

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON SEPTEMBER 16, 2020 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER

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

DETERMINATION OF A QUORUM

Mr. Workman called the roll to determine a quorum.

Present: Bill Foster, Chair
Trey Wolz, Vice-Chair
Adam Workman, Secretary
Coy Allen
William Bulloss
Bryan Katz
Scott Kroll
Robert Miller
Bryan Rice
Sara Bohn, Board of Supervisors Liaison

Staff: Emily Gibson, Director of Planning & GIS Services
Justin Sanders, Development Planner

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

- A. August 12, 2020 Planning Commission Meeting Minutes
- B. Upcoming Public Hearing SU-2020-18659 – SUP for Telecommunication Tower

On a motion by Mr. Rice, and seconded by Mr. Wolz, the Planning Commission unanimously approved the consent agenda as presented.

Abstained: Coy Allen

PUBLIC HEARING

- a. An ordinance amending Chapter 2, Division 7, Entitled Agricultural and Forestral District Administrative Procedures of the Code of the County of Montgomery, Virginia by adding data poles, **telecommunications** facilities attached, and telecommunications facilities freestanding as same-compatible uses in Section 2-147; amending Chapter 10 entitled Zoning By Adding Data Pole as a use permissible by right in Section 10-21(3) Agricultural, Section 10-22(3) Conservation, Section 10-23(3) Rural Residential, Section 10-24(3) Residential 1, Section 10-25(3) Residential 2, Section 10-26(3) Residential 3, Section 10-27(3) Multiple Family Residential, Section 10-28(3) General Business, Section 10-29(3) Community Business, Section 10-30(3) M-1 Manufacturing, Section 10-31(3) M-L Manufacturing Light, Section 10-32(B, 1) Planned Unit Development-Traditional

Neighborhood Development Infill; adding telecommunication facility, microwireless and telecommunications facility, small cell as a use permissible by special use permit in Section 10-21(4) Agricultural, Section 10-22(4) Conservation, Section 10-23(4) Rural Residential, Section 10-28(4) General Business, Section 10-29(4) Community Business, Section 10-30(4) M-1 Manufacturing, Section 10-31(4) M-L Manufacturing Light; adding telecommunications facility microwireless and telecommunications facility, small cell to section 10-41(7A) permitted structures in required yards; adding telecommunication facility, microwireless and telecommunication facility, small cell to Section 10-48 additional regulations for special uses; modifying the definition of telecommunications tower, attaching and telecommunications tower, freestanding in section 10-61 definitions; and by adding co-locate, data pole, telecommunications facility, microwireless and telecommunications facility, small cell as defined uses in Section 10-61 definitions.

Mr. Sanders outlined several proposed amendments to the Zoning Ordinance concerning updates to regulation of telecommunications facilities throughout the County. He detailed legislation passed in 2017 and 2018 by the General Assembly regarding micro-wireless and small-cell telecommunications facilities, which requires localities to remove Special Use Permit restrictions on the co-location of these facilities on existing structures. He also noted the categorizing of telecommunications towers 50 feet in height or less as administrative review eligible under the 2018 legislation.

Mr. Sanders then outlined the need of the proposed amendments to address conformity with State Code provisions. He also stated that the proposed amendments would provide the necessary approvals for infrastructure needed to support the expansion of broadband internet throughout the County. Mr. Sanders next outlined the process staff used in drafting the proposed amendments, which included reviewing the actions by the General Assembly, a comprehensive review of existing regulation in the Zoning Ordinance, review by the Development Subcommittee in July, and Planning Commission's work session at the August meeting.

Mr. Sanders then shared the proposed amendments of the Zoning Ordinance to align with the changes to State Code. He shared that staff proposes adding definitions for the terms "co-locate," "data pole," "micro-wireless," and "small cell" to Section 10-61. He explained that the definitions for "co locate," "micro-wireless," and "small cell" mirror language in State Code regarding these facilities. He also shared that the proposed definition for "data pole" would allow compliance with State Code and would classify monopoles of less than 50 feet in a way that separates them from towers. He noted that the distinction would permit staff to charge a standard application fee for these projects instead of the \$2500 Special Use Permit fee. He also noted the proposed modification of the existing definition of "telecommunications tower, attached" to include co-location of small cell and micro-wireless facilities. Mr. Sanders stated that the inclusion of this verbiage would meet the intent of State Code for allowing these facilities, as attached towers are already permitted by right in all respective zoning districts. Mr. Sanders then noted the modification of the definition of "telecommunications tower, freestanding" to include the phrase "does not include data poles." He shared that the inclusion of this phrase means that a project would be classified as either a freestanding tower or a data pole.

Mr. Sanders then outlined the proposed additions of uses throughout the Zoning Ordinance. He noted that data poles would be added as a use permitted by right in all Zoning Districts. Mr. Sanders also shared that staff proposes adding free standing small cell and micro-wireless facilities as uses permitted by Special Use Permit in all districts which currently allow free standing telecommunications facilities by SUP. He also noted other proposed additions of freestanding small cell and micro wireless facilities to the existing list of structures permitted in required yards and additional regulations for freestanding towers approved by SUP.

Mr. Sanders then shared the proposed amendments to Chapter 2, Division 7 of the County Code, concerning regulation in the County's Agricultural and Forestal Districts. Mr. Sanders noted the additions of data pole, telecommunications tower attached, and telecommunication tower freestanding as used compatible with the purpose of AFD Districts. He shared that the addition of these uses were permitted only if the underlying zoning district lists these uses. Mr. Sanders noted that the addition of these uses in the AFDs would facilitate the County's broadband expansion efforts and cellular expansion to rural areas of the County.

Chair Foster asked members of the Commission if they had any questions for Mr. Sanders concerning the proposed amendments.

Mr. Allen asked for clarification on whether broadband and internet services were considered part of the telecommunications facilities being considered, as the language of the definitions specifically mention cellular technology. Mr. Sanders clarified that the broad use of "antennas" was meant to capture broadband and internet service.

Mr. Kroll then asked if the specificity of the measurements in the definitions were too limiting and may prevent other technologies. Mr. Sanders reiterated that the specific measurements were maximums, as outlined in State Code. Ms. Gibson also noted that the inclusion of data poles would also give another level of flexibility for those project which fall outside the scope of the other definitions. She also reminded the Commission that the new classification would decrease the fees associated with projects defined as data poles from the \$2500 SUP application fee to a \$20.00 administrative review. Ms. Gibson also shared that the Agricultural and Forestal District Committee had reviewed the proposed changes to the AFD uses and expressed their approval.

Seeing no further questions, Chair Foster thanked Mr. Sanders for his presentation and opened the public hearing at 7:14 pm.

Seeing no individuals come forward to speak, Chair Foster closed the public hearing and opened the floor for discussion by members of the Planning Commission.

On a motion made by Mr. Rice, seconded by Mr. Allen, the Planning Commission recommended approval of an ordinance amending Chapter 2, Division 7, Entitled Agricultural and Forestal District Administrative Procedures of the Code of the County of Montgomery, Virginia by adding data poles, telecommunications facilities attached, and telecommunications facilities freestanding as same-compatible uses in Section 2-147; amending Chapter 10 entitled Zoning By Adding Data Pole as a use permissible by right in Section 10-21(3) Agricultural, Section 10-22(3) Conservation, Section 10-23(3) Rural Residential, Section 10-24(3) Residential 1, Section 10-25(3) Residential 2, Section 10-26(3) Residential 3, Section 10-27(3) Multiple Family Residential, Section 10-28(3) General Business, Section 10-29(3) Community Business, Section 10-30(3) M-1 Manufacturing, Section 10-31(3) M-L Manufacturing Light, Section 10-32(B, 1) Planned Unit Development-Traditional Neighborhood Development Infill; adding telecommunication facility, microwireless and telecommunications facility, small cell as a use permissible by special use permit in Section 10-21(4) Agricultural, Section 10-22(4) Conservation, Section 10-23(4) Rural Residential, Section 10-28(4) General Business, Section 10-29(4) Community Business, Section 10-30(4) M-1 Manufacturing, Section 10-31(4) M-L Manufacturing Light; adding telecommunications facility microwireless and telecommunications facility, small cell to section 10-41(7A) permitted structures in required yards; adding telecommunication facility, microwireless and telecommunication facility, small cell to Section 10-48 additional regulations for special uses; modifying the definition of telecommunications tower, attaching and telecommunications tower, freestanding in section 10-61 definitions; and by adding co-locate, data pole, telecommunications facility, microwireless and telecommunications facility, small cell as defined uses in Section 10-61 definitions.

PUBLIC ADDRESS

Chair Foster opened this portion of the meeting at 7:16 PM. Having no speakers, the public address session was closed.

OLD BUSINESS: None.

NEW BUSINESS: None.

LIAISON REPORTS

Board of Supervisors – No report.

Public Service Authority – No report.

Blacksburg Planning Commission – No report.

Christiansburg Planning Commission – No report.

Radford Planning Commission – No report.

Tourism Council – No Report.

Parks and Recreation – No report.

Planning Director's Report – Ms. Gibson shared that the Board of Supervisors received an update at their most recent meeting concerning the County's plans for the CARES Act funding received in response to COVID-19. Ms. Gibson noted a number of areas where the funding was being utilized, including supporting small businesses, nonprofits, and childcare needs through grant programs in the County and the two towns. She also noted the purchase of additional PPE and emergency services vehicles are other uses being explored by the County. She also shared information regarding a CDBG Grant obtained to support operations at Millstone Kitchen, which is serving as a hub to provide meals for food insecure individuals. She also noted changes in the Government Center as a result of COVID-19, including occupancy restrictions, cleaning procedures, and other items. She noted that self-service kiosks would soon be implemented to assist in contactless payments at the Government Center as part of these initiatives.

Ms. Gibson shared that staff would be receiving final training on a new software system for permitting and planning applications in the coming days, with a hope to launch the new software in the next week. She also noted that the workload of staff continues to remain steady, as it has throughout the past several months. She shared that staff continues to work on a number of long range projects and will bring those forward to the Commission at upcoming meetings.

Finally, Ms. Gibson shared that the next meeting of the Commission would be held on October 21, and would include a public hearing for an SUP application for a telecommunications tower and for the AFD renewals. She shared that the scheduled balloon test for the telecommunications tower application has not yet been scheduled, but that the information would be sent to the Commission to schedule individual viewing. She noted no formal site visit will take place for the project due to the ongoing COVID 19 restrictions. Responding to Mr. Katz's inquiry regarding October meeting dates, she noted that the October 14 meeting would likely not occur, unless additional items came forward for consideration.

ADJOURNMENT

With no additional business, Chair Foster adjourned the meeting at 7:27 p.m.