

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JANUARY 9, 2013 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

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

DETERMINATION OF A QUORUM:

Ms. Disney established the presence of a quorum.

Present: Bryan Rice, Chair
Joel Donahue, Vice-Chair
Cindy W. Disney, Secretary
Robert Miller, Member
Frank Lau, Member
John Tuttle, 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

APPROVAL OF AGENDA:

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

APPROVAL OF CONSENT AGENDA:

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

PUBLIC ADDRESS:

Mr. Rice opened the public address; however, there being no speakers the address was closed.

PUBLIC HEARING:

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.

Mr. Rice introduced the request.

Mrs. Hopkins stated proposed amendments to the zoning ordinance regarding keeping chickens in residential areas had been discussed at length by the Planning Commission and Board of Supervisors. Based on comments from a meeting with Dr. Siegel of VT Animal & Poultry Sciences staff drafted proposed amendments for review and comment. The proposed amendments would affect 34% of the 2,723 parcels zoned residential (greater than 1 acre), of which 255 parcels are greater than 5 acres. She reviewed the proposed amendments. A condition was added to the amendments requiring Residential Chicken Keeping to comply with Chapter 3 and Chapter 7, Article III of the County Code. The addition of that condition was based on comments from Mr. Katz, who was concerned with enforcement of the regulations.

Mr. Rice opened the public hearing; however, there being no speakers the hearing was closed.

Mr. Tuttle noted he felt the ordinance should not be amended to allow keeping chickens in residential zoning districts. Chickens in residential districts would be a nuisance.

Mr. Rice stated the amendment was appropriate; however, the minimum acre size should be increased.

Mr. Miller stated if an amendment were made to the ordinance a larger acreage would be needed; however, he felt that an amendment was un-necessary.

Ms. Stosser stated the acreage should be revised to a minimum of 2 acres. That would limit the use to areas outside of the traditional neighborhood subdivision and would mitigate the nuisance.

Ms. Disney noted a larger acreage should be required.

Mr. Lau stated the lot size should be larger. Even though effort is being made to prevent predators, the presence of chickens will cause predators so the acreage needs to be increased.

Mr. Donahue stated chicken keeping should be allowed; however, should not be regulated through zoning. The nuisance laws should deal with the issue. Many older subdivisions are larger lots and appear agriculture in use.

A motion was made by Mr. Donahue, seconded by Mr. Miller to recommend denial of the ordinance amendments as proposed.

Ayes: Disney, Donahue, Lau, Miller, Stosser, Tuttle

Nays: Rice

Abstain: None

Mr. Rice stated he felt the Board of Supervisors wanted draft language for an amendment regarding chicken keeping in residential zoning districts.

Mr. Tuttle stated he felt it was a bad idea to have language at all.

Mr. Rice noted there are people that have larger tracts. They should be allowed to have 6 chickens because neighbors would not be affected.

Ms. Stosser stated it might be possible to revise the amendments. Possibly a three (3) acre minimum, remove PUD and TND zoning districts, and adjust the required setback to 50 ft. from side or rear property lines.

Mr. Tuck noted he respected the differences of opinion; however, he has chickens and there is not a smell. He noted he did not feel it was an issue. Dogs tend to cause more problems than 6 chickens. This amendment would support part of the urban farming movement. In his opinion, citizens need to be given more rights.

OLD BUSINESS:

2013 Liaison Appointments

Mr. Rice stated staff had prepared a report outlining the various meeting dates and times. He made the following appointments:

Ms. Disney, Christiansburg Planning Commission

Mr. Katz, School Board

Mr. Miller, AFD & Radford Planning Commission

Mr. Lau, Blacksburg Planning Commission, until his term expires

Mr. Tuttle, Economic Development Committee until his term expires, and then Ms. Stosser will be liaison.

Mr. Donahue, PSA

Parks & Rec is only vacancy at this time. Mr. Tuck stated he could report as needed.

NEW BUSINESS:

WORKSESSION:

LIAISON REPORTS:

Board of Supervisors: Mr. Tuck reported that the appraisal is back for Prices Fork Elementary and one offer is on the table. The Planning Commission will most likely see a request in the future regarding that property. He noted he was hopeful that no tax increase will be needed next year. Delegate Yost has a bill for liquor by drink at the I-81 interchanges. Developers have indicated they have projects awaiting that approval.

Agriculture & Forestal District: No report.

Blacksburg Planning Commission: No report.

Christiansburg Planning Commission: No report.

Economic Development Committee: No report.

Public Service Authority: Mr. Donahue stated the PSA discussed the Joinder agreement. The Towns still need to approve the agreement. Warm Hearth has requested an expedition for the installation of a water line included in that agreement due to a shortage of flow needed for fire protection. Mr. Price has land on Oilwell Rd. that has been sold; however, does not have water capacity to serve the property.

Parks & Recreation: No report.

Radford Planning Commission: No report.

School Board: No report.

Tourism Council: Mr. Rice stated the first meeting was held and information was gathered. A plan will be formulated based on information gathered at the upcoming meetings.

Planning Director's Report: Mr. Sandy reminded members that disclosure forms are due the 15th of January. The Joint Planning Commission meeting will be held on January 16th at the Government Center. VDOT has scheduled public meetings on January 22nd at Elliston Fire Station regarding the Rt. 11/460 corridor and on January 23rd at the Riner Volunteer Fire Department regarding the Route 8 corridor. Both meetings will be held from 5-7pm and anyone that is interested may attend. Mr. Sandy noted that Mr. Seitz had resigned from the Planning Commission at the end of 2012 due to increased travel outside the country.

There being no further business the meeting was adjourned at 8:05 pm.

Chairman

Secretary

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