel size (a minimum of five acres), and the character of adjacent development.<sup>52</sup>

In terms of commercial activity, the record reveals that Lynchburg has continued to benefit from significant development in recent years. The Commission has been advised that between 1977 and 1985 total assessed property values in the City's central business district increased by 78%, while tax revenues from that area grew by 43%.<sup>53</sup> Evidence presented to the Commission discloses that during the period from 1979 to 1984 the City's central business district experienced over \$40 million in property improvements, which included the construction of a new hotel and a federal office building.<sup>54</sup> Further, in 1980 the River Ridge Mall was constructed in Lynchburg on a 75-acre site, significantly expanding the City's retail base and spurring development (including two motels) in the adjacent area. The River Ridge Mall draws retail trade from the entire region and is

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<sup>51</sup>See testimony of Richard Jacques, Director of Community Planning and Development, City of Lynchburg, Transcript, p. 30.

<sup>52</sup>Lynchburg General Plan, p. VII-44-45. The Commission notes that a 1982 survey of potential industrial sites in the City identified 1,917 acres of property which could be utilized for future industrial activity. Some of this property, however, is constricted in the development potential by environmental factors and the absence of utilities. Most of the property identified for possible industrial usage was acquired by the City as a result of the 1976 annexation. (Lynchburg General Plan, p. V-6.)

<sup>53</sup>Testimony of Jacques, Transcript, p. 35.

<sup>54</sup>Ibid., p. 33.

reported to be the largest such facility between Roanoke and Richmond. Based on our physical examination of the City and our review of relevant materials, we believe that the City of Lynchburg will continue to benefit from vigorous commercial activity.

With respect to Lynchburg's prospects for residential growth, we note that between January 1976 and May 1982 there were 114 single-family and 15 multi-family subdivisions recorded within the City's corporate boundaries.<sup>55</sup> These subdivisions have enabled the City to provide in recent years its residents with new housing opportunities. Further, the data indicate that the City possesses substantial vacant property suitable for future residential usage. This property should permit the City of Lynchburg to continue to offer its residents an array of housing opportunities sufficient to meet the residential needs of all age groups. Based on the above-cited considerations, the Commission finds that the proposed immunization of the specified territory in Campbell County for a 20-year period will not threaten the economic and demographic viability of the City of Lynchburg.

Under the terms of the proposed interlocal agreement, Campbell County will contribute to the City of Lynchburg, following the court's approval of the proposed agreement, \$750,000 for use in funding improvements at the Lynchburg Municipal Airport.<sup>56</sup> This facility, which has experienced a continuous increase in activity in recent years, is of considerable significance to the future development of the City and the region.<sup>57</sup> In order to address deficiencies at the airport and to accommodate its increased activity, the City of Lynchburg expended \$1.4 million in local funds between FY1980-81 and FY1984-85 and contemplates additional expenditures of \$3.2 million in

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<sup>55</sup>Lynchburg General Plan, pp. III-18-21.

<sup>56</sup>Sec. 4.00, Agreement.

<sup>57</sup>Between 1977 and 1985 the total number of enplanements and deplanements at the Lynchburg Municipal Airport increased from 103,281 to 129,216, or by 25.1%. (See City of Lynchburg, Aviation Division, Department of Community Planning and Development, Lynchburg Municipal

municipal funds between FY1985-86 and FY1989-90.<sup>58</sup> The County's proposed contribution to the City of \$750,000 represents, therefore, 23.4% of Lynchburg's projected expenditures for capital improvements at the Municipal Airport through FY1989-90.<sup>59</sup>

The proposed interlocal agreement also contains provisions by which the County has agreed not to raise its personal property tax rate on aircraft disproportionately to increases in its personal property taxes generally.<sup>60</sup> By means of this provision, the City obtains assurances that the County's personal property tax will not have the effect of discouraging the basing of aircraft at the Lynchburg Municipal Airport. Moreover, as a result of the supplemental agreement negotiated by the two jurisdictions in November 1985, the County has agreed to forego, beginning January 1, 1986, all personal property taxes on scheduled airlines during the 20-year period following court approval of the settlement.<sup>61</sup> Again, this provision in the supplemental agreement is intended to promote the competitive position of the Lynchburg Municipal Airport, thereby enhancing that facility's role in the future development of the Lynchburg area.

Finally, the proposed agreement contains provisions by which the County has agreed to establish land use controls for purposes of ensuring that development adjacent to the Lynchburg Municipal Airport does not inhibit the continued use and expansion of that facility for

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Airport Annual Report: 1984-1985, Sep. 1985, Exh. A.)

<sup>58</sup>Ibid., Exhs. F, G. The City expects to receive \$2.6 million in State and federal assistance between FY1985-86 and FY1989-90 to assist with the funding of the capital improvements.

<sup>59</sup>The County's contribution to the City is earmarked for use principally for terminal modernization and expansion. (See Sec. 4.01, Agreement.)

<sup>60</sup>Sec. 7.00, Agreement.

<sup>61</sup>Sec. 2.00, Supplemental Agreement.

aviation purposes.<sup>62</sup> Clearly, such land use practices are of considerable value to the future growth of the Lynchburg Municipal Airport and to the ability of that facility to serve the general region.

In sum, the Commission finds that the County's agreement to assist with the improvements at the Lynchburg Municipal Airport, to adhere to tax policies which promote the competitiveness of that facility, and to institute land use controls to protect the airport's future utilization are in the interest of the City.

#### COUNTY OF CAMPBELL

Under the terms of the proposed interlocal agreement, more than 50% of Campbell County's common boundary with the City of Lynchburg would be immunized from City-initiated annexation during the 20-year period following the court's approval of the negotiated settlement. While the areas which would be immunized contain only 3.9% of the County's total land area, they embrace collectively 24.0% of the County's 1984 estimated population and 40.7% of the County's total 1985 assessed property values.<sup>63</sup> The proposed immunity areas constitute Campbell County's most important territory in terms of both past and prospective development.

The proposed interlocal agreement also, as noted previously, contains provisions by which the County agrees to contribute \$750,000 to assist with the funding of specified capital improvements at the Lynchburg Municipal Airport. While the County's contribution will be made for the improvements to a municipally-owned facility, the improvements to that facility will beneficially affect both jurisdictions. Campbell County's proposed contribution to the City of

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<sup>62</sup>It should be noted that Campbell County's newly adopted zoning ordinance is already affording protection to the Lynchburg Municipal Airport.

<sup>63</sup>Voluntary Settlement, Vol. I, p. D-5; and Cranwell, letters to staff of Commission on Local Government, Oct. 10, 1985 and Jan. 29, 1986.

Lynchburg, which represents approximately 11.0% of the County's general fund balance at the end of FY1984-85, will enhance a facility which is of economic significance to the County as well as the City.<sup>64</sup> In this regard, it is relevant to note that development adjacent to the Lynchburg Municipal Airport will generate both real and personal property taxes which will redound directly to the benefit of Campbell County. The evidence reveals that there are several firms located on municipally-owned property at that facility which pay leasehold taxes to Campbell County.<sup>65</sup> Further, there are also approximately 45-50 aircraft sited at the Lynchburg Municipal Airport which generate personal property taxes accruing to the benefit of Campbell County.<sup>66</sup> Furthermore, the data reveal that in 1985 total employment on the grounds of the the Lynchburg Municipal was in excess of 350 persons and yielded an annual payroll of \$5.2 million.<sup>67</sup> Again, by its agreement to support financially improvements at the Lynchburg Municipal Airport, Campbell County is contributing to the development of a facility which promotes its own economic growth.

The supplemental agreement negotiated by the parties in November 1985 commits the County to waive for a 20-year period all personal property taxes, beginning January 1, 1986, on scheduled airlines based at the Lynchburg Municipal Airport.<sup>68</sup> As a result of its waiver of this tax, which produced approximately \$50,000 in revenue during

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<sup>64</sup>County Financial Report, 1985.

<sup>65</sup>Lynchburg Municipal Airport Annual Report: 1984-1985,  
Exh. C.

<sup>66</sup>Bryan Elliott, Manager, Lynchburg Municipal Airport, communication with staff of Commission on Local Government, Jan. 17, 1986.

<sup>67</sup>Lynchburg Municipal Airport Annual Report: 1984-85, p. 6.

<sup>68</sup>Sec. 2.00, Supplemental Agreement.

FY1984-85, Campbell County is waiving the use of a revenue source of some significance. As an offset to this waiver of taxing authority, however, the City of Lynchburg has agreed to contribute \$130,000 to a loan pool which will be utilized to promote development in areas "generally near" the Lynchburg Municipal Airport.<sup>69</sup> This loan pool and the tax concession to scheduled airlines will produce economic benefits which will mitigate, if not nullify, the revenues lost by the waiver of taxing authority.

This Commission has no difficulty concluding that the proposed interlocal agreement and its supplement promote the viability of Campbell County.

#### INTERESTS OF THE COMMONWEALTH

In the previous sections of this report the Commission has considered the prospective impact of the proposed interlocal agreement on the general viability of the City of Lynchburg and Campbell County. There are, however, other factors which merit consideration in this report. In our judgment, it is necessary to consider the impact of the proposed settlement on applicable State policies and on the service needs of the areas proposed for immunity. The following sections of the report address these concerns.

#### Applicable State Policies

Both the State's annexation and immunity statutes require consideration of the efforts made by local governments to comply with applicable State policies with respect to education and other fundamental public service concerns for the Commonwealth. This proposed interlocal agreement would leave to the governance of Campbell County two significant areas and will require that for a 20-year period Campbell County remain the agent by which State policies would be

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<sup>69</sup>Ibid. The County would be authorized to receive all unused funds in the loan pool after a six-year period.



implemented within those areas. Accordingly, consideration should be given in this report to the extent to which Campbell County has endeavored to address such fundamental State concerns.

Education. It is generally recognized that public education is one of the foremost service concerns of this Commonwealth. By constitutional provision the State of Virginia has asserted its recognition of the importance of public education, and by general law the General Assembly establishes each biennium certain educational standards which it expects each local school division in Virginia to meet.<sup>70</sup> The State Department of Education has advised that Campbell County is in compliance with these legislatively established standards.<sup>71</sup> Accordingly, the evidence indicates that Campbell County is responsive to the State's concern for public education.

Housing. The General Assembly has stated that proper housing for all State residents is a matter "of grave concern to the Commonwealth."<sup>72</sup> The General Assembly's concern for adequate housing for residents of this State is well founded, for, in our judgment, the absence of such can have a pervasive and adverse affect on a community. The opportunity and responsibility of local govern-

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<sup>70</sup>Art. VII, Sec. 1, Constitution of Virginia; and Chapter 157, Acts of Assembly, 1984.

<sup>71</sup>Kenneth Beachum, Associate Director for Administrative Review, Virginia Department of Education, communication with staff of Commission on Local Government, Mar. 6, 1986. While Campbell County currently meets the standards legislatively prescribed for local school divisions, its financial contributions to its educational programs are substantially less than the Statewide average. During academic year 1983-84 Campbell County expended a total of \$688 in local funds per pupil for operations, or less than 52% of the comparable statistic for all the State's school divisions considered collectively (\$1,335). (Virginia Department of Education, Facing Up-19, Statistical Data on Virginia's Public Schools, 1983-84 School Year, June 1985.)

<sup>72</sup>Sec. 36-2, Code of Va. See also Sec. 36-120, Code of Va.

ment for the promotion of suitable housing have grown in recent years. Local governments must, in our view, recognize this larger role and be responsive to the State's concern for the provision of appropriate housing for all its residents.

While Campbell County has not established a public housing authority for purposes of addressing its housing needs, it does administer directly a rental assistance program through its Department of Social Services.<sup>73</sup> As of 1985, the County's program was responsible for administering approximately 150 units of assisted housing for qualifying residents.<sup>74</sup> Moreover, data indicate that as of 1981 (the latest date for which such information is available), there were 164 units of multi-family and 997 units of single-family assisted housing in Campbell County managed by private entities.<sup>75</sup> Both the program administered by the Department of Social Services and the presence of privately managed assisted housing reflect an effort by Campbell County to respond to the State's concern for adequate housing for Commonwealth residents.

Public Planning. Through numerous statutory provisions the General Assembly has indicated its desire that local governments in Virginia establish and maintain an effective public planning process.<sup>76</sup> The evidence reveals that pursuant to statutory requirement, Campbell County has established a planning commission and has

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<sup>73</sup>Lynchburg General Plan, p. I-B-28.

<sup>74</sup>Cranwell, letter to staff of Commission on Local Government, Oct. 25, 1985. These units of assisted housing were established in the County under authorization from the Virginia Housing Development Authority.

<sup>75</sup>Virginia Rural Development and Capacity Building Advisory Council, Characteristics of Households and Housing in Virginia, Part II, Dec. 1981.

<sup>76</sup>Secs. 15.1-427, 15.1-427.1, 15.1-465, 15.1-446.1, Code of Va.

adopted a comprehensive plan and a subdivision ordinance. Further, in 1985 the County adopted its first zoning ordinance and has recently employed an administrator to enforce the terms of that regulatory instrument.<sup>77</sup> These actions constitute an effort by the County to comply with the State's concern for public planning.

Agricultural Land Preservation. The General Assembly has declared that it is the policy of the Commonwealth to endeavor to preserve the State's agricultural properties.<sup>78</sup> The need to pursue vigorously such a policy, both within this Commonwealth and in the nation generally, will grow in intensity as the years progress. The problems currently confronting many farm operations only emphasize the need of the Commonwealth to protect this fundamental and fragile industry. In this regard, the Commission considers it significant to note that in 1982 Campbell County adopted a program of use value assessment, as authorized by State law, for purposes of reducing the tax burden on agricultural and other qualifying properties.<sup>79</sup> The implementation of this program in tax year 1983 resulted in reducing the taxable value of property qualifying for use value assessment by approximately \$38.0 million.<sup>80</sup> In our judgment, Campbell County's acceptance of use value assessment constitutes an effort to comply with the State's concern for the protection and preservation of the Commonwealth's agricultural properties.

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<sup>77</sup>Testimony of James Noffsinger, County Administrator, Campbell County, Transcript, pp. 90, 98.

<sup>78</sup>Sec. 15.1-1507, Code of Va.

<sup>79</sup>Albert W. Spengler, Tax Rates in Virginia's Cities, Counties, and Selected Towns: 1985 (Charlottesville: Institute of Government, University of Virginia).

<sup>80</sup>Virginia Department of Taxation, Annual Report, 1983-1984, Table 5.4.

### Urban Services

The proposed interlocal agreement under review in this report would leave to the governance of Campbell County for a 20-year period following court approval two areas in embracing collectively 19.65 square miles and containing an estimated 1984 population of 11,043 persons.<sup>81</sup> Based on such land area and estimated population, the proposed immunity areas have an overall population density of approximately 562 persons per square mile. The interest of the Commonwealth requires consideration in this report of the impact of the proposed agreement on the urban service needs of these developing areas.

Water. In 1964 the Board of Supervisors established the Campbell County Utility and Service Authority (CCUSA) as the entity by which the public water needs of its residents would be met. The CCUSA currently operates four separate water systems, one of which, the Brookville - Timberlake system, serves proposed Immunity Area A and its general environs. This system, which embraces the predominant share of all the CCUSA's water facilities, contains 88 miles of water lines serving an estimated 4,200 connections.<sup>82</sup> The County has advised that approximately 95% of the population in proposed Immunity Area A has available public water provided by the CCUSA.<sup>83</sup>

The CCUSA currently purchases water from the City at a bulk rate to serve its Brookville - Timberlake system. The contract by which this water is obtained permits the CCUSA to purchase up to 2.1 million gallons per day (MGD) from the City. In view of the fact that the Brookville - Timberlake system consumed less than an average of 1.2 MGD during the last six months of 1985, the contractual arrangements

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<sup>81</sup>Voluntary Settlement, Vol. I, p. D-5.

<sup>82</sup>Ibid, p. F-5. The Brookville - Timberlake system serves the Lynchburg Municipal Airport.

<sup>83</sup>Ibid.

with the City of Lynchburg would appear to be sufficient to meet the system's needs for the immediate future.<sup>84</sup> However, the CCUSA has purchased property for the construction of a water treatment plant at Evington, with preliminary engineering work currently under way on that project. The Commission has been advised that the CCUSA plans to have this water treatment plant connected to the Brookville - Timberlake system and to have that facility provide eventually all the water required by that system.<sup>85</sup>

With respect to proposed Immunity Area B, the Commission notes that the major industries in that area have installed and operate their own water systems. The water needs of other development in that area are met by private wells. While the Commission is unaware of any County plans to extend public water into proposed Immunity Area B, we have no evidence of any major unmet water needs in that area at the present time.<sup>86</sup>

In sum, the evidence indicates that Campbell County, acting through the CCUSA, is responding to the water needs of its residents.

Sewerage. The CCUSA also bears responsibility for meeting the sewerage needs of the areas proposed for immunity and of Campbell County generally. At the present time the CCUSA provides no sewerage service to either of the proposed immunity areas, with all development in those areas currently being served either by private systems or individual septic tanks.<sup>87</sup> State Department of Health officials,

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<sup>84</sup>Selbert Myers, Administrator, Campbell County Utility and Service Authority, communication with staff of Commission on Local Government, Mar. 5, 1986. The CCUSA purchased 1.2 MGD during the last six months of 1985 to meet the needs of the Brookville - Timberlake system and small adjacent system.

<sup>85</sup>Ibid.

<sup>86</sup>Ibid.

<sup>87</sup>Voluntary Settlement, Vol. II, Exh. D.

however, have advised that most of the on-site disposal systems serving the proposed immunity areas appear to be functioning properly at the present time.<sup>88</sup>

It is significant to note that in 1983 Campbell County paid the City of Lynchburg \$1.2 million as the County's share of the local cost for the construction of the sewage treatment plant serving the Lynchburg region.<sup>89</sup> As a result of the County's financial contribution, the CCUSA was assigned a treatment allocation at the regional plant of 1.0 MGD for eventual use.<sup>90</sup> Moreover, the CCUSA currently has under construction lines to serve portions of proposed Immunity Area A adjacent to the City of Lynchburg and extending to the Lynchburg Municipal Airport. This project, which is estimated to cost \$400,000, is due for completion in April 1986.<sup>91</sup> In addition, the CCUSA is currently in the process of completing engineering plans for the construction of facilities to serve that portion of proposed Immunity Area A located in the James River watershed. The Commission has been advised that approximately 75% of the engineering work for that project has been completed.<sup>92</sup> Finally, with respect to Immunity

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<sup>88</sup>Alfred F. Fore, Sanitarian Supervisor, Campbell County Health Department, communication with staff of Commission on Local Government, Jan. 16, 1986. Limited portions of both immunity areas have soils which cannot support septic tanks. The problems which have been experienced by septic tanks in other portions of those areas have usually resulted from age or improper maintenance.

<sup>89</sup>Testimony of Noffsinger, Transcript, p. 91.

<sup>90</sup>The agreement governing the establishment of the regional sewerage treatment plant and its treatment allocations is found in Voluntary Settlement, Vol. II, Exhs. I, J.

<sup>91</sup>Myers, communication with staff of Commission on Local Government, Mar. 5, 1986. This project will serve approximately 100 residential customers and the Lynchburg Municipal Airport.

<sup>92</sup>Ibid. The completion of the system north of Waterlick Road will not address all the sewerage needs in Immunity Area A. The area south of Waterlick Road, which is in the Staunton River Basin, has a

Area B the major industries in that area have constructed and maintain their own sewerage systems. In brief, while the proposed immunity areas are currently without any public sewerage service, the CCUSA is presently engaged in the extension of such service to significant segments of Immunity Area A. Therefore, the evidence indicates that Campbell County is addressing the sewerage needs of a major portion of the proposed immunity areas.

Solid Waste Collection and Disposal. Campbell County does not provide any solid waste collection service to its residents or businesses. Solid waste collection service is available within the proposed immunity areas from private contractors.<sup>93</sup> The County does not, however, regulate the activities of those contractors by ordinance.<sup>94</sup>

The County does own and operate seven manned transfer stations located throughout its jurisdiction for solid waste disposal purposes.<sup>95</sup> In addition, it operates a landfill located on U. S. Route 29 approximately three miles south of proposed Immunity Area A. This facility, which is estimated to have a remaining life of 15 years, has consistently received excellent ratings from the State Department of Health for the quality of its operation.<sup>96</sup>

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need for public sewerage comparable to that north of that thoroughfare. The Commission encourages the County to proceed as soon as possible to address the sewerage needs south of Waterlick Road.

<sup>93</sup>Campbell County Comprehensive Plan, 1984: (hereinafter cited as County Comprehensive Plan) Vol. I, p. B-53. The Commission has been advised that there are three private contractors who serve Immunity Area A and one who serves Immunity Area B.

<sup>94</sup>Noffsinger, communication with staff of Commission on Local Government, Mar. 6, 1986.

<sup>95</sup>County Comprehensive Plan, Vol. I, p. B-53. The Commission has been advised that the County's system for the utilization of manned transfer stations earned an award by the National Association of Counties.

<sup>96</sup>Voluntary Settlement, Vol. I, p. 7; and Berry F. Wright,

In our judgment, as the areas proposed for immunity continue to develop there will be a growing need for a higher level of solid waste collection services. Whether those needs are provided by the County or private entities, there will be an increasing necessity for public oversight and regulation of the solid waste collection services in the area.

Crime Prevention and Detection. Crime prevention and detection services in Campbell County are principally the responsibility of the County Sheriff's Department. This Department has a staff of 47 sworn personnel, 23 of whom are assigned law enforcement responsibility.<sup>97</sup> Thus, based on the number of law enforcement personnel and the County's 1984 estimated population, Campbell County is served by one law enforcement officer for each 2,000 County residents.

With respect to patrol activity, the Sheriff's Department has established a shift structure with a minimum of three deputies and a sergeant on duty throughout the day. While this staff is augmented by the general availability of the Sheriff and other senior officials and investigators during a portion of each day (7:00 a. m. - 3:30 p. m.), the regular and routine patrol responsibilities of the Department are performed by the three road deputies and the sergeant assigned to each shift.<sup>98</sup>

For purposes of patrol activity, the Sheriff's Department has divided the County into two districts with State Route 24 serving as the line of demarcation between them. The northern district, which encompasses the two proposed immunity areas, is regularly assigned two

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Technical Programs Director, Division of Solid and Hazardous Waste, Virginia Department of Health, communication with staff of Commission on Local Government, Mar. 4, 1986.

<sup>97</sup>Robert E. Maxey, Jr., Sheriff, Campbell County, communication with staff of Commission on Local Government, Mar. 5, 1986.

<sup>98</sup>Ibid.



of the three road deputies on duty during each shift. This assignment pattern is due to the higher demand for law enforcement services in the northern district resulting from its urban nature and density.<sup>99</sup> Assuming that the northern patrol district encompasses an area of approximately 170 square miles, and assuming the regular availability of two deputies to patrol that district, the northern district would have a geographic intensity of service equivalent to one officer for each 85 square miles of County territory. While the data indicate that Campbell County has experienced in recent years a relatively low rate of major crime, we believe that the further development and urbanization of the proposed immunity areas, particularly Area A, will result in a need for more intense law enforcement services than the Sheriff is currently able to provide with his personnel complement.<sup>100</sup> The Commission encourages Campbell County to analyze critically its current and prospective law enforcement needs in order to ensure the provision of proper services to the proposed immunity areas.

Fire Prevention and Protection. The proposed immunity areas, as well as all other portions of Campbell County, are served by volunteer fire departments. While the County expended \$85,685 for fire services during FY1984-85, fire suppression work throughout the jurisdiction is largely borne by voluntary efforts.<sup>101</sup>

Immunity Area A is served principally by the Brookville - Timberlake Volunteer Fire Department (VFD), which is located on U. S. Route 460 in the northern portion of that area. This unit has

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<sup>99</sup>Ibid.

<sup>100</sup>This Commission is aware that Campbell County had the lowest rate of reported major crime of the four counties in the Lynchburg area in 1984. (Virginia Department of State Police, Crime in Virginia, 1984.) It is important to remember that major crimes, those upon which crime rates are calculated, constitute only a small part of the total demands on local law enforcement agencies.

<sup>101</sup>County Financial Report, 1985, p. 26.

available 28 volunteers and 4 pieces of apparatus to conduct its fire suppression work.<sup>102</sup> The capabilities of the Brookville - Timberlake VFD and the presence of water hydrants have resulted in the Insurance Services Office (ISO) of Virginia assigning a rating of "6" to residential properties within five road-miles of the unit's station.<sup>103</sup> A small portion of Immunity Area A is served by the Lyn - Dan Heights VFD, which is located on U. S. Route 29 near the Lynchburg Municipal Airport. This unit has 33 volunteers and 3 pieces of apparatus for its fire suppression work. The ISO rating for residential property in that area is "9," except for properties adjacent to U. S. Route 29 which have been assigned a rating of "8" due to the presence of water lines.<sup>104</sup>

Immunity Area B is served by the Concord VFD, which is located approximately six miles beyond that area on U. S. Route 460 near the Appomattox County boundary. This unit is served by 35 volunteers and has available 4 pieces of apparatus for fire suppression work. Due to the distance of the Concord VFD from Immunity Area B, residential properties in that area have been assigned an ISO rating of "10."<sup>105</sup>

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<sup>102</sup>County Comprehensive Plan, Vol. I, p. B-59.

<sup>103</sup>Cranwell, letter to staff of Commission on Local Government, Oct. 25, 1985. The ISO rating is based on a scale of "1" to "10" for comparison with other municipal fire protection systems and represents an indication of a system's ability to defend against the major fire which may be expected in any given community. Where protection class "10" is assigned, there is usually no or minimal protection. Protection class "1" represents a fire protection system of extreme capability. The principal features used by ISO in grading a community's fire system are water supply, fire department, fire communications and fire safety control [John L. Bryan and Raymond C. Picard, Managing Fire Services (Washington, D. C.: International City Management Association, 1979), p. 102]. Residential properties located more than five road-miles from a fire station are automatically assigned a protection class of "10" by the ISO.

<sup>104</sup>Cranwell, letter to staff of Commission on Local Government, Oct. 25, 1985; and County Comprehensive Plan, Vol. I, p. B-59.

<sup>105</sup>County Comprehensive Plan, Vol. I, p. B-59.

The industries in Immunity Area B, however, do maintain their own firefighting brigades which possess specialized fire suppression capabilities.<sup>106</sup>

While this Commission fully recognizes the dedication and competence of the volunteer fire departments serving Campbell County, the further development and urbanization of the proposed immunity areas will necessitate the County's utilization of full-time paid firefighters. This Commission encourages Campbell County to look critically at its fire prevention and protection services and to be prepared to assume a larger responsibility for the provision of such services in its urbanizing areas.

Public Recreation. Campbell County began its involvement in public recreation in 1970 with the appointment of a Recreation Development Committee and initiated the creation of a program the following year with the establishment of the County's Recreation Department.<sup>107</sup> The Department has developed over the years and now is served by 16 full-time staff members, 15 part-time employees, and 120 seasonal personnel.<sup>108</sup> While the County does not own and operate any parks within either of the proposed immunity areas, it has established and utilizes recreational facilities at three schools in Immunity Area A.<sup>109</sup> The evidence suggests that the County has de-

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<sup>106</sup>The industries in Immunity Area B are recognized by the State's Department of Fire Programs for the quality of their industrial fire protection efforts. Both Babcock and Wilcox and the Lynchburg Foundry actively participate in the State's Industrial Training Committee and have helped develop courses for training which are used throughout the Commonwealth. Babcock and Wilcox, in particular, is recognized for the quality of its fire brigade operations. (Joe F. Thomas, Deputy Director, Virginia Department of Fire Programs, communication with staff of Commission on Local Government, Mar. 6, 1986.)

<sup>107</sup>County Comprehensive Plan, Vol. I, p. B-61.

<sup>108</sup>Voluntary Settlement, Vol. I, p. 10.

<sup>109</sup>Ibid. In addition, the County conducts recreational activities at two sites within five miles of Immunity Area A and at two

veloped a varied recreational program involving organized athletic leagues, instructional classes, unstructured gymnasium play, and summer playground activities. The County's recreational programs are designed to meet the needs of all age groups, including senior citizens.<sup>110</sup>

During FY1984-85 Campbell County expended \$316,544 for public recreational purposes, or approximately \$6.88 per capita.<sup>111</sup> Thus, Campbell County has demonstrated a willingness to invest significantly in the development of public recreational programs. There does exist, however, a need for the provision of neighborhood and community parks in the proposed immunity areas, particularly in Immunity Area A.<sup>112</sup> The County's utilization of schools for recreational purposes is an appropriate and economical way of addressing some of the recreational needs of an area, but such facilities do not supplant the need for public parks. This Commission recommends that Campbell County, while vacant land remains to afford the opportunity, identify and acquire park land in its urbanizing areas to address the future recreational needs of its residents.

Library Facilities. In 1968 Campbell County assumed responsibility for a library facility in Rustburg and began its involvement in the provision of library services.<sup>113</sup> Since that time the County has expanded its library facilities to include branches in Brookneal, Altavista, and the Brookville - Timberlake sector of Immunity Area A.<sup>114</sup> The facility in Immunity Area A, which began operation in

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other sites within five miles of Immunity Area B.

<sup>110</sup>See County Comprehensive Plan, Vol. I, pp. B-62--69.

<sup>111</sup>County Financial Report, 1985, p. 27.

<sup>112</sup>The County planning documents have recognized this need. (See County Comprehensive Plan, Vol. II, pp. C-18--22.)

<sup>113</sup>Ibid, Vol. I, p. B-72.

<sup>114</sup>Voluntary Settlement, Vol. I, p. 13. The County has

December 1984, is located adjacent to the Brookville Middle School. In addition to those facilities, Campbell County utilizes bookmobiles to extend its library services to other County areas.<sup>115</sup> The County's library system, as of June 1984, employed seven full-time and two part-time personnel in its various operations.<sup>116</sup>

While Campbell County's library system remains modest in size, the evidence indicates that the County is attentive to the library needs of its residents and has, in recent years, taken steps to address those needs.<sup>117</sup> Indeed, all of the branch facilities operated by the Campbell County library system have been acquired since 1982.<sup>118</sup> The evidence suggests that Campbell County will continue to respond to the growing needs of its residents for the provision of library services.<sup>119</sup>

Public Planning, Zoning, and Subdivision Regulation. Campbell County utilizes as its basic planning instrument a comprehensive plan which was revised and readopted in 1984.<sup>120</sup> The County's comprehen-

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budgeted \$100,000 for the construction of a new facility in Altavista and has committed funds for its operation.

<sup>115</sup>Ibid.

<sup>116</sup>Virginia State Library, Statistics of Virginia Public Libraries and Institutional Libraries, 1983-1984.

<sup>117</sup>The data suggest that the County's library system remains modest in size. Statistics published by the Virginia State Library indicate that the number of registered borrowers utilizing the County library system totaled approximately 7,000 during FY1983-84. (Ibid.)

<sup>118</sup>The Brookneal and Altavista Branch Libraries were accepted into the County's system in 1982 and 1985, respectively.

<sup>119</sup>The County's Comprehensive Plan recognizes the need for additional books and facilities in the library system. (See County Comprehensive Plan, Vol. II, p. C-27.)

<sup>120</sup>See testimony of Noffsinger, Transcript, p. 90.

sive plan, in our judgment, properly addresses past development trends and the ramifications of growth in each geographic sector, considers the future public services needs of the County generally, and includes methods of implementation and monitoring the County's development. Further, the comprehensive plan has appropriately been utilized as the basis of the County's zoning ordinance.

In terms of subdivision regulation, the Commission notes that the County is presently reviewing the ordinance by which it regulates such development. The current instrument, which was adopted in 1978, applies to all subdivision of land.<sup>121</sup> The County's current subdivision ordinance prohibits private streets which can have an adverse effect in urbanizing areas, but it does not require curbs, gutters, or sidewalks in any development. These latter facilities become increasingly important in urbanizing areas and should be the subject of consideration during the County's current review of its subdivision regulations. It might also be observed here, that the County's current subdivision regulations contain provisions (e. g., lot size, off-street parking requirements, flood hazard regulations) which are more appropriately included in a zoning ordinance.<sup>122</sup>

With respect to zoning, the County adopted its first ordinance in July 1985 and is currently considering possible revisions in that instrument.<sup>123</sup> Further, Campbell County has recently hired its first zoning administrator for purposes of enforcing the

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<sup>121</sup>Certain forms of subdivisions are exempted from some administrative requirements of the ordinance. For example, the subdivision of land into tracts of 25 acres or more do not require the approval of the planning commission. (See Chapter 20, Campbell County Code of 1981.)

<sup>122</sup>In the revision of its subdivision regulations, the Commission encourages the County to consider the adoption of more detailed flood regulation measures.

<sup>123</sup>Noffsinger, communication with staff of Commission on Local Government, Feb. 27, 1986.

ordinance.<sup>124</sup> While the County's current zoning ordinance lacks specificity in some of its provisions, it is a good initial regulatory instrument.<sup>125</sup> It is particularly relevant to note for purposes of this report that the provisions of the County's zoning ordinance dealing with the Lynchburg Municipal Airport constitute the largest and most detailed element in the ordinance. The zoning provisions applicable to the airport environs provide significant protection to the Lynchburg Municipal Airport.<sup>126</sup>

In sum, the Commission finds that Campbell County has responded to the public planning needs of its residents. While the County's subdivision regulations may require adaptation for the benefit of its urbanizing areas, we believe that the County has made significant strides in improving its public planning processes.

Street Lighting. In January 1985 the Campbell County Board of Supervisors adopted a street lighting ordinance for purposes of providing lighting facilities in areas of the County in need of such.<sup>127</sup> Under the provisions of that ordinance the Board of Supervisors will establish street lighting districts upon petitions of property owners and upon the County's determination that street lights are needed within the specified area.<sup>128</sup> Once such districts are established, the placement of lights therein will be determined in consultation with the

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<sup>124</sup>Testimony of Noffsinger, Transcript, p. 98.

<sup>125</sup>With respect to the issue of the continuation of nonconforming uses, the Commission encourages the County to analyze Sec. 22-8 of its ordinance in relation to the applicable provisions of Sec. 15.1-492 of the Code of Virginia during the current review of its zoning ordinance.

<sup>126</sup>The County's zoning ordinance contains conditional zoning procedures which constitute a desirable regulatory implement.

<sup>127</sup>Voluntary Settlement, Vol. I, p. F-16.

<sup>128</sup>Noffsinger, communication with staff of Commission on Local Government, Mar. 6, 1986. Petitions for the creation of street lighting districts must be signed by at least 60% of the landowners in an area, with the number of signatories being at least ten.

County's planning commission and with the power company.<sup>129</sup> The residents of the districts will be billed by the County for the operating costs of the lights. While no street lighting districts have yet been established, we construe the action of the Board of Supervisors in adopting the ordinance as recognition that there is a need for street lighting in portions of Campbell County. The further development and urbanization of the County will increase the need for such.

Summary of Urban Service Considerations. In the preceding sections of this report the Commission has considered the level of urban services available to residents of the proposed immunity areas. While this Commission concludes, as the previous sections have indicated, that the further development and urbanization of the proposed immunity areas will necessitate a higher level of service, Campbell County has demonstrated, in our judgment, a willingness to respond to the emerging needs of its urbanizing areas. We are particularly cognizant of the County's current extension of sewerage service in Immunity Area A, its recent efforts with respect to public recreation and library services, and its continuing efforts to improve and expand its public planning and development control activities.

#### SUMMARY OF FINDINGS AND RECOMMENDATIONS

Based on the data previously reviewed in this report, the Commission finds that the proposed agreement is consistent with the interests of the Commonwealth. Accordingly, we recommend the court's approval of both the initial City of Lynchburg - Campbell County Agreement submitted to this Commission for review in August 1985 and the supplemental instrument adopted by the two jurisdictions in November 1985.


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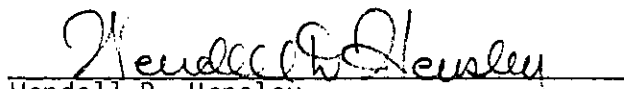
<sup>129</sup>Voluntary Settlement, Vol. I, p. F-16.




Respectfully submitted,

  
Harold S. Atkinson, Chairman

  
Mary Sherwood Holt, Vice Chairman

  
Wendell D. Hensley

  
William S. Hubard

  
Benjamin L. Susman, III

APPENDIX A

VOLUNTARY SETTLEMENT  
OF  
ANNEXATION AND GROWTH SHARING

This AGREEMENT made and entered this 21st day of March, 1985, and executed in quintuplicate originals (each executed copy constituting an original) by and between the CITY OF LYNCHBURG, an incorporated city of the Commonwealth of Virginia (City) and the COUNTY OF CAMPBELL, a county of the Commonwealth of Virginia (County).

WHEREAS, the City of Lynchburg and the County of Campbell entered into an Agreement on the 26th day of November 1984, pursuant to section 15.1-945.7E of the Virginia Code Annotated, to discuss possible settlement of (i) revenue and/or growth sharings, (ii) annexation, (iii) partial immunity and/or, (iv) total immunity, and

WHEREAS, such negotiations were conducted pursuant to section 15.1-945.7E of the Virginia Code Annotated under the direction of the Commission on Local Government, and

WHEREAS, the City and County, pursuant to Title 15.1, Chapter 26.1:1 of the Virginia Code Annotated, have reached this Agreement defining the City's annexation limitations in the future, regional cooperation and growth sharing, providing land use control and tax equity at the Lynchburg Municipal Airport.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree with each other as follows:

SECTION 1.00 DEFINITIONS

The parties hereto agree that the following words, terms and abbreviations as used in this Agreement shall have the following meanings, unless the context clearly provides otherwise:

1.01 "City" shall mean the City of Lynchburg.

1.02 "Code" shall mean the Virginia Code Annotated as amended. Reference to Code provisions shall mean those particular Code provisions, or similar provisions if the Code is amended after the execution of this Agreement.

1.03 "Commission" shall mean the Commission on Local Government.

1.04 "County" shall mean the County of Campbell.

1.05 "Court" shall mean the special three judge Court appointed by the Supreme Court of Virginia pursuant to Title 15.1, Chapter 26.2 of the Virginia Code Annotated.

1.06 "County Exhibit No. 1" shall mean the Map prepared by William C. Overman Associates P.C. Engineers - Planners dated February 12, 1985 entitled Immunity Areas, Lines and Boundaries, Campbell County and including the metes and bounds description, of Immunity Area A and Immunity Area B shown on the aforesaid Map, made by William C. Overman Associates P.C. Engineers - Planners; all of which are attached to and made a part of this agreement.

1.07 "Section" or "Subsection" refers to parts of this Agreement unless the context provides that "section" refers

to parts of the Virginia Code Annotated.

1.08 "FAA" shall mean the Federal Aviation Administration.

SECTION 2.00 LIMITATION ON ANNEXATION RIGHTS OF  
THE CITY OF LYNCHBURG

2.01 The City waives in whole all statutory rights for its benefit under Title 15.1, Chapter 25 (section 15.1-1032, et seq.) of the Code as such rights pertain to those portions of the County designated as Immunity Areas "A" and "B" on County Exhibit No. 1 for the term provided in Subsection 6.01.

2.02 The City agrees that it will not initiate or institute any proceeding to annex all or any portion of the County designated as Immunity Areas "A" and "B" on County Exhibit No. 1 for the term provided in Subsection 6.01.

2.03 In the event annexation proceedings are instituted by property owners or qualified voters, pursuant to section 15.1-1034 of the Code, or any statute similar thereto, of those portions of the County designated as Immunity Areas "A" and "B" on County Exhibit No. 1, the City agrees that it will not support such proceeding, but will remain neutral throughout the same. The City specifically agrees not to provide any legal assistance, engineering assistance, financial aid, or any other aid or assistance to the property owners or qualified voters petitioning for annexation.

SECTION 3.00 LIMITATIONS ON IMMUNITY RIGHTS OF THE COUNTY OF CAMPBELL

3.01 The County waives in whole all statutory rights for its benefit under Title 15.1 Chapter 21.2 (Section 15.1-977.22:1 et seq.) of the Code as such rights pertain to those portions of the County designated as Immunity Areas "A" and "B" on County Exhibit No. 1 for the term provided in Subsection 6.01.

3.02 The County agrees that it will not initiate or institute any proceedings for an order declaring all or any portions of the County designated as Immunity Areas "A" and "B" on County Exhibit No. 1 immune from annexation initiated by the City and from the incorporation of new cities for the term provided in Subsection 6.01.

SECTION 4.00 REGIONAL COOPERATION AND GROWTH SHARING

4.01 Over the past eighteen months, Lynchburg Municipal Airport which is located in the County has undergone substantial change as a result of increased commercial air service. Specifically, the Central Virginia area is now served by twenty-five daily flights as compared to less than ten flights just five years ago. The airport is served by four certified air carriers which is the most in the history of the airport. The number of passengers has increased over 44% in the past two years.

4.01(1) The corporate aircraft use at the Lynchburg Municipal Airport has substantially increased as evidenced by the number of aircraft now located at the fixed base operation.

This increased corporate usage has caused overcrowding and congestion in the existing hangars as well as on general aviation.

4.01(2) In an effort to address the needs of the airport users, the City has invested \$750,000 over the past two years (i) to correct long-term problems which were caused in part by the age of the airport facilities and, (ii) to construct new facilities to support increased air services to serve Central Virginia.

4.01(3) As a result of the increased use, the airport is experiencing difficulty in accommodating passengers and corporate aircraft users. The most critical problems center on access to the airport, parking, hangar space, and the terminal. These areas must be addressed if the airport is to continue to grow.

4.01(4) In an effort to deal with the major airport problems, the City has suggested a number of major projects:

PROJECT	FAA	STATE	REGIONAL
A. Terminal Modernization/ Expansion	\$300,000	\$50,000	\$650,000
B. Access Road/Parking	1,076,842	193,588	242,578
C. Relocation of Fuel Farm	-0-	-0-	204,125

Construction of two additional hangars to serve the air service needs of the community and corporate users is also under consideration.

4.01(5) While these projects are deemed critical, the City is not in a position at this time to financially implement these projects on its own.

4.02 The County recognizes that the Lynchburg Municipal Airport is a regional facility and that the continued momentum of the growth of the airport facility is an integral part of the growth and development of the County.

4.02(1) It is the desire of the County to match the \$750,000 regional funding furnished to the Lynchburg Municipal Airport by the City. The County acknowledges that such a contribution will increase the overall tax base of the County through increased growth in the County. This will benefit all the taxpayers in the County.

4.02(2) The County agrees to pay the City \$750,000 as its regional contribution for funding the improvements to Lynchburg Municipal Airport. Payment will be due and payable on the date that this Agreement is approved pursuant to section 15.1-1167.1 of the Code by the special three judge court.

4.03 The City agrees to use the regional contribution made by the County, first for Project A as described in Subsection 4.01(4), with any balance to be used next for Project B as described in Subsection 4.01(4).

SECTION 5.00 LAND USE CONTROLS AT LYNCHBURG MUNICIPAL AIRPORT

5.01 The County agrees that it will institute an airport district and land use controls to insure that the land area occupied by the Lynchburg Municipal Airport and the necessary glide slopes and noise zones will comply with all present and

future FAA regulations for the term provided for in Subsection 6.01.

SECTION 6.00 IMMUNITY TERM

6.01 The term for immunity from annexation agreed upon in Subsections 2.01, 2.02 and 2.03 and for the waiver of County immunity agreed upon in Subsection 3.01 and 3.02 shall begin with the execution of this Agreement and continue for twenty (20) years from the effective date of the order of the special three judge court approving this Agreement.

SECTION 7.00 TAX EQUITY FOR THE LYNCHBURG MUNICIPAL AIRPORT

7.01 The City and County agree that the personal property tax levied by the County on personal property located at the Lynchburg Municipal Airport will be taxed equitably by the County during the term of this Agreement.

7.02 The County, pursuant to section 58.1-3506(2) (formerly section 58-829.5) of the Code, has classified aircraft as a separate item of taxation. The County agrees that it will not increase the tax rate on any such separately classified aircraft proportionally higher than the rate of increase on the general assessment for personal property in the County during the term provided in Subsection 6.01.

7.03 Nothing herein shall be construed to prohibit the increase in the tax rate on such separate class of aircraft provided the percent of increase does not exceed the percent



of increase in the general assessment of personal property in the County during the term provided in Subsection 6.01.

SECTION 8.00 COMMISSION AND COURT APPROVAL

8.01 The City and the County agree to initiate the steps necessary and required by Title 15.1 Chapter 26.1:1 of the Code, (in particular section 15.1-1167.1 subparagraphs 3, 4, 5 and 6) to obtain affirmation of this Agreement by the Commission and the Court.

SECTION 9.00 MISCELLANEOUS PROVISIONS

9.01 The City and County agree that the waiver of their respective rights under Title 15.1 Chapter 25 (section 15.1-1032 et seq.) of the Code and Title 15.1 Chapter 21.2 (section 15.1-977.22:1 et seq.) of the Code shall be for the term fixed in Subsection 6.01 of this Agreement unless modified, or changed by mutual agreement of the City and County.

9.02 This Agreement shall become effective when it has been approved by a special three judge court appointed pursuant to Chapter 26.2 of Title 15.1 of the Code.

9.03 This Agreement, when affirmed by the special three judge court, shall be binding (i) upon the City and County, (ii) upon the future governing bodies of the City and County, (iii) upon their assigns, and (iv) upon any successors of the City and/or County pursuant to Chapter 26.1:1 of Title 15.1 of the Code.

9.04 This Agreement may be amended, modified, or supplemented in whole or in part, by mutual consent of the City and County, by a written document of equal formality and dignity, duly executed by the authorized representatives of the City and County and affirmed pursuant to Chapter 26.1:1 of Title 15.1 of the Code.

9.05 This Agreement shall be enforceable in any Court of competent jurisdiction, by any of the parties hereto by an appropriate action in law or in equity to secure the performance of the covenants herein contained.

9.06 If the special three judge court appointed pursuant to Chapter 26.2 of Title 15.1 of the Code fails to approve all provisions of this Agreement, then the entire Agreement is null and void, unless the parties mutually agree to a modification thereof.

WITNESS the following signatures and seals:

CITY OF LYNCHBURG

By

Jimmie B. Ryan  
Mayor

ATTEST:

Barbara [Signature]  
Clerk of Council

COUNTY OF CAMPBELL

By Hugh W. Rosser  
Chairman of the Board of  
Supervisors

ATTEST:

Donald N. Johnston  
Board Clerk

STATE OF VIRGINIA

COUNTY of CAMPBELL, to-wit:

The foregoing Agreement was acknowledged before me this the 21st day of March, 1985, by Jimmie B. Bryan, Mayor for the City of Lynchburg, Virginia, Barbara J. Gage, Clerk of Council for the City of Lynchburg, Virginia, Hugh W. Rosser, Chairman of the Board of Supervisors, and Donald N. Johnston, Clerk of the Board of Supervisors of Campbell County, Virginia.

My commission expires: December 4, 1987.

Charlotte B. Sely  
Notary Public

SUPPLEMENTAL VOLUNTARY SETTLEMENT OF ANNEXATION  
GROWTH SHARING AND FISCAL ARRANGEMENTS

THIS AGREEMENT, made and entered into this the 10th day  
of ~~November~~<sup>December</sup>, 1985, executed in quintuplicate originals (each  
executed copy constituting an original), by and between the  
CITY OF LYNCHBURG, a municipal corporation of the Commonwealth  
of Virginia (City) and the COUNTY OF CAMPBELL, a county of  
the Commonwealth of Virginia (County).

WHEREAS, the City and County have entered into a  
Voluntary Settlement Annexation and Growth Sharing on March  
21, 1985, pursuant to Section 15.1-1167.1 of the Code; and

WHEREAS, review of such Agreement was held before the  
Commission on Local Government pursuant to the requirements  
of law on September 30, 1985; and

WHEREAS, at said oral presentation before the Commission  
on Local Government on September 30, 1985, certain questions  
were raised about personal property tax on aircraft owned by  
scheduled airlines; and

WHEREAS, the County and City subsequent to such oral  
presentation entered in supplemental negotiations recognizing  
that the scheduled airlines tax could curtail and inhibit the  
growth and expansion of airline services at the airport; and

WHEREAS, the County has expressed its willingness to forego the levying of said tax in consideration for the creation of loan pool contributions made by the City; and

WHEREAS, the City is of the opinion that a contribution by it toward funding a loan pool would provide lower interest rates loans to appropriate businesses near the airport and assist in the future development of airport service and the economic development of the area, thus, benefitting both the City and the County;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

SECTION 1.00 DEFINITIONS

The parties hereto agree that the following words, terms and abbreviations as used in this Agreement shall have the following defined meanings, unless the context clearly provides otherwise, and subject to the definitions as outlined in Section 1.00 of the Voluntary Settlement of Annexation and Growth Sharing dated March 21, 1985:

1.01 "City" shall mean the City of Lynchburg.

1.02 "Code" shall mean the Virginia Code Annotated, as amended. Reference to Code provisions shall mean those particular Code provisions, or similar provisions if the Code is amended after the execution of this Agreement.

1.03 "Commission" shall mean the Commission on Local Government.

1.04 "County" shall mean the County of Campbell.

1.05 "Court" shall mean the special three (3) judge Court appointed by the Supreme Court of Virginia pursuant to Title 15.1, Chapter 26.2 of the Virginia Code Annotated.

1.06 "County Exhibit No. 1" shall mean the Map prepared by William C. Overman Associates P.C. Engineers - Planners dated February 12, 1985 entitled Immunity Areas, Lines and Boundaries, Campbell County and including the metes and bounds description, of Immunity Area A and Immunity Area B shown on the aforesaid Map, made by William C. Overman Associates, P. C., Engineers - Planners; all of which are attached to and made a part of this Agreement.

1.07 "Section" or "Subsection" refers to parts of this Agreement unless the context provides that "section" refers to parts of the Virginia Code Annotated.

1.08 "FAA" shall mean the Federal Aviation Administration.

#### SECTION 2.00 FISCAL ARRANGEMENTS

2.01 The County agrees that it will forego levying a personal property tax on the aircraft owned by scheduled airlines based at Lynchburg Municipal Airport effective January 1, 1986, and thereafter during the terms of this Agreement.

2.02 The City agrees to contribute \$65,000.00 in 1986 and \$65,000.00 in 1988, to fund a loan pool similar to loan pools presently funded by the City. Invitations will be made to area lending institutions to bid on the amount of loans

and the amount of funds to be in each loan pool with an interest rate of 2% below the prime interest rate of said bank applicable to the particular loan being considered.

2.02(1) The loans from the loan pool will be made to appropriate industries and businesses locating in or expanding in areas generally near the Lynchburg Municipal Airport. The specific lines of the area of the loan pool will be drawn jointly by the Industrial Development Authorities of the County and the City no later than March 1, 1986. The specific guidelines for eligibility for the loans from the loan pools will be determined jointly by the two Industrial Development Authorities for the purpose of stimulating economic development.

2.02(2) At the end of six (6) years after the creation of each loan pool, if the loan pools are not exhausted and the County wishes to close out the loan pool or pools, all monies contributed by the City which remain unexpended shall be paid out of the loan pool or pools directly to the County.

3.00 TERM OF THIS SUPPLEMENTAL AGREEMENT

3.01 The term for which the County agrees not to impose personal property tax on scheduled airlines shall commence January 1, 1986 and run for a period of twenty (20) years from the effective day of the order of this special three (3) judge court approving this Supplemental Agreement and the original Voluntary Settlement of Annexation and Growth Sharing dated March 21, 1985.

4.00 MISCELLANEOUS PROVISIONS

4.01 All the terms, conditions and provisions of the original Voluntary Settlement of Annexation and Growth Sharing as set out in the Voluntary Settlement of Annexation and Growth Sharing of March 21, 1985 are incorporated herein and specifically made a part of this Agreement.

WITNESS the following signatures and seals:

CITY OF LYNCHBURG

By *Quinn Bryan*  
Mayor

ATTEST:

*Barbara Gage*  
Clerk of Council

COUNTY OF CAMPBELL

By \_\_\_\_\_  
Chairman of the Board of  
Supervisors

ATTEST:

*James L. Hoffinger*  
Board Clerk



STATE OF VIRGINIA

City \_\_\_\_\_ of Lynchburg \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me  
this 11th day of <sup>December</sup> ~~November~~, 1985, by Jimmie Bryan,  
Mayor of the City of Lynchburg and attested to by Barbara J.  
Gage, Clerk of Council.

My commission expires: July 22, 1988

*Dorinda M. Kost*  
Notary Public

STATE OF VIRGINIA

County \_\_\_\_\_ of Campbell \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me  
this 20th day of <sup>December</sup> ~~November~~, 1985, by Hugh W. Rosser,  
Chairman of the Board of Supervisors and attested to by \_\_\_\_\_  
James L. Noffsinger, Board Clerk.

My commission expires: December 4, 1987

*Charlotte M. Selby*  
Notary Public

APPENDIX B

STATISTICAL PROFILE OF THE CITY OF LYNCHBURG,  
COUNTY OF CAMPBELL, AND THE AREA PROPOSED FOR IMMUNITY

	<u>City of Lynchburg</u>	<u>County of Campbell</u>	<u>Area Proposed For Immunity</u> 1.
Population (1984)	67,300	46,000	A: 10,942 B: 101 Total: 11,043
Land Area (Square Miles)	50.19	511.13	A: 17.01 B: 2.64 Total: 19.65
School Average Daily Membership (1983-84)	9,733	8,871	N/A
Total Taxable Values (1985)A.	\$1,467,979,857	\$1,003,216,657	\$449,411,800
Real Estate Values (1985)	\$1,234,172,000	\$777,088,366	\$371,800,000
Tangible Personal Property Values (1985)	\$90,983,638	\$65,839,221	N/A
Mobile Homes Values (1985)	-0-	\$24,270,780	N/A
Machinery and Tools Values (1985)	\$52,836,025	\$27,798,840	N/A
Merchants' Capital Values (1985)	-0-	\$9,370,820	N/A
Public Service Corporation Values (1985)	\$89,988,194	\$98,848,630	N/A
Taxable Retail Sales (1984)	\$509,524,132	\$131,031,422	N/A
Existing Land Use (Acres)B.			
Residential	9,548	N/A	4,146
Commercial	1,043	N/A	435
Industrial	1,003	N/A	295
Public and Semi-Public	6,087	N/A	905
Vacant, Wooded or Agricultural	14,266	N/A	6,795

NOTES:

N/A = Not Available

1. As estimated by Campbell County.

A. Taxable values for the County and the area proposed for immunity include land use value assessment.

B. Land use estimates were calculated for the City in 1982 and for the area proposed for immunity in 1984.

SOURCES:

City of Lynchburg and County of Campbell, Voluntary Settlement of Annexation and Growth Sharing, Vol. I.

City of Lynchburg, Report on Audit for The Fiscal Year Ended June 30, 1985.

County of Campbell, Financial Report, Year Ended June 30, 1985.

Virginia Department of Taxation, Taxable Sales, Annual Report, 1984.

Virginia Department of Education, Facing-Up 19, Statistical Data on Virginia Public Schools, 1983-84 School Year.

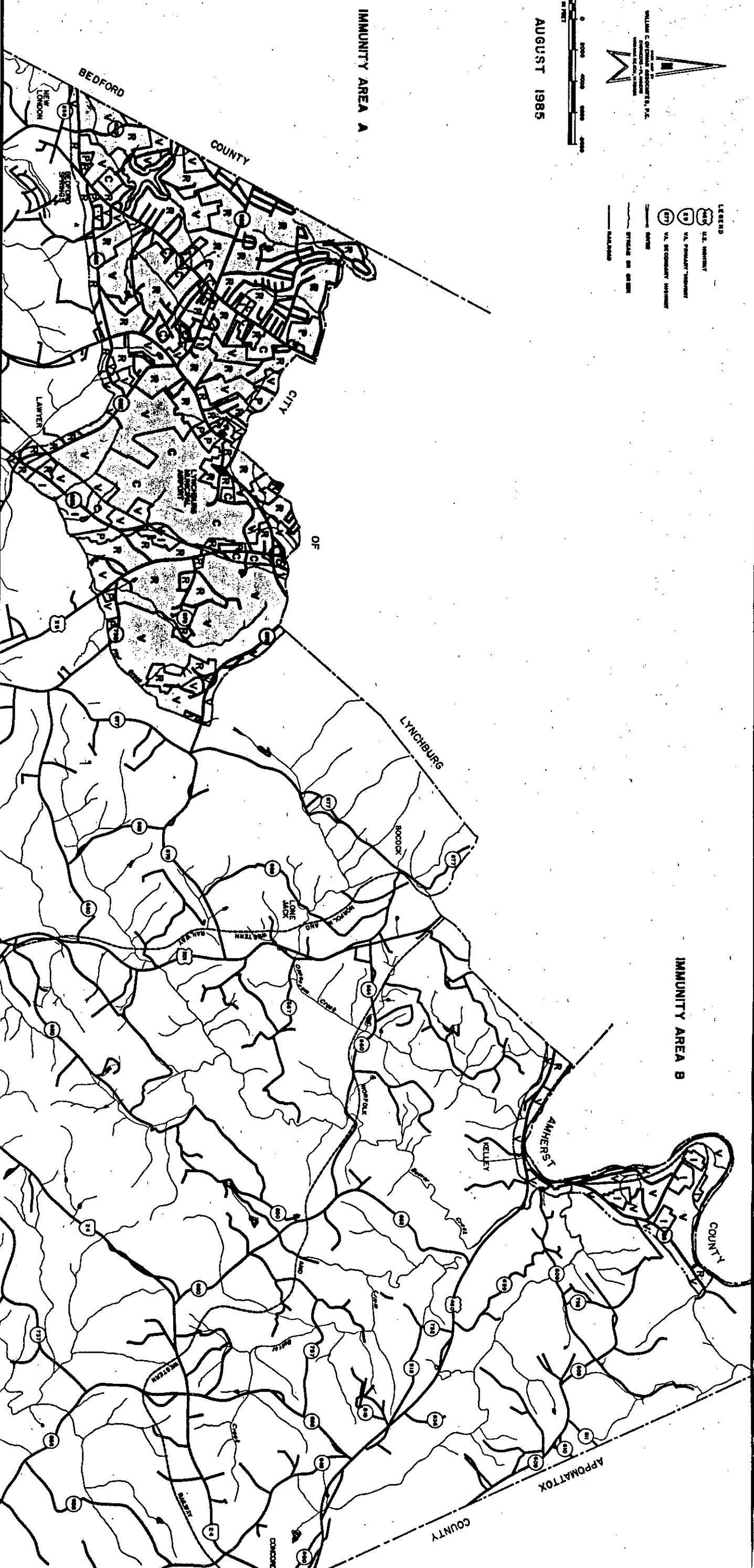
City of Lynchburg, Lynchburg General Plan.

WILLIAM C. GIBSON & ASSOCIATES, P.A.  
PLANNING ENGINEERS  
1000 W. MARKET STREET, SUITE 200  
LYNCHBURG, VIRGINIA 24502



AUGUST 1985

- LEGEND
- (100) U.S. HIGHWAY
  - (14) VA. PRIMARY HIGHWAY
  - (17) VA. SECONDARY HIGHWAY
  - AIRTEL
  - STATE OR OTHER
  - RAILROAD



**LEGEND**

- IMMUNITY AREA BOUNDARY
  - [R] GENERALIZED LAND USE
- LAND USE CATEGORIES**
- R RESIDENTIAL
  - C COMMERCIAL
  - I INDUSTRIAL
  - P PUBLIC/SEMI-PUBLIC
  - V AGRICULTURAL/VACANT

# IMMUNITY AREAS AND BOUNDARIES CAMPBELL COUNTY

IN THE MATTER  
OF THE  
VOLUNTARY SETTLEMENT AGREEMENT  
OF  
CAMPBELL COUNTY  
AND THE  
CITY OF LYNCHBURG

APPENDIX D

Fiscal Capacity  
Ratio Scores Based Upon Local Resources

Year/Locality	True Value <sup>1</sup> Per Capita	Adj. Gross Income <sup>2</sup> Per Capita	Total Retail Sales <sup>3</sup> Per Capita	Modified Index of Wealth <sup>4</sup> Per Capita
1974				
Campbell County	10,916	4,076	1,433	7,232
Lynchburg City	10,775	3,915	4,640	7,418
1975				
Campbell County	11,380	3,134	1,379	7,081
Lynchburg City	10,614	4,754	4,207	7,629
1976				
Campbell County	10,541	4,144	1,429	7,071
Lynchburg City	11,863	4,608	4,193	8,194
1977				
Campbell County	11,325	4,441	1,552	7,595
Lynchburg City	13,330	5,108	4,747	9,183
1978				
Campbell County	12,364	4,908	1,695	8,315
Lynchburg City	13,885	5,530	5,045	9,659
1979				
Campbell County	14,416	5,335	1,895	9,531
Lynchburg City	16,335	6,004	5,457	11,115
1980				
Campbell County	15,844	5,835	2,020	10,458
Lynchburg City	18,726	6,486	5,833	12,541
1981				
Campbell County	20,327	6,416	2,096	12,940
Lynchburg City	19,551	6,960	6,235	13,183
1982				
Campbell County	20,881	6,638	2,203	13,316
Lynchburg City	19,815	7,395	6,150	13,480
1983				
Campbell County	22,025	7,168	2,564	14,136
Lynchburg City	21,136	7,657	6,666	14,297

Fiscal Capacity: True Value of Real Estate and Public Service Corporations Per Capita

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1974	10,916	10,775	13,711	1.013	0.796	0.786
1975	11,380	10,614	14,618	1.072	0.778	0.726
1976	10,541	11,863	15,561	0.889	0.677	0.762
1977	11,326	13,330	16,863	0.850	0.672	0.790
1978	12,364	13,885	18,848	0.891	0.656	0.737

Fiscal Capacity: True Value of Real Estate and Public Service Corporations Per Capita

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1979	14,416	16,335	21,644	0.883	0.666	0.755
1980	15,844	18,726	24,316	0.846	0.652	0.770
1981	20,327	19,551	26,386	1.040	0.770	0.741
1982	20,881	19,815	27,495	1.054	0.759	0.721
1983	22,025	21,136	29,018	1.042	0.759	0.728

Fiscal Capacity: Total Adjusted Gross Income Per Capita

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1974	4,076	3,915	4,112	1.041	0.991	0.952
1975	3,134	4,754	4,304	0.659	0.728	1.105
1976	4,144	4,608	4,776	0.899	0.868	0.965
1977	4,441	5,108	5,175	0.870	0.858	0.987
1978	4,908	5,530	5,698	0.888	0.861	0.971

Fiscal Capacity: Total Adjusted Gross Income Per Capita

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1979	5.335	6,004	6,179	0.889	0.863	0.972
1980	5.835	6,486	6,860	0.900	0.851	0.945
1981	6,416	6,960	7,467	0.922	0.859	0.932
1982	6,638	7,395	7,917	0.898	0.838	0.934
1983	7,168	7,657	8,469	0.936	0.846	0.904



Fiscal Capacity: Taxable Retail Sales Per Capita

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1974	1,433	4,640	2,330	0.309	0.615	1.992
1975	1,379	4,207	2,370	0.328	0.582	1.775
1976	1,429	4,193	2,565	0.341	0.557	1.635
1977	1,552	4,747	2,832	0.327	0.548	1.676
1978	1,695	5,045	3,137	0.336	0.540	1.608

Fiscal Capacity: Taxable Retail Sales Per Capita

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1979	1,895	5,457	3,334	0.347	0.568	1.637
1980	2,020	5,833	3,605	0.346	0.560	1.618
1981	2,096	6,235	3,826	0.336	0.548	1.629
1982	2,203	6,150	3,972	0.358	0.555	1.548
1983	2,564	6,666	4,400	0.385	0.583	1.515

Fiscal Capacity: Modified Local Wealth Index Per Capita

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1974	7,232	7,418	8,733	0.975	0.828	0.849
1975	7,081	7,629	9,267	0.928	0.764	0.823
1976	7,071	8,194	9,948	0.863	0.711	0.824
1977	7,595	9,183	10,785	0.827	0.704	0.851
1978	8,315	9,659	12,017	0.861	0.692	0.804

Fiscal Capacity: Modified Local Wealth Index Per Capita

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1979	9,531	11,115	13,627	0.858	0.699	0.816
1980	10,458	12,541	15,263	0.834	0.685	0.822
1981	12,940	13,183	16,562	0.982	0.781	0.796
1982	13,316	13,480	17,312	0.988	0.769	0.779
1983	14,136	14,297	18,937	0.989	0.771	0.780

Fiscal Effort  
 Ratio Scores Based Upon the Local-Source Revenues of General Government 5

Year/Locality	Local-Source Revenues Per Capita	Local-Source Revenues Per \$1,000 Of True Value	Local-Source Revenues Per \$1,000 Of Total Adj. Gross Income	Local-Source Revenues Per \$1,000 Of Modified Wealth Index
FY 1980-81				
Campbell County	206.06	13.01	35.32	19.70
Lynchburg City	485.26	25.91	74.82	38.70
FY 1981-82				
Campbell County	216.59	10.66	33.76	16.74
Lynchburg City	531.54	27.19	76.37	40.32
FY 1982-83				
Campbell County	217.24	10.40	32.72	16.31
Lynchburg City	540.08	27.26	73.03	40.06
FY 1983-84				
Campbell County	236.02	10.72	32.93	16.70
Lynchburg City	585.63	27.71	76.48	40.96

Fiscal Effort: Local-Source Revenues Per Capita

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1980-81	206.06	485.26	427.84	0.425	0.482	1.134
1981-82	216.59	531.54	470.74	0.407	0.460	1.129
1982-83	217.24	540.08	514.81	0.402	0.422	1.049
1983-84	236.02	585.63	559.57	0.403	0.422	1.047

Fiscal Effort: Local-Source Revenues Per \$1,000 of the True Value of Real Estate and Public Service Corporations

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1980-81	13.01	25.91	17.59	0.502	0.739	1.473
1981-82	10.66	27.19	17.84	0.392	0.597	1.524
1982-83	10.40	27.26	18.72	0.382	0.556	1.456
1983-84	10.72	27.71	19.28	0.387	0.556	1.437

Fiscal Effort: Local-Source Revenues Per \$1,000 of Total Adjusted Gross Income

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1980-81	35.32	74.82	62.37	0.472	0.566	1.200
1981-82	33.76	76.37	63.04	0.442	0.535	1.211
1982-83	32.72	73.03	65.02	0.448	0.503	1.123
1983-84	32.93	76.48	66.07	0.431	0.498	1.158



Fiscal Effort: Local-Source Revenues Per \$1,000 of the Modified Local Wealth Index

Year	Campbell Score	Lynchburg Score	Statewide Score	Campbell/Lynchburg Ratio	Campbell/Statewide Ratio	Lynchburg/Statewide Ratio
1980-81	19.70	38.70	28.03	0.509	0.703	1.380
1981-82	16.74	40.32	28.42	0.415	0.589	1.419
1982-83	16.31	40.06	29.74	0.407	0.549	1.347
1983-84	16.70	40.96	30.52	0.408	0.547	1.342

Property Tax Data: 1973  
 Assessed Values, Levies, and Levies Per \$1,000 of Assessed Values

Tax Year/Locality	Total Assessed Property Values Per Capita	Property Tax Levies Per Capita	Total Property Tax Levies Per \$1,000 of Assessed Property Values
1974			
Campbell County	2,677.39	84.34	31.50
Lynchburg City	4,767.40	143.02	30.00
1975			
Campbell County	3,024.52	95.27	31.50
Lynchburg City	5,758.59	163.38	28.37
1976			
Campbell County	2,978.19	93.81	31.50
Lynchburg City	6,130.64	173.88	28.36
1977			
Campbell County	3,106.08	97.84	31.50
Lynchburg City	12,220.42	186.82	15.29
1978			
Campbell County	3,361.90	105.90	31.50
Lynchburg City	12,408.32	195.45	15.75
1979			
Campbell County	3,666.35	115.49	31.50
Lynchburg City	14,884.84	205.25	13.79
1980			
Campbell County	4,025.71	126.81	31.50
Lynchburg City	15,466.21	217.07	14.03
1981			
Campbell County	20,625.26	144.38	7.00
Lynchburg City	19,559.26	251.75	12.87
1982			
Campbell County	20,451.41	146.11	7.14
Lynchburg City	19,925.71	258.59	12.98
1983			
Campbell County	21,258.91	152.92	7.19
Lynchburg City	21,262.29	275.61	12.96

## Notes

1. The concept of true value refers to the full-market worth of locally taxed real estate and public service corporation property within a particular jurisdiction.
2. Derived from the administrative records of the State Department of Taxation, the adjusted gross income (AGI) statistics for a locality, while encompassing most dimensions of income, exclude Social Security benefits and various other transfer payments, contributions made by employers to private pension and health plans, non-cash imputed income, payments in-kind, 60% of long-term capital gains, and the income received by non-resident military personnel stationed in Virginia. It should be noted, too, that jurisdictional AGI figures do not reflect the income of residents who are exempt from the filing of state tax returns.
3. With respect to each county and city, the Virginia Department of Taxation annually estimates the level of taxable sales from tax revenue deposits rather than actual sales figures reported by local retailers.
4. The allocation of state aid to the public schools of a locality is based largely on a formula which takes measure of jurisdictional wealth through an additive index that combines 50% of the total true value of real estate and public service corporations, 40 % of the total personal income, and 10% of the total value of taxable retail sales within the entitlement county or city. The Commission has modified this local wealth index by substituting adjusted gross income for personal income, a necessary revision stemming from the estimation errors which have beset the latter variable in recent years. [See Dr. John L. Knapp, Deputy Director, Tayloe Murphy Institute, University of Virginia, "Statement of the Tayloe Murphy Institute in Regard to Virginia Personal Income Estimates" (presented to the House Appropriations Committee of the Virginia General Assembly on January 31, 1984); Tayloe Murphy Institute, University of Virginia, "Bureau of Economic Analysis Estimates: Virginia Personal Income by City and County, 1978-83," May 15, 1985.]
5. The local-source revenues of general government, as defined by the Virginia Auditor of Public Accounts, exclude payments from federal and state authorities, non-revenue receipts, and inter-fund transfers.

## Sources

Virginia Department of Taxation, Virginia Assessment/Sales Ratio Study, 1974-83, Table 8 (1974-77), Table 5 (1978), and Table 6 (1979-83). This annual publication reports the true value of real estate and public service corporations by county and city.

Taylor Murphy Institute, University of Virginia, Distribution of Virginia Adjusted Gross Income by Income Class, 1974-81, Table 1 (1974-76), Table A1 (1977-81); Distribution of Virginia Adjusted Gross Income by Income Class and Locality, 1982-83, Table A1.

Virginia Department of Taxation, Taxable Sales in Virginia Counties and Cities: Annual Report, 1974-83.

Virginia Auditor of Public Accounts, Comparative Report of Local Government Revenues and Expenditures, Exhibit A.

Taylor Murphy Institute, University of Virginia, Intercensal Estimates and Decennial Census Counts for Virginia Localities, 1790-1980, February 1983, Table 1 (1974-80); Estimates of the Population of Virginia Counties and Cities: 1983 and 1984, August 1985, Table 2 (1981-84). For computational purposes the Commission staff has revised the 1975 population totals reported by the Taylor Murphy Institute with respect to Campbell County and Lynchburg City. These modifications stem from the Institute's practice, in regard to localities whose boundaries have been altered, of adjusting the relevant population figures "beginning with the year before the change became legal." (See Estimates of the Population of Virginia Counties and Cities, 1983 and 1984, p. 10). In consequence of this estimation procedure, the official 1975 population values for Campbell County and Lynchburg City improperly reflect the City's 1976 annexation of territory from Bedford County and Campbell County. Using a quantitative correction method endorsed by the Taylor Murphy Institute, our staff has removed the "effects" of the subsequent boundary changes from the 1975 figures. (Dr. Michael A. Spar, Taylor Murphy Institute, University of Virginia, conversation with staff of the Commission on Local Government, November 20, 1985.)

Virginia Department of Taxation, Annual Report, FY1975-FY1984, Tables 5.4-5.7. This document contains local assessed values and tax levies for all classes of property.