

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 23, 2008 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, Secretary, established the presence of a quorum.

Present: Robert Miller, Chair
Walt Haynes, Vice Chair
William Seitz, Secretary
Frank Lau, Member
Steve Howard, Member
Bryan Rice, Member
Malvin Wells, Member
Steven Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Amy Doss, Development Planner
Meghan Dorsett, Comprehensive Planner
Brea Hopkins, Zoning Technician
John Muffo, Board of Supervisors Liaison

Absent: David Moore, Member
Steve Cochran, Member

PUBLIC ADDRESS:

Mr. Miller opened the public address section.

Mr. David Dunkenberger, 4289 North Fork Road, representing the Reese Family Partnership, stated he had submitted information regarding the water issues and the proposed subdivision.

Arthur Mellon, 4346 Bradshaw Road, stated he was a local well driller and would be available for questions if necessary regarding water issues within the Ridges Subdivision.

There being no further speakers the public address section was closed.

APPROVAL OF AGENDA:

On a motion by Mr. Howard, seconded by Mr. Rice and unanimously carried the agenda was approved as presented.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Wells, seconded by Mr. Howard and unanimously carried the consent agenda was approved as presented.

WORK SESSION:

On a motion by Mr. Howard, seconded by Mr. Wells and carried by unanimous vote the Planning Commission entered into worksession.

Purchase of Development Rights Ordinance/Program Presentation- Kevin Schmidt, VA Department of Agriculture and Consumer Services

Mr. Miller introduced Mr. Schmidt, representative from the VA Department of Agriculture.

Mr. Sandy stated Mr. Schmidt has prepared a presentation regarding a Purchase of Development Rights (PDR) Program and how it can and is being used in other localities. Representatives from Blacksburg, Christiansburg, NRVPC, and other commissions have been invited to attend.

Mr. Schmidt discussed issues being faced by local governments and ways to address the issues. Currently there are 21 localities with PDR ordinances adopted. Matching funds are available from the state for local programs. Funds are received upon closing of approved easement and must be used within 2 years. Other localities use funding such as

bond issues, undedicated sources, rollbacks for land use assessment program, a certain percentage of taxes, Federal programs, etc.

Mr. Rice asked if the government could remove land from the program if necessary.

Mr. Schmidt stated that if the state is a holder in the property then it may not be possible and if it is removed, it has to be replaced with comparable land in a nearby area.

Mr. Jim Politis stated he owned property in a conservation easement since 1999. This easement protects area. The Board of Supervisors has discussed using the rollback funds so it is not coming direct from the county tax base. Working with area residents to place properties in easements and a PDR program seems to be a desirable program.

Ms. Beth Obenshain, New River Land Trust, passed out article from farming journal regarding PDR programs. She noted she worked with the VA Outdoor Foundation to place farms under conservation easements. About 60 landowners are on a waiting list to have conservation easements; however, there is no anticipated time that these will be dedicated due to lack of staff and funding. If the county could hold the properties it would be beneficial.

On a motion by Mr. Rice, seconded by Mr. Wells and carried by unanimous vote the Planning Commission closed the worksession.

OLD BUSINESS:

An Ordinance requested by Reese Family Limited Partnership rezoning approximately 227.65 acres from Agriculture (A-1) to Rural Residential (RR), with proffered conditions, to permit a maximum allowed density of 67 single family detached units. The property adjoins The Ridges phases 2-7 and is located on the west side of Bradshaw Rd. (Rt. 629), north of New Ridge Rd (Rt. 1052), identified as Tax Parcel No(s) 45-A-80, 45-3-5A, and 32-A-55 (Acct. #s 025398, 034187, and 001477) in the Mt. Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

On a motion by Mr. Seitz, seconded by Mr. Howard and unanimously carried the Planning Commission removed the request from the table for discussion.

Mr. Sandy stated well data has been collected from the Health Department which has been compiled by phase for review. Additional information has been submitted by Mr. Reese, well drillers, homeowners, etc. There has been a revision to the proffered conditions; however, staff has not been provided with a copy. The County Attorney has concerns regarding some of the proffers and their enforceability.

Mrs. Doss stated that she met with Gary Coggins at the Health Department on April 15th. The health department only sites wells for safety but not for depth or output. There is not a minimum flow. A driller typically tries for 10-20 gallons per minute and the Health Department likes to see and output of 5 gallons per minute. There have been no applications to replace wells and/or septic systems within the subdivision. She discussed the well data that had been collected from the Health Department.

Mr. Haynes asked how many homes are constructed within the subdivision.

Mr. Reese stated 33-34 wells have been drilled.

Mr. McMahon stated that development needs to be based upon availability of water and septic facilities. At the same time, there are issues regarding aquifer rights, etc. If wells fail, the homeowners look to the government to correct the issue.

Mr. Seitz asked if a deeper well or an additional well would alleviate the issue.

Mrs. Doss stated that deeper is not always better. There are a lot of unknown factors when drilling wells. The water could come from a water vein or an aquifer. There is no way to tell which will be tapped into. The second well may not be any better. She reviewed the original proffers and the revised proffers which have been submitted. She noted that the concept plan had not been proffered; therefore, if the request is approved as submitted the only guarantee would be the number of lots.

Mr. Rice stated the well issue is a market concern. The purchaser knows a well is required. The gallons per minute are based on how much money an owner is willing to spend. Options include drill deeper, go to another site, and install a larger holding tank. Deercroft Subdivision has several lots that are deep with low gallon yields. It should not be the Planning Commissions job to control market concerns.

Mr. Seitz stated he was concerned that there are 29 people opposing the development. The residents are truly asking for public water. It is for the buyer to decide if they want to dig their wells or live on a lot served by public water.

Mr. Lau noted that the Planning Commission should be looking at developing areas that have the resources and infrastructure available. Taxpayers should not have to pay to rectify a problem. The property should be developed by right.

Mr. Haynes noted that about 50% of the current residents have concerns with water. Staff has researched wells and spoke to a local well driller who stated the wells may not have been drilled deep enough. This may be an area that doesn't produce an abundant amount of water. The Commission should plan areas for people to live that gives people peace of mind. A by-right development makes more sense.

Mr. Rice stated it is not always possible to rely on public water services. Recently reports of pharmaceuticals in public water systems have been emerging. It should also be noted that some public water systems are wells.

Mr. Wells stated it may be possible to limit the number of houses over a period of time. For example 67 units over a 5-10 year period may help provide answers to the water issue. If residents are getting good water after 5 years continue with the development.

On a motion by Mr. Rice, seconded by Mr. Howard and carried by a 5-2 (Haynes, Lau opposed; Cochran, Moore absent) vote the Planning Commission recommended approval of the ordinance requested by Reese Family Limited Partnership to rezone approximately 227.65 acres from Agriculture (A-1) to Rural Residential (RR) to permit a maximum allowed density of 67 single family detached units with the following proffered conditions:

1. The total number of dwelling units shall not exceed 67, with a minimum lot size of 1.5 acres.
2. A network of walking trails will be developed on the property. The exact layout of the trails will be finalized with Montgomery County input as the lot layout is finalized.
3. No clearing will be allowed except for a 75 ft. zone around the house, and as required to install drain fields.
4. Homeowners shall be responsible for maintenance of alternative septic systems.

The property adjoins The Ridges phases 2-7 and is located on the west side of Bradshaw Rd. (Rt. 629), north of New Ridge Rd (Rt. 1052), identified as Tax Parcel No(s) 45-A-80, 45-3-5A, and 32-A-55 (Acct. #s 025398, 034187, and 001477) in the Mt. Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

HS Tejas Subdivision - Review of Private Road

On a motion by Mr. Seitz, seconded by Mr. Wells and unanimously carried the Planning Commission removed the request from the table for discussion.

Mr. Sandy stated some of the commissioners had visited the site. He reviewed the conditions related to approving a subdivision serving a private road. A maintenance plan has not been submitted as of this date, but would be required prior to the Board of Supervisors approval. He further discussed the conditions that had been submitted by the developer. These may be able to be placed on the approval. During the staff visit, there was not any traffic so width was not an issue but could be with the additional lots. There are a couple of other pieces of property along the road that may desire the use of the road as well. The road on the county portion is decent, but could use some pull over areas. Roads that start out private generally are requested to be turned to state after the ownership changes.

Mr. Miller stated he was pleased with the Montgomery County portion of the property.

Mr. McMahon stated that under the exemption approval minimums are given. An access plan should be submitted prior to a recommendation or approval. The Board will not be able to approve anything until this is submitted.

Mr. Sandy stated a plan had been submitted but not anything in relationship to maintenance agreement. There are also not any construction specs or details regarding the grade and turnouts.

Mr. Lau stated that the only reason that the Roanoke side came to this was because we cannot allow this type of development on a single access. The turnouts every 1000 ft. and grading away from drop off should be spelled out in the agreement.

Mr. Wells stated that the fire response could be slow even with Roanoke and Montgomery County units responding. The time it would take to get there could cause safety issues. There is no way a single truck could go up there twice.

Mr. Rice stated the comprehensive plan does not encourage growth on the mountainside. If the developer could guarantee larger tracts it would conform better to the comprehensive plan.

Mr. Seitz noted that safety fencing would need to be installed along the road and the development tends to be very dense for the mountainside.

Mr. Miller stated the road is still a concern when you consider the potential number of dwellings it could be serving.

On a motion by Mr. Seitz, seconded by Mr. Wells and carried by a 6-1 (Haynes opposed, Cochran, Moore absent) the Planning Commission recommended denial of the HS Tejas request to allow private streets due to concerns regarding emergency services response time, road conditions, and development along the mountainside.

LIAISON REPORTS:

Board of Supervisors

Mr. Muffo reported the budget is currently being discussed. The biggest portion of the budget is for the courthouse and jail. County staff and the schools should see a 5% raise in their salary. There will be a meeting regarding the possible Elliston Intermodel sight. The Secretary of Transportation will be meeting with local officials. This is not an open meeting. All region localities will be getting together to discuss the facility. The county will be stating why they oppose the facility. The Railroad has federal exemption; therefore, government approval is not required regardless of where they decide to locate the facility. The state is using significant money (approximately 70% of the funding) to support this private facility without the county's input.

Agriculture & Forestal District

Mr. Miller stated the AFD Committee met twice to discuss the proposed school site and the PDR program.

Blacksburg Planning Commission

Mr. Haynes reported that the signage on the hospital will be larger. The commission also discussed the Blacksburg Lutheran church addition and the proposed Sonic Drive-in.

Christiansburg Planning Commission

Mr. Rice reported that the Christiansburg Planning Commission discussed two (2) Special Use Permits not relating to the County.

Public Service Authority

Mr. Wells stated that he had attended the meeting; however, there were no issues relating to the Planning Commission.

Parks & Recreation

Mr. Howard noted that all vacant seats on the Parks and Recreation Commission had been filled and the department was getting summer projects ready.

School Board

Mr. Seitz reported that he attended 2 sessions where discussion was held regarding potential school sites and possible time frames for school construction.

Transportation Safety Committee

Mr. Wells stated the committee discussed the possible Elliston Intermodel facility.

Planning Director's Report- Steve Sandy

Mr. Sandy stated that staff would continue to work on the PDR program and the TND ordinance.

There being no further business, the meeting was adjourned 9:35.