

Christiansburg Planning Commission
Minutes of September 10, 2012

Present: Barry Akers
Ann H. Carter
Harry Collins
Steve Huppert
Craig Moore, Chairperson
Ashley Parsons
Jennifer D. Sowers
Nichole Hair, Secretary Non-Voting

Absent: M. H. Dorsett, AICP
Joe Powers, Vice-Chairperson

Staff/Visitors: Kali Casper, staff
Gary Cope, 414 Miller Street
Ginger Cope, 414 Miller Street
Roger Rhodes, 415 Miller Street
Joe Walker, 415 Miller Street
Michelle Wood, 415 Miller Street
Roger Galloway, 905 George Edward Via
Tom Long, 418 Miller Street

Chairperson Moore called the meeting to order at 7:00 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia to discuss the following items:

Public Comment.

Chairperson Moore opened the floor for public comment. No public comments were made. Chairperson Moore closed the floor for public comment.

Approval of meeting minutes for August 27, 2012.

Chairperson Moore introduced the discussion. Commissioner Collins made a motion to approve the August 27, 2012 Planning Commission meeting minutes. Commissioner Sowers seconded the motion which passed 6-0 with Commissioner Akers abstaining.

Planning Commission public hearing for Council's intention to adopt an ordinance amending Chapter 26 "Subdivisions" and Chapter 30 "Zoning" of the Christiansburg Town Code in regards to traffic impact analysis requirements, as well as amending Chapter 30 "Zoning" of the Christiansburg Town Code in regards to provisions for planned housing developments, urban agriculture including the keeping of horses, and regulations for amateur radio antennas and communication structures.

Chairperson Moore introduced the discussion. Mr. Roger Galloway of 905 George Edward Via thanked the planning commission for the opportunity to comment on the proposed amendment that will affect amateur radio in Christiansburg. Mr. Galloway stated that he was misquoted in his comments for the August 13th meeting. He noted the minutes stated an increased cost to an amateur radio project for professionally engineered drawings of \$500-\$1,000, where Mr. Galloway indicated he said the cost would increase to \$5,000-\$10,000. Mr. Galloway added he hoped his comments will be correct in the minutes for tonight's meeting. He stated he respectfully urges the Council not to pass the amendment with respect to amateur radio towers. He added he believes the proposed Zoning Code as amended remains in violation of State Code Section 15.2-2293.1 "Placement of Amateur Radio Antennas", in addition to the Federal Communications Order and Federal preemption of State and local regulations concerning amateur radio facilities, commonly referred to as PRB-1. Mr. Galloway stated the proposed language violates the law in several ways and on several levels. He added the State Code states localities having a population greater than 120 people per square mile, which Christiansburg does according to the 1990 Census, no local ordinance shall restrict amateur radio antenna height to less than 75 feet above ground level or restrict the number of support structures. He continued the proposed code would restrict amateur radio antenna heights to less than 75 feet because of it is unreasonable, restrictive, and impossible to comply with setback requirements of one foot for every one foot in antenna height. These restrictions would render few, if any, lots in compliance to allow a 75 foot antenna as the State statute requires. Mr. Galloway does not believe there are any lots within Vista Via subdivision, where he lives, that would allow a 75 foot antenna with these requirements. In his case, the Town would restrict his antenna height far below what he is allowed by State law. He added it is clear that the intent of the ordinance is to prevent construction of amateur radio antennas and render Christiansburg an amateur radio free zone. Mr. Galloway requests the Commission consider other provisions of State Code that read: any ordinance involving placement, screening, or height of antennas shall reasonably accommodate amateur radio antennas and impose minimum restrictions necessary to accomplish the locality's legitimate purpose. He added the setback requirement and other requirements in the amendment do not reasonably accommodate amateur radio antennas and impose maximum restrictions rather than the minimum required by the statute. Mr. Galloway stated the Town is not considering the requirements from the amateur licensee's point of view and certainly not imposing minimum regulation necessary to accomplish the Town's legitimate purpose. He continues the setback requirements and the engineering requirements of the proposed amendment do not appear to be based on the way self-supporting antennas may fail or any legitimate study with regard to such antennae.

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Mr. Galloway added his antenna would collapse within itself to a reduced height since it is a crank-up antenna and it is self-supporting. The weakest part would be the aircraft support cable that holds it in place. Mr. Galloway asked what studies or documentation the Town is using to justify the one foot setback per one foot in height requirement and the onerous engineering requirement. He added that Ms. Hair, at the last public meeting in August, stated the proposed requirements were fairly standard for surrounding communities but he stated the surrounding community codes may not be in compliance with State or Federal law. He stated other communities across the United States have made accommodations and welcomed amateur radio to their communities. He added FCCDA 2569 which came out in 1999 stated "nevertheless local regulations that involve placement, screening, or height of antennas based on health, safety, or aesthetic conditions must be crafted to accommodate reasonably amateur communications and represent the minimum practical regulation to accomplish the local authority's legitimate purpose". Mr. Galloway stated with respect to the engineering requirements, requirements for professional drawings add additional and unnecessary costs to erecting an antenna. He added this requirement is discriminatory in that other homeowner projects such as adding a storage shed do not require signed and sealed professional drawings but, using the language of the Town's own code, may only require a scaled drawing to indicate the location of the proposed structure. He stated in paragraph 9 of the FCCDA 2569 document, the FCC said "the PRB's guidelines brings to a local zoning board's awareness the very least regulation necessary for the welfare of the community must be the aim of its regulations so that the regulations will not impinge on the needs of amateur operators to engage in amateur communications". He stated the amended proposed Zoning code is not minimum regulation, does not consider the amateur's requirements, violates State and Federal law, and appears to be designed to keep Christiansburg an amateur radio free zone. He added there has been no demonstrated rational purpose for such restrictions or how such regulation serves the Town's legitimate purposes and given how the Town officials have treated him since first approaching them about erecting an antenna over one year ago, he personally feels the proposed amendment to the Code was written specifically for him and is designed to prevent his antenna within the Town rather than enacting an ordinance that complies with state and federal regulations.

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Mr. Gary Cope of 414 Miller Street noted he is speaking with regards to rezoning request in R-1 and R-2 and the conditional use permit request that would allow horses on residential lots. Mr. Cope noted he has previously addressed the issue and now has a petition signed by 7 neighborhood members who are opposed to this. He noted the petition addresses issues including overgrazing and wear and tear on the land by normal horse usage in a small space that could contribute to erosion and drainage issues, manure management practices and unpleasant odor, welfare of the horses, space constraints and no shelter provided, potential decline of property values, and safety issues. Mr. Cope stated he is aware that Mr. Walker and the residents at 415 Miller Street are doing horse rescue and he admires the cause but it does not have a place in a residentially zoned neighborhood. He added the Town zoned areas in a specific way that allows for animals such as household pets but does not allow for horses. He stated the neighborhood was zoned a certain way and the Planning Commission and Town Council have a certain obligation to uphold that zoning in due faith. He added when they moved to live in Christiansburg, they moved into a residential area to live in a neighborhood with families not to live near a farm or livestock area. Mr. Cope stated Montgomery County requires 5 acres for 2 horses and no more than 4 horses per 10 acres and that Blacksburg does not allow horses at all. He urged the Town to uphold the existing Zoning Ordinance for R-1 and R-2. He added allowing this change could set a dangerous precedent since anyone could put horses in their backyard. He stated this is unfair to the animals and that land space needed for horses to get proper exercise will be addressed by another speaker. Mr. Cope stated there are times when the wind changes directions and the smell is potent. He continued he does not mind being on a farm and has been on one before, but at a farm it is expected. It is not expected living within Town limits less than one mile from this building. Mr. Cope noted there is a risk with a 1,000 pound animal getting out is a danger to children and others. This is a particular concern with rescue horses where trauma can be a factor. Mr. Cope stated horses can get spooked and kill people. He added experienced people on farms have been injured by their own horses. Mr. Cope strongly urged the Planning Commission to not recommend this rezoning or conditional use permit to Town Council and instead uphold the existing zoning. Commissioner Carter asked Mr. Cope about previous mention of feeling intimidated or threatened. Mr. Cope responded he does not feel intimidated but other members of the neighborhood have felt intimidated. Commissioner Carter stated she was concerned that this feeling was not brought to the Town officials. Commissioner Huppert asked about number of horses currently on the property. Mr. Cope responded there were 5 at one time and four have been moved but to ask Mr. Walker.

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Mr. Tom Long of 418 Miller Street stated he is a doctoral candidate at Tech in Statistics and Research Methodologies and he would like to add some statistics to the previous speaker. Mr. Long stated the current property values have dropped 8.9% since construction began on Miller and Alleghany Streets. He added within the past two months, the property value of 418 Miller Street has dropped 0.04% as opposed to 415 Miller Street, which is public record has dropped 8.2% since the addition of the horses. He stated it is well known that agricultural land drops property values in a community and if this was rezoned, the loss would be multi-thousands of dollars. He stated he is against this change. Mr. Long stated he ran a Dickey-Fuller and Phillips-Perron Test of the multiple regression based on a theoretical framework that was developed by Morris Davis of the University of Wisconsin and supported by Jonathan Heathcote at the University of Georgetown. He added in the past month, 415 Miller Street has dropped \$9,000 in property value and his residence has dropped \$1,000. Chairperson Moore asked if that was a reappraisal. Mr. Long responded it is a current online appraisal from a third-party (Johnson and Staebler). Commissioner Carter stated this is not a rezoning. Mr. Long added the data is of public record gathered from a public database.

Mr. Joe Walker of 415 Miller Street stated he would like to address the concerns presented by the public. He noted in regards to the smell, there is a 120 acre cattle farm 150 to 200 yards south of Miller Street at the Teel's farm, where there are still cattle currently but there has never been an issue with the alleged stench although there are times when the wind comes from the south. He noted in regards to the safety issues, every year thousands of people are mauled and killed by aggressive dogs and that research would likely show the number of people grievously injured, sent to plastic surgeons or sent to the morgue from horse injuries are less frequent. He added the Virginia State Equine Liability Act states anyone voluntarily involved in equine activity assumes the liability regardless of what it is. He explained if he were to voluntarily pet a horse and it stomped him to death, there is no lawsuit that can follow. Mr. Walker added if a horse gets out of a legal fence and damages someone's property or someone else, the law changes drastically and litigation can follow. He continued the likelihood of the 650 lbs. animal that is now there, with the fence built with 6x6 posts every 6 feet and 2x6 boards, costing approximately \$1,500 not including the auger, horses will not get out of said fence. He added his truck probably could not drive through the fence without totaling the truck. Mr. Walker asked if there was a physical site visit as part of the online appraisal or if it was based on statistics which around the country show a decline in housing prices. He noted while that revenue loss was pointed out, if 10 more people went to 84 Lumber to build an enclosure for horses, that would be \$15,000 in lumber and a large revenue boost to a company that is not doing well based upon appearances.

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Mr. Walker elaborated on small companies that would benefit, such as Tractor Supply, where he has spent \$4,000 on various supplies such as corral panels, feed, and tack. He noted that is money that goes right back into our economy. He added for local hay farmers, especially in a drought with less hay and less grain, the opening horses up to residential communities would increase the revenue that said farmer is taking in. The western shop sales would also increase and another small business would be helped. Mr. Walker stated that the wealthiest properties are in Diamond Pointe and each of those properties could have horses since they are zoned rural residential. He added that some of wealthiest locations in America, Belmont States in Kentucky and Lexington, are horse communities, and you do not live there unless you are making at least nine figures. Mr. Walker stated that the idea that having a horse is going to lower property values is slightly absurd. He added he would recommend a board fence be required and not barbed wire fence which are not conducive to horses in the first place are also not conducive to neighborhoods with children. Board fences do not allow for stretching to get through them. He added the wording is adequate stating that there must be a management plan. Mr. Walker noted they give away their manure to local farmers, as horse manure is some of the best fertilizer. He noted they give it away for free although it could be sold for money. Mr. Walker added the amendment should make sure the vet comes out, which they have had the vet come out three times since the horses have been there. At one point, for a four day period, there were five horses on the property, but part of that was a test to see what was really manageable. He stated 1 horse per 4,000 square feet works, which is what is proposed. He noted Montgomery County in residential areas does have 5 acres per 2 horses but there is no requirement in the agricultural district. Mr. Walker added he spoke with the zoning commissioner at the County and a very large number of horses would have to be present before they even looked at. He continued that boarding stables allow horses to be turned out in a 3 to 4 acre pasture for a few hours a day but for 12 hours a day they are in a 12 foot by 12 foot stall. He stated a 4,000 square foot area was more kind than shoving it in a wooden box especially when you are talking about a 6 to 8 foot animal. Mr. Walker stated if the proposed amendment goes through; there will be a request for a building permit within a day or so in order to build a shelter. He does not find it monetarily wise at this point to sink any more money into it until we know what will happen. He noted in the wild, horses do not have shelter but hide behind trees and in gullies. He added the BLM rounds up tens of thousands of horses for the horse market that is already bad unless you have thoroughbreds or pure blooded racing horses. He stated the cost of a horse at auction towards Bedford is not even \$300 for registered horses because there is no money in horses.

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Mr. Walker added horse slaughter is effectively illegal in the United States so there is no way to get rid of unwanted horses. He continued opening up a residential area that has adequate space and at one point in time was a horse farm. He stated when his grandparents purchased the property; it was across from a horse farm not townhouses but things change. Progress happens and who is to say keeping a horse is not progress at the same time. He added allowing the residents of Christiansburg to have one horse per 4,000 square feet, if 1,000 people bought one horse, that is 1,000 horses that will not be abandoned like 162 were in El Paso, Texas desert left to starve and died of thirst. Mr. Walker added that is 1,000 animals that America was built on, that people did not ride dogs but on the backs of horses. He continued the Civil War was fought on the backs of horses, the Revolutionary War was fought on the backs of horses, and even World War I was fought on the backs of horses. Mr. Walker stated these are animals that share a kinship greater than any other domestic pet will ever have. He concluded Christiansburg states it is progressive small town living, but say you do not live in Diamond Pointe, you do not have a \$600,000 house, and you cannot have horses, would not be progressive but would be a little class-biased.

Ms. Ginger Cope of 414 Miller Street stated she is opposed to having horses on R-1 and R-2 property in the Town. She added she is not an expert but has done some research from the Virginia Cooperative Extension, which is a branch of Virginia Tech, Virginia State University, and the University of Kentucky. She stated one pamphlet titled Maintaining Healthy Horse Pasture recommends 2 to 3 acres per horse be allowed. She noted grazing must be controlled to maintain healthy pastures. She added horses be removed from pastures during wet weather because hoof action can seriously damage established sods during wet periods of the year and could potentially contribute to the runoff or erosion issue we are concerned about as well. Ms. Cope added another publication entitled Horse Manure Management states the average 1,000 lbs. horse produces 50 lbs of manure per day and Mr. Walker's 650 lbs. horse would produce 32.5 lbs. of manure per day. She added the article also notes environmental and health impacts if the manure is not managed properly and also discusses composting which is not being discussed. Ms. Cope respectfully disagreed with Mr. Walker concerning property values. She is originally from Fauquier County which is horse country and the Town of Warrenton, which is similar to Christiansburg, horses would not be found in the Town.

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She added that further north in Fauquier and Loudoun Counties are considered horse country where they are on acres and acres of land. Ms. Cope stated all the areas where Mr. Walker mentioned have land, acres of it and not a quarter or half acre of land for horses. She added Montgomery County does not have limitation in agriculture zones but in residential areas where they allow 2 horses per 5 acres with a maximum of 4 horses per 10 acres. Ms. Cope stated she works for the IRS in business and disagrees that allowing horses in residential areas will bring business to the Town. She suggested considering that allowing horses may detract people from living in Town because they may not want to live next to horses. She continued that if people do not move to Christiansburg, there will not be money to spend and tax dollars to collect. It could lead to a raise in taxes for citizens in order to provide public services. She concluded horses have been previously addressed as seen in a Roanoke Times article, from one year ago, where Council and Planning Commission voted against backyard chickens for concerns of noise, smell, and environmental sensitivity. She added that in addition to chickens, the ordinance also made provisions for beehive stands and horses.

Ms. Michelle Wood of 415 Miller Street stated she grew up there and when her parents purchased the property it was agricultural and there were horse farms across the street and down the road. She stated the neighbors do not want to live near horses and everyone has a right to choose where they want to live which is why they are not trying to put the horses in the front yard. Ms. Wood noted it is the same as another pet since horses are companion animals and more like pets. She stated they have one horse now that is actually a pony and belongs to her 2 year old granddaughter. She stated she understands the concern for safety but no one has come to speak with them. She added they have been looking for pastureland to rent since her son has returned from Illinois but it is hard to find. This animal was not rescued, it was purchased from a horse trader for \$350 but the horse was being starved. She explained they ended up with 2 free horses because owners were moving and all of the horses can be ridden, they are not wild animals. There have not been any issues with the horses but during the process, no one has approached them concerning the horses. She stated they never intended to keep five horses on the property but that temporarily they were better off feeding them. They have put 4 horses in 8 acre pasture that they rent. Ms. Wood would like to keep the pony as the neighbors keep dogs. She added horses are companion animals, not livestock, not being worked anymore. She stated as to safety, her son has met the five foot Virginia requirement for fencing. She added the property was changed in early 90s from agriculture to residential.

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Ms. Wood stated it was an honest mistake to assume that horses were allowed. She added the neighbor directly beside them wrote a letter. She noted the horses cannot be seen from the street. The neighbor, Jennifer Lilley, wrote that you can only occasionally smell the litter. Ms. Wood stated the dogs smell worse than the horses. She added they bag manure every single day and are given away as quickly as possible to three people who will pick it up. She noted they are taking extra effort to control the smell. Ms. Wood noted the neighbor stated only on occasion can you smell it. She added there needs to be contingencies so you cannot have a townhouse and put a horse in the backyard. She stated when horses are stalled; they are in an area probably smaller than most decks. Ms. Wood stated they are trying to provide what the horses need, including pastureland for the other horses. She added someone filed a complaint that they were starving the horses. She noted Ray Helmick from Animal Control came out to investigate and check that every animal was being fed and had plenty of water. She stated it has been a headache that no one will come and ask but instead file false complaints that the animals are being starved. She stated they will take care of the animals regardless of where they are located. They have the property and area, vet records, health records, to prove to people and be accountable that they are taking care of the animals. She noted the need for accountability in the same way tags are renewed yearly for dogs. She stated they would like the option to consider the right to have a horse in an adequate area not a 15 by 15 box. She added she understands their concerns but does not understand false complaints.

Mr. Roger Rhodes of 415 Miller Street stated he would not repeat what has been said but would like to address a concern about how the property looks. He stated in two months, Mr. Walker got out of the military, moved to Illinois and then on a Friday night notified them of arrival on Sunday or Monday. He added in a month and half, they have taken two families (Mr. Walker, his wife, and daughter) and tried to make it work. He noted Mr. Walker just got out of the military and has been starting his own business, but did not have a job until a week ago. He stated most of the things on the property have been very temporary. Mr. Rhodes noted they had to buy corral panels to put two horses in and that is a small spot so they had to keep moving it in the yard to make sure the horses had adequate grass. He stated at one point, it was moved closer into the side yard where it was visible. Within one week, Mr. Walker bought the fence and in three days, they put up a 5,200 square foot pen. He added the pen for the dogs is temporary. He stated if the concern over property value is about how it looks, most of it is temporary. The pen for the horses was most important since they are the largest animals and need the most room. Everything is temporary except for the horse pen. Mr. Rhodes added they have been fencing in the field they are renting in Blacksburg. He stated they are working hard and things will look good when they are finished but just want the chance to do it.

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Chairperson Moore closed the public hearing. Chairperson Moore opened the floor for discussion. He asked when this will go before Town Council for public hearing and if they need to vote on it tonight. Ms. Hair responded the public hearing would be set after the vote and the vote could take place this evening.

Commissioner Carter asked about Mr. Galloway's statement and if the Town Attorney has looked at it. Ms. Hair responded she believed the attorney has reviewed the Ordinance and the Town is in compliance. Commissioner Carter stated she would like to make sure. Ms. Hair stated she can double-check and added it had been developed by the Development Subcommittee with Mr. Wingfield. Commissioner Carter stated she went to look for the horses several weeks ago and could not find the horses; they were not visible to her at all. She stated they originally heard umpteen horses and now is down to a pony and maybe another horse and that some may have jumped to conclusions. She added she was amazed she could not find the horses but she did not get out to look. Commissioner Sowers stated she went out today and could not see them. Commissioner Huppert stated that the fence is right behind the house and that it can be seen from the driveway. Commissioner Carter did not want to trespass on other property and could not see them from the street.

Chairperson Moore reviewed the proposed amendment concerning traffic impact analysis. Commissioner Carter if that relates to 50% of the people. Ms. Hair responded that is related to traffic calming. Chairperson Moore continued to review the proposed amendment concerning traffic impact analysis. Commissioner Carter asked if this has evolved from the development by MegaBuilders. Commissioner Sowers responded yes. Commissioner Collins asked about voting on these individually. Chairperson Moore indicated they can be addressed however a motion is made. Ms. Hair stated it should be recommended as one ordinance, tweaking different parts. Chairperson Moore noted it was advertised as one but asked if certain sections could be dropped. Chairperson Moore stated motions could be made to exclude certain portions.

Chairperson Moore reviewed the proposed amendment concerning amateur radio towers. Chairperson Moore continued to review the proposed amendment. Commissioner Huppert asked if the one foot setback for each foot of the tower was added by the Town or is that State Code. Ms. Hair responded the Town added it and has mirrored Blacksburg's language. Commissioner Huppert asked about the advantage to it. Ms. Hair responded it is intended to protect the adjoining properties. Commissioner Huppert asked if that addressed the tower falling over. Ms. Hair responded she believed so. Commissioner Huppert asked about collapsing towers. Commissioner Collins asked if the attorney has looked at it. Ms. Hair responded she believed so. Commissioner Carter left the meeting at 8:04 p.m.

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Commissioner Akers stated commercial towers are self-collapsing and was taken into consideration when placing it close to the mall. He added Mr. Galloway's tower is self-collapsing in the footprint of the tower and the same consideration should be used. Commissioner Sowers agreed with the same guidelines. Commissioner Akers agreed with Mr. Galloway the restrictions seem excessive and onerous and serves to keep amateur radio out of the Town. He added there are very few properties where the setback requirements could be met. Commissioner Akers noted the other uses for towers are commercial and governmental and seems like the private owners are being held to a different standard. He added he did not think he could support it as written. Commissioner Huppert asked Mr. Galloway how the Town knows the tower is collapsing, if there are guarantees when the tower is bought. Mr. Galloway responded the tower is guaranteed for 90 mph wind with 1 inch of ice when fully extended at 41 feet. Commissioner Huppert asked if Mr. Galloway was referring to his tower. Mr. Galloway responded yes and stated he has recently retired from the National Weather Service and is cognizant of the weather. He has purchased a \$1,000 motor to crank the tower up and down. He noted aircraft cables pull up as you crank and pulls the tower up into place. He stated a similar but taller tower was recently in place at the Rec Center on a truck as a portable device. He stated his tower has aircraft strength steel cable and pulleys that would be the most likely thing to fail. He added if it did fail, since the tower goes up one section at a time inside itself, the only way it collapses is straight down. Mr. Galloway stated he does not plan to have the tower up when he is not operating it and will put it down in inclement weather. He added the tower and antenna cost \$9,000 so he does not want to risk damage to it by leaving it up. He continued home insurance covers the tower just as it would if his car brakes failed and he drove into his neighbor's home. He noted this neighbor has trees very close to the property line and that there is no setback for trees. Commissioner Huppert noted that ordinance applies to everyone and must take all locations into considerations. Mr. Galloway stated the tower is 12 feet tall when it is down. Mr. Galloway stated the Town has not done much research concerning tower collapse. He added Rohn, a maker of amateur radio towers and commercial towers, states their towers fail within 1/3 of the height of the tower. Mr. Galloway noted Roanoke's ordinance has setbacks of 40% of the height since they took into consideration the way towers fail and collapse. He added he does not see where studies show his type of tower or antenna fails in that manner where they would collapse completely onto a neighbor's property. Commissioner Collins asked if Mr. Galloway's tower would fit the regulations as is. Mr. Galloway responded it would not meet the one foot per one foot in height.

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Commissioner Collins asked about the height of Mr. Galloway's tower. Mr. Galloway responded the tower is 41 feet tall with 2 foot mast with antenna. He noted that he has the setback on three sides but the fourth side, the rear up the hill, would be 35 feet and prevent him from having a tower. He added that by-right he should be allowed a 75 foot tower and that with the restrictions, no one in Christiansburg could have a 75 foot tower based on lot size. He explained his lot has a 35 foot setback from the front lot line, his home is 30 feet deep which makes 65 feet, his lot is 100 feet deep, and all antenna structures must be in the rear, so setbacks cannot be met. Commissioner Huppert asked Chairperson Moore to read the paragraph. Chairperson Moore reviewed the paragraph on setbacks for amateur radio towers. Commissioner Collins asked Mr. Galloway how he would write this requirement. Mr. Galloway stated that the subcommittee had made adjustments to this requirement that were stricken at the last meeting. It had previously stated setbacks must meet primary structure setbacks and an additional setback of one foot for every foot in height above 35 feet. He stated that you could build a two story structure within 10 feet of the property line and if that structure collapsed, it could collapse onto another property. He added originally, it was one foot for every foot in height above 35 feet so a 45 foot antenna would need an additional 10 foot setback and could be 20 feet from the property line. Commissioner Huppert asked if Blacksburg had qualms with this. Ms. Hair responded no. Chairperson Moore asked about a modification for this section. Ms. Hair suggested making a motion to break out each section if Planning Commission wishes to do so. Commissioner Akers made a motion to break out the section on amateur radio towers. Commissioner Huppert seconded the motion which passed 6-0. Commissioner Collins stated that the Town of Christiansburg does not want to prohibit amateur radio towers. Commissioner Collins made a motion to modify #6 as follows: Amateur radio towers shall have a setback of one foot for every foot in height over 35 feet from all property lines as well as setback requirements of Chapter 6 "Antennas". Ms. Hair asked for clarification about setback for primary structures or accessory structures. Commissioner Collins responded he was thinking the primary structure. Commissioner Parsons asked Commissioner Collins to re-read the change. Commissioner Collins stated amateur radio towers shall have a setback of one foot for primary structures for every foot in height over 35 feet from all property lines as well as setback requirements of Chapter 6 "Antennas". Commissioner Collins stated it would give most residents a chance to have them. Mr. Galloway asked about primary setbacks being 10 feet. Ms. Hair responded 10 feet on sides typically, for R-1 the front setback is 35 feet and 35 feet from the rear property line. Mr. Galloway stated that if it is 35 feet from the rear, the setback would be at the rear of his home, so it would not be allowed. Ms. Hair indicated that is correct with that wording.

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Chairperson Moore noted if the antenna is collapsible and less than 35 feet, the setbacks of a secondary structure could be used. Ms. Hair stated the secondary structure setbacks are 3 feet or an easement width from the property line. Commissioner Collins asked if that would make more sense. Ms. Hair stated that it is Planning Commission's determination. Commissioner Akers noted this would allow for more leeway in the placement of the tower. Chairperson Moore suggested if a tower is less than 15 feet when down, it could use secondary setbacks since there is less potential for damage. Chairperson Moore stated for amateur radio towers greater than 20 feet when collapsed, they need to meet more stringent standards, if they are less than 20 feet, they can meet secondary setbacks. Commissioner Collins asked how that would serve the public. Mr. Galloway responded it would work well, his tower collapses down to 12 feet and the next tower height of 54 feet collapses to about 22 feet. He added his tower is five sections with each section being about 9 or 10 feet. Chairperson Moore asked about using 20 feet or 25 feet. Commissioner Sowers asked if the larger tower has the 2 foot mast. Mr. Galloway responded that it would have a 2 foot mast. Ms. Hair drafted amateur radio towers greater in height than 25 feet while collapsed shall utilize the primary structure setbacks for the district. Amateur radio towers less than 25 feet while collapsed shall utilize the accessory structure setbacks for the zoning district. Commissioner Collins amended his motion to reflect Ms. Hair's reading. Commissioner Sowers seconded the motion. Chairperson Moore asked Ms. Hair to re-read the change. Ms. Hair responded, "Amateur radio towers greater than 25 feet in height while collapsed shall utilize the Zoning District setback requirements for primary structures as well as setback requirements of Chapter 6 "Antennas". Amateur radio towers less than 25 feet in height while collapsed shall utilize the Zoning District setback requirements for accessory structures as well as setback requirements of Chapter 6 "Antennas". The motion passed 6-0. Commissioner Huppert suggested Mr. Galloway attend the Council meeting regarding this issue.

Chairperson Moore asked if another section should be broken out for discussion. Commissioner Akers made a motion to break out the section on traffic impact analysis. Commissioner Collins/Parsons seconded the motion which passed 7-0. Chairperson Moore explained that this section came about since a developer was required to complete a traffic impact statement; they requested that it be the same for everyone and expectations were laid out ahead of time. Commissioner Akers asked if this was what was asked of the developer. Ms. Hair responded yes that it follows VDOT standards. Commissioner Akers asked if it seemed reasonable and served our purpose at the time. Ms. Hair responded yes. Commissioner Akers made a motion to accept as is. Commissioner Collins/Parsons seconded the motion which passed 7-0. Ms. Hair noted some minor changes with parking requirements and planned housing development site plans. Chairperson Moore asked if there were any concerns regarding those items.

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Ms. Hair noted the next item is urban agriculture. Commissioner Parsons made a motion that urban agriculture be broken out. Commissioner Collins seconded the motion which passed 6-0. Ms. Hair stated including the urban agriculture in R-3 is a typo. Chairperson Moore stated it should be stricken for section 30-48 item (aa). Chairperson Moore reviewed the changes. Commissioner Parsons asked about 4,000 square feet in acres. Ms. Hair responded it is 1/10 of an acre. Commissioner Collins asked which districts are being proposed to allow the use. Ms. Hair stated R-1 and R-2 and that R-3 is listed by mistake. Commissioner Collins stated that he likes horses but R-1 and R-2 are residential areas and that if you want horses, you must be in an agricultural area. Ms. Hair stated R-1A allows horse's by-right. Commissioner Sowers noted three locations in Town with R-1A zoning. Ms. Hair stated there are 137 R-1A parcels totaling 239 acres. Commissioner Parsons asked about where horses are currently allowed. Ms. Hair responded that horses are allowed in the R-1A and Agriculture. Commissioner Akers does not have a problem with keeping horses but that 4,000 square feet is too small an area for horses. Commissioner Parsons asked about changing from 4,000 square feet to 8,000 or 10,000 square feet. Ms. Hair stated most R-1 lots in Town are 10,000 square feet and the open area decreases with a structure and driveway. Commissioner Parsons stated that change would basically strike it. Commissioner Huppert asked about enclosed area versus lot area. Chairperson Moore reviewed the issue. Commissioner Parsons stated horses should not be allowed in R-1 or R-2 but that there should be size restrictions in the R-1A. Commissioner Sowers noted lots are larger in the R-1A. Ms. Hair stated R-1A lots are half an acre or more. Chairperson Moore summarized Commissioner Parsons' views. Commissioner Huppert stated Council may have discussed 8,000 or 10,000 square feet as well. Commissioner Parsons indicated she was leaning toward 8,000 square feet of R-1A uses for horses. Commissioner Akers asked if she meant per animal. Commissioner Parsons responded yes. Chairperson Moore asked about a restriction on total number. Commissioner Parsons asked if there was currently a limit. Ms. Hair and Chairperson Moore responded no. Chairperson Moore stated that Section 30-23 (b) would state enclosures of at least 8,000 square feet per horse. He asked if that section should indicate enclosed pasture. Ms. Hair responded that terminology can be used from above. Chairperson Moore reviewed the changes. Commissioner Parsons made a motion to strike the allowance of urban agriculture in Sections 30-31, 30-39, and 30-48 and also make the modification in 30-23 (b) to restrict the pasture size for horses to 8,000 square feet for the R-1A district. Ms. Hair read that the Town would allow one horse per 8,000 square feet of enclosed pasture or range and to be no closer to the street right-of-way than the dwelling. Commissioner Sowers seconded the motion. Ms. Hair stated if you are striking urban agriculture, you may also want to strike the provisions of section 30-200. Commissioner Parsons amended her motion to also strike section 30-200. Commissioner Sowers seconded the motion which passed 6-0.

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Ms. Hair noted the remaining changes to the proposed amendment regarding parking and planned housing development site plans. Ms. Hair reviewed the changes to the proposed amendment. Commissioner Parsons made a motion to recommend the ordinance to Town Council with the two modifications. Commissioner Akers seconded the motion which passed 7-0. Commissioner Huppert asked about how this will be presented to Council. Ms. Hair stated she will create a summary and determine when the process will move forward. Chairperson Moore noted appreciation for public input and the recommendation does go before Town Council and to continue to participate in the process.

There being no more business Chairperson Moore adjourned the meeting at 8:57 p.m.


Craig Moore, Chairperson


Nichole Hair, Secretary

Non-Voting