

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 15, 2015  
IN BOARD ROOM, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

**I. CALL TO ORDER:**

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

**II. DETERMINATION OF A QUORUM:**

Ms. Disney established the presence of a quorum.

Present:            Bob Miller, Chair  
                      Scott Kroll, Vice-Chair  
                      Cindy W. Disney, Secretary  
                      Steve Howard, Member  
                      Bryan Rice, Member  
                      Bryan Katz, Member  
                      Trey Wolz, Member  
                      Chris Tuck, Board of Supervisors Liaison  
                      Emily Gibson, Planning Director  
                      Brea Hopkins, Development Planner  
                      Dari Jenkins, Planning & Zoning Administrator  
                      Candace Ross, Sr. Program Assistant

Absent:            Sonia Hirt, Member

**III. APPROVAL OF AGENDA:**

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

**IV. APPROVAL OF CONSENT AGENDA:**

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

**V. PUBLIC ADDRESS:**

Mr. Miller opened the public address; however, there being no comments the public address was closed.

**VI. OLD BUSINESS:**

a. By-Laws Update

Mrs. Gibson stated that staff made corrections to the By-Laws that included updateing gender references and correcting typographical errors that the Commission provided feedback on in April. No additional feedback was received by the Planning Commission since that meeting. Mr. Kroll located in Section 8-3 'by the chair' was printed twice. Also in the same line, a gender reference

would need to be corrected. In Section 4-1-7 and 4-2-3 Mr. Kroll suggested a correction be made to the end of term date being changed to December 31<sup>st</sup> of the current year. Mrs. Gibson also commented that it would be corrected to 'until January 1<sup>st</sup>' in order to avoid confusion.

On a motion by Mr. Katz, and seconded by Mr. Allen, and unanimously carried, the Planning Commission adopt the amended provisions to the By-Laws.

b. Clean Fill Zoning Ordinance Text Amendment

Mrs. Gibson gave a recap of items that were discussed in previous meetings and what topics will be discussed in the current meeting. Mrs. Gibson provided examples of definitions used by other localities. For the majority of localities researched, clean fill is allowed in their A-1 districts with a conditional/special use permit. Other localities had specific business districts which allowed fill activities; however, Montgomery County only has the General Business and Community Business which would not be preferred locations. Most allowed fill by right in their Industrial Districts, which staff would fit in the County's M-1 and M-L districts. No localities researched allowed this type of use in any of their residential districts.

Mr. Rice asked if this use is currently allowed in a Residential District by right.

Mrs. Gibson answered it is only allowed if there is an active project with a site plan, for example a church or subdivision. She clarified that staff wants to address large scale operations like filling a ravine or dumping a huge pile of rubble.

Mrs. Gibson noted in the last meeting the Commission was not comfortable with the 'less than 200 cubic yard or 10,000 sq. ft. of disturbance'. She stated she would like to get additional feedback from them on the subject. She further stated that a special use permit would be a good fit because it would allow conditions to be placed on the use, if needed. She also suggested to the board that the application could be reviewed by the BZA in order to shorten the time frame and therefore be less costly to the applicants.

Mr. Rice asked how the Board of Zoning Appeals process works.

Mrs. Jenkins described the BZA process to the Commission.

Mr. Katz voiced his concern that large scale requests should be brought to the Planning Commission and Board of Supervisors.

Mr. Rice agreed and commented that there are two (2) different types of fill operations to be considered. It appears the Commission is struggling on how to help one and minimize the other.

Mrs. Gibson concurred and suggested the Commission consider limiting the amount of area disturbed to make sure there is a separation if there is a principal use. She noted 10,000 sq. ft. coordinates well with the County's established erosion and sediment control regulations, but other localities have also used cubic yards. She further suggested setting a parameter that any job over a certain size would be considered a commercial site.

Mr. Katz stated he is concerned about density and doesn't believe an applicant that is filling on 100 acre property should have to pay the \$500 application fee and would rather see it based on acreage.

There was further discussion by the Commission on scale and review processes.

Mr. Kroll questioned if while reviewing other ordinances, staff had found language that would solve some of the identified issues.

Mrs. Hopkins replied that with some exceptions, the Roanoke County ordinance seemed reasonable.

Mrs. Gibson agreed and noted that Hanover County's regulation also had some good language. She said in all the counties researched they all required special use permits except in industrial districts. Staff is considering 200-300 cu. ft. or 10,000 sq. ft. for by-right, since it seems to work for other localities.

Mr. Katz voiced his concerns for 'clean' fills versus fill that includes brick and concrete.

Mrs. Hopkins said that DEQ considers block, concrete and brick as clean fill. Mrs. Gibson added that all other debris and solid waste is regulated by DEQ.

Mr. Miller also commented that even if you are moving plain dirt you are still dealing with the same issues with dust, traffic, noise and erosion.

Mr. Kroll stated that in the definition, he would like to include 'not otherwise regulated by DEQ'. Mrs. Gibson suggested including in text that would not be limited to just DEQ but other solid waste regulatory authority.

Mr. Miller noted he would like to stay away from modifying residential streets and to recognize issue of karst topography and sink holes that might become a significant problem. Mrs. Gibson said she will follow up on sink holes with DCR to see what they have to say.

Mr. Rice referenced to a couple of items he would like to see changed in the old regulations, such as the cubic square feet increased from 200 to 400. He also mentioned that he didn't believe an engineered plan would need to be required but instead have it stated that for the land to be stabilized to a 2:1 slope or flatter and added he didn't feel a traffic analysis should be required.

Mr. Kroll stated he believed all of the above should be kept in the ordinance for the Commission to preserve the right to request an analysis, if needed and suggested the language be consistent with public safety, health and welfare for the community even if that means requesting a traffic study and engineered plan. He said he would like their decisions to be performance based, not tactical.

Mrs. Gibson said she believes that the staff has enough feedback from the Commission to begin text on the fill amendment.

## **VII. NEW BUSINESS:**

### **a. NRV Local Planning Commissioner Training**

Mrs. Gibson shared the information about the upcoming New River Valley Planning District Commission training being held in Fairlawn on May 21 at 6:30 wanted the Commission members to determine if they would be available for the. Any members that would like to attend need to RSVP by May 14.

## **VIII. LIAISON REPORTS:**

Other: A flyer was given out by Ms. Disney announcing a community meeting that will be held on April 30th at the Meadowbrook Center to discuss water quality in local streams.

Board of Supervisors: Mr. Tuck reported Junkin Street sold for \$155,000. The board is continuing to see progress with the Prices Fork property; the county is receiving \$100,000 back from the developer. The county is using matching dollars for the project and will spend approximately 2 million dollars to widen Prices Fork Road. No progress has been made at the old Blacksburg Middle School site. Mr. Tuck stated the Board will be addressing and voting on the budget April 20<sup>th</sup>. Something that was not included in the budget is the replacement of at least thirty voting machines. He also mentioned at two different meetings a lady spoke about an existing fill site and a sign that was posted intentionally by the neighbor.

Mrs. Gibson noted the complainant was contacted and it appears that several ordinances are possibly being violated. Staff is currently in the process of checking the site. Craig Meadows will be providing the board with an update.

Agriculture & Forestal District: No Report.

Blacksburg Planning Commission: No Report.

Christiansburg Planning Commission: No Report.

Economic Development Committee: Mr. Kröll said there was a presentation given by a representative from World Development.

Public Service Authority: No Report.

Parks & Recreation: No Report.

Radford Planning Commission: No Report.

School Board: Mr. Katz reported the main topic covered in the meeting was the proposal to begin school earlier for elementary students. It will be voted on April 21<sup>st</sup>. He said there was no information provided about the school budget.

Tourism Council: Mr. Katz attended the March 26<sup>th</sup> meeting in which a branding concept called 'Go To Town' was discussed. The idea is to encourage people from out of the area to visit the towns within Montgomery County. They also came up with graphics and logos to support the project.

Planning Director's Report: Mrs. Gibson asked the members to contact staff if they would like to attend the Legal Seminar being held in Charlottesville on May 29<sup>th</sup>.

Mrs. Gibson also gave an update on the Safe Routes to School grant. Whitman, Requardt & Associates, LLP were selected as the consultants. Staff will have a background meeting with before the formal kickoff with VDOT. Since the safe routes are at the Belview and Auburn sites, Mrs. Gibson mentioned that it may be possible to hold a future Planning Commission meeting at each location so members can see the concept.

Mrs. Gibson announced Solarize Montgomery kickoff will be April 22<sup>nd</sup> at the Government Center and will begin at 5:30 p.m. in the main lobby. Vendors and guest speakers from Community Housing, NRV PDC, and elected officials from the town and county will be there.

Staff is currently working on training for telecommunication towers. Mrs. Gibson wanted to make the Commission aware that in the coming months there will be 10 (ten) applications to be presented to the board. These are previous applications that are looking to amend the conditions due to changes in technologies. She stated that staff will be scheduling training to give the staff and the board more education on what the new technology means. Mrs. Gibson also suggested the training take place with a joint meeting with the Board of Supervisors.

Mr. Miller questioned what decision had been made on Bee Keeping.

Mrs. Gibson stated in the next week a poll will be sent out to the committee members to set up a time for the meeting that will be open to the public.

## **IX. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:38 pm.

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Chairman

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Secretary