

MONTGOMERY COUNTY PLANNING COMMISSION
January 9, 2013 @ 7:00 P.M.
Board Room, Government Center

A G E N D A

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC ADDRESS:

PUBLIC HEARING:

1. An Ordinance amending Article IV, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia, Section 10-61, by incorporating a definition for "Residential Chicken Keeping". Amending Section 10-41 "Supplemental district regulations to include "Urban Agriculture" as a use allowed in Residential (R-1, R-2, R-3), Traditional Neighborhood Design (TND), and Planned Unit Development Residential (PUD-Res) zoning districts and incorporate use limitations for residential chicken keeping.
 - a) Staff Presentation (Brea Hopkins)
 - b) Public Comment
 - c) Discussion/Action

OLD BUSINESS:

- 2013 Liaison Appointments

NEW BUSINESS:

WORKSESSION:

LIAISON REPORTS:

- Board of Supervisors- Chris Tuck
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – Frank Lau
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- John Tuttle
- Public Service Authority – Joel Donahue
- Parks & Recreation- Cindy Disney
- Radford Planning Commission- Bob Miller
- School Board- Bill Seitz

-OVER-

- Tourism Council- Bryan Rice
- Planning Director's Report- Steven Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | | |
|----------|----------|--|
| January | 16, 2013 | Planning Commission Joint Meeting with Blacksburg & Christiansburg
Montgomery County Government Center
5:30 pm Dinner; 6:30 pm Meeting |
| February | 13, 2013 | Planning Commission Site Visit (To be determined)
Planning Commission Public Hearing (7:00 pm) |
| February | 20, 2012 | Planning Commission Regular Meeting |

**MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
January 9, 2013**

A. APPROVAL OF MINUTES

- December 12, 2012

ISSUE/PURPOSE:

The above listed minutes are before the Planning Commission for approval.

B. SCHEDULE THE FOLLOWING ITEMS FOR PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION ON FEBRUARY 13, 2013 AND BOARD OF SUPERVISORS ON FEBRUARY 25, 2013

No public hearings to be scheduled

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON DECEMBER 12, 2012 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Lau, Chair, called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Donahue established the presence of a quorum.

Present: Frank Lau, Chair
 Joel Donahue, Vice-Chair
 Robert Miller, Member
 William Seitz, Member
 Bryan Katz, Member
 Bryan Rice, Member
 Cindy W. Disney, Member
 Jeanne Stosser, Member
 Chris Tuck, Board of Supervisors Liaison
 Steven Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Brea Hopkins, Planning & Zoning Technician

Absent: Bryan Katz, Member
 John Tuttle, Secretary

APPROVAL OF AGENDA:

On a motion by Mr. Miller, and seconded by Mr. Seitz, and unanimously carried the agenda was approved.

APPROVAL OF CONSENT AGENDA:

On a motion Mr. Miller, and seconded by Mr. Seitz, and unanimously carried the consent agenda was approved.

PUBLIC ADDRESS:

Mr. Lau opened the public address.

Ms. DeVawn Oberlander, 706 Crestwood Drive, stated she was a spokesperson for Environmental Patriots of the NRV which was founded March 2011. An email has been distributed providing information regarding potential exposure to pollution produced from the Radford Army Ammunition Plant (RAAP) and an EPA approved brochure regarding sensitive siting. The arsenal has been operated for years and is a vital part of the area economy. The Environmental Patriots of the NRV sent a petition to the Center for Disease Control requesting a study be performed to determine the toxic substance exposure for the area as a result of arsenal operations since the arsenal has been 1st on the list for the amount of waste disposal. RAAP operates an open burning ground and in April a warning letter was sent regarding the amount of burning being conducted on site. Belview Elementary was rated in the top 2% of known air pollutants causing cancer. Several types of

wastes are not tested for in the water; however, they are still present and harmful. The requested study will reveal more information regarding exposure; however, cannot determine the effects of that exposure. The assessment will include air, water and soil evaluations. The Center for Disease control has reviewed information sent by the Environmental Patriots of the NRV and they have approved the petition to begin the study which will be headed by the Department of Defense. An open house meeting will be held January 24th at Belview Elementary. The agency for toxic substances will be there to talk to the public about potential pollutants.

PUBLIC HEARING:

No public hearings scheduled.

NEW BUSINESS:

2013 Work Program

Mr. Sandy presented the 2013 work program and noted a karst study had been added per the request of Mr. Seitz. The program includes daily activities as well as larger projects. Several GIS projects are ongoing such as the Land Development Office (LDO) field software, a grant project with VA 311 to link permitting data to their database for more advance notice on location of projects. The Safe Routes to School projects will continue with grant applications due in January. Staff is also assisting with the general reassessment for the County. If there are no questions or amendments, a consensus from the planning commission to proceed would be appreciated.

Mr. Seitz asked if part of the GIS mapping project for reassessment included correcting the boundary lines for parcels in the county.

Mr. Sandy noted the tax maps are prepared based on the best data available, such as recorded plats. There are still many areas that survey information is not available. The Commissioner's Office only receives documents that are recorded, so it is an ongoing process.

Mr. Miller asked if the Safe Routes to School projects could be extended to other areas of the county.

Mr. Sandy stated it would be difficult to obtain grants for most other schools due to their recent construction; however, there are a couple of schools in the towns that can receive grants. Blacksburg has been very successful with a couple of schools in their jurisdiction. Christiansburg is also applying for two (2) grants this upcoming year.

On a motion by Mr. Miller, seconded by Ms. Disney carried by 7-0 vote (Tuttle, Katz absent) the Planning Commission approved the 2013 Work Program as presented.

2013 Liaison Appointments

Mr. Sandy stated appointments would need to be made.

Mr. Seitz announced he has resigned as of the end of the year.

Mr. Sandy reviewed the following potential openings for the upcoming year: Christiansburg Planning Commission, Blacksburg Planning Commission (opening in March), Parks & Recreation, Economic Development (opening in June), and the School Board.

The Planning Commission requested staff prepare a list of all committees/boards with the meeting days/times noted. Upon review, appointments can be made that best fit various schedules of the commissioners.

WORKSESSION:

On a motion by Mr. Donahue, seconded by Mr. Seitz and unanimously carried the Planning Commission entered into worksession.

Comprehensive Plan- Transportation Chapter Discussion

Mr. Sandy stated the intern has gathered most information regarding the various plans. VDOT has given a presentation regarding the process and discussed available resources. There will be a 90 day review prior to holding public hearings. A draft plan may be available January or February.

Keeping of Chickens in Residential Zoning Districts

Mrs. Hopkins stated the Board of Supervisors has referred the topic of keeping chickens in residential zoning districts after staff met with Dr. Paul Seigel of VT Animal & Poultry Sciences and presented additional information to them at a worksession. Staff has prepared draft amendments to the zoning ordinance based upon Dr. Seigel's comments. Dr. Seigel offered the following suggestions for allowing chickens in a residential district(s) based on his extensive knowledge.

- Definition: Residential Chicken Keeping: The keeping of up to six (6) female chickens in non-agriculturally zoned areas as an accessory use to a single family residence subject to the standards set out in Section 10-41(19).
- Permitted in the Residential (R-1), (R-2), (R-3), PUD-Res, and TND zoning districts on lots at least one (1) acre in size.
- The keeping of roosters (males) is prohibited.
- Chickens shall not be allowed to roam free and shall be confined to enclosure/structure.
- Chicken enclosures shall be located in the rear yard, setback at least 25 feet property lines.
- Chicken enclosures shall be well-ventilated and conducive to well-being of chickens at all times.
- Enclosure shall not exceed ten (10) feet in height
- On-site commercial uses such as selling eggs or chickens for meat shall be prohibited.
- Waste shall not create a nuisance or health hazard to adjoining property owners.
- All feed or other materials shall be kept in containers to prevent infestation by rodents, insects, or predators.

Dr. Seigel also noted that other fowl/poultry should not be permitted due to noise, diseases, and size of area needed.

Mrs. Hopkins stated staff would welcome comments/suggestions from the Commission. If there are no objections, a public hearing could be held in January.

It was the consensus of the commission to proceed with a public hearing in January.

On a motion by Mr. Donahue, seconded by Mr. Disney and unanimously carried the Planning Commission closed the worksession.

LIAISON REPORTS:

Board of Supervisors: Mr. Tuck reported the Board had met with legislators and it appeared liquor by drink at Exit 109 and the Ironto interchange should move forward. This should encourage new businesses to locate near those interchanges. The Prices Fork Elementary School appraisal is due within the next couple of weeks and the site should be marketed soon. The Board is optimistic that the Blacksburg Middle School property is going to move forward through the process to be eventually sold.

Agriculture & Forestal District: No report.

Blacksburg Planning Commission: No report.

Christiansburg Planning Commission: No report.

Economic Development Committee: No report.

Public Service Authority: No report.

Parks & Recreation: No report.

Radford Planning Commission: No report.

School Board: Mr. Seitz reported the school board held extensive budget discussions.

Tourism Council: Mr. Sandy stated the strategic planning meeting will be held next Tuesday. Anyone that would like to attend is invited. It will be at the Crosspointe Center.

Planning Director's Report: Mr. Sandy stated a joint meeting with the town planning commissions has been scheduled for January 16th in MultiPurpose Room#2. Dinner will be served at 5:30pm with the meeting beginning at 6:30pm. Discussions will include an update on transportation projects, comprehensive plan updates, and a presentation by the NRVPC regarding NRV Livability Initiative.

Mr. Sandy reported that Jamie MacLean, Development Planner has resigned.

There being no further business the meeting was adjourned at 8:30 pm.



MONTGOMERY COUNTY DEPARTMENT
OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Planning Staff

DATE: January 3, 2013

SUBJ: ZONING ORDINANCE AMENDMENTS

RESIDENTIAL CHICKENS

Based on discussion(s) with the Planning Commission and Board of Supervisors, staff has prepared proposed amendments to the zoning ordinance regarding residential chicken keeping. The draft amendments are enclosed for your review and discussion.

Enclosure(s)

Sec. 10-41. - Supplemental district regulations

(18) *Farm enterprises.* Farm enterprises, as defined in Article VI of this chapter, are permitted in the A-1 Agriculture District subject to the following requirements:

- (a) The gross floor area of any structure(s) devoted to the farm enterprise use shall not exceed two thousand (2,000) square feet.
- (b) In addition to family members residing on the farm or the farm operators, up to two (2) nonresident, nonfamily employees (equivalent to two (2) full-time workers at forty (40) hours per week) are permitted to be engaged in the enterprise on an annual basis.
- (c) Structures and parking areas shall be located at least one hundred (100) feet from any residential zoning district and adjacent dwellings, other than the owner's dwelling.
- (d) At least thirty (30) percent by retail value of the products sold from the farm enterprise on an annual basis shall have been grown or produced on the farm.
- (e) Hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- (f) One sign shall be permitted and shall be non-illuminated and not exceed twenty (20) square feet in area.
- (g) The enterprise shall have at least forty (40) feet of frontage on at least one public road. In cases where the proposed farm enterprise does not meet the minimum road frontage, the board of zoning appeals may grant a special use permit for such a use provided all parties with interest in any private access easement used to serve the farm enterprise have received notification of the request.

(19) *Urban Agriculture.*

(a) Residential Chicken Keeping as defined in Article VI of this chapter, are permitted in the Residential (R-1), (R-2), (R-2), (TND) and (PUD-RES) zoning districts subject to the following requirements:

- 1. A minimum lot size of one(1) acre is required.
- 2. The owner of the chickens must reside on the property on which the chickens are kept.
- 3. The keeping of male chickens is prohibited.
- 4. Chickens shall be kept within a predator-resistant coop or chicken enclosure and shall not be allowed to roam free and shall be confined to enclosure/structure.
- 5. Coops and chicken enclosures shall be located in the rear yard only and shall be setback at least 25 feet from side and rear property lines. Portable Coops shall not be utilized.
- 6. Chicken enclosures shall not exceed ten (10) feet in height.
- 7. Chicken enclosures shall be well-ventilated and kept in a condition that is conducive to the well-being of chickens at all times.

8. Chickens shall be kept for the household's personal enjoyment only. On-site commercial uses such as selling eggs or chickens for meat shall be prohibited.
9. Provision shall be made for the storage and removal of chicken waste (manure). Such waste shall not create a nuisance or health hazard to adjoining property owners.
10. All feed or other materials intended for consumption by chickens shall be kept in containers impenetrable by rodents, insects, or predators.
11. A zoning permit shall be obtained by the owner of the chickens.

Sec. 10-61. – Definitions

Repair shop: A building or portion thereof, other than a private garage, designed or used for servicing and repairing automobiles, light trucks and lawn equipment, as a business enterprise, and which may include auto body repair (also refer to "Garage, public").

Required open space: Any space required in any front, side or rear yard (also see "Green space").

Residential Chicken Keeping: The keeping of up to six (6) female chickens in non-agriculturally zoned areas as an accessory use to a single family residence subject to the standards set out in Section 10-41(19).

Restaurant: A structure, or any part thereof, in which food or beverages are prepared and dispensed for consumption at the time of sale. May include one (1) or more of the following:

Restaurant, full-service: A restaurant with table service (order placement and delivery on-site) provided to patrons, also including cafeterias; carry-out service, if any, shall be a limited portion of the facility and activity.

Restaurant, limited-service: A restaurant without table service provided to patrons; walk-up counter and carryout trade is a primary portion of the facility; includes fast-food, food delivery, carryout, public snack bars and delicatessens, but not specialty food stores.

PLANNING COMMISSION LIAISON MEETINGS

1. **Agriculture & Forestal District**

Current Planning Commission Liaison – Bob Miller
Meet as necessary at the County Government Center

2. **Blacksburg Planning Commission**

Current Planning Commission Liaison - Frank Lau
Date: Public Hearing 1st Tuesday every month 7:30 p.m. Town Hall Council Chambers.
Date: Work Session 3rd Tuesday every month 4 p.m. Tour then 5 p.m. meeting Blacksburg Motor Co

3. **Christiansburg Planning Commission**

Current Planning Commission Liaison – Bryan Rice
Date: 2nd & 4th Monday every month 7 p.m. Town Hall
* Dates may change in 2013*

4. **Economic Development Committee**

Current Planning Commission Liaison – John Tuttle
Date: EDC 4th Thursday 11:45 a.m. Wikateria in Blacksburg

5. **Public Service Authority**

Current Planning Commission Liaison – Joel Donahue
Date: 1st Monday every month 7 p.m. Multi-Purpose #2

6. **Parks & Recreation**

Current Planning Commission Liaison – Cindy Disney
Date: 1st Thursday every month 7 p.m. County Government Center

7. **Radford Planning Commission**

Current Planning Commission Liaison – Bob Miller
Date: 3rd Monday every month 5:30 p.m. at the Municipal Building

8. **School Board**

Current Planning Commission Liaison – Bill Seitz
Date: 1st and 3rd Tuesday of every month 7 p.m. at Montgomery County Gov. Building

9. **Tourism Council**

Current Planning Commission Liaison – Bryan Rice
Date: 4th Thursday 10 a.m. Always TBD

JOINT MEETING OF PLANNING COMMISSIONS

Wednesday, January 16, 2013

Time: 5:30 p.m. - dinner

6:30 - 8:30 - meeting

Location: Montgomery County Government Center

Agenda

- I. Call to Order
- II. Update from VDOT - Thomas DiGiulian
- III. Huckleberry Trail update - Dean Crane
- IV. Comprehensive Plan updates from Christiansburg, Blacksburg and Montgomery County, including requirement for Transportation Chapter - Kali Casper, Karen Drake, and Steve Sandy
- V. NRV Livability Initiative update - Kevin Byrd, Director of the New River Valley Planning District Commission
- VI. NRV BUILT game - NRVPDC staff
- VII. Adjournment



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Blacksburg
a special place

