

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

**CALL TO ORDER**

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

**DETERMINATION OF A QUORUM**

Ms. Wright called the roll to determine a quorum.

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

Absent\*: Coy Allen, Secretary  
Dale Hackney

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

**DETERMINATION OF A QUORUM**

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

**APPROVAL OF AGENDA**

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

**APPROVAL OF CONSENT AGENDA**

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

**PUBLIC HEARING**

- a. **SUP-2022-00409** A request by **Indigo Road Investments** (Agent: Gay and Neel, Inc.) to amend an existing special use permit to allow a rubble landfill for the disposal of inert debris on approximately 3 additional acres of the 124-acre property. The proposed amendment to the special use permit would increase the total area of the rubble landfill to approximately 7 acres. The proposed use is identified as Rubble, landfill under the Zoning Ordinance which is permitted in A-1 Agricultural District only by a special use permit. The property is located 0.5 miles east of Walton Road (Rte 663) and 0.1 miles south of Spaulding Road (Rte 720) with the entrance being 0.27 miles from the intersection of Radford Road (Rte 11) and Walton Road (Rte 663). The property is identified as Tax Map 091-A-19 (Parcel ID: 021900) in the Riner Magisterial District. The property currently lies in an area designated as Resource Stewardship in the 2025 Montgomery County Comprehensive Plan.

Ms. Hopkins presented the site aerial and vicinity map showing the area of site, which is located in the Eastern portion of the County.

Ms. Hopkins explained the background of the proposed SUP, including that the subject parcel is one of nine contiguous parcels owned by the applicant. Three of these parcels are split zoned and contain portions of Manufacturing zoning. The parcel was rezoned in 1983 with a SUP to allow an automobile graveyard/junkyard. The SUP is now void. The applicant has recent approval of a site plan for a Recycling Center to expand their Radford Road operations. Construction of the road and entrance improvements are underway.

The original SUP for the inert fill site was approved for four acres of fill on the site, and was recommended to be denied by the Planning Commission at their meeting in April 2021. The SUP was approved by the Board of Supervisors in May 2021. The current request is to amend the SUP to add 3 additional acres for a total of 7 acres of a rubble landfill for the disposal of inert material.

Ms. Hopkins explained that there are no anticipated new traffic concerns.

The previously approved volume of fill is approximately 55,000 cubic yards, the proposed additional fill will increase the total volume of fill to approximately 75,000 cubic yards. The applicant anticipates that the fill site will be operational for 5-10 years. No additional noise is anticipated from the site, and staff has received no noise complaints about the existing operation. The main access road has been paved, reducing the amount of dust.

The project site is located within an area designated as Resource Stewardship in the 2025 Comprehensive Plan, in which "rubble landfill" was not defined or regulated,

but can be assumed that the use is only permitted in A-1 with a Special Use Permit in this case.

Additional regulations for construction debris/rubble landfills include the following: A site plan that has been approved by the County and the site is currently in compliance. The proposed expansion area would need to be defined in a field revision plan. An annual environmental audit will be required.

While recognizing the need for clean fill sites in the County and compliance of the current site, staff recommends approval of the SUP with conditions.

Staff confirmed that all adjoining property owners were notified per Virginia Code, a public hearing sign was placed at the property entrance on Walton Road, and that no inquiries have been received from the public.

Mr. Foster asked for a reminder on why this parcel wasn't included in last year's Special Use Permit application. Ms. Hopkins explained that it is not a separate parcel, just a request to add an additional 3 -acres to the site.

Mr. Linkous asked how full is the existing four-acre site and the use differences of the new site and older site.

Mr. John Neel, Engineer representing the applicant, spoke and thanked the Commission for their time. Mr. Neel stated that property owner Bobby Phillips is present to answer any questions they may have.

Mr. Neel explained the site for new commissioners who were not on the Planning Commission when the original site was approved for a Special Use Permit.

Mr. Neel stated that much of the debris is coming from VT and RU construction sites, as well as other private sites. He explained the history of the property including that when the property owner purchased it in 1983, it had been operated as an automobile graveyard, which has been cleaned up.

The current fill site is at less than 20% of capacity.

Mr. Foster asked Mr. Neel where the next expansion would be considered. Mr. Neel responded that challenges exist for identifying any potential future sites.

Hearing no further discussion from Commission members, Chair Workman thanked Ms. Hopkins and opened the public hearing at 7:33 p.m. and reminded anyone wishing to speak that they are limited to 3 minutes.

Larry Vaughan, of 1267 Snap Dragon Lane, expressed that he is not speaking to oppose the expansion, he only has a few questions including the long-term fate of parcels and impact on residents around. He stated that it would be very helpful to know what the applicant's long-term plan will be and added that while he can see the site from his home as well as dust, he has no complaints.

Mike Dicken, of 2853 Spaulding Road, asked about the number of trees that are located within the proposed expansion and what will happen to them? Could they be recycled in some way, perhaps as firewood?

Mr. Neel responded that since Mr. Phillips owns New River Recycling, any type of fill that comes in that can be reutilized, is. The concrete is being busted, and reused. Mr. Neel stated that they have a firewood processor for trees that are being felled. There was a fill site less than 15000 cubic yards, allowed by right, which has been closed and seeded.

There being no more speakers, Chair Workman closed the Public Hearing at 7:40.

Mr. Rice reiterated the need for these fill sites, due to requirements for builders, but is concerned about the request for expansion so quickly after the initial approval of the inert site.

Mr. Miller stated that he visited the site about 10 days ago, and that it is a clean and efficient site - including a paved road. He was pleased that all requirements are being met.

Mr. Foster reminded the Commission that he voted against the project initially, primarily because of truck traffic concerns on Walton Road, and that he still has the same concerns that have not been addressed. He does agree that it is a positive project.

Mr. Miller stated that the applicant is not in control of the condition of Walton Road – entering Walton from Peppers Ferry Road is a long way to the site; however, from Route 11 the site is only ¼ mile.

Mr. Linkous would like to see the first site full and capped before the second site is utilized. He agrees that there is a need for it and perhaps it should be done in phases.

Mr. Rice responded that since the four acres are interior, maybe it would be advantageous to fill this addition first.

On a motion made by Mr. Rice and seconded by Mr. Miller, and carried (7-0; Dr. Allen and Mr. Hackney absent), the Planning Commission recommended approval to

the Board of Supervisors of the request by **Indigo Road Investments** (Agent: Gay and Neel, Inc.) for a Special Use Permit (SUP) to allow a rubble landfill for the disposal of inert debris on approximately 3 additional acres of the 134-acre property with the following conditions:

1. Conceptual Layout – Use of the site for a rubble landfill cannot extend beyond the boundaries of the area shown on the Site Concept Map prepared by Gay and Neel, Inc. dated 12/10/2021, submitted on 1/4/2022.
2. All boundaries of the approved fill area shall be adequately marked on the property, including the property line between the proposed fill area and the property under the same ownership which zoned Rural Residential (RR) and remain in place throughout the time the rubble landfill is operational.
3. Other than for direct access by the vehicles bringing fill to the site, the northern and northwestern perimeter boundary of the fill area shall maintain a minimum 75 feet buffer on all sides with a vegetation equivalent to a Type 4 buffer (as defined in the Zoning Ordinance) shall be maintained on the parcel.
  - a) This buffer requirement may be accomplished with existing vegetation, new evergreen plantings, and/or opaque fencing as necessary.
  - b) Revegetation of this 75 feet perimeter is required if the buffer area is disturbed.
4. The access road shall be maintained in passable condition at all times and constructed with all-weather surface material.
5. No access to Parcel ID#021900 is permitted from Spaulding Road.
6. All permits from other agencies (DEQ, Army Corps, etc.) must be provided to the County prior to approval of the required site plan.
7. Hours of operation shall not exceed 7am to 6pm Monday-Saturday.

## **PUBLIC ADDRESS**

Chair Workman opened this portion of the meeting at 7:48 pm. Having no speakers, the public address portion of the meeting was closed.

## **OLD BUSINESS**

There were no agenda items for Old Business.

## **NEW BUSINESS**

- a. Walnut Creek Phase III Major Subdivision Plat

Mr. Sanders explained the process of getting approval of a major subdivision plat and presented an overview of the proposed plat, that includes 145 townhouses, open space, roads, and utility easements.

On a motion made by Mr. Foster and seconded by Dr. Miller, and carried (7-0, and Dr. Allen and Mr. Hackney absent), the Planning Commission recommended

approval of the Walnut Creek Phase III Major Subdivision Plat, to the Board of Supervisors.

## **LIAISON REPORTS**

Board of Supervisors – Supervisor Bohn stated that the Board has met three times since the January Planning Commission Meeting. Meeting topics included budget, capital projects, redistricting, Planning Commission term limits and removal of Cornbread Road from the Rural Addition list. Supervisor Bohn commended GIS staff for their hard work on redistricting.

Mr. Rice asked Supervisor Bohn about progress on improving/replacing private water systems. Mr. Foster asked about the bond issue, which has not been decided, but is over \$100 million for all capital projects. Mr. Miller inquired about progress on internet service on Mud Pike, Supervisor Bohn responded that it is still on track for completion by the end of next year.

Public Service Authority – PSA has taken over all private water systems, and has received money from the VDH to take over.

Blacksburg Planning Commission – Dr. Allen absent. No report.

Christiansburg Planning Commission – No report.

Radford Planning Commission – Justin Sanders provided an update on the Radford Planning Commission after conversation with Radford Planning Director, Melissa Skelton. The City of Radford approved one of the largest developments in a while, on the corner of Rock Road and Jet Drive. The City will be undertaking zoning ordinance updates with Regional Commission. An RFP for Transit Service Provider has been issued.

Tourism Council – No report.

Parks and Recreation – No report, next meeting will be in March.

Interim Planning Director's Report – Ms. Hopkins updated the Commission on the VDOT Smart Scale application process and deadlines. Consultants will be preparing the application for two projects - funding has been received for Prices Fork and Peppers Ferry intersection for \$8 million. VDOT has started a pre-scoping project so to begin new projects next Smart Scale round that will be prepared in 2024. Text amendment information for short term rentals has been sent to County Attorney, and a meeting is scheduled with the Development Subcommittee. Staff will also meet with the Building Code Official and VDH to discuss supplemental regulations. It is anticipated that the Work Session will be in March with Public Hearings in April. Ms. Hopkins stated that GIS staff has worked very hard and presented great

information to the Board regarding redistricting. The Census data that drove the redistricting was late coming out due to COVID, resulting in time constraints. Ms. Hopkins stated that a possible change to term limits for the Planning Commission will be voted on at the next Board of Supervisors.

Ms. Hopkins presented a gift to Mr. Foster as a token of appreciation for his service as Chair of the Planning Commission in 2021.

Ms. Sharpe-Robinson asked if the VDOT survey is still open, Ms. Hopkins responded that it should be open through the end of the month.

## **ADJOURNMENT**

With no additional business, Chair Workman adjourned the meeting at 8:11 p.m.