

MONTGOMERY COUNTY PLANNING COMMISSION
August 14, 2013 @ 7:00 P.M.
Board Room, Government Center

A G E N D A

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

PUBLIC ADDRESS:

PUBLIC HEARING:

1. Request by **Anthony R. Graves** to expand meat cutting and processing operations by amending a special use permit, approved on May 14, 2001, that permitted a custom meat cutting and processing operation currently known as Hunters Burden LLC, located on 41.194 acres in Agricultural (A-1) zoning district. The proposed addition will increase the total area of the building to allow additional space for meat cutting and processing and to allow an attached accessory apartment use. The property is located at **2701 Flatwoods Rd.** and is identified as Tax Parcel No. 045-A-33E (Acct # 031845) in the Mount Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

- a) Staff Presentation (Dari Jenkins)
- b) Applicant Presentation
- c) Public Comment
- d) Discussion/Action

OLD BUSINESS:

NEW BUSINESS:

- Zoning Ordinance Amendments (Dari Jenkins)
 1. Amateur Radio Tower Definition
 2. Park and Ride Facility Definition
 3. Annual Zoning Ordinance Review
- Comprehensive Plan Amendment Discussion (Steve Sandy)
- Resolution to Schedule Public Hearing to Amend Comprehensive Plan for Old Price's Fork Elementary School Property (Steve Sandy)

WORK SESSION:

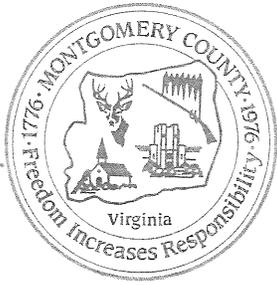
LIAISON REPORTS:

- Board of Supervisors- Chris Tuck
- Agriculture & Forestal District- Joel Donahue
- Blacksburg Planning Commission – Coy Allen
- Christiansburg Planning Commission – Cindy Disney
- Economic Development Committee – Bryan Rice
- Public Service Authority – Joel Donahue
- Parks & Recreation- Vacant
- Radford Planning Commission – Vacant
- School Board- Bryan Katz
- Tourism Council- Vacant
- Planning Director’s Report- Steven Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | | |
|--------|----------|---|
| August | 21, 2013 | Planning Commission Site Visit
Planning Commission Regular Meeting (7:00 pm) |
| Sept. | 11, 2013 | Planning Commission Site Visit (To be determined)
Planning Commission Public Hearing (7:00 pm) |
| Sept. | 18, 2013 | Planning Commission Regular Meeting (7:00 pm) |
| Oct. | 9, 2013 | Planning Commission Site Visit (To be determined)
Planning Commission Public Hearing (7:00 pm) |
| Oct. | 16, 2013 | Planning Commission Regular Meeting (7:00 pm) |



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff
DATE: August 6, 2013
RE: **Staff Analysis (SU-2013-10962)**

Request by **Anthony R. Graves** to expand meat cutting and processing operations by amending a special use permit, approved on May 14, 2001, that permitted a custom meat cutting and processing operation currently known as **Hunters Burden LLC**, located on 41.194 acres in Agricultural (A-1) zoning district. The proposed addition will increase the total area of the building to allow additional space for meat cutting and processing and to allow an attached accessory apartment use. The property is located at **2703 Flatwoods Rd.** and is identified as Tax Parcel No. 045-A-33E (Acct # 031845) in the Mount Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan.

I. Nature of Request

The applicant is requesting an amendment of their Special Use Permit (SUP) on approximately 41.194 acres zoned Agricultural (A-1) to allow an addition to increase the total area of the building to provide additional space for meat cutting and processing and to allow an attached accessory apartment use. The original Special Use Permit approved in 2001 limited the business to 1,000 sq. ft. to be used for custom meat cutting and processing only.

II. Location

The property is located at 2703 Flatwoods Road and is identified as Tax Parcel No. 045-A-33E (Acct # 031845) in the Mount Tabor Magisterial District (District C).

The property lies in an area consisting of a mix of lot sizes containing single family homes and manufactured homes. All surrounding lots are zoned Agricultural (A-1). The subject property is bordered to the east by two (2) parcels with Agriculture and Forest District #9.

III. Impacts

This use is agricultural related and is evidently a much needed service in the area due to the success of the operation and the request by the owner to amend the Special Use Permit to allow expansion of the meat processing facility. However, there are potential impacts associated with the business including traffic, noise, odor, lighting and potential groundwater contamination.

1. Transportation

The proposed use would not generate enough vehicle trips per hour to require a review under the Virginia Department of Transportation (VDOT) Chapter 527 Regulation.

2. Infrastructure

The property is currently served by a private well and a private on-site sewage disposal system. If the SUP is approved, Virginia Department of Health will need to review the existing well and septic system permits to determine whether revisions to either will be required.

3. Schools

The business should have no impact upon the public school system.

4. Traffic

The applicant indicates there will be no significant increase in traffic as a result of this addition.

5. Other

The Planning Department has previously received complaints regarding this business related to noise, car lights, and burning on site.

- As a result of a complaint, a warning letter was issued to Anthony Graves on February 28, 2006 regarding the open burning of inedibles leftover from the processing of deer meat. Mr. Graves responded that all inedibles would be deposited with Valley Protein and that no more burning of waste would occur on the premises.
- As a result of an inspection for compliance with the conditions of the Special Use Permit approved May 14, 2001, a Notice of Violation was issued February 21, 2013 for:
 - Construction of freezer buildings without a permit
 - Continued burning of waste on site
 - Removal of the vegetative buffer required by Condition #4 of the SUP.

Mr. Graves has completely removed the buildings, replanted the vegetative buffer and voluntarily installed a six (6) ft. privacy fence as a temporary buffer along the property line until the six (6) ft. Arborvitae trees planted at 12 ft. on center have an opportunity to grow. Ms. Rebecca Wright, Dept. of Environmental Quality (DEQ), visited the site to investigate the burning issues. Mr. Graves has indicated that he has now eliminated the burning area altogether.

- The applicant has voluntarily installed a 6 ft. privacy fence in an attempt to shield the adjacent properties from some of the automobile light. Other site lighting (if required) will have shields installed to protect the adjacent residential units.
- Since the applicant has removed the fire pit altogether, the amount of noise and odor should be reduced.

IV. Comprehensive Plan

The site is located in an area designated as Rural in the Comprehensive Plan. Approval of the proposed amendment to the Special Use Permit in Agricultural (A-1) is in conformance with the Comprehensive Plan Land Use Designation.

V. Analysis

An amendment of this Special Use Permit is requested by the applicant to allow expansion of a meat cutting and processing business known as "Hunters Burden, LLC". The existing single-story building is approximately 972 sq. ft. According to the application materials received and the Concept Development Plan, prepared by Highland Surveys P. C., revised June 19, 2013, the proposed expansion of the business will add 1,346 sq. ft. on the first floor to enlarge the cutting room, provide a customer pick up area, storage, and freezer space. The proposed 1,309 sq. ft. second floor addition will be used as an accessory dwelling unit, consisting of one bedroom, 1-1/2 bathrooms, kitchen and living room. When construction is complete, the business will be approximately 2,281 sq. ft. and the total structure will be approximately 3,590 sq. ft. in area.

The proposed second floor dwelling unit is considered an accessory dwelling unit because there is an existing single-wide manufactured home located at 2701 Flatwoods Rd. on the property south of the business site.

The orientation of the proposed addition will provide additional screening as customers come in to unload the animals for processing.

Mr. Graves has been employed for a number of years as a meat cutter at a local grocery store and has significant experience in this type of operation. Mr. Graves does not retain employees, but requires the assistance of 3 to 6 subcontractors during the busy hunting season.

If the applicant gains approval of the Special Use Permit request, he plans to proceed immediately with construction of a freezer and the remaining improvements will be constructed as finances allow. The existing septic system will need to be evaluated by the Virginia Department of Health (VDH) prior to obtaining permit for the addition.

The applicant will be working with the Building Official to determine what modifications may be necessary to the structure to meet the building code requirements for proposed addition.

A site plan will be required for review and approval should the Special Use Permit amendment be approved by the Board of Supervisors. A zoning permit will be issued once the revised site plan is approved and other required documentation is received. The owner will need to work with the Building Official to obtain the required building permit(s) for this project.

The sign for the business was not in compliance with the zoning ordinance and has been removed. The owner will obtain a sign permit prior to installation of another sign.

All adjoining property owners were notified in compliance with the Code of Virginia and Section 10-52(3) of the Montgomery County Code. At the time this report was issued, staff has received two calls from individuals within the neighborhood to inquire about the request. One neighbor inquired about the project

and was given information to access the application materials on the County website. Another individual inquired based on the placard posted by the entrance; however, expressed no concerns upon discussion of the proposal. Consideration should be given to adjacent property owners or other interested citizens attending the public hearing to express their views regarding this request.

VI. Staff Recommendation

Staff preliminarily recommends approval of this request as submitted by Anthony Graves, owner of Hunters Burden LLC, for amendment of a Special Use Permit to allow expansion of a custom meat cutting and processing business with the following conditions:

1. This Special Use Permit (SUP) reauthorizes use of the existing building identified as 2703 Flatwoods Road for custom meat cutting and processing only. No other business use of this structure is allowed. This Special Use Permit also authorizes an expansion of the building to an overall size of approximately 3,600 sq. ft. to be constructed in conformance with the Concept Development Plan, prepared by Highland Surveys P. C., revised June 19, 2013, and in conformance with the building plans included with the application materials depicting an expansion of the business on the first floor and the addition of an accessory dwelling on the second floor.
2. There shall be no retail sales on the property.
3. All processing activities shall be conducted indoors; only loading and unloading of animals shall be conducted outdoors.
4. All waste shall be contained in a leak-proof container and kept in a secure area. Containers shall be collected on a regular basis for proper disposal.
5. There shall be no burning or disposal of animal parts or animal waste of any kind.
6. There shall be no outdoor display or storage.
7. No trash, litter or debris shall accumulate or be stored on the property.
8. Any lighting installed on the property shall be dusk to dawn, shielded fixtures to avoid glare onto adjacent properties and night sky, and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
9. A minimum 15-foot vegetative buffer shall be maintained or replanted with evergreen trees (six (6) feet in height at 12 to 15 ft. spacing) for 100 feet along the property line in the area of the building and proposed expansion as shown on the Concept Development Plan, revised June 19, 2013.
10. The existing six (6) ft. privacy fence shall be maintained along the property line as shown on the Concept Development Plan, revised June 19, 2013.
11. The existing entrance permit shall be reviewed by VDOT to determine whether or not entrance revisions are required prior to approval of the site plan.
12. All septic system and well permits shall be reviewed by Virginia Department of Health (VDH) prior to issuance of building permits for the expansion.
13. Facility shall be inspected as required by the VA Department of Agriculture.

Enclosures: Aerial Photo Map, Current Zoning Map
Application Materials includes original SUP
Photos



**Anthony Graves
Request for
Special Use Permit**
Parcel ID(s): 031845

- Legend**
- Subject Property (Graves)
 - State Roads
 - Interstate
 - Planned Highway
 - Private
 - Unnamed Roads Paths Trails
 - Hydrology
 - Tax Parcels
 - Flood Zone**
 - A
 - X



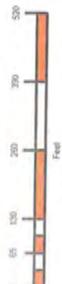
Montgomery County, Virginia
DCCL County

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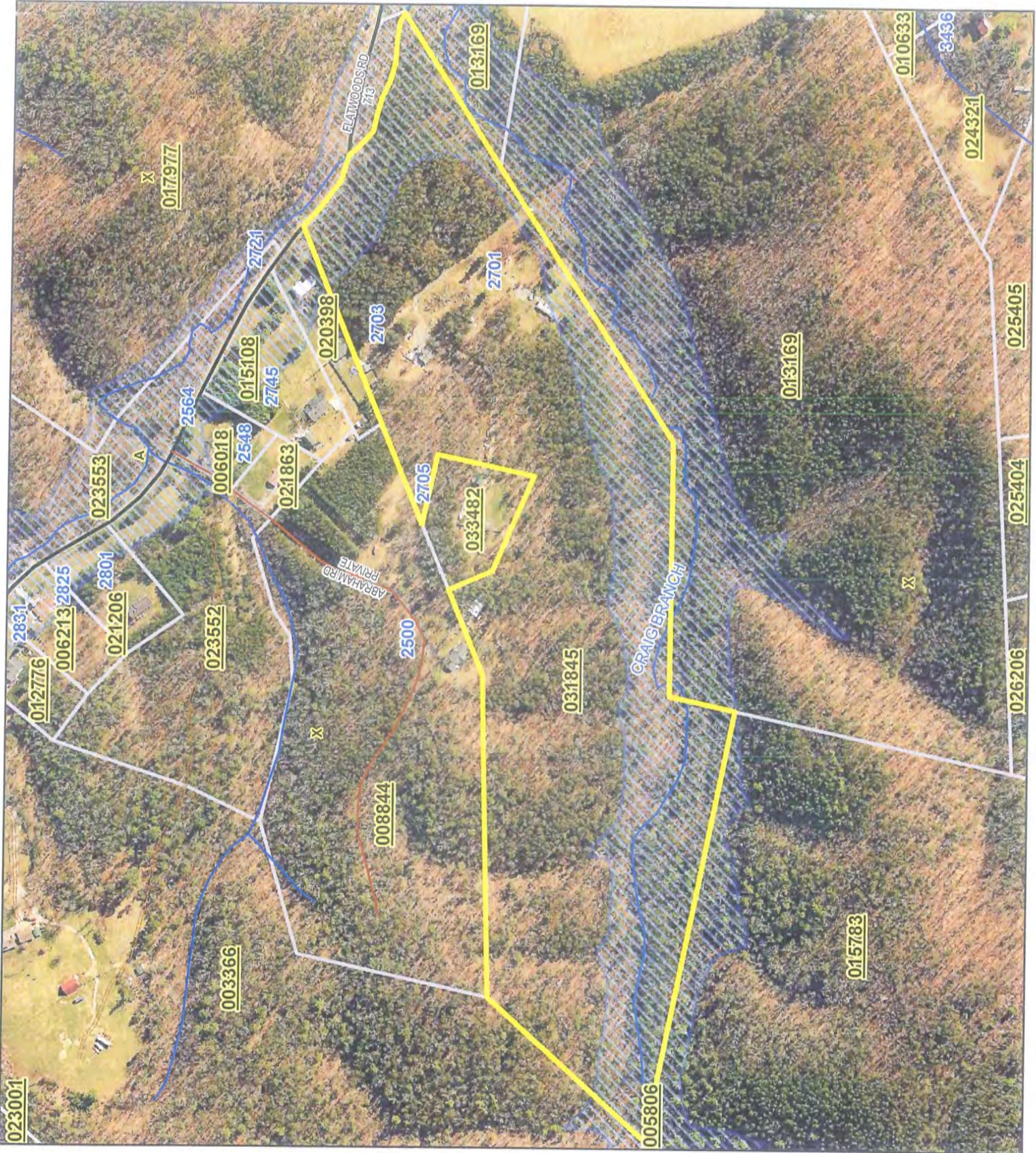
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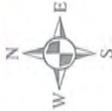
THE EXACT LOCATION OF ANY FLOOD ZONE TO BE CERTIFIED BY LICENSED LAND SURVEYOR, ENGINEER, OR ARCHITECT, SHOULD BE OBTAINED FROM THE LOCAL GOVERNMENT OR ENGINEERING PROFESSIONAL.

THE EXACT LOCATION OF ANY FLOOD ZONE TO BE CERTIFIED BY LICENSED LAND SURVEYOR, ENGINEER, OR ARCHITECT, SHOULD BE OBTAINED FROM THE LOCAL GOVERNMENT OR ENGINEERING PROFESSIONAL.



Prepared by Montgomery County, Va
Planning & GIS Services, 8/8/2013





Anthony Graves Request for Special Use Permit

Parcel ID(s): 031845

- Legend**
- Subject Property (Graves)
 - State Roads
 - Interstate
 - Planned Highway
 - Private
 - Unnamed Roads Paths Trails
 - Hydrology
 - Tax Parcels
 - Existing Special Use Permit
 - Flood Zone**
 - A
 - X



Montgomery County, Virginia
DISCLAIMER

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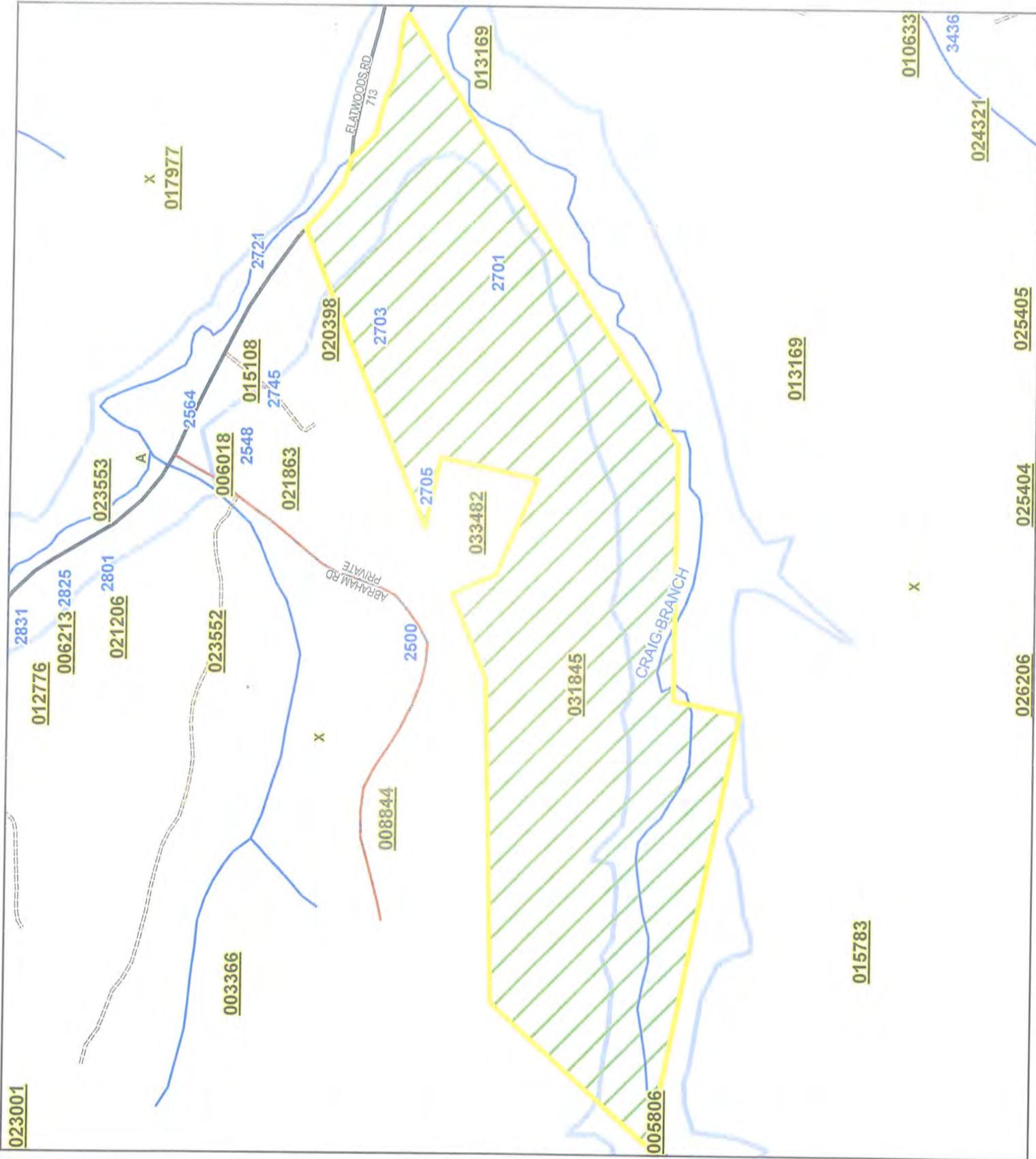
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NO EVENT SHALL MONTGOMERY COUNTY BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS OR OTHER LIABILITIES THAT MIGHT ARISE FROM THE USE OR ANY INFORMATION SHOWN.

EXACT LOCATION OF ANY FLOOD ZONE OR FLOOD HAZARD AREA SHOWN ON THIS MAP IS BASED ON THE MOST RECENT DATA AVAILABLE TO THE COUNTY ENGINEERING DEPARTMENT. TO AVOID THE RISK OF MISINTERPRETATION, FINAL RESULTS, ANALYSIS, AND DATA GENERATED BY THE COUNTY ENGINEERING DEPARTMENT SHOULD BE USED FOR LAND DEVELOPMENT, SURVEY AND ENGINEERING PURPOSES.



Prepared by Montgomery County, Va
Planning & GIS Services, 8/8/2013





Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)

- Rezoning
- Rezoning & Special Use Permit
- Special Use Permit

Owner/Applicant Information: (Use current mailing/contact information for all property owners. An additional sheet may be attached for multiple owners.)

Property Owner: ANTHONY R. GRAVES Agent: _____
 Address: 2701 FLATWOODS RD Address: _____
ELLISTON, VA. 24087
 Phone 1: 540-871-4839 Phone 1: _____
 Phone 2: _____ Phone 2: _____
 Email: huntersburden@cox.net Email: _____

Location of Property/ Site Address: 2701 FLATWOODS ROAD ELLISTON VA 24087

Legal Record of Property: Total Area: 41.194 Acres ± Magisterial District MT TABOR

Parcel ID: 031845 Tax Parcel Number(s): 45-A-33E

Rezoning Details: Current Zoning District: _____ Requested Zoning District: _____
Desired Use(s): _____

Special Use Permit: Current Zoning District A-1 Total Area/Acres: 41.194

Desired Use(s): DEER PROCESSING EXPANSION

Comprehensive Plan Designation: _____

Traffic Impact Analysis Required: Yes (payment enclosed) No

I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.

 Property Owner(s) Signature Date
Anthony R. Graves 06/17/13 Agent's Signature Date

FOR OFFICE USE ONLY

Date Received: _____

Application Number: _____

Traffic Impact Analysis and Payment Received: Yes No

Date Submitted to VDOT: _____

HUNTERS BURDEN LLC
ANTHONY GRAVES, OWNER
2701 FLATWOODS RD
ELLSTON, VA 24087
(540)-871-4839

Planning Department
Montgomery County Government Center
755 Roanoke Street Suite 2A
Christiansburg VA 24073-3177

To Whom It May Concern:

Hunters Burden LLC is a beneficial business to the community and I would greatly appreciate your continued support. I am applying for an increase in the size of my current business to allow for continued growth and the ability to offer as many services as possible. Hunters Burden LLC is a meat processing company geared mainly toward deer processing, although I do process other animals as well. It has been in operation for eleven years as a sole proprietorship until becoming an LLC in April of this year. We are a USDA inspected company with the highest standards regarding sanitation, customer service, and variety of services offered to our customers. Throughout the eleven years I've been in business I have added many services to the list of options that my customers have to choose from, branching out to fully cooked, smoked meats as well. Hunters Burden LLC has been a huge supporter of the Hunters for the Hungry program since opening the doors. Hunters Burden LLC has donated thousands of pounds of meat to Hunters for the Hungry at no cost to our customers. There have been articles in The Roanoke Times and World News, and The Burgs about our commitment to our customers and to the Hunters for the Hungry program. Hunters Burden LLC has come in second place in the state for several years, for raffle sales to support the Hunters for the Hungry program. Hunters Burden LLC also works with Roanoke City and Salem City through their deer culling programs, ensuring that all deer killed are processed and donated to the Hunters for the Hungry program or local food banks. I am enclosing some recommendation letters from a few key people that would like to express their support for my business, including my bordering neighbors. I hope you will take these into consideration when making your decision.

Respectfully,

Anthony Graves
Hunters Burden, LLC

Planning Department
Montgomery County Government Center
755 Roanoke Street Ste 2A
Christiansburg, VA 24073-3177

To Whom It May Concern:

My name is Robert Pierce, and my residence, 2721 Flatwoods Rd, is one of the two residences that directly borders the property of Mr. Anthony Graves in the vicinity of his business Hunters Burden, LLC. I would like to state that I have never been negatively affected by this business being there. No odors, or noise issues have ever arisen because of this business and the flow of customer traffic has been minimal. I have not been impacted in any significant way, stemming from the creation or daily operation of this business. Mr. Graves has always been a very considerate neighbor. I respect the services that Mr. Graves offers to the community and to the charitable organizations that help the needy in our community. I am in support of you allowing him to expand. I truly believe that he will continue to operate his business in the same unobtrusive fashion that he always has.

Sincerely,

A handwritten signature in cursive script that reads "Robert Pierce". The signature is written in black ink and is positioned above a thin horizontal line.

Robert Pierce

Planning Department

Montgomery County Government Center

755 Roanoke Street Ste 2A

Christiansburg, VA 24073-3177

To Whom It May Concern:

My name is Billy McDaniel and I live at 2705 Flatwoods Rd. My residence is one of the two residences that directly border the property of Anthony Graves in the vicinity of his business Hunters Burden, LLC. My residence shares a driveway with Mr. Graves' business, and I have never had any issue with traffic flow from the shared use of that drive. Mr. Graves' business is not visible from my residence, nor have I ever had any complaint about noises or odors emanating from his property. I am in full support of Mr. Graves and his business. He has always been a good neighbor, and hardworking member of the community. I hope that you will grant him permission to expand his business and I have no concerns about any future problems arising from the existence or operation of Hunters Burden, LLC.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. McDaniel', written in a cursive style.

Billy McDaniel



Virginia Hunters Who Care

P.O. Box 304, Big Island, VA 24526

Phone: 434-299-6050

800-352-HUNT(4868)

Fax: 434-299-7229

Laura's mobile 434-665-7657

Gary's mobile 434-665-7658

www.h4hungry.org

email - hunt4hungry@cs.com

**ADVISORY COMMITTEE
HUNTERS FOR THE HUNGRY**

June 18, 2013

Braxton Bell
Ruritan National
Dublin, VA

Hugh Crittenden
Hugh's Taxidermy
VA Outdoor Sportsman Show
Chesterfield, VA

Sherry Crumley
Hunter & Conservationist
Roanoke, VA

Sam Dibert
Dibert Valve and Fitting Co.
Richmond, VA

Bob Duncan
Director
VA Dept. of Game &
Inland Fisheries
Richmond, VA

Becky Norton Dunlop
former Secretary of VA Dept.
of Natural Resources
Arlington, VA

Robert Harper
weenableyou.com
Roanoke, VA

Larry LaRochelle
Retired - U. S. Fish and
Wildlife Service
Huddleston, VA

Denny Quaiff
Virginia Deer Hunters
Association
Richmond, VA

Art Saunders
Eastern Shore - Virginia Deer
Hunters Association
Melfa, VA

Sheriff Ken Stolle
State Senator - 1992-2010
Virginia Beach, VA

Senator John Warner
United States Senate
Washington, DC

Planning Department
Montgomery County Government Center
755 Roanoke Street Suite 2A
Christiansburg, VA 24073

To Whom It May Concern:

I am writing this letter to express my support for Mr. Anthony Graves and his business Hunters Burden, LLC. My dealings with Mr. Graves include the coordination of efforts between his business and our Hunters for the Hungry program to provide much needed venison to local foodbanks and charities.

Mr. Graves and his business have always gone above and beyond to provide abundant amounts of venison to our program. He encourages hunter participation and has kept his fees at a reasonable rate allowing us to provide this quality lean meat to agencies supplying food to people in need in your community.

His processing location has gone the extra mile by helping us to raise funds for our charity. We hold several fundraising raffles each year and his location has sold the second most tickets for us for each of the past two years. The funds raised through these raffles are essential to the program's operation.

I have always found him to be very reliable and professional. I have never had any complaints about his work or the quality of the service that he provides. I have every confidence that Mr. Graves' business will continue to be an asset to our program for many years to come.

Please do not hesitate to be in touch with me if you have questions or need any additional information. I can be reached at 800-352-4868. We greatly value Mr. Graves and the excellent service provided by his business, Hunters Burden, LLC.

Sincerely,

Laura Newell-Furniss, Director
Hunters for the Hungry

**We greatly appreciate the
service of the following whose
leadership was essential to
this organization:**

Founder:
David H. Horne 1952-2002

Advisory Board Members:
Earl Stinson 1926 -2010
Charles Thalheimer 1950 -2008



Additional Special Use Permit Requirements

The applicant for special use permit shall provide a statement of justification to address the following items in the application materials to demonstrate what impact the proposed request will have on the County's resources and how the request complies with Montgomery County's comprehensive plan.

Section 10-54(3)(g), Montgomery County Zoning Ordinance

(g) Issues for Consideration. In considering a Special Use Permit application, the following factors shall be given reasonable consideration. The application shall address all the following in its statement of justification or Special Use Permit plat unless not applicable, in addition to any other standards imposed by this Ordinance:

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan (Addressed under "3. Comprehensive Plan Justification").

Hunters Burden, LLC is consistent with the county's comprehensive plan.

2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.

There will be no increased risk of a fire hazard. There is currently a fire extinguisher on the premises and the addition will have the appropriate fire barrier between the business and residence.

3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.

There is currently a business on the proposed site and has operated for many years with minimal impact to my neighbors and surrounding area. All equipment is used indoors. Only the loading and unloading of animals is conducted outdoors, creating minimal noise. The increase in size should not affect the noise factor in any significant way.

4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.

All exterior lights installed will be directed downward and will comply with County Code 10-46(9).

5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.

As determined by the surveyor, the existing sign is too close to the road and will be relocated to comply with current codes.

6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.

Hunters Burden, LLC provides my surrounding neighborhood with a much needed service. Many of my customers are from the local area, and hunt or raise animals for food, and need processing services.

7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.

See attached documents.

8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.

The existing building is not visible to any neighbors on three sides and is not visible from the road. There is a 6 ft. privacy fence, and fourteen replanted Giant Arborvitae evergreen trees planted in two staggered rows at 15 ft. spacing to aid in blocking the visibility on the fourth side. The original vegetation buffer was removed due to a miscommunication between myself and a contractor doing some work on my property. I have made every effort to correct this problem.

9. The timing and phasing of the proposed development and the duration of the proposed use.

Expansion will start this year with the addition of a much needed, larger freezer. Construction of the new building will begin as funds become available.

10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.

No physical, natural, scenic, archaeological or historic features will be preserved or destroyed by this permit.

11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.

Many local residents take advantage of my services because I am conveniently located. My particular trade is in demand in this area.

12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.

There will be no significant increase in traffic, from what currently exists. There have been no safety issues with the current flow of traffic in that area.

13. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of Montgomery County.

All new construction will meet the code requirements of Montgomery County.

14. Whether the proposed Special Use Permit will be served adequately by essential public facilities and services.

Hunters Burden, LLC will not require public facilities.

15. The effect of the proposed Special Use Permit on groundwater supply.

There will be no effect on the groundwater supply.

16. The effect of the proposed Special Use Permit on the structural capacity of the soils.

There will be no effect on the structural capacity of the soils.

17. Whether the proposed use will facilitate orderly and safe road development and transportation.

No road development or transportation issues will be impacted by this request.

18. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.

There will be no effect on land, wildlife, or air and water quality.

19. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

Hunters Burden, LLC subcontracts help as needed, which offers the area some employment opportunity and brings in revenue.

20. Whether the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth.

There should be no negative impact on future growth in the area. Hunters Burden, LLC provides a needed service to many who raise meat for food.

21. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County.

There will be no Impact.

22. The location, character, and size of any outdoor storage.

All storage will be contained within the facility.

23. The proposed use of open space.

This is a 40+ acre site from which the meat processing facility is developed and the remaining acreage will be maintained for the personal enjoyment of the owner.

24. The location of any major floodplain and steep slopes.

There are no steep slopes or major areas of flooding at the proposed site.

25. The location and use of any existing non-conforming uses and structures.

There are no existing non-conforming structures.

26. The location and type of any fuel and fuel storage.

There is no fuel storage on this site.

27. The location and use of any anticipated accessory uses and structures.

There are no anticipated accessory uses and structures not included in this proposal.

28. The area of each use; if appropriate.

This question does not apply.

29. The proposed days/hours of operation.

Shop hours vary greatly due to the demand for my services and the time of year. However, my hours of operation usually fall somewhere in the bracket of 8:00 A.M. to 10:00 P.M. or by appointment during the slow times.

30. The location and screening of parking and loading spaces and/or areas.

Loading and Unloading occurs in the front of the building. A privacy fence and tree line offers a screen along the only border of my business with visible neighbors.

31. The location and nature of any proposed security features and provisions.

There are currently no security cameras, or alarm systems in place. The proposed residence above the business would provide not only convenience, but some security towards deterring vandalism or theft.

32. The number of employees.

I do not retain employees, but rather subcontract help as needed during the busy times. On average, there are usually 3 to 6 subcontractors working for me during the hunting season, which is my busiest time of the year.

33. The location of any existing and/or proposed adequate on and off-site infrastructure.

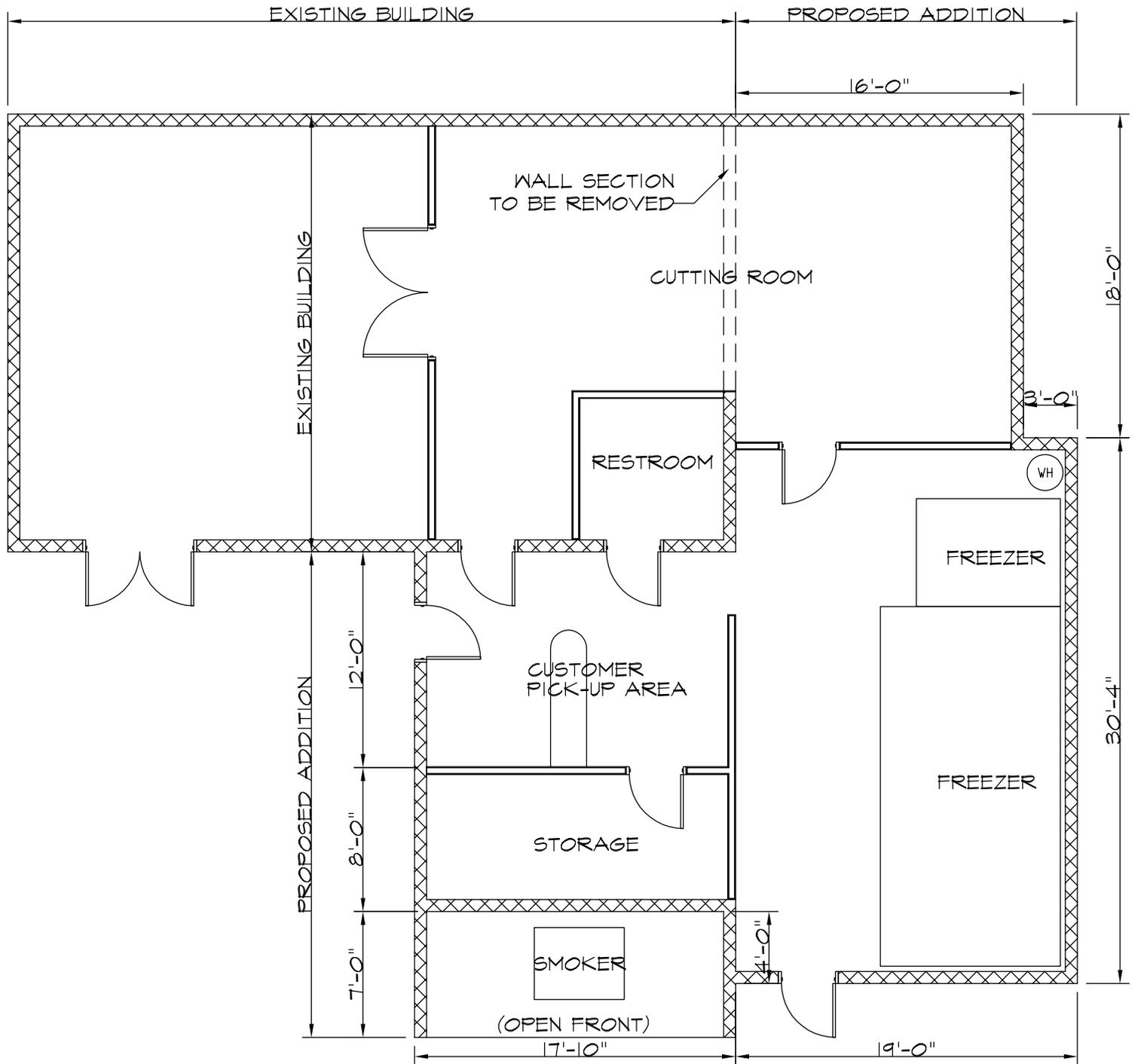
None. This question does not apply.

34. Any anticipated odors, which may be generated by the uses on site.

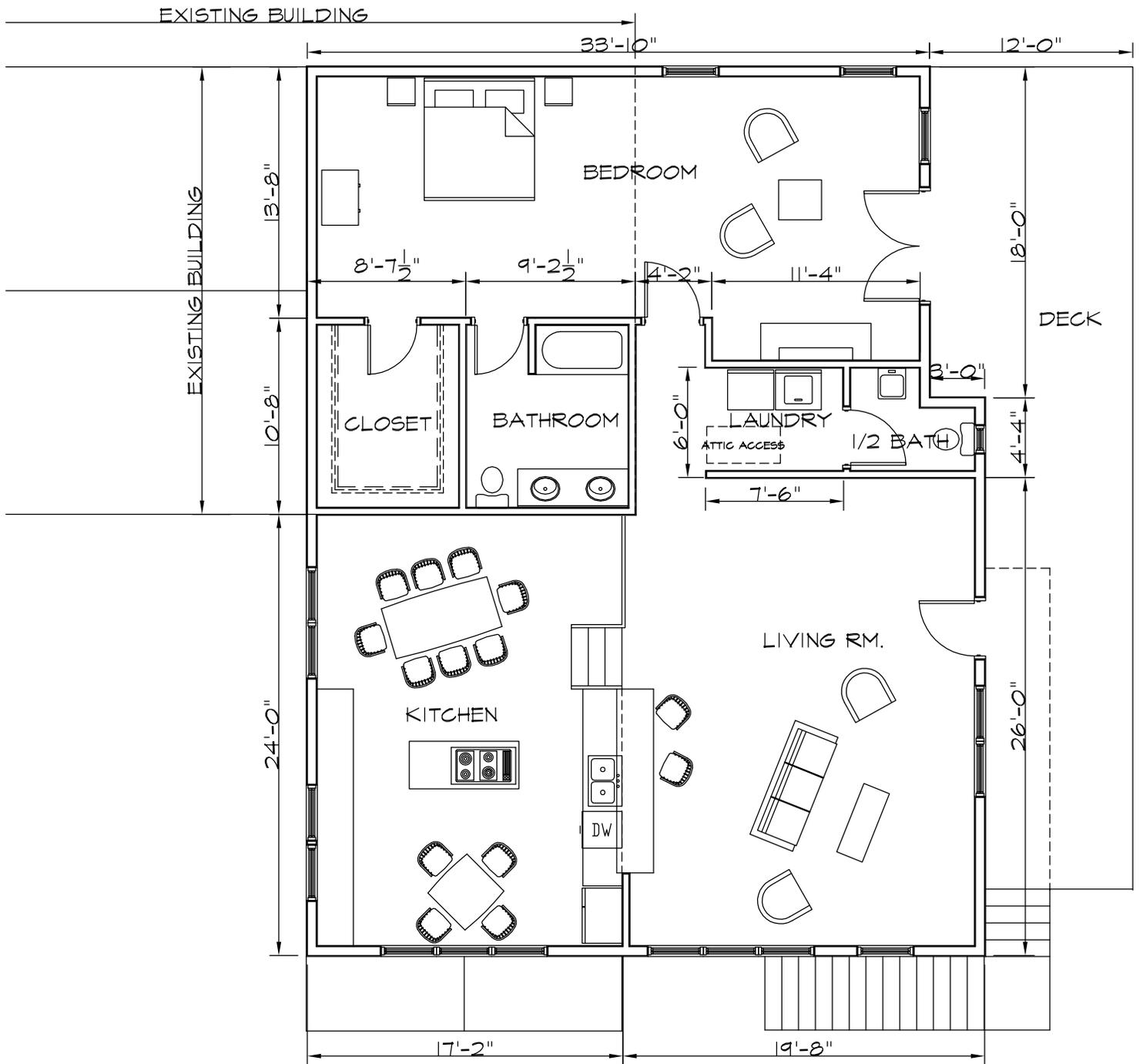
All business is and shall be conducted within the building, not outdoors. All waste is kept in sealed waste containers, until it is disposed of in accordance to the law, so odors should be contained.

35. Whether the proposed Special Use Permit uses have sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

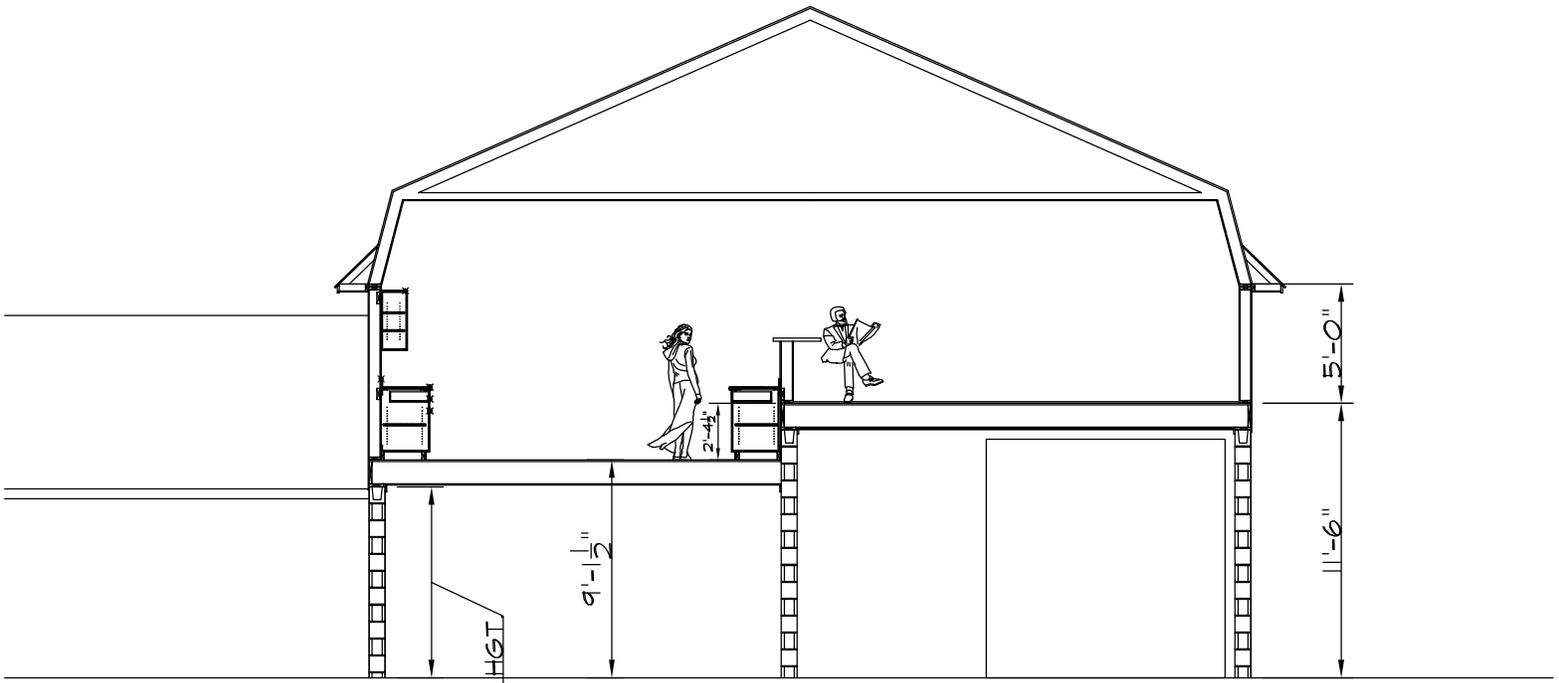
Construction traffic should be minimal, similar to a residential construction.



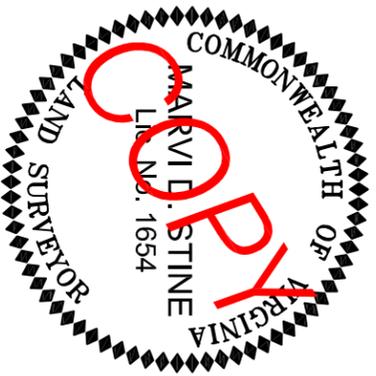
HUNTER'S BURDEN
1ST LEVEL FLOOR PLAN
 SCALE: 1/8"=1'-0"



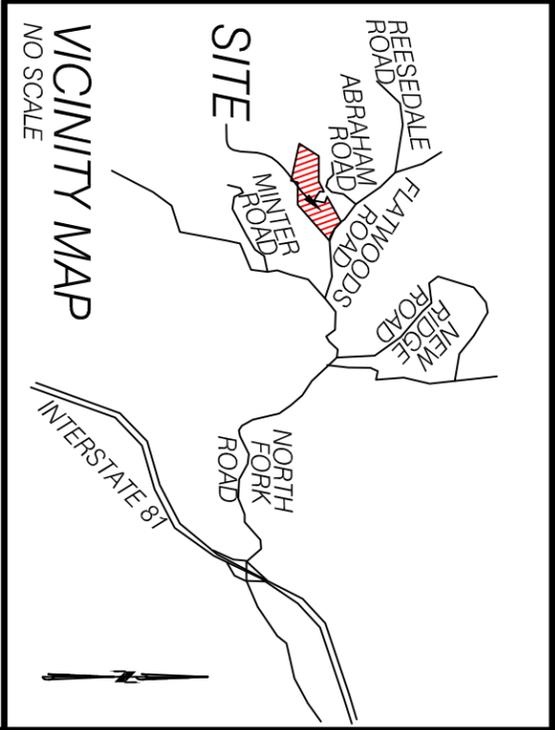
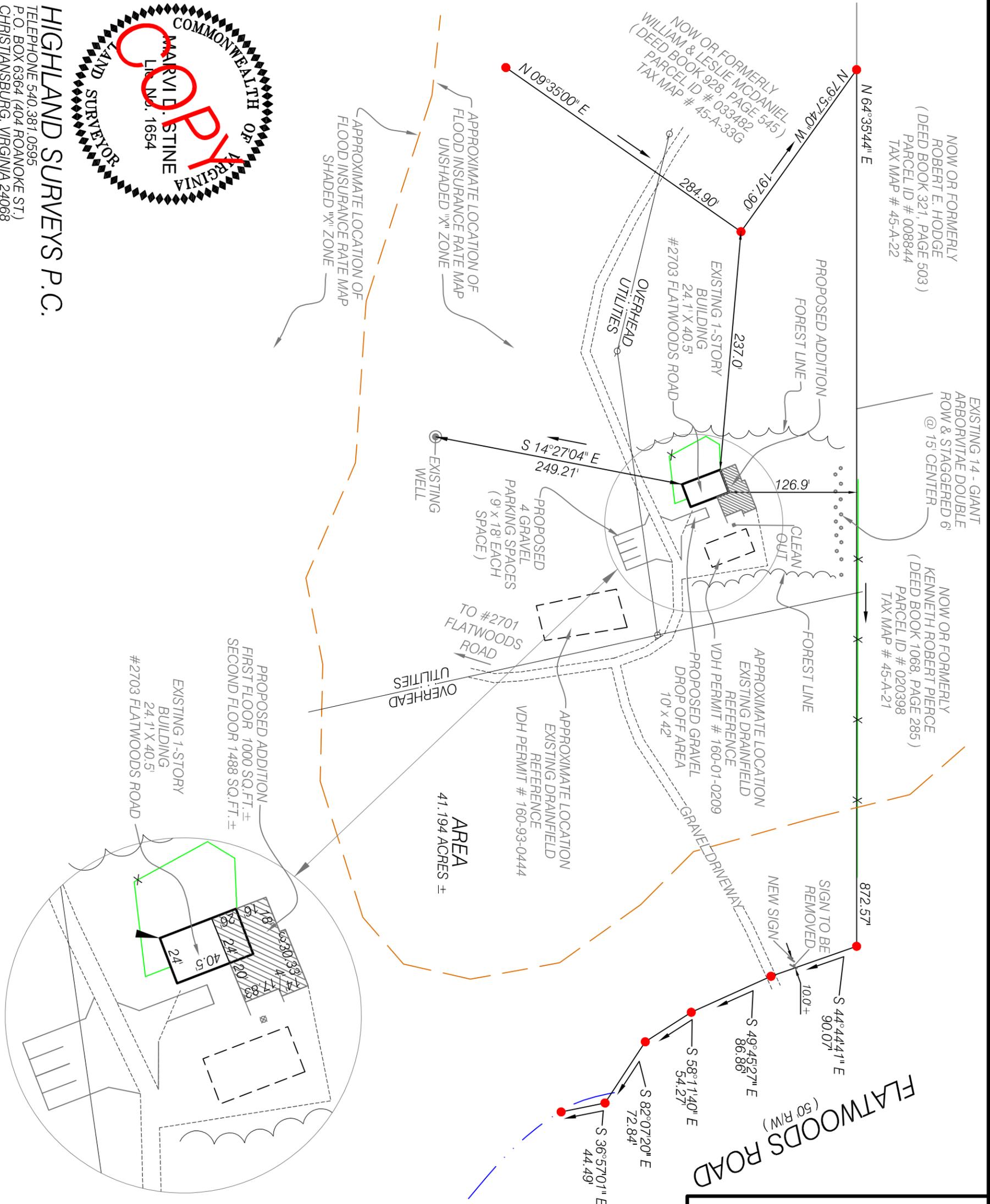
HUNTER'S BURDEN
 2ND LEVEL FLOOR PLAN
 SCALE: 1/8" = 1'-0"



HUNTER'S BURDEN
SECTION & ELEVATION
SCALE: 1/8"=1'-0"



HIGHLAND SURVEYS P.C.
 TELEPHONE 540.381.0595
 P.O. BOX 6364 (404 ROANOKE ST.)
 CHRISTIANSBURG, VIRGINIA 24068



NOTES

1. SUBJECT PROPERTY LIES WITHIN A ZONE UNSHADED 'X', AND ZONE SHADED 'X' ALONG CREEK PER FLOOD INSURANCE RATE MAP NUMBER 51121C0160C, DATED SEPTEMBER 25, 2009.
2. PHYSICAL ADDRESS: 2701 & 2703 FLATWOODS ROAD ELLISTON, VIRGINIA
3. REFERENCE: OWNER: ANTHONY R. GRAVES DEED BOOK 923, PAGE 304 TAX MAP # 45-A-33E PARCEL ID 031845
4. EXISTING ZONING : AGRICULTURE A-1



CONCEPT DEVELOPMENT PLAN
 ON PROPERTY OF
ANTHONY R. GRAVES
 LOCATED IN
 MOUNT TABOR MAGISTERIAL DISTRICT
 MONTGOMERY COUNTY, VIRGINIA
 28 MAY, 2013 SCALE: 1" = 100'
 REVISED: 19 JUNE, 2013

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA HELD ON THE 14th DAY OF MAY 2001, AT 7:15 P.M. IN THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

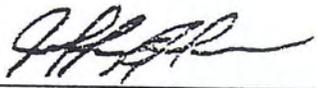
BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Anthony R. Graves requests for a Special Use Permit (Tax Parcel No. 45-A-33E) in Agriculture (A-1) with possible conditions on 1.0 acres of a 41.194 acre tract to allow custom meat cutting and processing, located at 2701 Flatwoods Road in the Mount Tabor Magisterial District is hereby approved subject to the following conditions:

1. The building is to be used for custom meat cutting and processing only and shall not exceed 1000 square feet in size and shall be located no closer than thirty (30) feet from any property line.
2. All septic and well permits for the proposed use shall be obtained prior to issuance of any building permits.
3. All waste shall be contained in a leak-proof container and kept in a secure area. Containers shall be collected on a regular basis for proper disposal.
4. A minimum 15 foot vegetative buffer shall be maintained or replanted with evergreen trees (6' in height at 1215' spacing) for 100 feet along property line in area of the proposed building.
5. There will be no retail sales on the property.
6. A permit from Virginia Department of Transportation shall be obtained, if applicable, prior to issuance of any building permits.
7. Proposed building as depicted on the concept plan dated 2/20/01, will be rotated 90 to 180 degrees so the loading area is not facing adjacent property owners.
8. Facility will be inspected by the VA Department of Agriculture.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Larry N. Rush	None	Joe C. Stewart
John A. Muffo		
Annette S. Perkins		
James D. Politis		
C.P. Shorter		
Mary W. Biggs		

ATTEST:



Jeffrey D. Johnson
County Administrator

268-1730
R W B PAVING (LARRY)
McDANIEL

211 1159

SPECIAL PROVISIONS APPLICABLE TO LAND USE PERMIT NO. _____

- SPECIAL NOTICE OF PERMITTEE LIABILITY -

Any of the following provisions, which can apply, shall apply.

1. Permittee acceptance and use of a Virginia Department of Transportation (VDOT) *Land Use Permit* is prima facie evidence that the Permittee has read and is fully cognizant of all required permit provisions, applicable traffic control plans and associated construction standards to be employed. All applicants to whom permits are issued shall at all times indemnify and save harmless the *Commonwealth Transportation Board*, members of the Board, the *Commonwealth*, and **ALL** commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law.
2. The Permittee agrees to secure and carry insurance against liability for personal injury and property damage that may arise from the work performed under permit and/or from the operation of permitted activity-up to one million dollars (\$ 1,000,000) each occurrence to protect the Board Members and Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the *Board*, the *Department*, or the *Commonwealth* in event of suit.
3. The Permittee assumes full responsibility for any and all (downstream, flooding, erosion, siltation, etc.) damages that may occur as a result of the work performed under this permit. Furthermore, the Department will in no way be responsible for any damage to the facility being placed as a result of future maintenance or construction activities performed by VDOT.
4. The Permittee agrees to move, remove, alter, or change any installation that interferes with the ultimate construction of the highway in alignment or grade without cost to the Department unless otherwise stipulated and agreed to by the Department.
5. The Permittee shall immediately have corrected any situation which may arise as a result of these installations that the Department's Resident Engineer or his/her representative deems hazardous to the traveling public, even though it may not be specifically covered in the *Land Use Permit*, the *Special Provisions* and/or the *Land Use Permit Manual*.
6. Any and all highway signs, *Right-of-Way* markers, etc., disturbed as a result of work performed under this permit shall be accurately reset by the Permittee immediately following the work in the vicinity of the disturbed facility. The services of a certified land surveyor with experience in route surveying, may be required.
7. It shall be the Permittee's responsibility to obtain **ANY** and **ALL** necessary permits that may be required by any other government agencies, i.e. *Corp. of Engineers*, *Dept. of Environmental Quality*, *Soil Conservation Services*, etc.
8. A copy of the permit to be kept on-site at all times.
9. The Permittee is required to notify the local VDOT Residency Office or Permit Office at **least 48 hours** in advance of **ANY** proposed work commencing, and before the following operations take place. Failure to carry out this requirement may result in this permit being **revoked**.
 - A. Placing Concrete or asphalt.
 - B. "Proof rolling" or nuclear testing taken of subgrade before stone is placed.
 - C. "Proof rolling" or nuclear testing taken of base stone.
 - D. Boring or jacking of pipes larger than 6" inches.
10. The Permittee is required to notify the local VDOT Residency Office or Permit Office, and District Traffic Engineering Section when planned excavation is within 1,000 feet in the vicinity of a signalized intersection. Failure to carry out this requirement may result in the permit being **revoked**.
11. The Permittee is required to notify "*Miss Utility*" or each operator of an underground utility where no notification center exists of any planned excavation. This notification must be provided at **least 48 hours** - excluding weekends and holidays - before the start of planned excavation. Failure to carry out this requirement may result in this permit being **revoked**.

12. If during or before construction it is deemed necessary for VDOT to assign an Inspector to the project, the Permittee is to pay the Department an additional inspection fee in an amount that will cover the salary, expense allowance, and mileage allowance for the inspection(s) assigned by the Department for handling work covered by this permit. Said inspection fee to be paid promptly each month on bills rendered by the Department.
13. The absence of a State Inspector does NOT in any way relieve the Permittee of his/her responsibility to perform the work in accordance with the approved plans and provisions of the attached permit and *Road and Bridge Standards* (current edition) and *Road and Bridge Specifications* (current edition). No changes shall be made without approval of the Department's Resident Engineer or his/her representative.
14. It is the duty of the Department's Resident Engineer or his/her representative to keep all roads maintained in a safe, travelable condition at ALL times. Therefore, any permit may be **denied, revoked or suspended**, when in the opinion of the Resident Engineer or his/her representative the safety, use or maintenance of the highway so requires.
15. The Permittee shall at ALL times give strict attention to the safety and rights of the traveling public, her/his employees and herself/himself. VDOT **reserves the right to stop work at anytime** due to safety problems and/or noncompliance with the terms of the permit. The Department may, at its discretion, complete any of the work covered in the permit or restore the *Right-of-Way* to Department's Standards and bill the Permittee for the actual cost of such work. The Permittee may be required to move, alter, change or remove from the Department's *Right-of-Way*, in a satisfactory manner, any installation made on the *Right-of-Way* under this permit.
16. All work performed under this permit on VDOT's *Right-of-Way* shall in all respects, including location, alignment, elevation and grade; manner of performing the work; restoration of conditions, etc., be subject to VDOT's directions, *Road and Bridge Standards* (current edition) and *Road and Bridge Specifications* (current edition) and shall be performed to the satisfaction of the Department's Resident Engineer or his/her representative.
17. Design changes, specified material changes and/or field changes from the approved plans need to be submitted to the appropriate, **local** VDOT Residency Office or Permit Office, prior to proceeding with the work. A letter of explanation shall accompany the revised design plans and/or engineering calculations, which must be submitted to VDOT for review and approval by the Residency Office or Permit Office.

Traffic Control and Safety Procedures:

18. Traffic shall NOT be blocked or re-routed (detoured) without **written** permission from the Department's Resident Engineer or his/her representative. Where one-way traffic is permitted to be maintained, it shall be properly flagged 24 hours per day by a **trained, certified flagperson**. A certification card is required for any person flagging within VDOT's *Right-of-Way*.
19. During construction, the Permittee shall furnish ALL necessary signs, flagpersons and other protective devices (lights, barricades, etc.) for protection of traffic and workers in accordance with the specifications of the *Virginia Work Area Protection Manual* or as directed by the Resident Engineer or his/her representative. All signs shall be in accordance with the current edition of the *Manual of Uniform Traffic Control Devices (MUTCD)*. Trained, certified flagpersons shall be provided in sufficient number and locations as necessary for control and protection of vehicular and pedestrian traffic in accordance with *MUTCD*. Flagpersons shall use sign paddles to regulate traffic in accordance with *MUTCD*.
20. **Hours and Days of Work:** Permittee is authorized to work between the hours of 9:00 a.m. to 3:30 p.m. Monday through Friday, and one half hour after sunrise until one-half hour before sunset on Saturday and Sunday. Any variance in times of work must be obtained from the Resident Engineer, Permit Office or his representative.
21. Certification for flagperson will be awarded upon a candidate's satisfactory completion of an examination. Certification card shall be carried by the flagperson while performing duties. A flagperson found not in possession of his/her certification card shall be removed from the flagging site and the Resident Engineer or his/her representative will suspend operations requiring flagpersons. Furthermore, flagpersons performing duties improperly shall have their certification **revoked**.
22. Long, open trenches will NOT be permitted. The maximum length at any time, including backfilled portion, which is not suitable for traffic, shall NOT exceed 500 feet and shall be properly signed and delineated. Trenches are NOT to be left open overnight unless approved by the Resident Engineer or his/her representative. No pre-blasting or pre-blowing will be permitted without prior approval from the Resident Engineer.

MP-63 (Rev. April, 2000)

23. No excavated material is to be placed or tracked on the pavement, without **written** permission of the Department's Resident Engineer or his/her representative. When so permitted, the pavement shall be satisfactorily cleaned by an approved method. No cleated (track-mounted) equipment is to be used on the pavement, without proper protection to the pavement.

24. **Excavations:**

- OSHA requires shoring for any excavation 4' or more in depth.
- When not utilizing shoring, excavations are to be sloped accordingly.
- Shoring or trenching boxes need to be approved by an Engineer with P. E.

Restoration Procedures:

25. All backfilling and compaction of disturbed areas shall be in accordance with the specifications outlined in VDOT's *Road and Bridge Specifications* (current edition). All compaction tests result shall be maintained on site for inspection. The Permittee will be held responsible for correcting any settlement of backfill or pavement for a period of three (3) years after completion of work. All trenches shall be maintained to the satisfaction of the Resident Engineer or his/her representative.

- 100% required for top 6" of subgrade
- 95% required between ditch to ditch, and from sidewalk to sidewalk
- Fill materials to be placed in 6" layers.

26. Where pavement exists, all crossings shall be bored, pushed or jacked from back-of-ditchline to back-of-ditchline or toe-of-fill to toe-of-fill. The pavement shall NOT be cut unless otherwise approved by Resident Engineer and then only if justifiable circumstances prevail or proof is shown that a thorough attempt has been made to push, bore or jack.

27. Whenever the pavement is permitted to be cut, not over one-half of the roadway width shall be disturbed at one time; the first opening shall be completely restored to satisfactory, travelable condition before the second half can be opened. The Permittee shall mill and resurface ALL (asphalt) concrete roadway; and resurface all other roadway with like material that is existing, **for a distance of 25 feet on each side of the disturbed area from edge-of-pavement to edge-of-pavement.** ALL backfill material within the roadway shall be crushed stone. Whenever the pavement is permitted to be cut, the provisions of **MP-71** shall be adhered to. Where the pavement is disturbed or deemed weakened, in its entirety or such portions of it as deemed desirable by the Department, shall be restored or replaced in a manner, which is satisfactory to the Department's Resident Engineer or his/her representative.

28. The appropriate, local VDOT Resident Engineer shall determine working hours on ALL state routes.

29. **Environmental Issues:**

- A. The applicant is responsible for pursuing and obtaining any and all environmental permits which may be required to pursue the proposed activity prior to any work beginning within VDOT right of way.
- B. In the event the applicant encounters hazardous materials or underground storage tanks within the right of way in the pursuit of his activities, the applicant is responsible for ceasing all work within the site and notifying the Residency and other responsible groups, i.e. local fire department, emergency services, Department of Environmental Quality, etc. The applicant is responsible for coordinating and completing all remedial/removal activities required in order to properly complete the proposed activities within VDOT right of way.
- C. In the event the applicant encounters cultures resources, archaeological, paleontological, and rare minerals, within the right of way in the pursuit of his activities, the applicant shall act immediately to suspend work at the site of the discovery and notify the Residency. The applicant is responsible for notifying the proper state authority charged with the responsibility for investigating and evaluating such finds. The applicant will meet all necessary requirements for resolving any conflicts prior to continuing with the proposed activities within VDOT right of way and shall provide evidence of such compliance to the Residency.

- D. Drainage - Road drainage shall NOT be blocked. The shoulders, ditches, roadside and drainage facilities, as well as the pavement, shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be taken by the Permittee to insure against siltation of adjacent properties, streams, etc. in accordance with VDOT's current standard practices or as prescribed by the Department's Environmental Manual "Erosion and Sediment Control" and Resident Engineer or his/her representative.
30. **Entrances** - Road and street connections, private entrances, and construction entrances are to be kept in satisfactory condition. Entrances shall NOT be blocked. Ample provision must be made for safe ingress and egress to adjacent property at all times. Where entrances are disturbed they shall be restored to the satisfaction of the property owner and the Department's Resident Engineer or his/her representative. The Permittee shall submit to the **local** VDOT Residency Office or Permit Office engineering calculations, etc. showing determination of appropriate size of entrance pipe.
31. When building a turning lane adjacent to an existing VDOT roadway, it is the responsibility of the Permittee/Agent to meet or exceed the existing pavement and sub-base typical section. Before any work is performed, the typical section must be reviewed and approved by the Resident Engineer or his/her representative.
32. No trees or shrubs shall be cut or trimmed and no tree roots over 3" in diameter are to be cut without **written** permission of the Department's Resident Engineer or the District Environmental Manager and covered by a properly executed *Tree Trimming Permit*. All roots under 3" in diameter are to be clean cut with an ax or saw. Particular attention shall be given not to splinter the roots next to the tree. No trees or shrubs are to be planted without prior review and **written** approval of the District Environmental Manager and Resident Engineer.

Utilities Guidelines:

33. Prior to any excavation, the Permittee shall comply with the terms of *Underground Utility Damage Prevention Act*, Title 56, Chapter 10.3, Section 56-265.14 through 56-265.2 *Code of Virginia*, as amended. This permit does NOT grant permission to grade on property of others, grade near, adjust or disturb in anyway, existing utility poles or underground facilities in permitted area. Permission to do so must be obtained from the proper utility company and any expense involved must be borne by the Permittee. Any conflicts with existing utility facilities shall be resolved between the Permittee and the utility owner(s) involved.
34. All crossing and parallel installations allowed in the shoulders or ditchlines shall have a cover of 36 inches. All underground Cable TV and telephone cables placed adjacent to the *Right-of-Way* and back of ditchline shall have a minimum of 30 inches cover. All other facilities shall have a minimum of 36 inches of cover.
35. Where feasible, all aboveground installations (such as fire hydrants, telephone pedestals, markers, etc.) shall be located adjacent to the *Right-of-Way* line. All manhole covers, valve box, etc., shall be installed two inches below existing ground line and shall conform to existing contours.
36. No poles, guys, anchors, etc., are to be placed on the Department's *Right-of-Way* unless so indicated and approved on this permit. At no time will any such facilities be allowed between the ditchline and the traveled roadway.
37. ALL overhead crossing(s) shall conform to the **latest** requirements of the *National Electrical Safety Code*; and the vertical clearance of the lowest wire or cable crossing the roadway or entrance, shall not be less than 21 feet for Interstate and Limited Access Highways, and 18 feet for all Primary and Secondary roads.

Final Inspection and Completion of Permit:

38. Upon completion of the work covered by this permit, all disturbed areas within VDOT's *Right-of-Way* shall be topsoiled, seeded, and restored to their original condition as found, prior to starting such work.
39. Completion of this permit is contingent to the fact that the Permittee is in compliance with **ALL** governing bodies involved in the total completion of work on VDOT's *Right-of-Way*.
40. The Permittee is required to notify the **local** VDOT Residency Office or Permit Office upon completion of work covered by the attached *Land Use Permit*. The Permittee is responsible for requesting a **Final Inspection**.

Permittee Agreement for Land Use Permit

Application # _____ Permit # 211 1158

I the undersign Permittee/Agent, I have read and fully cognizant of all the above requirements.

Anthony M. ...
Permittee Signature

06/11/01
Date

Scott Staley
VDOT Permit Manager

11-JUNE-01
Date



Land Use Permit Application No. 292477
Commonwealth of Virginia
Department of Transportation

MIKE ALLEN
381-7201

211 1158

APPLICATION is hereby made for permit as shown on the accompanying plan or sketch and as described below. Said activity(s) will be done under and in accordance with the rules and regulations of the Commonwealth Transportation Board of Virginia, in so far as said rules are applicable thereto and any agreement between the parties herein before referred to. Where applicable agreements may be attached and made a part of the permit assembly including any cost responsibilities covering work under permit. Applicant agrees to maintain work in a manner as approved upon its completion. Applicant also hereby agrees and is bound and held responsible to the owner for any and all damages to any other installations already in place as a result of work covered by resulting permit. Applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board members of the Board, the Commonwealth and all Commonwealth employees, agents, and offices, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law. In consideration of the issuance of a permit the applicant agrees to waive for itself, successors in interest or assigns any entitlements it may otherwise have or have hereafter under the Uniform Relocation and Assistant Act of 1972 as amended in event the Department or its successor, chooses to exercise its acknowledged right to demand or cause the removal of any or all fixtures, personalty of whatever kind or description that may hereafter be located, should this application be approved.

APPLICANT:

TYPE OR PRINT CLEARLY

Owner SSN Or Tax ID # <u>223 - 25 - 2919</u>	Permit Term Requested _____
Owner Name: <u>ANNETTE R. GRAYES</u>	Fees Enclosed \$ _____
Address <u>2701 PINEWOODS RD.</u>	Check Number _____
City <u>GILLESPIE</u> State <u>VA</u> ZCode <u>24027</u>	Coupons _____
Contact Person _____	Money Order _____
E-mail Address _____	Other _____
Phone No. () <u>88</u> - <u>100</u> Fax No. () _____	The estimated cost of work to be performed on VDOT
Emergency (24) Hour Phone Number () <u>88</u> - <u>1242</u> <u>work 239-6058</u>	Right of Way \$ _____
Agent SSN Or Tax ID # _____	Surety Information:
Agent Name: _____	Surety Posted by Owner () or Agent ()
Address _____	Surety Issued By _____
City _____ State _____ Zcode _____	Amount of Surety \$ _____
Contact Person _____	Obligation Amount \$ _____
E-mail Address _____	Bond # _____ Letter of Credit # _____
Phone No. () _____ Fax No. () _____	Corporate Surety _____ Resolution _____ Ordinance _____
Emergency (24) Hour Phone Number () _____	Waived _____ Cash Surety _____

Request Permission: To perform the following activity(s) ADD AN ASPHALT DRIVEWAY
DRIVEWAY FOR BUSINESS USE.
_____ as per attached plans.

Location: Tax Map Number 45-A-33 Applicant Job No. _____
Geographically in County / Town / City of GILLESPIE On Highway Route and /or Name PINEWOODS RD.
Between Route _____ St. Name _____ Latitude _____ Longitude _____
And Route _____ St. Name _____ Latitude _____ Longitude _____

IF APPLICABLE, I AGREE TO PAY THE FULL SALARY AND EXPENSES OF A STATE ASSIGNED INSPECTOR IN CONJUNCTION WITH THIS PROJECT, COVERED BY ACCOUNT RECEIVABLE NUMBER.

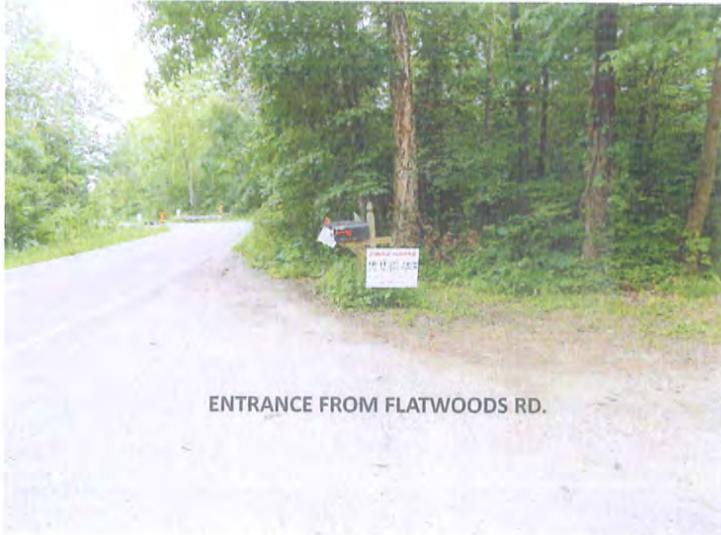
Signature of applicant _____ **Title** _____ **Date** 2/10/00
Signature of agent _____ **Title** _____ **Date** _____

All applicable items on this form must be completed before your request can be considered. Recheck information furnished to avoid delay. Prepayment Required - make Remittance payable to Virginia Department of Transportation.

VDOT USE ONLY

Receipt is hereby acknowledged of CHECK _____, COUPON _____, M.O. _____, OTHER (Specify) _____, In The Amount of \$ _____ Permit Fee \$ _____, Cash Surety \$ _____, VDOT Reference Number _____
Signed Scott Stanley VDOT.

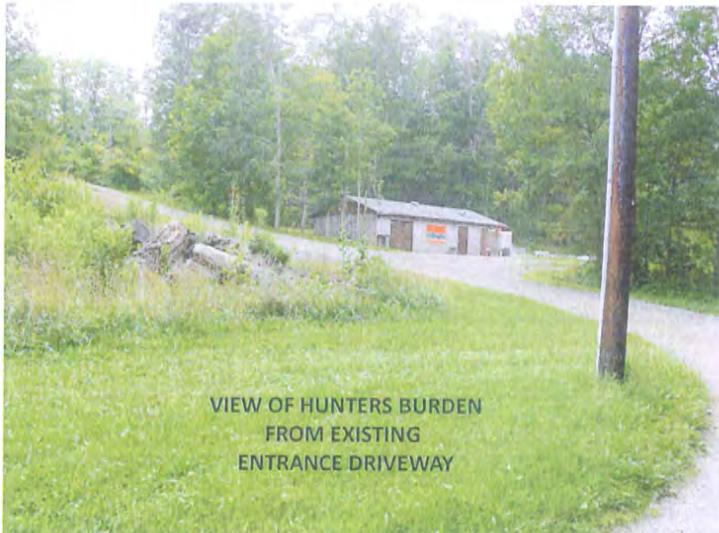
White Copy To Central Office Pink Copy To Permit Office Blue Copy To District office Yellow Copy To Applicant



ENTRANCE FROM FLATWOODS RD.

OWNER: ANTHONY GRAVES; HUNTERS BURDEN, LLC.
2703 FLATWOODS ROAD
SU-2013-10962 AMENDMENT OF SPECIAL USE PERMIT
PHOTOS TAKEN: JULY 19, 2013

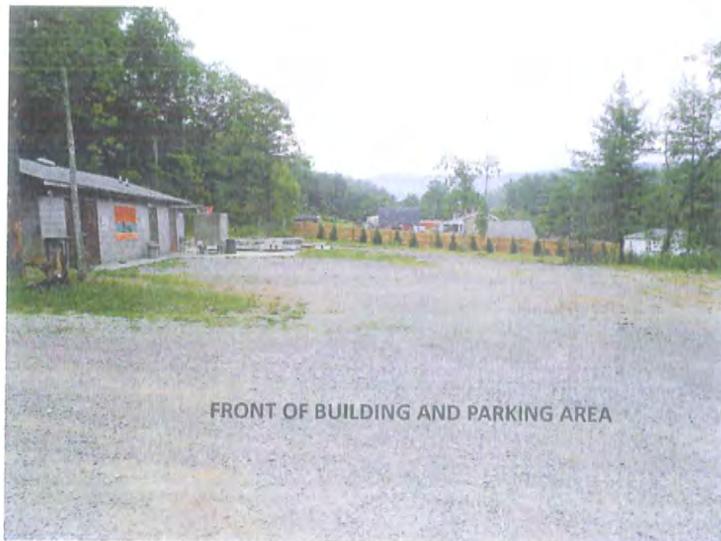
1



**VIEW OF HUNTERS BURDEN
FROM EXISTING
ENTRANCE DRIVEWAY**

OWNER: ANTHONY GRAVES; HUNTERS BURDEN, LLC.
2703 FLATWOODS ROAD
SU-2013-10962 AMENDMENT OF SPECIAL USE PERMIT
PHOTOS TAKEN: JULY 19, 2013

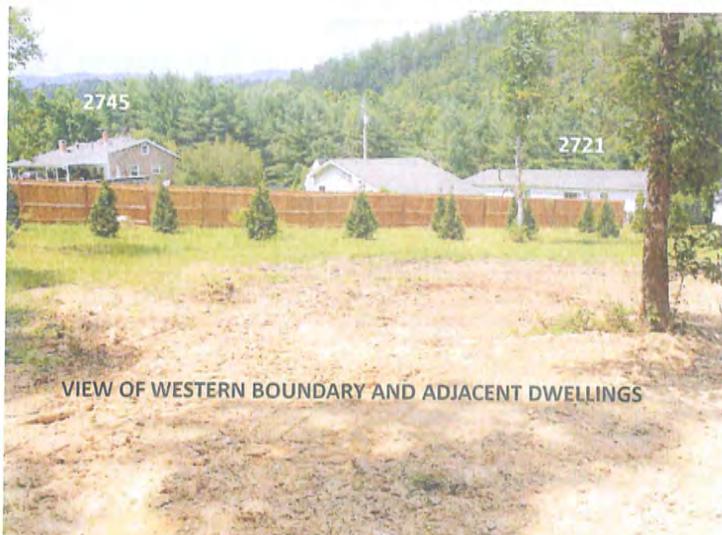
2



FRONT OF BUILDING AND PARKING AREA

OWNER: ANTHONY GRAVES; HUNTERS BURDEN, LLC.
2703 FLATWOODS ROAD
SU-2013-10962 AMENDMENT OF SPECIAL USE PERMIT
PHOTOS TAKEN: JULY 19, 2013

3



VIEW OF WESTERN BOUNDARY AND ADJACENT DWELLINGS

OWNER: ANTHONY GRAVES; HUNTERS BURDEN, LLC.
2703 FLATWOODS ROAD
SU-2013-10962 AMENDMENT OF SPECIAL USE PERMIT
PHOTOS TAKEN: JULY 19, 2013

4



PROPOSED AREA FOR ADDITION.

OWNER: ANTHONY GRAVES; HUNTERS BURDEN, LLC.
2703 FLATWOODS ROAD
SU-2013-10962 AMENDMENT OF SPECIAL USE PERMIT
PHOTOS TAKEN: JULY 19, 2013

5



OWNER: ANTHONY GRAVES; HUNTERS BURDEN, LLC.
2703 FLATWOODS ROAD
SU-2013-10962 AMENDMENT OF SPECIAL USE PERMIT
PHOTOS TAKEN: JULY 19, 2013

6



MONTGOMERY COUNTY DEPARTMENT
OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Montgomery County Planning Commission

FROM: Planning Staff

DATE: August 7, 2013

SUBJ: ZONING ORDINANCE AMENDMENTS

The Planning Department has several potential zoning ordinance amendments for discussion with the Commission. We would like to receive your thoughts about the following topics before actually drafting amendments for each one.

ZONING ORDINANCE DISCUSSION ITEMS:

1. Amateur Radio Towers & Antennas

On July 22, 2013, the Board of Supervisors requested the Planning Commission to review how the County Zoning Ordinance addresses Amateur Radio Towers and Antennas and initiate any proposed amendments to the Zoning Ordinance as to the use and placement of Amateur Radio Towers and Amateur Radio Antennas. The Board of Supervisors further requested the Commission report its findings and proposed changes, if any.

Enclosed is additional information regarding this topic.

2. Park and Ride Lot

The Board has also received a request for the amendment of the definition of Park and Ride Lots (see the enclosed letter from Howard and Donna Sawyers). Section 10-61, Definitions, of Montgomery County Code. Please see the definition provided below:

Park and ride lot: A public or private parking lot located, designed and used solely by commuters to park their automobiles, light trucks or light vans while they travel to and from their place of work using buses, car pools or other means. Such lot may be lighted for security purposes.

Strictly interpreted, the definition only allows individuals using a park and ride lot to travel to and from their place of work to the lot. The Sawyers have a bus company and are interested in building a lot which would allow their riders to park their personal vehicles while taking the bus. The commuter(s) would not only be going to work from this site, but may also travel to an area for a few days of shopping or vacation.

3. Amend Section 10-54(1)(d)(1) to add referral to RAAP when affected by development.

HB 1853 Planning, zoning, etc., procedures; local commission shall consult with installation commander.

Chief patron: Knight

Requires local planning commissions to consider the effects of development on military installations. The bill requires a local planning commission to consult with the commander of any military installation that will be affected by development. This bill is identical to SB 1029 (Reeves). 2013

Section 10-54(1)(d)(1), Montgomery County Code

Staff review of application.

1. *Referrals.* Upon acceptance of the application for zoning amendment, the planning director shall forward a copy of the application to any town and any county or state agencies or *Radford Army Ammunition Plant (RAAP)* whose comments are necessary or desirable for full and appropriate review of the merits of the application. In the event that approval of a feature or features of the application for zoning amendment by a state agency is necessary, the agent shall forward the zoning amendment application within ten (10) business days of receipt of a completed application to the appropriate state agency or agencies for review. Requirements for review including time limitations shall be in accordance with the provisions of Code of Virginia, § 15.2-2222.1. The application for rezoning shall not be referred to the planning commission until the review by the state agency or agencies is complete

4. Amend section 10-41(2A)(1) and (9) to comply.

HB 1419 Family health care structures, temporary; zoning provisions, extends time structure must be removed.

Chief patron: Pogge

Amends requirements governing zoning ordinances for temporary family health care structures by altering the occupancy restriction **to allow a married couple, under certain conditions**, to reside in a temporary family health care structure; and extend the time by which a temporary family health care structure must be removed from 30 to **60 days** from the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving or in need of assistance.

Approved by Governor-Chapter 178 (effective 7/1/13)

FOR REFERNECE

§ 15.2-2292.1. Zoning provisions for temporary family health care structures.

A. Zoning ordinances for all purposes shall consider temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.

B. For purposes of this section:

"Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

"Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § [63.2-2200](#), as certified in a writing provided by a physician licensed by the Commonwealth.

"Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) **is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § [63.2-2200](#), as certified in writing by a physician licensed in the Commonwealth;** (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ [36-70](#) et seq.) and the Uniform Statewide Building Code (§ [36-97](#) et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

C. Any person proposing to install a temporary family health care structure shall first obtain a permit from the local governing body, for which the locality may charge a fee of up to \$100. The locality may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The locality may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

D. Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

E. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

F. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section.

G. The local governing body, or the zoning administrator on its behalf, may revoke the permit granted pursuant to subsection C if the permit holder violates any provision of this section. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

(2010, c. [296](#); 2013, c. [178](#).)

Section 10-41(2A) Montgomery County Code

Temporary family health care structures. Notwithstanding any other provision one (1) temporary family health care structure, as a permitted accessory dwelling may be placed on any property zoned for a single family detached dwelling owned or occupied by a caregiver as his or her residence subject to the following:

- (1) The temporary family health care structure (the structure) shall be limited to one (1) occupant who shall be the mentally or physically impaired person *or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § [63.2-2200](#), as certified in writing by a physician licensed in the Commonwealth.*
- (2) The structure shall have a maximum gross floor area of three hundred (300) square feet.
- (3) The structure shall comply with applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code.

- (4) The structure shall not be placed on a permanent foundation.
- (5) The structure shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- (6) No signage that advertises or promotes the structure shall be permitted on the structure or elsewhere on the property.
- (7) Written certification verifying the status of the mentally or physically impaired occupant of the structure shall be provided by a physician licensed by the Commonwealth.
- (8) Evidence of compliance with this Section must be provided annually on the anniversary date of the initial zoning approval, including a current written certification by a physician licensed by the Commonwealth.
- (9) The structure shall be removed within ~~thirty (30)~~ *sixty (60)* days after the mentally or physically impaired person is no longer receiving or no longer in need of the assistance for which the structure was provided.

For purposes of this section temporary family health care structure shall mean a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, (caregiver and mentally or physically impaired are defined in § 15.2-2292.1 of the Code of Virginia) that is primarily assembled at a location other than its site of installation.

5. Amend section 10-43(5)(a)1 to add cemeteries to uses.

HB 1547 Cemeteries; minimum tree canopy during development process shall be 10 percent.

Chief patron: Knight

Provides that the minimum tree canopy as required by localities during the development process shall be 10 percent for cemeteries

Section 10-43(a)(5) Montgomery County Code

(5) *Tree canopy requirements.*

- (a) For projects for which a site plan is required in accord with [section 10-53\(3\)](#) a final site plan shall include a plan for the planting and/or replacement of trees on the site such that at maturity of ten (10) years, the minimum tree canopy shall be provided as follows:
1. Ten (10) percent tree canopy for sites zoned for, or to be used for commercial or industrial uses *and cemeteries*.
 2. Fifteen (15) percent tree canopy for sites zoned for, or to be used for residential uses.

6. Should this be added to the PC and/or BZA bylaws?? Does (Section 10-51(5)) need to be amended to include this option?

HB 2026 Virginia FOIA; remote participation in meeting by member of public body.

Chief patron: Dudenhefer

Allows a member of a public body to participate in a meeting by electronic communication means due to personal matters under certain circumstances. Currently, such remote participation is allowed only for emergency, medical condition, or distance from the meeting location of more than 60 miles. The bill is a recommendation of the Virginia Freedom of Information Advisory Council.

Section 10-51(5) Montgomery County Code

Meetings and hearings.

- (a) Meetings or hearings of the BZA shall be held at the call of the chair, or acting chair, or at the request of any two (2) members, provided that notice thereof has been mailed or delivered to each member of the BZA at least seven (7) days before the time set, or that a waiver or notice is obtained from each member.
- (b) For the conduct of a hearing, the taking of any action, or the transaction of any official business, a quorum shall be necessary. No less than a majority of all members of the BZA shall constitute a quorum.
- (c) The zoning administrator may not vote on matters before the BZA.
- (d) The presiding chair may administer oaths, for the benefit of the BZA, and compel the attendance of witnesses.
- (e) Every person before the rostrum shall abide by the order and direction of the chair or acting chair. Discourteous or disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the BZA and shall be dealt with as the chair deems proper.
- (f) All hearings of the BZA shall be open to the public.

7. Possible amendment to Section 10-51(5)(b) to reflect this change below passed by the GA in 2010.

15.2-2308C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. **No Except for matters governed by § 15.2-2312, no** action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

FOR REFERENCE:

§ 15.2-2312. Procedure on appeal.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(1975, c. 521, § 15.1-496.2; 1983, c. 444; 1986, c. 483; 1997, c. 587.)

Section 10-51(5)(b) Montgomery County Code

- (b) For the conduct of a hearing, the taking of any action, or the transaction of any official business, a quorum shall be necessary. No less than a majority of all members of the BZA shall constitute a quorum.

8. Possible amendment to Section 10-55(2)(d) to reflect this change below passed by the GA in 2012.

15.2-2311. Appeals to board.

D. In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

Section 10-55(2)(d) Montgomery County Code

(d) Decisions on appeal. Within ninety (90) days after the notice of appeal has been filed, the BZA shall hold a public hearing, give public notice thereof required by Code of Virginia, § 15.2-2204 as well as due notice to the parties in interest, decide the appeal, and file with the zoning administrator its findings of fact and conclusions with respect to the appeal. The zoning administrator shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing. In exercising its powers, the bza may reverse or affirm, wholly or partly, or may modify the decision appealed from. The concurring vote of a majority of BZA members shall be necessary to reverse a decision.

9. Possible amendment to Section 10-55(1)(g)(2) to reflect this change below passed by the GA in 2009.

15.2-2309. Powers and duties of boards of zoning appeals.

2. When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship ~~approaching confiscation~~, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

Section 10-55(1)(g)(2) Montgomery County Code

(g) *Standards for variances.* The board of zoning appeals shall base its required findings upon the particular evidence presented to it in each specific case where the property owner can show that:

1. The strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the utilization of the property because of:
 - a. The exceptional narrowness, shallowness, size, or shape of the property at the time of the effective date of this chapter, or
 - b. The exceptional topographic conditions or other extraordinary situations or conditions of the property, or
 - c. The condition, situation, or development of property immediately adjacent thereto.
2. The granting of such variance will alleviate a clearly demonstrable hardship ~~approaching confiscation~~, as distinguished from a special privilege or convenience sought by the applicant.
3. The property was acquired in good faith.
4. Satisfactory evidence exists to support all of the required findings of subsection (e), hereinabove.

10. Amend Section 10-22 (4) to remove sawmill, temporary or change to "Sawmill". It is currently listed as by-right AND by special use permit.

Sec. 10-22. - C-1 Conservation District.

- (1) *Purpose.* The C-1 Conservation District is established for the specific purpose of providing recreational, conservation and scenic areas for the growing population of the county and its vicinity. It is intended to facilitate the conservation of water and other natural resources, to assist the U.S. Forest Service with its conservation programs, to encourage the closure of the boundaries of the national forest within one (1) contiguous conservation area and to encourage the retention of the open space characteristic of excessive slope and floodplain areas or other areas not amenable to good development practices. This district contains all of the forest and mountain land in the Jefferson National Forest. The land area of this district is essentially undeveloped open space, except for some private holdings. This district is generally intended to apply to lands designated in the comprehensive plan as rural or resource stewardship areas.
- (2) *Qualifying lands.* Lands qualifying for inclusion in this district shall be current C-1 on the date of adoption of this chapter and other lands within areas mapped as rural or resource stewardship in the comprehensive plan. Qualifying lands shall not generally include those served or planned to be served by public water or sewer service. The minimum area required to create a district is twenty (20) acres of total contiguous land.
- (3) *Use permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter, and all other applicable regulations:
 - (a) Agriculture.
 - (b) Agriculture, small scale.
 - (c) Bed and breakfast homestay.
 - (d) Cemetery.
 - (e) Dwelling, single-family.
 - (f) Game preserve.
 - (g) Home occupation, as defined in this chapter.
 - (h) Manufactured home, Class A and Class B.
 - (i) Natural area.
 - (j) Pet, farm.
 - (k) Pet, household.
 - (l) Public utility lines, other; public utility lines, water and sewer.
 - (m) Telecommunications tower, attached.
 - (n) Veterinary practice, animal hospital.
 - (o) Farm enterprise.
 - (p) Sawmill, temporary.
- (4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Campground.
- (c) Bed and breakfast inn.
- (d) Park, unlighted.
- (e) Playground, unlighted.
- (f) Sawmill, temporary. **(Should be deleted or changed to "Sawmill"; see definition below)**
- (g) Structures over sixty-five (65) feet in height.
- (h) Telecommunications tower, freestanding.

Definitions from Section 10-61, Montgomery County Code

Sawmill: A sawmill permanently located for the processing of timber from the property on which it is located, from adjoining property or from other properties removed from the sawmill.

Sawmill, temporary: A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous or adjacent thereto.

DJ

Enclosures: Amateur Towers & Antennas Information

THE LATEST ILLUSTRATED BOOK OF DEVELOPMENT DEFINITIONS
HARVEY S. MOSKOWITZ AND CARL G. LINDBLOOM

**TOWER,
AMATEUR RADIO**

A tower with one or more antennas connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.

Comment: An application to install an amateur radio tower often provokes opposition because of real or perceived interference problems, potential dangers to health, and aesthetic considerations. Because amateur radio towers are usually much lower than cellular towers, opposition is usually local in nature, often limited to the street or immediate neighborhood surrounding the tower.

The Federal Communications Commission (FCC) regulates amateur radio licensing and operations, including operating frequencies, maximum radio frequency emissions, and interference. In 1985, the FCC issued a limited federal preemption of amateur radio antennas (FCC PRB-1, 101 FCC. 2d 952 [September 16, 1985]). PRB-1 states that local governments must reasonably accommodate amateur operations, but they may still zone for height, safety, and aesthetic concerns. Any regulations affecting aesthetics, location, height, and screening must "reasonably accommodate such communications and must represent the minimum practicable regulation to accomplish the stated purpose." (American Planning Association, *Aesthetics, Community Character, and the Law*, Planning Advisory Service Report No. 489/490, 1999, p. 121)

Amateur radio operators provide important, recognized communication support services to government and private relief agencies in times of major local and national disasters. They also provide assistance to citizens in forwarding "health and welfare" messages during periods when normal communication facilities are unavailable. To protect this valuable resource, many states have enacted specific laws providing limits on the types of controls local government can enact affecting the placement, screening, or height of amateur radio antenna support structures. Approximately 13 states have such legislation in place, with others (New York, Nevada, Wisconsin) considering legislation.

Local ordinances should consider addressing the issue directly. For example, antennas, as permitted accessory uses, could be restricted to rear and side yards with reasonable setbacks from property lines. Landscaping can be required around the base of the tower, including the planting of trees that would provide some screening. In addition, a building permit from the local

building department would be appropriate to ensure that the structure is erected in a safe manner. Finally, the maximum height could be established at 75 feet, which experts suggest is needed to ensure communication reliability for certain frequencies. Anything higher would require a variance. Towers on top of buildings would have to meet the maximum established for buildings in the particular zone.

These controls address issues of safety and aesthetics while still providing a reasonable accommodation for amateur radio.

TOWER, ANTENNA

A structure that is intended to support antennas and related equipment used to transmit and/or receive telecommunications signals.

TOWER, COMMERCIAL COMMUNICATIONS

A transmission tower that either (1) serves an individual user and is not available to the general public; (2) is privately owned and operated for the purpose of leasing tower space to others; and/or (3) is a single-purpose facility and not part of a cell site network.

TOWN

(1) A developed community, smaller than a city and larger than a village; (2) in some states, a description of the form of local government.

Comment: The New Jersey State Development and Redevelopment Plan (2002) defines a town as having an urban density of more than 1,000 persons per square mile and interrelated mixed uses.

TOWN CENTER

See CENTRAL BUSINESS DISTRICT.

TOWN SQUARE

The traditional center of a village or town, usually surrounded by governmental, religious, and cultural buildings.

TOWN HOUSE

See DWELLING, TOWN HOUSE.

TOWNSHIP

(1) A unit of territory 6 miles square and containing 36-mile-square sections; (2) in some states, a description of the form of local government.

TOXIC SUBSTANCES

Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring, and that adversely affect the environment.

[prev](#) | [next](#)

§ 15.2-2293.1. Placement of amateur radio antennas.

Any ordinance involving the placement, screening or height of antennas shall reasonably accommodate amateur radio antennas and shall impose the minimum regulation necessary to accomplish the locality's legitimate purpose. In localities having a population density of 120 persons or less per square mile according to the 1990 United States census, no local ordinance shall (i) restrict amateur radio antenna height to less than 200 feet above ground level as permitted by the Federal Communications Commission or (ii) restrict the number of support structures. In localities having a population density of more than 120 persons per square mile according to the 1990 United States census, no local ordinance shall (i) restrict amateur radio antenna height to less than 75 feet above ground level or (ii) restrict the number of support structures. Reasonable and customary engineering practices shall be followed in the erection of amateur radio antennas. This section shall not preclude any locality, by ordinance, from regulating amateur radio antennas with regard to reasonable requirements relating to the use of screening, setback, placement, and health and safety requirements.

(1998, c. [642](#).)

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BLACKSBURG**Sec. 4719. - Amateur radio towers.**

General standards:

- (1) Maximum height: Seventy-five (75) feet.
- (2) The set-back requirement of the zoning district must be met.
 - a. Tower guys and accessory structures shall meet the minimum setback requirements.
 - b. Setback from all principle buildings or structures on adjacent lots shall be a distance equal to the height of the tower.
- (3) Towers shall be located in the rear yard only.
- (4) Towers shall be of a natural metal color.

(Ord. No. 1184, adopted 6-9-98)

Spotsylvania County, Virginia, Code of Ordinances >> - CODE OF THE COUNTY >> Chapter 23 - ZONING >> ARTICLE 7A. - WIRELESS TELECOMMUNICATION FACILITIES >> DIVISION 2. SPECIAL USE PERMIT >>

DIVISION 2. SPECIAL USE PERMIT

Sec. 23-7A.2.1. Uses excluded from the requirements of this section.

Sec. 23-7A.2.2. Special uses permit; required approvals.

Sec. 23-7A.2.1. Uses excluded from the requirements of this section.

1. *Public safety/service radio.* County wireless telecommunication facilities are exempt from the requirements of this section but are expected to adhere to the extent reasonably possible to the goals described herein.
2. *Television reception antennae.* High definition TV (HDTV) towers shall be placed in an area with minimal historic or scenic impact and must meet all federal and state requirements.
3. *Amateur radio.* The requirements set forth in this article shall govern amateur radio station operations in accordance with § 15.2-2293.1 of the Code of Virginia.

(Ord. No. 23-111, 1-11-05)

Sec. 23-7A.2.2. Special uses permit; required approvals.

1. Except as provided in subsection 2. below, all wireless telecommunication facilities require a special use permit obtained in accordance with the provisions of this article. An administrative permit will be required for all applications not requiring a special use permit.
2. A special use permit shall not be required for:
 - (a) The installation of antennae and equipment on an existing antenna support structure provided the installation does not result in an increase in the overall height of the structure.
 - (b) The installation of antennae and equipment on an alternative support structure provided it does not result in an increase in the overall height of the structure of more than ten (10) feet.
 - (c) The replacement in-kind of an existing, conforming antenna support structure provided it does not result in an increase in the overall height of the structure.
 - (d) Mini or micro cells provided that they are less than or equal to eighty (80) feet AGL. Co-location of additional antennae should be sought. The county reserves the right to require "stealth technology" to hide or camouflage wireless facilities for mini or micro cells.
 - (e) Temporary wireless telecommunications facilities. Temporary towers or antennae less than eighty (80) feet in height that are erected for ninety (90) days or less within a three hundred sixty-five-day period.
3. Depending on the nature and location of the proposed facility, the following approvals may also be required:
 - (a) Site plan approval in accordance with chapter 23 of the County Code;

- (b) A building permit in accordance with chapter 23 and chapter 5 of the County Code;
- (c) A certificate of appropriateness in accordance with chapter 23 of the County Code;
- (d) A land-disturbing permit for land-disturbing activities in accordance with chapter 8 of the County Code.

(Ord. No. 23-111, 1-11-05)



MONTGOMERY COUNTY PLANNING & GIS SERVICES

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM August 7, 2013

TO: Planning Commission

FROM: Steven Sandy, Planning Director

RE: **Proposed Change to the Planning Policy Area Designations
Of the Prices Fork Village Plan**

Subsequent to the adoption of the Comprehensive Plan in November, 2004, the County established a policy for the periodic consideration of changes to Planning Policy Area Designations (Ordinance ORD-FY-05-26). One requested change has been received for August 2013. The proposed change is identified as follows:

Prices Fork Village

Owner	Parcel ID	Parcel Map No.	Acreage	Requested Change
Montgomery County BOS	070688	52-A-50	8.328	Civic to Mixed Use

These requested changes are forwarded to the Planning Commission for review and recommendation. In accordance with section PLU 1.1.1b Policy Area Designations, such a request to change the designation of a particular Planning Policy Area shall be approved only if one or more of the following criteria are met:

- The subject property was misinterpreted or overlooked in the comprehensive plan.
- Conditions have changed substantially since the last comprehensive plan update necessitating a change (e.g. changes in surrounding land use or economic conditions).
- An undue hardship exists which substantially limits the use of the subject property.
- The amendment will effectively aid in the implementation of other goals of the comprehensive plan.

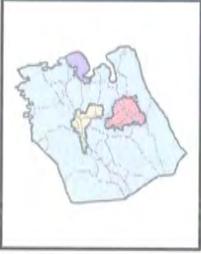
This property was identified as Civic when the Prices Fork Village Plan was adopted in November 2005. The property was designated as Civic due to presence of elementary school at that time. Conditions have changed and the school has since been relocated and the Board of Supervisors is reviewing proposals for the redevelopment of the former school site. Staff requests that this proposal be scheduled for public hearing in September per the amendment policy.

Attachments: Subject Property Future Land Use Map
R-FY-09-95 Adoption of PF Village Future Land Use Map
ORD-FY-06-12 Adoption of PF Village Plan
ORD-FY-05-26 Comprehensive Plan Amendment Policy

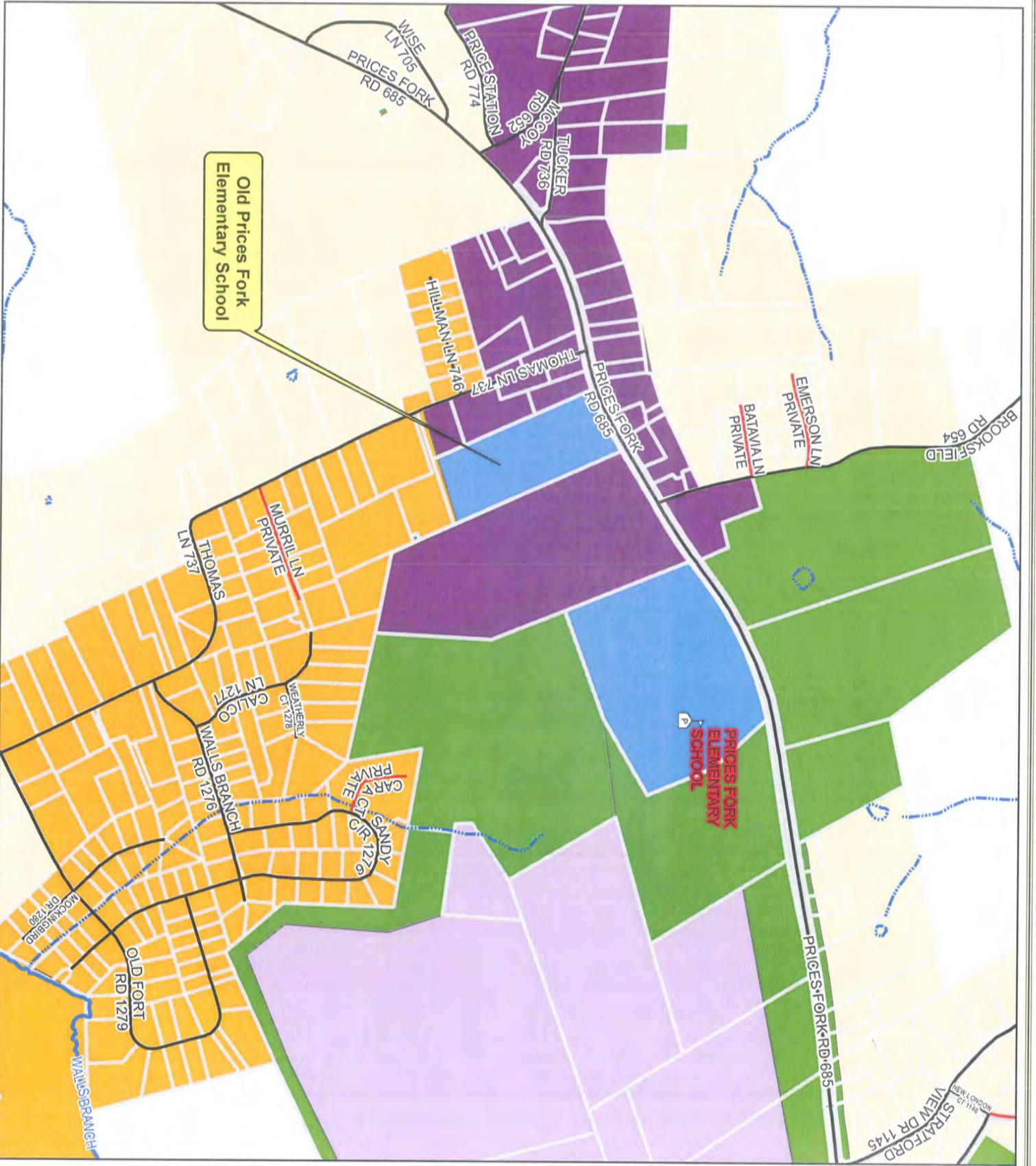


Old Prices Fork
Elementary School
Comprehensive Plan Amendment

- Legend**
- State Route
 - Interstate Highway
 - Private Roads (Paved)
 - Paved Highway
 - Hydrology
 - Tax Parcels
- Policy Map and Village Land Use Class**
- Open Space
 - Mixed Use
 - Traditional Neighborhood Design (TND)
 - High Density Residential
 - Medium Density Residential
 - Low Density Residential
 - Office



THE INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND OTHER AGENCIES.



AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9th DAY OF FEBRUARY, 2009 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

R-FY-09-95
AMENDMENT TO THE 2025 MONTGOMERY COUNTY COMPREHENSIVE PLAN
BY ADOPTING A NEW FUTURE LAND USE MAP
FOR THE PRICES FORK VILLAGE PLAN

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia identified and adopted the Village of Prices Fork Plan on November 16, 2005 as part of the 2025 Comprehensive Plan; and

WHEREAS, The Montgomery County Planning Commission held a public hearing on January 10, 2009 to gather comments concerning proposed amendments to the Future Land Use Map; and

WHEREAS, The Planning Commission unanimously found that the proposed amendments to the Prices Fork Village Plan Land Use Map comply with the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and recommended approval of the new Future Land Use Map; and

WHEREAS, The Board of Supervisors held a public hearing on January 26, 2009 to gather comments concerning the proposed amendments to the Future Land Use Map dated January 14, 2009; and

WHEREAS, The Montgomery County Board of Supervisors hereby finds that the proposed Prices Fork Village Plan Future Land Use Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Prices Fork Future Land Use Map designations are hereby adopted as shown on the New Future Land Use Map dated January 14, 2009.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
James D. Politis		
William H. Brown		
Gary D. Creed		
James D. Politis		
Annette S. Perkins		

ATTEST: B. Clayton Goodman, III
B. Clayton Goodman, III
County Administrator

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 16th DAY OF NOVEMBER, 2005 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

ORD-FY-06-12
ORDINANCE AMENDING THE
2025 COMPREHENSIVE PLAN
BY ADDING THE PRICES FORK VILLAGE PLAN

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Prices Fork Village and Village Expansion Area were identified in the Montgomery County 2025 Comprehensive Plan adopted on October 12, 2004; and

WHEREAS, The Prices Fork Village Plan Amendment has been prepared through a collaborative planning process involving the Prices Fork Citizen Advisory Committee, Citizens at Large, Planning Commission, and County Staff & Consulting Team in order to guide future development; and

WHEREAS, The Planning Commission held a public hearing on July 20, 2005 at the Prices Fork Elementary School and has recommended approval of the Prices Fork Village Plan Amendment; and

WHEREAS, The Board of Supervisors held a public hearing on October 24, 2005.

NOW, THEREFORE, BE IT ORDAINED, That the Board of Supervisors of Montgomery County, Virginia does hereby amend the Montgomery County 2025 Comprehensive Plan to include the Prices Fork Village Plan Amendment (revision dated August 10, 2005).

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Gary D. Creed
Doug Marrs		
John A. Muffo		
Annette S. Perkins		
Mary W. Biggs		
Steve L. Spradlin		

ATTEST:



B. Clayton Goodman, III
County Administrator

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MONTGOMERY, VIRGINIA HELD ON THE 11th DAY OF APRIL, 2005 AT 7:15 P.M.
IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755
ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

ORD-FY-05-26
AMENDMENT TO SECTION PLU 1.1.1.
OF THE MONTGOMERY COUNTY
2025 COMPREHENSIVE PLAN
TO ESTABLISH A POLICY FOR THE
PERIODIC CONSIDERATION OF CHANGES
TO PLANNING POLICY AREA DESIGNATIONS

On a motion by Mary W. Biggs, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The 2025 Comprehensive Plan Policy Map designates Planning Policy Areas. These Planning Policy Areas establish boundaries for distinct urban and rural areas and identify preferred development patterns in order to:

1. promote growth where it can be supported by infrastructure improvements,
2. maintain existing community character, and
3. preserve agriculture, forestry, and related uses where most appropriate based on natural resources and where existing development and land use patterns support the continuation of these uses, and

WHEREAS, PLU 1.1.1 of the 2025 Comprehensive Plan calls for the development of a policy for the periodic consideration by the county of landowner requests to change Planning Policy Area designations.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby amend PLU 1.1.1 of the 2025 Comprehensive Plan as follows:

PLU 1.1.1 Policy Area Designations: ~~The amendment Develop~~ a policy for the periodic consideration by the county of ~~landowner~~ requests to change policy area designations in the Comprehensive Plan includes the following:

- a. **Initiation of Amendment Requests** - Amendment requests to change the designation of Planning Policy Areas may be initiated by the Landowner, Planning Commission, or Board of Supervisors.

Amendment requests from landowners, the Planning Commission and the Board of Supervisors are accepted and processed semi-annually between February 1st and March 1st and between August 1st and September 1st each year commencing August 1, 2005. In

addition, the Planning Commission and Board of Supervisors may initiate amendments that concern a particular village during the consideration of each of the six village plans.

b. Criteria for Amendments – A request to change the designation of a particular Planning Policy Area shall be approved only if one or more of the following criteria are met:

- The subject property was misinterpreted or overlooked in the comprehensive plan.
- Conditions have changed substantially since the last comprehensive plan update necessitating a change (e.g., changes in surrounding land use or economic conditions).
- An undue hardship exists which substantially limits the use of the subject property.
- The amendment will effectively aid in the implementation of other goals of the comprehensive plan.

Amendment requests are considered based on the preceding qualifications.

c. Consideration of Amendments - All amendment requests shall be forwarded to the Planning Commission. The Planning Commission shall give notice in accordance with Section 15.2-2204 of the Code of Virginia, and hold a public hearing on all amendment requests. After the public hearing, the Commission shall approve, amend and approve or disapprove the amendment to the plan. The Commission shall by resolution make its recommendation known to the Board of Supervisors.

The Board of Supervisors shall give notice in accordance with Section 15.2-2204 of the Code of Virginia, and hold a public hearing on the request. The Board of Supervisors shall take action to approve, amend and approve or deny the amendment request within ninety (90) days of the Planning Commission's recommending resolution.

Additions shown in underline

Deletions shown in ~~double strikethrough~~

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Mary W. Biggs	
Steve L. Spradlin	
Annette S. Perkins	
Doug Marrs	
Gary D. Creed	

ATTEST: B. Clayton Goodman, III
B. Clayton Goodman, III
County Administrator

**RESOLUTION TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN
AMENDMENT TO THE 2025 MONTGOMERY COUNTY COMPREHENSIVE PLAN BY
CHANGING THE FUTURE LAND USE DESIGNATION FOR THE FORMER PRICES
FORK ELEMENTARY SCHOOL PROPERTY IN THE PRICES FORK VILLAGE PLAN**

WHEREAS, the Board of Supervisors of Montgomery County, Virginia identified and adopted the Prices Fork Village Plan on November 16, 2005 and adopted a new Village Land Use Map on February 9, 2009 as part of the 2025 Montgomery County Comprehensive Plan and;

WHEREAS, the Board of Supervisors of Montgomery County, Virginia adopted an amendment policy for changes to the 2025 Comprehensive Plan Policy Map on April 11, 2005 and;

WHEREAS, the adopted policy allows amendment requests to be initiated by the Planning Commission semi-annually in February and August of each year and;

WHEREAS, the adopted policy requires the Montgomery County Planning Commission to give notice in accordance with Section 15.2-2204 of the Code of Virginia and hold a public hearing on all amendment requests.

THEREFORE, BE IT RESOLVED, that the Montgomery County Planning Commission does hereby schedule public hearings before the Planning Commission on September 11, 2013 and before the Board of Supervisors on September 23, 2013 to consider the amendment of the Prices Fork Village Future Land Use Map to change the future land use designation of the former Prices Fork Elementary School property.