

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON MARCH 16, 2022 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER

Chair Workman called the meeting to order at 7:00.

DETERMINATION OF A QUORUM

Dr. Allen called the roll to determine a quorum.

Present: Adam Workman, Chair
Bryan Rice, Vice-Chair
Bill Foster
Lonnie Linkous
Robert Miller
Andrea Sharpe-Robinson
Coy Allen, Secretary
Sara Bohn, Board of Supervisors Liaison

Absent*: Trey Wolz
Dale Hackney

Staff: Angie Hill, Deputy County Administrator/CFO
Brea Hopkins, Interim Planning Director
Justin D. Sanders, Development Planner
Kimberley Wright, Planning Coordinator

DETERMINATION OF A QUORUM

On a motion by Mr. Miller, and seconded by Mr. Foster, the Planning Commission determined a quorum.

APPROVAL OF AGENDA

On a motion by Mr. Foster, and seconded by Mr. Miller, the Planning Commission unanimously approved the agenda as presented.

APPROVAL OF CONSENT AGENDA

On a motion by Mr. Rice, and seconded by Mr. Miller, the Planning Commission approved (7-0, Wolz and Hackney absent) the consent agenda as presented.

PUBLIC ADDRESS

Chair Workman opened this portion of the meeting at 7:02 pm. Having no speakers, the public address portion of the meeting was closed.

WORK SESSION

ZA-2022-01 Short Term Rentals and Lodging Text Amendments

Mr. Sanders presented background information on the proposed text amendments, stating that staff has seen an increase in the number of requests for short-term lodging options. Staff has reviewed regulations of several localities throughout Virginia with similar demographics and has attended training sessions offered by American Planning Association to gain additional information to form the proposed text amendments. Staff has also met with the Building Code Official and Virginia Department of Health for their input. Planning staff met with the Planning Commission Development Committee on March 3 to discuss the text amendments that will be discussed at this work session.

Currently there are only two options for short-term rentals: Bed and Breakfast Homestay or Bed and Breakfast Inn; Mr. Sanders reviewed the differences between the two and cited two recent Special Use Permits issued (Osborne and Hahn).

Mr. Sanders reviewed the proposed text amendments and rationale for changes. Expanding the definition of a bed and breakfast inn will allow for accessory dwellings to be utilized for short-term rentals. The proposed amendments will provide a way to regulate stand-alone short-term rentals by allowing creation of supplemental regulations regarding their use.

Proposed changes to supplemental regulations for Bed and Breakfast Inn include meeting VDH requirements, fire safety requirements, allowing up to 10 guest rooms, but limiting number of occupants as determined by permit approval from the VDH. Bed and Breakfast Inns could be approved administratively rather than SUP.

The Development Committee discussed the potential to include townhomes as eligible for short-term tourist rentals, but excluding two-family and multi-family dwellings.

Mr. Sanders reviewed supplemental regulations for Short Term Tourist Rentals, which would be permitted subject to all applicable district regulations

Ms. Sharpe-Robinson asked about the length of a "short term rental". Mr. Sanders responded that it is defined by Virginia State Code as 30 days or less. The Development Committee discussed addressing the duration of short-term rentals in Montgomery County Code, but instead referred to State Code just in case it ever changes.

Ms. Sharpe-Robinson asked about noise and parking and how they would apply to bed and breakfast inns. Mr. Sanders responded that parking is addressed in Montgomery County Zoning Ordinance regulations; noise is regulated by the Montgomery County Sheriff's Office.

Other lodging definitions are suggested to be revised to address shifting industry trends. Mr. Sanders reviewed those proposed changes.

Staff is recommending the removal of Camp, Boarding as a definition in the Zoning Ordinance, and replacing it with Camp, Day and Camp, Overnight. Mr. Rice asked if Camp, Day prohibited overnight stay, which Mr. Sanders confirmed.

Mr. Miller suggested excluding the word "permanent" from Camp, Day definition as the intent is to not include housing in this use.

Mr. Foster suggested taking the word "camping" out of Camp, Day definition.

Mr. Miller asked about limit of structures allowed at Camp, Overnight. Mr. Sanders stated that would be considered during the site plan process and would be looked at on a case by case basis during the SUP hearing process.

Dr. Allen asked the difference between Camp, Day and Park. Brea suggested comparing a Camp, Day to places like Boy Scout Camps, normally with permanent structures or bunkhouses, housing multiple people. Camp, Day examples would be for daytime activities only – soccer camps, day camps, not a commercial campground. Ms. Hopkins stated it could be related closely to park, but intended to be more for camp programs.

Ms. Sharpe-Robinson believes that by calling it "Day Camp" would make the use more clear.

Mr. Rice asked about the difference between Camp, Overnight and Campground. Mr. Sanders explained that Campground limits number of overnight stays.

Mr. Sanders went over the suggested change to remove the definition of Recreational Vehicle Park and modify the definition of Campground by adding several types of lodging, and for short term transient guests. A campground is defined by number of units allowed, three units is consistent with VDH.

Mr. Foster asked about including recreational vehicles, and their need for electricity. It was stated that electricity is not required for all recreational vehicles, that generators are often used. Ms. Hopkins explained that Building Code will regulate electricity permitting and availability – requiring three different agency's regulations to be met for permitting a campground.

Mr. Rice asked about "structures" in Camp, Overnight, and whether there is a difference in permanent or temporary structures, staff confirmed that there is not a difference.

Mr. Rice expressed concerned about what activities can be included in "outdoor games."

Mr. Sanders mentioned that Mr. Foster had questioned inclusion of shooting ranges, and clarified that they are regulated elsewhere and are not intended to be included in these definitions. Ms. Sharpe-Robinson stated that she believes gun activities should specifically be forbidden in any of these definitions.

Mr. Sanders explained that "other activities incidental and relating to outdoor recreation activities" should specifically be reviewed case by case through the SUP process.

Mr. Rice asked about the affect of intensity/density of Comprehensive Plan and how majority of growth could be in town and villages, not in rural areas. How will this affect and change the Comprehensive Plan?

Mr. Sanders responded that majority of A1 and C1 zoned properties are identified as Resource Stewardship in the Comprehensive Plan, which encourages conservation and outdoor recreation.

Ms. Hopkins added that the Comprehensive Plan was adopted in 2004 and will expire in 2025. Ms. Hopkins stated that development trends are constantly changing - including how people are using land and recreating. If these campgrounds are only allowed in villages, recreational value is compromised – the Special Use Permit process allows the Planning Commission to evaluate each application and proposal.

Mr. Rice asked if the Comprehensive Plan should be changed before these text amendments are considered.

Ms. Hopkins reiterated that the Comprehensive Plan encourages recreational activity, and a SUP can be conditioned, for example, overnight lodging without a kitchen. Mr. Rice would like to see it more defined as to allow for no potential favor being given to any applicant.

Ms. Hopkins stated that the purpose of a Special Use Permit is to determine if the proposed use is the right thing for each specific location.

Mr. Rice explained his concern with Comprehensive Plan and retroactively trying to support decisions made.

Mr. Miller asked about conservation easements and how they could affect future applications. Mr. Sanders explained that part of the review performed by staff includes checking with the easement holder, when applicable.

Mr. Sanders went on to explain that the current ordinance defines Hotel and Motel, separately, but lists them as one combined use throughout the ordinance, so it is being proposed to combine the two definitions, as there is little difference between the two uses.

Mr. Miller asked about full-service restaurants, and the difference between full service (dine-in) and limited service restaurant (carry out with up to 3 tables). Staff provided clarification.

Mr. Miller commended staff on their hard work.

Mr. Sanders explained that all proposed text amendments have been submitted to the County Attorney for review, and will be presented at Public Hearing, proposed to be in April. Staff continues to receive numerous inquiries from citizens wanting to operate short-term rentals.

Mr. Rice expressed being in favor of short-term rentals, but is concerned with permanent structures being allowed in camping areas, and will study more.

The Planning Commission recommended moving forward with a Public Hearing for text amendments (with discussed changes) at their next meeting in April.

OLD BUSINESS

There were no agenda items for Old Business.

NEW BUSINESS

Westhill Subdivision Plat

Mr. Sanders explained the process of getting approval of a major subdivision plat and presented an overview of the proposed plat for development on Prices Fork Road, 425 lots of Villa units, attached and single-family units. There are no multi-family units. Easements have been reviewed against the site plans by each reviewer and have no concerns.

The entire project is being bonded, and Snyder and Associates is ready to move forward. Ms. Hopkins stated that Stateson Homes and Snyder will bond amenities so that they may build a few of each type of unit to begin with, most likely along the main boulevard and offering all types of housing through the construction of the project.

On a motion made by Mr. Foster and seconded by Mr. Miller, and carried (7-0, and Mr. Wolz and Mr. Hackney absent), the Planning Commission recommended approval of the Westhill Major Subdivision Plat, to the Board of Supervisors.

LIAISON REPORTS

Board of Supervisors – Supervisor Bohn stated that the BOS have met three times since the last Planning Commission meeting. The Board of Supervisors have amended Planning Commission the terms of service for the Planning Commission, allowing three consecutive four year terms. Supervisor Bohn mentioned that the Board is awaiting the results of a new compensation and classification study to address market salary adjustments, as well as a 5% salary increase in the proposed budget. She stated that redistricting has been approved, and that there are no split precincts. A Department for Fire and EMS services has been created.

Public Service Authority – No meeting.

Blacksburg Planning Commission – No report. Mr. Sanders stated that the CHP Project on South Main Street was recently approved by Town Council.

Christiansburg Planning Commission – No report.

Radford Planning Commission – Mr. Sanders spoke with Melissa Skelton, and stated that Radford is undergoing a feasibility study for a new transit site, which could include a site in Montgomery County.

Tourism Council – No report.

Parks and Recreation – Opening Day Celebration at Creed Field will take place soon.

Interim Planning Director's Report – Smart Scale pre-applications will be entered soon, and scope of work has been sent to consultants to prepare two applications: Riner turn lane expansion and Route 11/460/Alleghany Road intersection improvements. Last year VDOT largely prepared our applications, with no time for review – staff is hoping for a better experience by hiring consultants.

Additional \$8.5 million of funding has been granted for intersection improvements at Pepper's Ferry and Prices Fork, but staff isn't quite sure what is included. Staff would like to go through pre-scoping process to see what needs to be done and which pot of funding to apply for Meadowcreek and Childress Intersection Improvements. Ms. Hopkins recognized the GIS staff's efforts on redistricting, which resulted in approval.

Mr. Miller asked for an update about any progress made toward hiring a new Planning Director. Ms. Hopkins advised that the legal ad has been drafted and will be advertised for one month, including through APA sources, VAZO, and VACO.

ADJOURNMENT

With no additional business, Chair Workman adjourned the meeting at 8:25 p.m.