

October 2, 2023

Michael Gay, LLC
5342 Highland Rd.
Dublin, VA 24084

Brea Hopkins, Director
Montgomery County Planning and GIS Services
755 Roanoke St., Suite 2A Christiansburg, VA 24073

RE: Tax Map # 080-5-1, Parcel ID #033688

Dear Brea:

Please accept this correspondence and supporting documentation as a formal request for a Special Use Permit to allow a temporary rubble landfill on the above referenced parcel.

As previously mentioned in a meeting with you and your Staff, the ultimate goal on this site is to construct an RV Park. This SUP request is one step in the attainment of that goal.

Approximately 10-acres of the subject 46.99-acre site have recently been logged. An Erosion Control Plan and SWM management permit application has been submitted to the County and is currently under review to allow the placement of up to 15,000 cy of imported fill material and includes stabilization of the remainder of the logged area. The placement of the 15,000 cy of clean soil is a by-right use in the Agricultural District. This SUP request, if approved, will allow an additional 10,000 cy of clean imported soil to be placed on the site.

It is noted that the source of the 15,000 cy, plus 10,000 cy, of clean earth is an industrial site in the Christiansburg Industrial Park located in near proximity to the proposed fill site. The soil needs to be removed from the industrial site to allow full utilization of the existing industrial property. The development of the industrial site should also be considered justification for the Temporary Rubble Landfill.

Comprehensive Plan Justification:

The proposed project will be in keeping with the current designation of "Rural" as defined in the Montgomery County 2025 Comprehensive Plan. The property is currently zoned A-1 Agriculture and the existing zoning is not proposed to be changed. As required by the A-1 District Regulations, a Special Use Permit will need to be approved prior to the proposed fill operation of placing 25,000 cy. If the SUP is not approved, or until such time that it is approved, the property will remain as a forestry or agricultural use.

The proposed new land use is in compliance with the comprehensive plan; The proposed use of this property as a Temporary Rubble Landfill which will then be stabilized and returned to an agricultural use is in keeping with the Rural Planning and Land Use Policy PLU 1.3 which identifies one of the allowable land uses in this area designation as agriculture. As previously discussed, the Owner of the Property does plan to apply for a Special Use Permit for an RV Campground which is also supported by the Comprehensive Plan. The RV campground, considered as recreation, is an allowable, compatible use within the "Rural" area designation as long as the new

use is compatible in scale and intensity with agricultural and rural residential uses and poses no threat to public health, safety, and welfare.

Supplemental information provided in this request includes:

- SUP Application
- SUP Application Checklist
- Preliminary Review Meeting Application (If needed)
- Conceptual Development Plan
- Summary of the "Special Use Permit Requirements" checklist

Your consideration of this request is appreciated. If any additional information is needed to support this request, please let us know.

Cordially,

A handwritten signature in black ink, appearing to read "M.G. Gay".

Michael G. Gay, PE



Special Use Permit Application Form

Montgomery County, Virginia
755 Roanoke St. Suite 2A, Christiansburg, VA 24073
540-394-2148 | mcplan@montgomerycountyva.gov

Applicant Information: (PLEASE PRINT – if additional owners, please attach additional sheets)

| | |
|---|---|
| Owner of Record (attach separate page for add'l owners): DW, LLC | Address: 2050 RADFORD ST., CHRISTIANSBURG, VA. 24073 |
| Telephone: 540-605-6053 | Email: EWOODS757@YAHOO.COM |

| | |
|---|----------|
| Applicant Name: Owner Contract Purchaser/Lessee SAME AS ABOVE | Address: |
| Telephone: | Email: |

| | |
|--|---|
| Representative Name and Company: ERNEST WOODS DW, LLC | Address: 2050 RADFORD ST., CHRISTIANSBURG, VA. 24073 |
| Telephone: 540-605-6053 | Email: EWOODS757@YAHOO.COM |

Property Description:

| | | |
|---|-------------------------------|-------------------------------------|
| Location or Address: <i>(Describe in relation to nearest intersection)</i> 1/2 mile east of the intersection of Houchins Rd. and Brammer Ln. | | |
| Parcel ID Number(s): 033688 | Acreage: APPROX. 46.99 AC. | Existing Zoning: A-1 AGRICULTURE |
| Comprehensive Plan Designation: RURAL | Existing Use: AGRICULTURE | |

Description of Request: (Please provide additional information on attached sheet if necessary)

| |
|---|
| Proposed Use(s) including acreage: AGRICULTURE - 46.99 AC.; TEMPORARY RUBBLE LANDFILL - 2.12 ACRES |
|---|

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.

If signing on behalf of a Corporation, Partnership, or LLC, please specify your title with the entity and provide documentation clarifying your authority to sign on behalf of the entity.

ERNEST WOODS, MEMBER *Ernest Woods* 10/02/2023

 Owner 1 Signature Date

Owner 2 Signature *(for add'l owners please attach separate sheet)* Date

ERNEST WOODS *Ernest Woods* 10/02/2023

 Applicant Signature Date

MICHAEL GAY *Michael Gay* 10/02/2023

 Representative/Agent Signature Date



Preliminary Review Meeting Request

Special Use Permit

Montgomery County, Virginia

755 Roanoke St. Suite 2A, Christiansburg, VA 24073
 540-394-2148 | mcplan@montgomerycountyva.gov

Contact Information: Owner Contract Purchaser Other ENGINEER/AGENT

| | |
|----------------------------|---|
| Name: MICHAEL GAY | Address: 5342 HIGHLAND RD., DUBLIN, VA 24084 |
| Telephone: 540-641-1635 | Email: MGAY0415@GMAIL.COM |

Subject Property Description:

| | | |
|---|-------------------------------|----------------------|
| Location: (Describe in relation to nearest intersection) APPROX. 1/2 mile east of the intersection of Houchins Rd. and Brammer Ln. | | |
| Address: (if applicable) | Existing Zoning: A-1 | Acreage: 46.99 AC |
| Parcel ID Number(s): 033688 | Property Owner(s): DW, LLC | |
| Existing Use: UNDEVELOPED, AGRICULTURE | | |

Description of Proposed Development and Uses:

The requested information below *MUST* be submitted

| |
|--|
| A. Proposed Use(s): Proposed Rubble Landfill |
| B. Proposed Use Details (check all that applies): |
| <input type="checkbox"/> Residential |
| Total Single Family # of Units: _____ Total Multi-Family # of Units: _____ |
| <input checked="" type="checkbox"/> Commercial |
| Use <u>Temporary Fill Site</u> S.F. <u>46.99 AC</u> |
| Use _____ S.F. _____ |
| Use _____ S.F. _____ |

Applicant Signature:  Date: 10/02/2023

FOR INTERNAL STAFF USE ONLY

VDOT Requirements

In accordance with the Code of Virginia §15.2-2222.2 and 24 VAC 30-155, the project:

- Will require a Traffic Impact Analysis (TIA) submission and review by VDOT. TIA must be submitted with rezoning application.
- Applicant will be required to coordinate a Scope of Work Meeting with VDOT (Project will generate 1,000 or more vehicle trips per peak hour.)

This determination is based upon the information provided by the applicant on the submitted Preliminary Review Request Form. Determination is subject to change based upon changes to the request.

Information and VDOT forms regarding the VDOT's Traffic Impact Analysis Regulations Administrative Guidelines can be obtained online at www.virginiadot.org/projects/chapter527.

- Documentation of Community Meeting.** Community meetings can be held after submitting application. County staff should be notified a least a week in advance of meeting date.
- Survey Plat.** Copies no larger than 11"x17" **Plat Info is on Concept, as provided.**
- Traffic Impact Analysis (TIA) - County:** Based upon the proposed use and location, the project may substantially affect roadways and the County may require a traffic impact analysis.
- Elevations:** Copies reduced to 8 ½" x 11" of proposed buildings must be submitted in addition to an electronic copy in ".pdf" format.
- Other:**



Michael G. Gay

10/02/2023

Applicant's Signature

Printed Name

Date

Staff Signature (Planning)

Date

This form is to verify completion of the required Preliminary Review Meeting and must be submitted at the time of filing of applications. Based upon the proposed development, County staff has determined the information checked on this form must be submitted in addition to regular submission requirements for Rezoning, Provisional Use Permit, or Amendment to Proffer Application

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"). *Addressed in Project Introduction.*
2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control. *The requested SUP is for a temporary use to place fill in a recently forested area. Any fire hazards would be from the filling operation. Typical fire suppression equipment will be present. For example, fire extinguishers on construction vehicles. In addition, there are fire hydrants at the street on which the site fronts (Brammer Ln.).*
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 will be no noise generated from the proposed activity that will negatively impact the adjacent properties. These adjacent properties are agriculture as well as Interstate 81.*
4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area. *No light or glare will be generated by the proposed fill operation.*
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. *No signs are proposed.*
6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels. *The proposed activity will not have any compatibility conflicts with existing adjacent uses which are agriculture and a truck/bus repair facility.*
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 the included site sketch which indicates the presence of a security fence and guard shack. There is one other existing structure on the site. That structure is an existing storage shed approximately 600 square feet in size. It is located in the interior of the site.*
8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood. *An existing wooded buffer will be maintained around the perimeter of the site. This buffer will be a minimum of 30-feet.*
9. The timing and phasing of the proposed development and the duration of the proposed use. *The area proposed for the SUP is currently proposed to have imported soil from the Christiansburg Industrial Park in amount allowed by right. This proposed fill operation is proposed to begin in October, 2023. If the requested SUP is approved the fill operation will be extended approximately 6-months depending on weather conditions.*
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. *The proposed use will have no impact on these items.*
11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public. *Issuance of the proposed SUP will allow the completion of earthwork activities on a nearby site in the Christiansburg Industrial Park.*
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. *Traffic*

proposed to be generated will be entirely dump trucks entering and leaving the site. The average daily amount of traffic will not increase above the currently allowed by-right traffic. It will temporarily lengthen the time the increased traffic will be active.

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. *N/A*
14. Whether the proposed Special Use Permit will be served adequately by essential public facilities and services. *N/A*
15. The effect of the proposed Special Use Permit on groundwater supply. *N/A*
16. The effect of the proposed Special Use Permit on the structural capacity of the soils. *Placement of all soils will be done in a control fill operation consisting of proof rolling of sub-grades and placement and compaction of new soil to provide a stable foundation for any foreseeable use.*
17. Whether the proposed use will facilitate orderly and safe road development and transportation. No new road or transportation facilities are proposed. *The proposed activity will have no negative impact on future transportation development.*
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 should be no negative impact on these resources. The area proposed for the additional fill was recently forested and will be placed back into an agricultural use after the fill operation is completed.*
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. *This proposed activity will be done in conjunction with development of an industrial site in the Christiansburg Industrial Park.*
20. Whether the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth. *The requested SUP is being made in conjunction with the needs of a developing Industrial site in the Christiansburg Industrial Park.*
21. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County. *This request will have no positive or negative impact on affordable housing opportunities.*
22. The location, character, and size of any outdoor storage. *No outdoor storage is proposed.*
23. The proposed use of open space. *The entire site is currently in agriculture and will remain in agriculture until further development requests are made, reviewed, and approved.*
24. The location of any major floodplain and steep slopes. *The northern portion of the site does have steep slopes. The proposed area for the SUP is well isolated from these slopes. There are no major flood plains on the site. There are existing streams on the site. These are being protected by Stormwater Management Practices, both during and after the proposed fill operation is completed.*
25. The location and use of any existing non-conforming uses and structures. *N/A*
26. The location and type of any fuel and fuel storage. *N/A*
27. The location and use of any anticipated accessory uses and structures. *N/A*
28. The area of each use; if appropriate. *N/A*
29. The proposed days/hours of operation. *Monday through Friday, 8:00 AM to 6:00 PM, and only during daylight hours.*
30. The location and screening of parking and loading spaces and/or areas. *N/A*
31. The location and nature of any proposed security features and provisions. *A security fence is in place along the road frontage.*
32. The number of employees. *N/A*
33. The location of any existing and/or proposed adequate on and off-site infrastructure. *N/A*

34. Any anticipated odors, which may be generated by the uses on site. *N/A*
35. Whether the proposed Special Use Permit uses have sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas. *There should be little to no additional impact on existing neighborhoods and school areas.*



Special Use Permit Application Checklist

The applicant shall submit ten (10) copies of all required materials listed below. Applications will **NOT** be accepted without the following attachments:

- ☒ **Application Form (pg 10).** The application form must be signed by all of the property owners. If ownership is in the name of any type of legal entity or organization including, but not limited to, a name of a corporation, partnership, or association, or in the name of a trust, or in a fictitious name, a document acceptable to the County must be submitted certifying that the person signing the application has the authority to do so. If the application is submitted by an agent of the owner, the agent shall sign the application as well.
- ☒ **Comprehensive Plan Justification.** References should be made to the Comprehensive Plan Policy sections in the text portion of the plan. The Comprehensive Plan map provides an overview of the future land use policy areas, but does not provide a guide to the specific land use policies adopted by Montgomery County.

Land use policies are articulated in the Planning and Land Use portion of [Montgomery County, 2025](#) (chapter 2). available at the Planning & GIS Services Department or on the web. If the proposed development, rezoning, or special use permit is located in a village or village expansion area not covered by an adopted village plan, then the proposal needs to be consistent with the overall Comprehensive Plan.

Villages and Village Expansion Areas. If the proposed development, rezoning, or special use permit is located in a village or village expansion area covered by an adopted Village Plan, the proposal needs to be consistent with both the overall county Comprehensive Plan and with the village plan.

Information that must be addressed concerning the County Comprehensive Plan when submitting special use permit applications includes:

- a) Compliance with required lot minimums, district minimums, and availability of water and sewer
 - b) Describe, in specific detail, how the request fits with the land use policies included under the appropriate land use policy area. There are seven land use policy areas: Resource Stewardship (PLU 1.2), Rural (PLU 1.3), Rural Communities (PLU 1.4), Residential Transition (PLU 1.5), Villages (PLU 1.7), Village Expansion Areas (PLU 1.6), and Urban Expansion Areas (PLU 1.8). Each area has specific policies covering land uses, community design, and community facilities and utilities.
 - c) If the proposed request requires an E and S permit (land disturbance of more than 10,000 square feet) or with large areas of impervious surface (paved parking areas, etc.), the proposal will need to address groundwater, surface water, and stormwater runoff concerns included in the Environmental Resources Chapter. (ENV6.5, ENV5.6)
- ☒ **Concept Development Plan.** Required for all special use permit requests. A concept plan is an initial plan, which shows the general nature of the land use change or development, which is intended. It differs from the final site plan, or, plot plan, which is required prior to the issuance of zoning approval and a building permit.

The level of needed detail may vary depending on the nature, size and complexity of the proposed project; however, the following items shall be addressed with a concept plan submittal:

Existing Site Features:

- a) Name of all landowners, applicant (if different), developer, engineer/ party preparing the plans.

- b) Date, revision date(s), scale and north point of plan.
- c) Lot size in acres and/or square feet, property lines and dimensions and any easements.
- d) Zoning and existing use of property and all adjoining properties.
- e) All existing buildings, and streets and/or other adjacent improved or unimproved rights-of-way.
- f) All existing physical features such as tree cover, natural watercourses, recorded drainage easements, and 100-year floodplain limits.

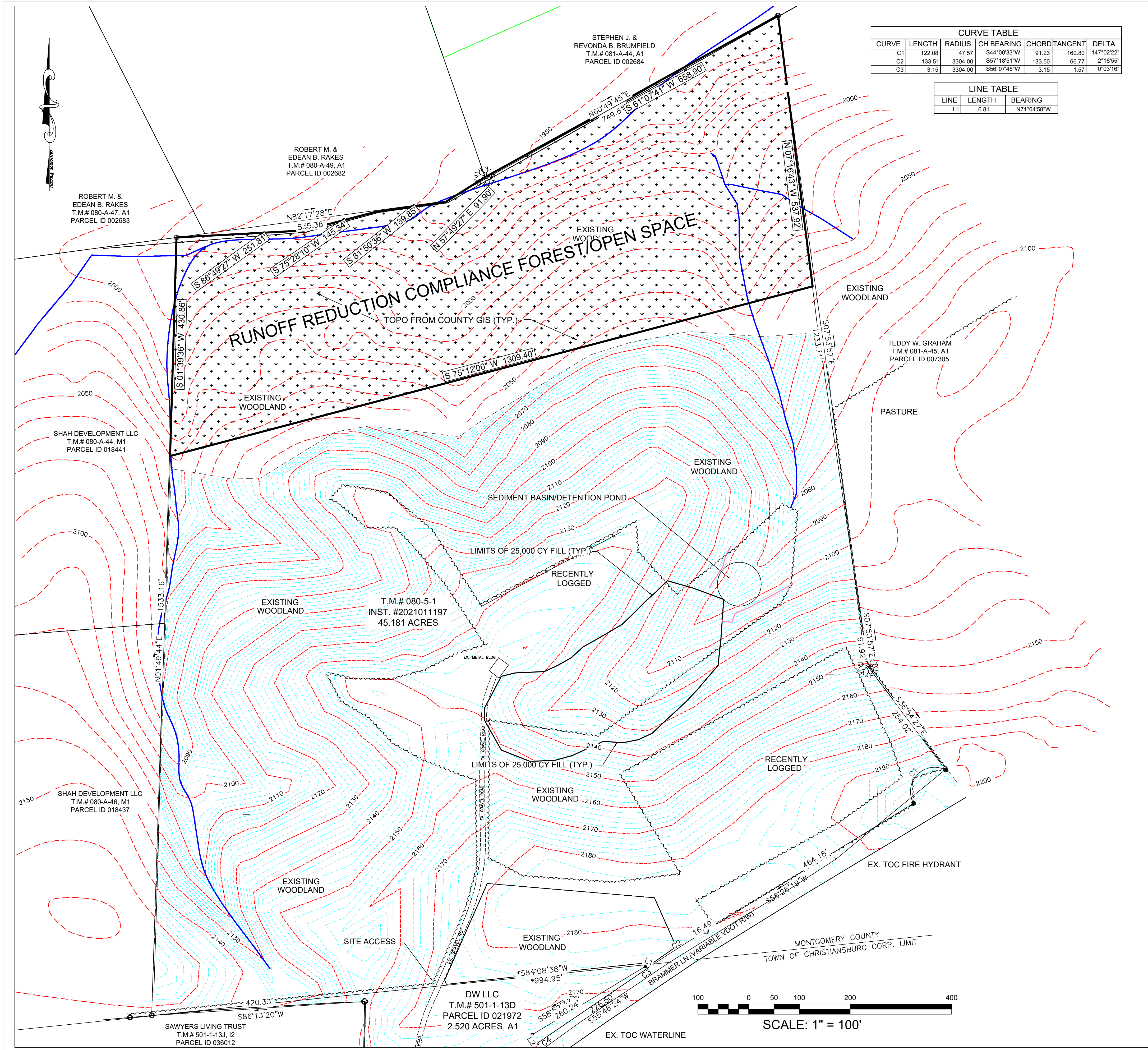
Proposed Site Features:

- g) Location of proposed access areas, loading zones, SWM facilities and streets or other rights-of-way.
- h) Structures: dimensions, use and the general types of exterior materials.
- i) Outside lighting: general location, height and type, and shielding.
- j) General landscaping plan. Existing trees and shrubs are recommended to be maintained wherever possible.
- k) General location and type of screening (fences, walls, vegetation), signs and trash enclosures.

- Filing Fee.** The application fee shall be paid when the application is submitted. Fees are determined by the current fee schedule. Contact Planning & GIS staff for assistance calculating fees. Checks should be payable to “Treasurer of Montgomery County”.

Please note: In addition to the application fee, an invoice will be sent to the applicant/owner for fees associated with legal advertisements as required by the Commonwealth of Virginia.

- Digital Submission of Application and all exhibits.** Applications will not be considered complete until digital items are received. An Adobe PDF document format is preferred for compatibility.
- Ensure all applicable items identified in “Special Use Permit Requirements” (pg 11) are addressed in the application package (concept plan, justification statement, etc).** It may be necessary to attach additional documentation.
- Completed Preliminary Review Meeting Application & Preliminary Review Meeting-Application Checklist Forms (pg 8-9 if required).**
 - Items determined necessary in Preliminary Review Meeting (pg 9)**



| CURVE TABLE | | | | | |
|-------------|--------|---------|-------------|---------------|--------|
| CURVE | LENGTH | RADIUS | CH BEARING | CHORD TANGENT | DELTA |
| C1 | 122.08 | 47.57 | S44°00'33"W | 91.23 | 180.90 |
| C2 | 133.51 | 3304.00 | S57°18'51"W | 133.50 | 66.77 |
| C3 | 3.15 | 3304.00 | S56°07'45"W | 3.15 | 1.97 |

| LINE TABLE | | |
|------------|--------|-------------|
| LINE | LENGTH | BEARING |
| L1 | 6.81 | N71°04'58"W |

SOURCE OF BOUNDARY AND TOPOGRAPHIC INFORMATION

PROPERTY BOUNDARY AS SHOWN HEREON IS TAKEN FROM PLAT OF SURVEY BY MEREDITH ENGINEERING-SURVEYING P.L.L.C. AND DATED 10/05/21.

CONTOURS INDICATED AS "FIELD SHOT TOPO" WERE SURVEYED BY MEREDITH ENGINEERING-SURVEYING, P.L.L.C. JANUARY - AUGUST, 2023.

CONTOURS INDICATED AS "TOPO FROM COUNTY GIS" WERE DIGITIZED FROM MONTGOMERY COUNTY GIS INFORMATION AND HAVE ONLY BEEN USED TO REPRESENT DRAINAGE PATTERNS AND TO ESTIMATE STORMWATER RUNOFF.

LAND DISTURBANCE AREA ESTIMATES: 12.27 ACRES

10.32 ACRES RECENTLY LOGGED AND WILL BE GRUBBED AND PLANTED AS MEADOW GRASS/ HAYLAND.

1.95 ACRES OF ADDITIONAL AREA WILL BE DISTURBED AND PLANTED AS MEADOW GRASS/HAYLAND.

2.12 ACRES OF THE ABOVE DISTURBED AREAS WILL BE GRADED AND FILLED WITH 25,000 CY OF CLEAN SOIL AND HAVE A SEDIMENT BASIN/DETENTION POND CONSTRUCTED.

General Notes

Parcel Info:
 Tax Map No. 080-5-1 PARCEL ID: 033688, 46.99 ac.
 Deed Book 2021, Page 011197

Owner: DW LLC
 2050 Roanoke St.
 Christiansburg, Virginia 24073

ZONING: A1, Agricultural District
 Current Use: Agriculture
 Setbacks: Front: 40' Side: 15' Rear: 40'
 Accessory Structure: 10' Side and Rear
 Maximum Building Height: 40'

Flood Zone Info: Per FEMA Flood Map 51121C0165C, Dated September 25, 2009, the land shown hereon is in Flood Zone "X." (Areas outside of the 500-year flood plain).

MICHAEL G. GAY, LLC
 5342 HIGHLAND RD
 DUBLIN, VIRGINIA 24084
 Phone: 540-641-1635

DW LLC PARCEL ID 033688
 MONTGOMERY COUNTY, VA

REVISIONS:

DESIGNED BY: MGG
 DRAWN BY: MGG
 CHECKED BY: mgg
 SCALE: AS SHOWN
 DATE: 10/02/2023

**PROPOSED
 SUP
 FILL SITE**

JN 8613

