

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator  
L. Carol Edmonds, Deputy County Administrator

DATE: October 16, 2013

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
1. Project # 2013-006
  2. Project # 2013-026
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Motor Mile Park
  2. Old Blacksburg Middle School Property
  3. Park and Ride Lot
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Parks and Recreation Commission
  2. Social Services Board
  3. Personnel

**III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

**IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

**V. INVOCATION**

**VI. PLEDGE OF ALLEGIANCE**

**VII. PRESENTATION**

**Resolution of Appreciation – Gerard W. (Jerry) Higgins**

The Board of Supervisors will present a Resolution of Appreciation to Gerard W. (Jerry) Higgins, Director of the NRV Regional Water Authority (formerly the Blacksburg-Christiansburg-VPI Water Authority), for his 24 years of service.

**VIII. DELEGATIONS**

**A. VIRGINIA DEPARTMENT OF TRANSPORTATION**

David Clarke, VDOT, will provide an update on road projects/issues in Montgomery County.

**B. New River Community College**

Sue Thacker, Montgomery County Representative to NRCC, will make an annual report on New River Community College.

**IX. PUBLIC ADDRESS**

**X. ADDENDUM**

**XI. CONSENT AGENDA**

**XII. OLD BUSINESS**

**A. SUBJECT: REZONING REQUEST – CARY HOPPER**

**ORD-FY-14-  
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION  
OF APPROXIMATELY 1.606 ACRES  
FROM AGRICULTURAL (A1) TO MULTIPLE FAMILY RESIDENTIAL (RM-1),  
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)  
LOCATED AT 1534 GALLIMORE STREET, IDENTIFIED AS  
TAX PARCEL NOS. 090C-2-5C AND 090C-2-5A,  
ACCOUNT NUMBERS 130812 AND 070735  
CARY HOPPER**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request to rezone approximately 1.606 acres from Agricultural (A1) to Multiple Family Residential (RM-1), to allow two multifamily dwelling units in the form of one duplex and one triplex with the following proffered conditions:

1. The Property will be developed substantially in accordance with the Conceptual Layout prepared by Gay & Neel, dated August 28, 2013 (the “Concept Development Plan”).
2. No more than five (5) residential dwelling units shall be constructed on the Property.

3. Access to the existing building proposed for multi-family use shall be via the existing entrance on Gallimore Street. Access to the proposed two-family building shall be a proposed private driveway off of Blair Street. No access shall be proposed or allowed directly from Route 11. All improvements shall be at the sole expense of the developer.
4. The proposed development will preserve existing vegetation to the greatest extent possible. Proposed buffer yard shall be in conformance with the requirements of the zoning ordinance and shall be installed prior to the issuance of a certificate of occupancy. Existing vegetation can be credited towards the buffer requirements. Buffer shall not impede sight distance at the proposed or existing entrance.

The subject parcel is located at 1534 Gallimore Street and identified as Tax Parcel Nos. 090-C 2 5C and 090-C 2 5A, (Account Nos. 130812 and 070735) in the Riner Magisterial District (District D).

The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Medium Density Residential within the Plum Creek Village Plan.

This action was commenced upon the application of Cary Hopper (Agent: Gay and Neel, Inc.).

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE: Rezoning request.

JUSTIFICATION: At their September 18, 2013 meeting, the Planning Commission recommended approval of said request. See TAB **D**.

**B. SUBJECT: 2025 COMPREHENSIVE PLAN  
AMENDMENT – FORMER PRICES FORK  
ELEMENTARY SCHOOL SITE**

**ORD-FY-14-  
AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN – PRICES FORK  
VILLAGE PLAN LAND USE POLICY MAP DESIGNATION OF APPROXIMATELY  
8.33 ACRES LOCATED AT 4237 PRICES FORK ROAD IN THE PRICES FORK  
MAGISTERIAL DISTRICT, THE SITE OF THE FORMER PRICES FORK  
ELEMENTARY SCHOOL, FROM CIVIC TO MIXED USE**

BE IT ORDAINED That the Board of Supervisors of Montgomery County, Virginia hereby finds that the proposed amendments to the Montgomery County 2025 Comprehensive Plan – Prices Fork Village Plan Land Use Policy Map meet the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Prices Fork Village Plan Land Use Policy

Map designation of those certain tracts or parcels of land is hereby amended from the designation of Civic to Mixed Use.

This action was commenced upon the application of the Montgomery County Planning Commission.

The property is located at 4237 Prices Fork Road and is identified as Tax Parcel No. 052-A-20 (Acct. No. 070688) in the Prices Fork Magisterial District.

This ordinance shall take effect upon adoption.

ISSUE/PURPOSE: To amend the Montgomery County 2025 Comprehensive Plan – Prices Fork Village Plan Land Use Policy Map. See TAB E .

C. SUBJECT: ORDINANCE AMENDMENT  
SAWMILLS

**ORD-FY-14-  
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING  
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,  
BY AMENDING SECTION 10-22 TO CLARIFY THAT SAWMILL,  
TEMPORARY USE IS A BY-RIGHT USE AND  
SAWMILL IS A USE ALLOWABLE BY SPECIAL USE PERMIT  
IN C-1 CONSERVATION DISTRICT**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-22 shall be amended and reordained as follows:

**Sec. 10-22. C-1 Conservation District.**

- (1) *Purpose.* The C-1 Conservation District is established for the specific purpose of providing recreational, conservation and scenic areas for the growing population of the county and its vicinity. It is intended to facilitate the conservation of water and other natural resources, to assist the U.S. Forest Service with its conservation programs, to encourage the closure of the boundaries of the national forest within one (1) contiguous conservation area and to encourage the retention of the open space characteristic of excessive slope and floodplain areas or other areas not amenable to good development practices. This district contains all of the forest and mountain land in the Jefferson National Forest. The land area of this district is essentially undeveloped open space, except for some private holdings. This district is generally intended to apply to lands designated in the comprehensive plan as rural or resource stewardship areas.
- (2) *Qualifying lands.* Lands qualifying for inclusion in this district shall be current C-1 on the date of adoption of this chapter and other lands within areas mapped as rural or resource stewardship in the comprehensive plan. Qualifying lands shall not generally

include those served or planned to be served by public water or sewer service. The minimum area required to create a district is twenty (20) acres of total contiguous land.

(3) *Use permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and all other applicable regulations:

- (a) Agriculture.
- (b) Agriculture, small scale.
- (c) Bed and breakfast homestay.
- (d) Cemetery.
- (e) Dwelling, single-family.
- (f) Game preserve.
- (g) Home occupation, as defined in this chapter.
- (h) Manufactured home, Class A and Class B.
- (i) Natural area.
- (j) Pet, farm.
- (k) Pet, household.
- (l) Public utility lines, other; public utility lines, water and sewer.
- (m) Telecommunications tower, attached.
- (n) Veterinary practice, animal hospital.
- (o) Farm enterprise.
- (p) Sawmill, temporary.

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Campground.
- (c) Bed and breakfast inn.
- (d) Park, unlighted.
- (e) Playground, unlighted.
- (f) Sawmill, ~~temporary~~.
- (g) Structures over sixty-five (65) feet in height.
- (h) Telecommunications tower, freestanding.

(4)(ii) The following uses may be permitted by the board of zoning appeals as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height.

(5) *Lot requirements.*

- (a) *Minimum lot area.* Two and one-half (2.5) acres.
- (b) *Density.* In addition to the minimum required lot area defined above, the maximum gross density (total number of lots per parent parcel after subdividing) for residential development in the C-1 district shall be in accord with the following sliding scale:

Parent Parcel Area	Total Lots Permitted on Parent Parcel
Less than 2.5 acres	0 lots
Less than 5.0 acres	1 lot
Less than 7.5 acres	Up to 2 lots
7.5 acres up to 10.0 acres	Up to 3 lots
More than 10.0 acres	One (1) additional lot for every additional 30 acres over first 10 acres

All lots in the C-1 district are subject to all applicable regulations for on-site water supply and wastewater treatment, which may limit the number of lots permitted.

(c) *Lot access.* Lots shall be accessed from a road in the Virginia Department of Transportation (VDOT) system or from a hard-surfaced road designed by a professional engineer to accommodate projected volumes, loads and vehicle types and approved by the zoning administrator; except that up to three (3) lots divided from any parent parcel may be served by a private access easement at least forty (40) feet in width.

(d) *Minimum width.* One hundred twenty (120) feet at the setback line of the front yard

(e) *Maximum length/width ratio.* Five to one (5:1) for any lot of less than twenty (20) acres.

(6) *Building requirements.*

(a) *Minimum yards.*

1. *Front.* Forty (40) feet (also refer to additional setback requirements pertaining to residential uses near intensive agricultural operations, Section 10-41(16)).
2. *Side.* Fifteen (15) feet for each principal structure.
3. *Rear.* Forty (40) feet.
4. *Accessory buildings.* Ten (10) feet to rear and side lot line.

(b) *Maximum building height.* No building or structure shall exceed forty (40) feet in height, as defined, except by special use permit and that for every one (1) foot above forty (40) feet, the building or structure shall be set back an additional two (2) feet up to a maximum of one hundred (100) feet.

(7) *Use limitations.* [Reserved.]

ISSUE/PURPOSE:

Amend Zoning Ordinance by amending Section 10-22 to clarify that sawmill, temporary use is a by-right use and sawmill is a use allowable by special use permit in C-1 conservation district.

**D. SUBJECT: ORDINANCE AMENDMENT CHAPTER 10,  
ZONING –TEMPORARY FAMILY HEALTH  
CARE STRUCTURE**

**ORD-FY-14**

**AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING OF THE CODE OF  
COUNTY OF MONTGOMERY, VIRGINIA BY AMENDING SECTION 10-41 (2A)  
BY AMENDING THE DEFINITION OF TEMPORARY FAMILY HEALTH CARE  
STRUCTURE TO COMPLY WITH CHANGES IN THE STATE ENABLING  
LEGISLATION**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning Section 10-41 (2A) shall be amended and reordained as follows:

**SECTION 10-41 (2A) Temporary Family Health Care Structures.**

Subject to requirements imposed upon other authorized accessory structures a  
~~Notwithstanding any other provision one~~ (1) temporary family health care structure, as shall be a permitted accessory use dwelling may be placed on any property zoned for a single family detached dwelling owned or occupied by a caregiver as his or her residence subject to the following:

1. Only one (1)~~The~~ temporary family health care structure (the structure) shall be allowed on a lot or parcel of land and shall be limited to one (1) occupant who shall be the mentally or physically impaired person;or in the case of a married couple, two (2) occupants, one of whom is a mentally or physically impaired person and the other requires assistance with one or more activities of daily living as defined in Section 63.2-2300 of the 1950 Code of Virginia, as amended, as certified in writing by a physician licensed in the Commonwealth.
2. The structure shall have a maximum gross floor area of three hundred (300) square feet.
3. The structure shall comply with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code.
4. The structure shall not be placed on a permanent foundation.
5. The structure shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
6. No signage that advertises or promotes the structure shall be permitted on the exterior of the structure or elsewhere on the property.
7. Written certification verifying the status of the mentally or physically impaired occupant of the structure shall be provided by a physician licensed by the Commonwealth.
8. Evidence of compliance with this Section must be provided annually on the anniversary date of the initial zoning approval, including a current written certification by a physician licensed by the Commonwealth.
9. The structure shall be removed within ~~thirty (30)~~ sixty (60) days of the date on which the structure was last occupied by a ~~after the~~ mentally or

physically impaired person is ~~no longer~~ receiving services or ~~no longer~~ in need of the assistance for which the structure was provided.

For Purposes of this Section *Temporary Family Health Care Structure* shall mean a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, (caregiver and mentally or physically impaired are defined in §15.2-2292.1 of the 1950 Code of Virginia, as amended) that is primarily assembled at a location other than its site of installation.

ISSUE/PURPOSE: Amend Zoning Ordinance by amending the definition of temporary family health care structure to comply with changes in the state enabling legislation.

**E. SUBJECT: ORDINANCE AMENDMENT – CEMETERIES**

**ORD-FY-14**

**AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA, BY AMENDING SECTION 10-43 (5) BY ADDING CEMETERIES TO THE LIST OF USES THAT SHALL REQUIRE A MINIMUM TEN (10) PERCENT TREE CANOPY PLAN SHOWN ON THE FINAL SITE PLAN IN ORDER TO COMPLY WITH STATE LAW CHANGE**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-43 (5) shall be amended and reordained as follows:

**Sec. 10-43. Landscaping and buffering.**

(5) Tree canopy requirements.

(a) For projects for which a site plan is required in accord with Section 10-53(3) a final site plan shall include a plan for the planting and/or replacement of trees on the site such that at maturity of ten (10) years, the minimum tree canopy shall be provided as follows:

1. Ten (10) percent tree canopy for sites zoned for, or to be used for commercial, ~~or~~ industrial uses or cemeteries.
2. Fifteen (15) percent tree canopy for sites zoned for, or to be used for residential uses.

ISSUE/PURPOSE: Amend Zoning Ordinance by amending Section 10-43 (5) by adding cemeteries to the list of uses that shall require a minimum ten (10) percent tree canopy plan shown on the final site plan in order to comply with state law change.

**F. SUBJECT: ORDINANCE AMENDMENT - BOARD OF ZONING APPEALS**

**ORD-FY-14-  
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING  
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,  
BY AMENDING SECTION 10-51 TO CLARIFY THE VOTING REQUIREMENTS FOR  
ACTION TAKEN BY THE BOARD OF ZONING APPEALS**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-51 shall be amended and reordained as follows:

**SEE TAB F FOR A COPY OF THE PROPOSED ORDINANCE.**

ISSUE/PURPOSE: Amend Zoning Ordinance by amending Section 10-51 to clarify the voting requirements for action taken by the Board of Zoning Appeals.

**G. SUBJECT: ORDINANCE AMENDMENT – ADD  
MILITARY INSTALLATION TO  
NOTIFICATION LIST ON ZONING  
AMENDMENTS**

**ORD-FY-14-  
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING  
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,  
BY AMENDING SECTION 10-54 (1)(d) BY ADDING MILITARY INSTALLATION  
TO THE LIST OF PLACES PROPOSED ZONING AMENDMENTS SHALL BE  
REFERRED TO FOR COMMENT IN ORDER TO  
COMPLY WITH STATE LAW CHANGE**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-54 (1)(d) shall be amended and reordained as follows:

**Sec. 10-54. Special development approvals.**

(1) *Zoning amendment.*

(d) *Staff review of application.*

1. *Referrals.* Upon acceptance of the application for zoning amendment, the planning director shall forward a copy of the application to any town, ~~and any county,~~ ~~or~~ state agencies or military installation whose comments are necessary or desirable for full and appropriate review of the merits of the application. In the event that approval of a feature or features of the application for zoning amendment by a state agency is necessary, the agent shall forward the zoning amendment application within ten (10) business days of receipt of a completed application to the appropriate state agency or agencies for review. Requirements for review including time limitations shall be in accordance with the provisions of Code of Virginia, § 15.2-2222.1. The application for rezoning shall not be referred to the planning commission until the review by the state agency or agencies is complete.
2. *Referral responsibilities.* Each reviewing agency shall prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the director of planning.
3. *Review of referrals.* Referral comments shall be obtained and reviewed by the director of planning within thirty (30) calendar days after a final application has been accepted. The planning director shall forward to the applicant a written review of the issues raised by the application.
4. *Applicant response.* Upon receipt of the written review, an applicant may request a meeting with the director of planning to discuss the matters contained in the written review and the application generally. Such request shall be in writing and shall include a response to the matters raised in the written review received. If the applicant's response and/or such a meeting results in an amended application, the provisions of subsection (e) herein below shall apply.
5. *Required action by other board.* In the event this chapter requires that an application not be granted until acted upon by some government board or agency other than the planning commission or board of supervisors, then the director of planning shall forward the application for amendment to such board or agency for appropriate action prior to the notification to an applicant that an application is ready to be presented to the board of supervisors or planning commission. If it deems it appropriate, the planning commission may recommend, and the board of supervisors may approve, an application contingent on required action by the other board or boards.
6. *Report and notice to applicant.* The director of planning shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the board of supervisors or planning commission, as appropriate, for hearing.

ISSUE/PURPOSE: Amend Zoning Ordinance by amending Section 10-54 (1)(d) by adding military installation to the list of places proposed zoning amendments shall be referred to for comment in order to comply with state law change.

**H. SUBJECT: ORDINANCE AMENDMENT- BOARD OF ZONING APPEALS**

**ORD-F-14-  
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING  
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,  
BY AMENDING SECTION 10-55 BY AMENDING CERTAIN PROCEDURES  
BEFORE THE BOARD OF ZONING APPEALS  
TO COMPLY WITH STATE LAW CHANGE**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-55 shall be amended and reordained as follows:

**SEE TAB G FOR A COPY OF THE PROPOSED ORDINANCE.**

ISSUE/PURPOSE: Amend Zoning Ordinance by amending Section 10-55 by amending certain procedures before the board of zoning appeals to comply with state law change.

**I. SUBJECT: ORDINANCE AMENDMENT – AMATEUR RADIO TOWERS**

**AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING  
OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA  
BY AMENDING SECTIONS 10-21 THROUGH 10-36, SECTION 10-41 AND  
SECTION 10-61 BY CREATING A NEW AMATEUR RADIO TOWER  
USE DEFINED AS A STRUCTURE ON WHICH ANTENNA IS INSTALLED FOR  
THE PURPOSE OF TRANSMITTING AND RECEIVING AMATEUR RADIO SIGNALS  
ALLOWABLE BY RIGHT UNDER CERTAIN USE LIMITATIONS IN  
A-1 AGRICULTURAL, C-1 CONSERVATION, R-R RURAL RESIDENTIAL,  
R-1, R-2, R-3 RESIDENTIAL, GB GENERAL BUSINESS, CB COMMUNITY  
BUSINESS, M-1 MANUFACTURING, M-L MANUFACTURING LIGHT, PIN  
PLANNED INDUSTRIAL, PUD-COM AND PUD-RES PLANNED UNIT  
DEVELOPMENT DISTRICTS AND ALLOWABLE BY SPECIAL USE PERMIT  
UNDER CERTAIN USE LIMITATIONS IN A-1 AGRICULTURAL, C-1  
CONSERVATION, R-R RURAL RESIDENTIAL, R-1, R-2, R-3 RESIDENTIAL, GB  
GENERAL BUSINESS, CB COMMUNITY BUSINESS, M-1 MANUFACTURING, M-L  
MANUFACTURING LIGHT, PIN PLANNED INDUSTRIAL, PUD-COM, RM-1  
MULTIPLE FAMILY RESIDENTIAL, PUD-TND PLANNED UNIT DEVELOPMENT-  
TRADITIONAL NEIGHBORHOOD DEVELOPMENT, TRADITIONAL  
NEIGHBORHOOD DEVELOPMENT INFILL AND PMR PLANNED MOBILE HOME  
RESIDENTIAL PARK DISTRICTS**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Entitled Zoning, Sections 10-21 through 10-36, Section 10-41 and Section 10-61 of the Code of the County of Montgomery, Virginia shall be amended and reordained as follows:

**SEE TAB H FOR A COPY OF THE PROPOSED ORDINANCE.**

ISSUE/PURPOSE: Amend Zoning Ordinance by creating a new amateur radio tower use defined as a structure on which antenna is installed for the purpose of transmitting and receiving amateur radio signals.

**J. SUBJECT: ORDINANCE AMENDMENT –PARK AND RIDE LOTS**

**ORD-FY-14-  
AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING  
OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA  
BY AMENDING SECTIONS 10-21 THROUGH 10-36,  
SECTION 10-41 AND SECTION 10-61 BY AMENDING  
THE DEFINITION OF PARK AND RIDE LOT TO INCLUDE PARKING  
FOR OTHER SHORT TERM TRAVELING PURPOSES IN ADDITION  
TO WORK ALLOWABLE BY RIGHT UNDER CERTAIN USE LIMITATIONS  
IF THE LOT HAS FIFTY OR LESS PARKING SPACES IN GB GENERAL BUSINESS,  
CB COMMUNITY BUSINESS, M-1 MANUFACTURING, M-L MANUFACTURING-  
LIGHT, PUD-TND PLANNED UNIT DEVELOPMENT-TRADITIONAL  
NEIGHBORHOOD DEVELOPMENT, TRADITIONAL NEIGHBORHOOD  
DEVELOPMENT INFILL, PIN PLANNED INDUSTRIAL, PUD-COM PLANNED UNIT  
DEVELOPMENT-COMMERCIAL AND PUD-RES PLANNED UNIT DEVELOPMENT-  
RESIDENTIAL DISTRICTS AND PARK AND RIDE LOT ALLOWABLE BY SPECIAL  
USE PERMIT WITH MORE THAN FIFTY PARKING SPACES IN GB GENERAL  
BUSINESS, CB COMMUNITY BUSINESS, M-1 MANUFACTURING, M-L  
MANUFACTURING-LIGHT, PUD-TND PLANNED UNIT DEVELOPMENT-  
TRADITIONAL NEIGHBORHOOD DEVELOPMENT, TRADITIONAL  
NEIGHBORHOOD DEVELOPMENT INFILL, PIN PLANNED INDUSTRIAL, PUD-COM  
PLANNED UNIT DEVELOPMENT-COMMERCIAL AND PUD-RES PLANNED UNIT  
DEVELOPMENT-RESIDENTIAL DISTRICTS AND PARK AND RIDE LOT  
ALLOWABLE BY SPECIAL USE PERMIT IN A-1 AGRICULTURAL, C-1  
CONSERVATION, R-R RURAL RESIDENTIAL, R-1 R-2, R-3 RESIDENTIAL, RM-1  
MULTIPLE-FAMILY RESIDENTIAL AND PMR PLANNED MOBILE HOME  
RESIDENTIAL PARK DISTRICTS**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, Entitled Zoning, Section 10-21 through 10-36, Section 10-41 and Section 10-61 of the Code of the County of Montgomery, Virginia shall be amended and reordained as follows:

**SEE TAB I FOR A COPY OF THE PROPOSED ORDINANCE.**

ISSUE/PURPOSE: Amend Zoning Ordinance by amending the definition of park and ride lot to include parking for other short term traveling purposes in addition to work allowable by right under certain use limitations.

**XIII. NEW BUSINESS**

**A. SUBJECT: RESOLUTION ELECTING NOT TO PARTICIPATE IN THE VIRGINIA LOCAL DISABILITY PROGRAM**

**R-FY-14-  
IRREVOCABLE ELECTION BY THE COUNTY OF MONTGOMERY, VIRGINIA  
TO NOT PARTICIPATE IN VIRGINIA LOCAL DISABILITY PROGRAM**

WHEREAS, By enacting Chapter 11.1 of Title 51.1 of the Code of Virginia, the Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code §51.1-169; and

WHEREAS, For purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, It is the intent of County of Montgomery, Virginia (55160), to make this irrevocable election that the County’s eligible employees not participate in VLDP.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agree to irrevocably elect for the County of Montgomery, Virginia to not participate in VLDP because the County has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and

BE IT FURTHER RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby further agree that as an integral part of making this irrevocable election, the County of

Montgomery, Virginia certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees

Adopted this 16<sup>th</sup> day of October, 2013.

ISSUE/PURPOSE: To opt out of the Virginia Retirement System Local Disability Program.

JUSTIFICATION: The Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code §51.1-169. Localities can choose to remain in the Virginia Local Disability Program or opt out.

**B. SUBJECT: RESOLUTION ELECTING TO JOIN VACORP DISABILITY PROGRAM**

**R-FY-14-  
RESOLUTION APPROVING THE  
DISABILITY PROGRAM PARTICIPATION AGREEMENT  
WITH VIRGINIA ASSOCIATION OF COUNTIES RISK POOL**

WHEREAS, The Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code §51.1-169; and

WHEREAS, The County of Montgomery, Virginia irrevocably elected to not participate in VLDP because the County has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia, by January 1, 2014; and

WHEREAS, The County of Montgomery, Virginia desires to enter into a Disability Program Participation Agreement with the Virginia Association of Counties Risk Pool (“VACORP”) for the purpose of providing short-term and long-term disability benefits to its eligible employees.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to enter into a Disability Program Participation Agreement with the Virginia Association of Counties Risk Pool (“VACORP”) for the purpose of providing short-term and long-term disability benefits to its eligible employees.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby further agrees to authorize F. Craig Meadows, County Administrator, to execute the

Disability Program Participation Agreement with VACORP on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Resolution to enter into a Disability Program Participation Agreement with the Virginia Association of Counties Risk Pool (“VACORP”) for the purpose of providing short-term and long-term disability benefits to its eligible employees.

**C. SUBJECT: ACCEPT THE CONVEYANCE OF THE FORMER BLACKSBURG HIGH SCHOOL PROPERTY**

**R-FY-14-  
RESOLUTION ACCEPTING THE CONVEYANCE FROM  
THE SCHOOL BOARD OF MONTGOMERY COUNTY  
OF THE FORMER BLACKSBURG HIGH SCHOOL PROPERTY LOCATED AT  
520 PATRICK HENRY DRIVE IN BLACKSBURG, VIRGINIA**

WHEREAS, The School Board of Montgomery County (“the School Board”) has constructed and opened for the 2013-2014 school year a new Blacksburg High School located at 2401 Bruin Lane in Blacksburg, Virginia; and

WHEREAS, The School Board adopted a Resolution on April 26, 2011 declaring its intent to declare the former Blacksburg High School Property located at 520 Patrick Henry Drive in Blacksburg (“the Property”) as surplus to its needs once the new Blacksburg High School was completed and opened for use; and

WHEREAS, The School Board further authorized the conveyance of the Property located at 520 Patrick Henry Drive, Blacksburg, Virginia to the Montgomery County Board of Supervisors with the understanding that the Board of Supervisors would sell the Property and use the proceeds of such sale to fund a portion of the costs for the new Auburn High School, new Auburn Middle School and the new Blacksburg High School; and

WHEREAS, The Board of Supervisors desires to accept the conveyance of the Property located at 520 Patrick Henry Drive, Blacksburg, Virginia owned by the School Board, acknowledging that the Board of Supervisors intends to sell the Property and appropriate the proceeds of such sale after reimbursing the County for its costs in selling the Property, to fund a portion of the cost of the new Auburn High School, new Auburn Middle School and the new Blacksburg High School.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to accept from the School Board the conveyance of the Property located at 520 Patrick Henry Drive, Blacksburg, Virginia owned by the School Board and further authorizes the Chair to execute the Deed accepting the Property on behalf of the Board of Supervisors and to sign any and all other documents required to close on the Property.

ISSUE/PURPOSE: Accept the conveyance of the former Blacksburg High School property.

JUSTIFICATION: The School Board adopted a Resolution on April 26, 2011 declaring its intent to declare the former Blacksburg High School Property located at 520 Patrick Henry Drive in Blacksburg as surplus. This resolution agrees to accept the conveyance of the property.

**D. SUBJECT: FY 2015 REVENUE SHARING PROGRAM**

**R-FY-14-  
REVENUE SHARING PROGRAM  
FOR FY 2014-2015**

WHEREAS, The Revenue Sharing Program allows the Virginia Department of Transportation (VDOT) to provide state funds to match local funds for the construction, maintenance, or improvements of secondary highways; and

WHEREAS, The Montgomery County Board of Supervisors desires to submit an application for an allocation of funds of up to \$500,000 through the Virginia Department of Transportation Fiscal Year 2014-2015 Revenue Sharing Program to be matched on a dollar-for-dollar basis by Montgomery County ; and

WHEREAS, The \$500,000 in state funds to be matched with the \$500,000 provided locally is to fund the following road projects:

1. Reconstruction (new construction) of Mt. Pleasant Road (SR 639) in a 1.5 mile section from Archer Road (Route 742) to Split Rail Road (Route 675) in the amount of \$250,000 in state funds and \$250,000 in local funds. This project is located in District C.
2. Reconstruction (new construction) of Brush Creek Road (SR 617) for 0.8 mile section south of the intersection with Poff School Road (Route 601) in the amount of \$250,000 in state funds and \$250,000 in local funds. This project is located in District D; and

WHEREAS, The Board of Supervisors has agreed to appropriate \$500,000 as their share for FY 2014-2015 Revenue Sharing funds, with \$500,000 appropriated from the County's Capital Reserve.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the filing of an application for an allocation of \$500,000 through the Virginia Department of Transportation Revenue Sharing Program to be matched with local funds of \$500,000 to be provided locally by the County of Montgomery for the above construction projects and authorizes the County Administrator to execute all

documents, on behalf of the Board of Supervisors, in order to make application for funding through the VDOT Revenue Sharing Program.

BE IT FURTHER RESOLVED, That the Board of Supervisors shall, upon further analysis, determine whether to have VDOT administer the projects or choose to locally administer these projects.

ISSUE/PURPOSE: Authorize the application for Revenue Sharing funds for FY 15.

JUSTIFICATION: The Revenue Sharing Program allows the Virginia Department of Transportation (VDOT) to provide state funds to match local funds for the construction, maintenance, or improvements of secondary highways. The Board agreed to appropriate \$500,000 as their share FY 2014-2015 Revenue Sharing funds. This resolution authorizes the submittal of the application for revenue sharing funds and defines which roads projects they will include in the application. See TAB J for a map showing the locations of road projects to be considered.

**E. SUBJECT: LEGISLATIVE PRIORITIES FOR 2014**

**R-FY-14-  
A RESOLUTION ADOPTING THE  
COUNTY'S LEGISLATIVE PRIORITIES  
FOR 2014**

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby supports legislation that may be introduced in the 2014 General Assembly session that ends the transfer of state funding shortfalls to localities and the continued shift of services traditionally provided by the state to local government.

The Board further supports legislation that strengthens localities' ability to fund and deliver services to our citizens including:

- *Ending Unfunded Mandates on Local Government* by reducing state mandates in proportion to state revenue reductions. Also, shifting the delivery of state services such as transportation should end. **RESPONSIBILITY FOR SECONDARY ROADS SHOULD NOT BE SHIFTED TO LOCALITIES.**
- *Ending Future State Funding Reductions* in the two areas where the state has served as a partner with local government: public education and public safety.

- ***Strengthening the Diversity of Local Revenues by Sharing Income Taxes or Other Revenue Sources in Support of Local Services*** by distributing a percentage of individual income tax revenues, providing the authority to levy a local income tax, or allowing other sources to generate revenue locally for locally delivered services.
- ***Strengthening the County's Revenue Base by Enacting Equal Taxing Authority*** by eliminating the distinction in the taxing authority of Virginia's cities and counties.
- ***Recognizing the State's Role in Funding Quality Education*** by fully funding the state Standards of Quality (SOQ), basing teacher pay raises on actual positions, not just SOQ.
- ***Ensuring 100% of Administrative Funds for the Comprehensive Services Act (CSA)*** and increasing state matching share for all CSA costs.
- ***Providing State Funding for 100% of the Costs of Optical Scan Voting Machines, 100% of the Costs of Electronic Pollbooks and 100% of the Operating Costs of the Electoral Board/General Registrar.***
- ***Increasing State Aid to Library System*** and ensuring no new cuts in state aid to the library system.
- ***Processing and Marketing of Industrial Hemp*** Montgomery County supports efforts by all levels of government to allow cultivation, processing and marketing of industrial hemp.
- ***Mandatory Water and Sewer Connections*** Montgomery County requests legislation adding Montgomery County to the list of counties who can require mandatory water and sewer connections pursuant to the authority contained in Section 15.2-2110 of the 1950 Code of Virginia, as amended.
- ***Eliminate Split Voting Precincts in Montgomery County*** Montgomery County requests that technical adjustments be made to the boundaries of House Districts 7, 8, and 12 in Montgomery County in order to eliminate split voting precincts in Montgomery County

ISSUE/PURPOSE: Resolution adopting the Board's legislative priorities for 2014.

**F. SUBJECT: RESOLUTION AMENDING THE RULES OF ORDER**

**R-FY-14-  
RESOLUTION AMENDING THE  
RULES OF ORDER**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to amend the Board's Rules of Order adopted on January 14, 2013 as follows:

**Rule 4** ~~A subject(s) may be added to the Agenda following the Delegation portion of the meeting.~~

Items requiring Board action not on the Board's agenda that are proper for Board consideration may be added during the meeting under the Addendum portion of the Agenda by a motion to Amend the Agenda, followed by a second and majority vote of the Board.

**Rule 18** ~~Non-Agenda items may be included for discussion and action during Board Members' Reports segment of the meeting.~~

The Board Member report portion of the Agenda is intended to provide Board Members an opportunity to provide updates and information of a general interest to fellow Board Members, staff and the General Public.

ISSUE/PURPOSE: Amend the Rules of Order.

JUSTIFICATION: At the September 23, 2013 Board meeting, Board members discussed the need to amend the way additional items can be added to their agenda for action.

**G. SUBJECT: HUCKLEBERRY TRAIL – REQUEST TO THE COMMONWEALTH TRANSPORTATION BOARD FOR ENHANCEMENT PROJECT FUNDS FOR THE HUCKLEBERRY TRAIL/ CHRISTIANSBURG EXTENSION PROJECT**

**R-FY-13-  
HUCKLEBERRY TRAIL  
REQUEST TO THE COMMONWEALTH TRANSPORTATION  
BOARD FOR ENHANCEMENT PROJECT FUNDS FOR  
THE HUCKLEBERRY TRIAL/CHRISTIANSBURG  
EXTENSION PROJECT**

WHEREAS, In accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation consider an enhancement project in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors requests the Commonwealth Transportation Board to establish a project for the improvement of the Huckleberry Trail/Christiansburg Extension.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby agrees to pay a minimum 20 percent of the total costs for planning, design, right-of-way, and construction of the project, and that, if the Montgomery County Board of Supervisors subsequently elects to cancel this project the Board of Supervisors hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this \_\_\_ day of October, 2013.

ISSUE/PURPOSE: Authorize the submittal of an application for a Transportation Enhancement Grant through the Virginia Department of Transportation for the expansion of the Huckleberry Trail.

The Board of Supervisors has applied for enhancement project funds, on behalf of the Town of Christiansburg, for the Huckleberry Trail/Christiansburg Extension Project. Grant funds for the project have been awarded as follows:

2009	\$165,000
2010	\$212,000
2011	\$201,000
2012	\$150,000

The project manager plans to submit a new grant application to the Virginia Department of Transportation on November 1, 2013, and has requested a resolution of support from the BoS to attach to the application.

See TAB **K** for a copy of a support resolution adopted by the Christiansburg Town Council.

**H. SUBJECT: TRANSFER TO SCHOOL CAPITAL PROJECTS**

**A-FY-14 –  
TRANSFER TO  
SCHOOL CAPITAL PROJECTS**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

451209	Transfer to School Capital Projects	\$700,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205	Designated Fund Balance	\$700,000
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BE IT FURTHER RESOLVED, That the School Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2014 for the function and in the amount as follows:

6600	Future School Projects	\$700,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451100	Transfer from General Fund	\$700,000
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Said resolution appropriates monies collected in FY 13 resulting from the two cent real estate tax increase for future school capital needs.

ISSUE/PURPOSE: Appropriation of the June 5<sup>th</sup> “windfall” payment.

JUSTIFICATION: The FY 14 budget earmarked 2 cents of the 89¢ real estate tax rate for future school capital needs. This resolution appropriates the 2013 “windfall” generated from the 2 cent tax rate increase for school capital projects. The funds are held in the School Capital Projects Fund and will not be spent without future Board of Supervisors’ approval.

#### **XIV. INTO WORK SESSION**

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Emergency Operations Plan ( TAB L )
2. Stormwater Management Plan
3. MS4 (TAB M )
4. FY 2015-2020 Six-Year Road Plan for Interstate and Primary Roads (TAB N)

#### **XV. OUT OF WORK SESSION**

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

#### **XVI. COUNTY ATTORNEY'S REPORT**

#### **XVII. COUNTY ADMINISTRATOR'S REPORT**

- Claytor Lake Project No. 739 (TAB O )

#### **XVIII. BOARD MEMBERS' REPORT**

1. Supervisor Perkins
2. Supervisor Brown
3. Supervisor Biggs
4. Supervisor Tuck
5. Supervisor Gabriele
6. Supervisor Creed
7. Supervisor Politis

#### **XIX. OTHER BUSINESS**

## **XX. ADJOURNMENT**

### **FUTURE MEETINGS**

Adjourned Meeting  
Monday, October 28, 2013  
6:30 p.m. – Closed Meeting Items  
7:30 p.m. Regular Agenda

Regular Meeting  
**Wednesday, November 13, 2013**  
6:30 p.m. – Closed Meeting Items  
7:30 p.m. Regular Agenda

Community Meeting  
Gilbert Linkous Elementary School (Cafeteria)  
Monday, November 18, 2013  
7:00 p.m.

Adjourned Meeting  
Monday, November 25, 2013  
6:30 p.m. – Closed Meeting Items  
7:30 p.m. Regular Agenda