Petitioner: Roanoke Valley Resource Authority

Request: Special use permit for a sanitary landfill on approximately 8.05 acres zoned AG-3, Agricultural/Rural Preserve, District and to amend the special use permit for an existing sanitary landfill (Smith Gap Landfill) on approximately 886.80 acres zoned AG-3S, Agricultural/Rural Preserve, District with a special use permit

Location: 8484 Bradshaw Road

Magisterial District: Catawba

Suggested Conditions: See Attached Document

EXECUTIVE SUMMARY:

Roanoke Valley Resource Authority (RVRA) is requesting a Special Use Permit (SUP) for a sanitary landfill on 8.05 acres of property transferred to the RVRA on February 13, 2019, by Norfolk Southern. This property is part of the transportation corridor (previously referred to as rail corridor) located in Roanoke County. When owned by Norfolk Southern, this property was exempt from local zoning since it was regulated by the federal government. Due to the property transfer to RVRA, the property is now subject to local zoning regulations. RVRA is also requesting to amend its existing SUP by deleting the reference to the “amended landfill permit conditions and operating policies” referenced in the 1991 SUP resolution. It is proposed that any SUP conditions be incorporated into the ordinance. These properties are located at 8484 Bradshaw Road, Salem VA 24153.

The subject parcels are zoned AG-3 Agricultural/Rural Preserve, and are designated Rural Preserve on the future land use map of the Roanoke County Comprehensive Plan. Rural Preserve is a future land use area of mostly undeveloped, outlying lands. These rural regions are generally stable and require a high degree of protection to preserve agricultural, forestal, recreational, and remote rural residential areas.

1. APPLICABLE REGULATIONS

The Roanoke County Zoning Ordinance defines a sanitary landfill as: “the use of land for the legal disposal of municipal solid waste derived from households, business and institutional establishments, including garbage, trash, and rubbish, and from industrial establishments, other than hazardous wastes as described by the Virginia Hazardous Waste Regulations.”

A sanitary landfill, which is classified as an industrial use, is allowed only by special use permit in the AG-3 district, and is subject to use and design standards under Sec. 30-87-2 of the Roanoke County Zoning Ordinance (attached).

2. ANALYSIS OF EXISTING CONDITIONS

Background – In 1989, the Board of Supervisors approved a special exception permit for a sanitary landfill (Smith Gap Landfill). The special exception permit was issued to the Board of Supervisors. The primary access for trash delivery was proposed to be by a new road that would be constructed to the landfill site. The special exception was approved subject to landfill permit conditions and operating polices that were contained in a document that was attached and incorporated by reference to the approving resolution.
In 1991, the Board of Supervisors granted a special use permit amending the permit conditions and operating policies for the Smith Gap Landfill. The special use permit was issued to the Roanoke Valley Resource Authority. The primary access for trash delivery was by a rail corridor. The special use permit was subject to the amended permit conditions and operating policies contained in a document that was attached and incorporated by reference to the approving resolution.

In 1993, the Board of Supervisors approved a special exception permit which amended the extent of the Smith Gap Landfill to the actual surveyed acreage of the landfill (752.01 acres) and added another 126.74 acres as part of the sanitary landfill which included the entrance, tipper building, and rail yard (878.75 total acres).

Topography/Vegetation – The landfill property is mostly wooded except for those portions that have been developed: access road off Bradshaw Road, railroad tracks, tipper, buildings and active fill area. The property slopes significantly from Bradshaw Road to the rear of the property. The property has significant topography elevation changes throughout the site.

Surrounding Neighborhood – The subject parcel is surrounded by parcels also zoned AG-3 in Roanoke County, and A-1 Agricultural in Montgomery County. Private properties, some undeveloped and others developed as residential uses, surround the landfill site.

3. ANALYSIS OF PROPOSED DEVELOPMENT

Proposed Project – This special use permit would add 8.05 acres to the operation of the Smith Gap Landfill (878.75 acres). This property has been utilized in the operation ever since the rail spur has operated. The property was exempt from local zoning when it was owned by Norfolk Southern. In addition, the applicant is seeking to remove the reference to the “amended landfill permit conditions and operating policies” referenced in the 1991 SUP resolution. Staff suggests incorporating any special use permit conditions into the ordinance.

Operational Issues – This special use permit does not include the method of transportation (road versus rail) along the transportation corridor (previously referred to as the rail corridor). That decision will be made by the Roanoke Valley Resource Authority Board.

Agency Comments – The following comments were provided by various agencies on this request:

   Building Safety: Any construction for this project will need to meet the requirements of the applicable Virginia Uniform Statewide Building Code.

   Economic Development offers no objection to the proposed special use permit request by the RVRA.

   Fire & Rescue: With the potential of the railway being converted to a trucking corridor, it could increase the likelihood of an accident occurring. Fire and Rescue would be interested in access points of the corridor and access for any gates.

   Solid Waste: No impact on solid waste.

   Stormwater: No comment.

   VDOT: 1. A land use permit will be required if a new entrance is needed from the VDOT right-of-way or for the change in use of an existing entrance. 2. The VDOT Road Design Manual, Appendix F: Access Management Design Standards for Entrances and Intersections must be adhered to where applicable for commercial entrances. This includes but is not limited to commercial entrance spacing and intersection sight
distance. The intersection sight distance must be field verified and measures taken to ensure the minimum required distances can be met. 3. The department will not issue an approval of the plans or any necessary Land Use Permits until the locality approves this request. In addition, information regarding any changes to the existing drainage system should also be included for review.

Western Virginia Water Authority: No comment.

Community Meeting - A community meeting was held on October 17, 2019 at Masons Cove Elementary School. Approximately 100 citizens attended the meeting. Questions and concerns included: environmental concerns, leachate spilling onto roads from trailers, impacts to Bradshaw Road, the inadequacy of Bradshaw Road, odors, air quality, water quality, groundwater concerns, the landfill's service area, operational issues associated with the landfill including hauling trash by train versus truck and the costs associated with each, traffic safety issues with trailers on Bradshaw Road, and the need to fix Bradshaw Road. A summary of the meeting is attached.

4. CONFORMANCE WITH ROANOKE COUNTY COMPREHENSIVE PLAN

The subject parcel is designated Rural Preserve on the future land use map of the Roanoke County Comprehensive Plan. Rural Preserve is a future land use area of mostly undeveloped, outlying lands. These rural regions are generally stable and require a high degree of protection to preserve agricultural, forestal, recreational, and remote rural residential areas. Land use types included in Rural Preserve include agricultural production, agricultural services, forest and wood products, parks and outdoor recreation facilities, rural residential, rural institutional, mining and extraction operations.

5. STAFF CONCLUSIONS

Roanoke Valley Resource Authority is requesting a SUP for sanitary landfill for a recently transferred 8.05-acre parcel adjacent to the approximately 887-acre Smith Gap Landfill, currently operating under a SUP. This property is part of the transportation corridor (previously referred to as rail corridor) located in Roanoke County. The proposed use is compatible with surrounding uses and development and the existing SUP for Smith Gap Landfill.

RVRA is also requesting to amend its existing SUP by deleting the reference to the “amended landfill permit conditions and operating policies” referenced in the 1991 SUP resolution. It is proposed that any SUP conditions be incorporated into the ordinance. The subject parcels are zoned AG-3 Agricultural/Rural Preserve, and are designated Rural Preserve on the future land use map of the Roanoke County Comprehensive Plan.

CASE NUMBER: 15-11-2019
PREPARED BY: Philip Thompson
HEARING DATES: PC: 11/4/19 BOS: 11/19/19
ATTACHMENTS: Suggested Conditions
Application
Aerial Maps
Zoning Maps
Future Land Use Maps
1991 Ordinance
Landfill Permit Conditions and Operating Policies Document – 10/22/92
1993 Ordinance
Community Meeting Summary
AG-3 District Standards
Sanitary Landfill Use & Design Standards
Rural Preserve Future Land Use Designation
Access: Primary access to the Smith Gap Landfill for the delivery of municipal solid waste shall be along the Transportation Corridor (previously known as the Rail Corridor). In the event the primary access is unavailable for two or more business days, the Roanoke Valley Resource Authority (or subsequent owners) will make reasonable efforts to transport all municipal solid waste to one or more fully permitted third-party sanitary landfills until such time as the primary access can be resumed. In the event that the Roanoke Valley Resource Authority (or subsequent owners) the Authority cannot through reasonable efforts contract for sufficient immediate transportation services to transport municipal solid waste to third party landfills, and until sufficient services can be obtained, Bradshaw Road will serve as the secondary access for the delivery of municipal solid waste to the landfill.

Conversion: If the Transportation Corridor is converted from rail to a road, then all municipal solid waste will be transported to third party landfills during construction of this conversion.

Types of Waste: Only properly approved waste may be accepted, with the main objective always being to safely dispose of materials and prolong the useful life of the landfill. Wastes designated as “special wastes” shall be disposed of in accordance with current waste management regulations. No hazardous waste will be allowed at any time during the entire life of the landfill.

Operating Hours: Normal working hours shall be as follows: Delivery of Waste by Authorized Vehicle – Monday through Friday from 7:00 a.m. to 5:00 p.m., Saturday from 7:00 a.m. to 3:30 p.m.; Delivery of Waste by Rail – Monday through Saturday from 10:00 a.m. – 12:00 a.m.; Operation of all equipment – Monday through Friday from 7:00 a.m. to 8:00 p.m., Saturday from 7:00 a.m. to 6:30 p.m.

Emergency Operations: Emergency operations shall allow for extended hours on all days and Sundays whenever an emergency has been duly declared by the County Administrator of Roanoke County or his/her designee. Circumstances for Emergency Operations include, but are not limited to, natural disasters or short-term (less than 2 days), temporary operating interruptions resulting from equipment failure or contract service interruptions. Emergency operations may require use of third-party landfills or use of secondary access to the Smith Gap Landfill (Bradshaw Road).

Noise: Noise levels may not exceed the following limits: 80 db (decibels) at landfill site borders; 65 db (decibels) at surrounding residences.

Dust: Dust shall be controlled in accordance with the landfill’s state solid waste facility permit. Problem areas arising during dry seasons will be controlled with water. Access roads should be cleaned and dust controlled with water if excessive amounts of dust are generated.
**Odors:** Odors shall be controlled in accordance with the landfill’s state solid waste facility permit. If problem odors exist that adversely impact surrounding residents, deodorizing agents may be used. All holding tanks for leachate collection systems shall be in enclosed structures.

**Lighting:** Sufficient lighting must be maintained at all times to facilitate normal operations and to provide adequate security over the landfill site. All exterior lighting fixtures shall be designed, located and arranged so as not to direct glare on adjoining streets or residential properties. The intensity at adjoining streets or residential properties shall not exceed 0.5 foot candles. Lighting shall be limited to fixtures attached to buildings as necessary for security and operations and freestanding poles of not more than 16 feet in height.

**Pests.** A bonded, licensed pest control company will be retained throughout the active life of the landfill to provide preventive inspections and treatments. Adjoining property owners who incur pest problems that are proven to be directly related to the landfill operation must be provided proper extermination at the landfill owner’s expense.

**Citizen Complaints:** A telephone number will be provided for use of surrounding residents including those in the Transportation Corridor to call in complaints (noise, dust, odor, pests, or other issues). These calls will be recorded/logged and corrective actions documented. The complaint log shall be open to public inspection.

**Active Fill Areas:** The active fill areas of the landfill shall comply with the landfill’s state solid waste facility permit. Fill areas should be designed as far as practical from adjoining properties to provide maximum buffering, and in no case should extend within 100 feet of the landfill boundary line.

**Monitoring:** The Virginia Department of Environmental Quality conducts inspections during the year to ensure compliance with the landfill’s state solid waste facility permit. Any violations shall be reported and made public information. The Roanoke Valley Resource Authority (or subsequent owner) shall take whatever steps are necessary to immediately correct any violation.

**Screening and Buffering:**

a. The following buffer yard and plantings shall be established around the perimeter of the landfill property, except adjacent to an existing residential property or private right-of-way. Trees shall be planted in three separate rows or in clusters, where natural land characteristics allow within the buffer yard. 50-foot buffer yard with three large deciduous trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard, five large evergreen trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard, and seven small evergreen trees with an ultimate height of 15 feet or greater per 100 linear feet of buffer yard.

b. In areas adjacent to an existing residential property or public or private right-of-way, the following shall be established and maintained around the perimeter of the landfill property. Trees shall be planted in three separate rows or in clusters, where natural land characteristics allow with the buffer yard. 100-foot buffer yard with six large deciduous trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard, ten large evergreen
trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard, and fifteen small evergreen trees with an ultimate height of 15 feet or greater per 100 linear feet of buffer yard.

c. Buffer yards may only be used for passive recreation, such as pedestrian, bike or equestrian trails provided that: no plant material is eliminated; the total width of the buffer is maintained; and all other requirements and conditions are met.

d. Buildings, active landfill areas, equipment storage areas and other facilities shall be landscaped in such a manner as to enhance (but not necessarily screen) the visual appearance from adjoining properties.

**Site Security:** All facilities shall be surrounded on all sides by natural barriers, fencing, or an equivalent means of controlling vehicles access and preventing illegal disposal. All access will be limited by gates, and such gates shall be securable and equipped with locks. All fencing utilized at the facility shall be adequate to control unauthorized access. Gates shall be at the main entrance as well as the entrance to additional service areas. Access to a solid waste disposal facility (landfill) shall be permitted only when an attendant is on duty and only during operating hours, unless otherwise specified in the facility permit, such as for rail delivery of waste. Each solid waste disposal facility should be provided with an adequately lighted and heated shelter where operating personnel can exercise site control and have access to essential sanitation facilities. Lighting, heat and sanitation facilities may be provided by portable equipment, as necessary. Dusk to dawn lights may be placed around buildings and at each of the security gates. All sanitary landfills will be equipped with permanent or mobile telephone or radio communications. The main security gate should be able to communicate with all necessary areas of the landfill. The operator is responsible for safety hazards to operating personnel through an active safety program. Security rules and regulations shall be posted at each gate. Security guard of landfill personnel shall be on site 24 hours each day. All vehicle access points to the Transportation Corridor shall be properly gated, with lock, and shall be posted with “No Trespassing” signs. Signs will also be posted at intervals along the Transportation Corridor.

**Fire Protection and Public Water:** Fire protection for the site shall be provided on site with adequate storage, distribution, and hydrants to properly extinguish fires. The system shall be designed as a potable water system. The system shall be designed to serve all on-site water needs as well as being capable of serving adjoining properties. Expansion of the water supply system, except when groundwater contamination has been documented, shall be prohibited without prior review for consistency with the Comprehensive Plan.
August 28, 2019

Mr. Philip Thompson, Deputy Director  
Department of Community Development – Planning & Zoning  
5204 Bernard Drive, S.W.  
P.O. Box 29800  
Roanoke, VA 2018-0798  

Re: Roanoke Valley Resource Authority Special Use Permit Application (8.05 acres +/-)  

Dear Mr. Thompson:  

On behalf of the Roanoke Valley Resource Authority (RA# 2019 – 859; attached), I am pleased to submit application to Roanoke County requesting a Special Use Permit for land (8.05 acres +/-) it recently acquired from the Norfolk Southern Corporation. This property was previously exempt from zoning restrictions. Now that is owned by the Authority, it is subject to zoning restrictions. Accordingly, the Authority is requesting to include this property under the same provisions of its existing Special Use Permit for the Smith Gap Regional Landfill.  

Additionally, the Authority is requesting to delete the reference to the “amended landfill permit conditions and operating policies” referenced in the December 3, 1991 SUP resolution #12391-7.  

I trust you will find the application complete with the requested and necessary information. In the event you need additional information or clarification, please do not hesitate to ask and I will do my best to provide it in an expeditious manner. The Authority looks forward to working with Roanoke County to address this matter.  

Please find enclosed the Authority’s check in the amount of $1,931.25 which I understand is the appropriate application fee.  

Sincerely,  

[Signature]  

Daniel D. Miles, P.E.  
Chief Executive Officer  

1020 Hollins Road, NE  
Roanoke, Virginia 24012-8011  
(540) 857-5050  
Fax (540) 857-5056  
Web Site: www.rvra.net
RESOLUTION OF THE ROANOKE VALLEY RESOURCE AUTHORITY

Adopted this 28th day of August, 2019
RA #2019 - 859

A RESOLUTION to Authorize the Authority to submit formal application to amend the Special Use Permit for the Smith Gap Regional Landfill.

BE IT RESOLVED by the Roanoke Valley Resource Authority that the Chief Executive Officer is authorized to submit formal application to Roanoke County seeking amendment to the Special Use Permit for the Smith Gap Regional Landfill, all as more particularly set forth in the report of the Chief Executive Officer to this Authority dated August 28, 2019.

On motion of Mr. O’Donnell to adopt the resolution, seconded by Mr. Powell and carried by the following roll call and recorded voice vote:

AYES: Bobby Edwards, Joey Hiner, Rob Light, Daniel O’Donnell, Rebecca Owens, Jeffrey Powell, Mike Tyler and Dan Webb
NAYS: None
ABSENT: Timothy Martin

ATTEST: [Signature]
Peggy L. Bishop
RVRA Board Secretary
Roanoke Valley Resource Authority

Special Use Permit Application

Smith Gap Regional Landfill (8.05 +/- Acres)
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<td>C/O Daniel D. Miles, P.E. Chief Executive Officer</td>
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<tr>
<td>1020 Hollins Rd., N.E., Roanoke, VA 24012</td>
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| Phone: |
| (540) 857-5050 |

| Work: |
| |

| Cell #: |
| |

| Fax No.: |
| (540) 857-5056 |

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| Phone #: |
| SAME |

| Work: |
| SAME |

| Fax No. #: |
| SAME |

Property Location

| SEE ATTACHED |
| Magisterial District: |
| Catawba |

Community Planning area:

| Masons Cove |

Tax Map No.:

| SEE ATTACHED |

Existing Zoning:

| AG-3, AG-3S |

Size of parcel(s): Acres:

| 886.80 +/- |

Existing Land Use:

| Regional Landfill |

REZONING, SPECIAL USE PERMIT, WAIVER AND COMP PLAN (15.2-2233) REVIEW APPLICANTS (R/S/W/C/P)

Proposed Zoning:

| AG-3S |

Proposed Land Use:

| Regional Landfill |

Does the parcel meet the minimum lot area, width, and frontage requirements of the requested district?

Yes ☑ No ☐ IF NO, A VARIANCE IS REQUIRED FIRST (Rezoning).

Does the parcel meet the minimum criteria for the requested Use Type in Article IV (Special Use Permit)? Yes ☑ No ☐

IF NO, A VARIANCE IS REQUIRED FIRST

If rezoning request, are conditions being proffered with this request? Yes ☑ No ☐

VARIANCE, WAIVER AND ADMINISTRATIVE APPEAL APPLICANTS (V/W/A/A)

| Variance/Waiver of Section(s) of the Roanoke County Zoning Ordinance, in order to: |

| Appeal of Zoning Administrator's decision to |

| Appeal of Interpretation of Section(s) of the Roanoke County Zoning Ordinance to |

| Appeal of Interpretation of Zoning Map to |

Is the application complete? Please check if enclosed. APPLICATION WILL NOT BE ACCEPTED IF ANY OF THESE ITEMS ARE MISSING OR INCOMPLETE.

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Adjoining property owners

I hereby certify that I am either the owner of the property or the owner's agent or contract purchaser and am acting with the knowledge and consent of the owner.

[Signature]

Owner's Signature
JUSTIFICATION FOR REZONING, SPECIAL USE PERMIT WAIVER OR COMP PLAN (15.2-2232) REVIEW REQUESTS

Applicant: Roanoke Valley Resource Authority c/o Dan Miles, CEO

The Planning Commission will study rezoning, special use permit waiver or community plan (15.2-2232) review requests to determine the need and justification for the change in terms of public health, safety, and general welfare. Please answer the following questions as thoroughly as possible. Use additional space if necessary.

Please explain how the request furthers the purposes of the Roanoke County Ordinance as well as the purpose found at the beginning of the applicable zoning district classification in the Zoning Ordinance.

SEE ATTACHED

Please explain how the project conforms to the general guidelines and policies contained in the Roanoke County Community Plan.

SEE ATTACHED

Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area, as well as the impacts on public services and facilities, including water/sewer, roads, schools, parks/recreation and fire and rescue.

SEE ATTACHED
SUPPLEMENTAL SPECIAL USE PERMIT APPLICATION INFORMATION

PROJECT DESCRIPTION

The Roanoke Valley Resource Authority (RVRA or Authority) is requesting a Special Use Permit (SUP) for a sanitary landfill on 8.05 acres of property it acquired on February 13, 2019. Also, the Authority is requesting to amend its existing SUP by deleting the reference to the “amended landfill permit conditions and operating policies” referenced in the 1991 SUP resolution (attached pp.8-10).

PROJECT HISTORY

The Smith Gap Landfill, owned and operated by the Roanoke Valley Resource Authority, has operated under a Special Exception Permit (SEP)/Special Use Permit (SUP) since it was first formally proposed as a sanitary landfill site on June 27, 1989 to the Roanoke County Board of Supervisors. Active portions of the landfill site, excluding buffers, were included under the SEP provisions, to the extent these active areas were subject to permit restrictions. A portion of the active landfill property in Roanoke County was acquired by Norfolk Southern Railroad (NS) under contract (10/25/1991) to construct a dedicated rail spur access serving the landfill which was not part of the June 27, 1989 SEP/SUP, nor was it subsequently subject to the amended Dec. 3, 1991 SUP. Please note the Authority did request and receive an amendment to its SUP on May 25, 1993 to add land subject to the SUP. The land obtained by NS, under the terms and provisions of the 1991 contract, to construct a dedicated rail spur serving the Smith Gap Landfill, reverted to the Authority’s ownership upon expiration of the 1991 contract on June 30, 2018 with final conveyance of the properties completed on February 13, 2019. Therefore, the NS-owned land, formerly exempt from SUP requirements, became subject to the SUP requirements upon the conveyance of these properties thereby necessitating the need to amend the SUP accordingly in order for the Authority to continue to provide an alternate access to the Smith Gap Landfill, other than Bradshaw Road, regardless of transportation mode utilized. As it did in 1989, the Authority is once again reviewing its MSW transportation options via an alternate access to the landfill; 1) Dedicated access to truck-transport MSW and 2) Dedicated rail spur access and rail haul MSW. These are the same options the Authority considered in 1989 through 1991, albeit under somewhat different circumstances after twenty five years as 1) the same alternate access corridor would be utilized for either option; and 2) the Authority now owns all the properties necessary to utilize the access corridor.

Additionally, when the regional landfill was originally proposed at the Smith Gap location, there was significant concern raised as to the amount of truck traffic that would be using Bradshaw Road. An alternate access means was recommended by the Landfill Citizens Advisory Committee (LCAC) and a subcommittee comprised of representatives of the LCAC, Planning Commission, and County Staff as part of the County’s consideration to grant the original Special Exception Permit for the Smith Gap site on June 27, 1989. The Authority did continue to study the development of an alternate access means as recommended, including two options it deemed viable: 1) Construct a dedicated access road and truck MSW and 2) Construct a dedicated rail spur access and rail haul MSW. At its September 24, 1991 meeting, the Authority stated “the Authority has been considering various alternatives with respect to the most cost effective, reliable, and environmentally responsible course of action, and in accordance with the permit conditions and operating policies as adopted by this Roanoke County Board of Supervisors.” (RCRA Res. #RA91-10) As such, it was determined that a
dedicated railway line directly to the landfill would significantly reduce those concerns by providing a transportation option for the hauling of regional waste that would minimize the use of Bradshaw Road for accessing the landfill. Subsequently, the SEP was amended on December 3, 1991, most notably, to add rail haul delivery and hours to the Permit Conditions and extend property value protection to the Operating Policies. This compromise was reached as a means of abiding by the recommendations of the subcommittee in the original June 27, 1989 SEP and complying with the Section 3-30 of the Roanoke Zoning Ordinance which states the “ordinance is designed to give reasonable consideration to each of the following purposes” which include the reduction of congestion on public roads and to protect against the hazards and congestion in travel and transportation.

**PROJECT JUSTIFICATION**

It is the Authority’s understanding that under the Roanoke County zoning ordinance, driveways or approaches to a landfill must be part of the special use permit for the landfill. At the time that the Authority acquired the 8.05 acres from Norfolk Southern Railway, it was unclear whether or not the parcel was included in the existing SUP. The parcel has been in use as access to the landfill for over 20 years. Having determined that the parcel is not part of the existing SUP (because railroads are not subject to local zoning regulations), the Authority is making this application to ensure that it is in compliance with the zoning requirements for its landfill.

By requesting this revision to the current SUP to allow for the conversion of the current railway access point to a dedicated access point for all forms of transportation alternatives to the landfill, the RVRA believes that its request further expands and improves upon the original concept of including the active areas of all landfill operations under the provisions of the SUP and reducing congestion on public roads and protection against hazards and congested travel and transportation. By allowing for an alternate, non-specific, dedicated transportation corridor, the Authority would once again, consistent with the original recommendations in the 1989 SUP and the Authority’s alternate transportation methodology selected in 1991, as amended in the 1991 SUP, be able to “utilize the most cost effective, reliable, environmentally responsible course of action, and in accordance with the permit conditions and operating policies as adopted by this Roanoke County Board of Supervisors” (ref. RCRA Res. #RA91-10). If the Authority determines it will continue to utilize rail haul, there will be no noticeable changes, including the ongoing, periodic use of Bradshaw Road for some MSW deliveries. If the Authority elects to convert the rail spur to a road access, it would eliminate the need to use Bradshaw Road altogether for MSW deliveries.

The original SUP was approved after due consideration of the purpose of the AG-3 district itself, which is to “maintain these areas essentially in their rural state, and attempt to protect sensitive and unique land resources from degradation as recommended in the rural preserve land use category of the comprehensive plan.” The conversion of the already dedicated railway access point to a dedicated access point for all forms of transportation to the landfill certainly eliminates the need to make any further modifications or changes to the land that would cause degradation to the rural land upon which it current is situated. The RVRA has and fully intends to continue to
comply with all of the requirements imposed upon it by the Roanoke Zoning Ordinance, specifically as set forth in Section 30-86-6.

One of the strategic initiatives set forth in the Roanoke County Community Strategic Plan is to “support improvements to the regional transportation network.” The conversion of the current railway access point to a transportation access point for all forms of transportation would further this initiative by providing for a single, dedicated access point from I-81 directly to the landfill minimizing the placement of such transportation on the public rights-of-way, thereby freeing up such roadways to accommodate traffic other than traffic to the landfill.

The conversion of the railway access point, specifically to a trucking transportation access point for all forms of access to the landfill, will have, in the opinion of the RVRA, a tradeoff of positive and negative effects to the directly adjoining properties with a net positive impact to the greater surrounding area. There is already a railway access point that allows for the hauling of municipal solid waste directly to the landfill via rail. The rail access currently crosses a public right of way at Williby Road, an unpaved, private road, with one, contiguous, residential property in Roanoke County. The Authority is currently negotiating an equitable solution with the owner in order to properly mitigate any impact, if conversion of the access point is selected. There are seven, additional residential properties east of the rail spur accessing Bradshaw Road via Williby Road. The Authority is willing to provide additional screening buffer in the form of natural landscaping and/or fencing, again, if conversion is selected. If the Authority elects to convert the rail access to trucking access, those residents on Williby Road would see an average of fifty (50) trucks entering and exiting the landfill via this access point for an average total of one hundred (100) trips per day. Such usage would occur typically between 7:30 a.m. – 5 p.m. Monday – Friday equating to approximately 5-6 vehicles per hour in each direction (i.e. entering & exiting) or one about every five (5) minutes in both directions. The maximum vehicle count could see up to seventy five (75) trucks per day if the landfill ever receives the maximum volume of waste it is allowed to accept per its Member Use Agreement. As an enhanced safety measure, the Authority would propose asphalt paving the length of Williby Road, installing stop signs at the intersection of the transportation corridor and Williby Road, and limiting truck speed to 25 m.p.h. The rail delivery currently occurring typically between 8 p.m. – 1 a.m. Monday – Friday would be eliminated. Conversion of the transportation corridor from rail to trucking will have no appreciable negative effects to those properties already affected by rail traffic using the transportation corridor. It will provide a significantly more positive impact on the greater surrounding area by eliminating current truck traffic off of the public rights-of-way, specifically Bradshaw Road, and put such traffic on a dedicated, alternate, transportation corridor directly to the landfill. The Authority currently routinely utilizes Bradshaw Road for the deliveries of certain types of solid waste, stone, and equipment. In addition, there should be no impact to public services and facilities except for a positive one on roads by reducing the amount of landfill traffic using the public roads and diverting it to the dedicated transportation corridor. Again, should the Authority elect to continue using rail delivery as the primary delivery means, there would be no changes to the transportation corridor and thus, no changes to the existing impacts on the immediate or greater surrounding areas, either positive or negative.
In the event the Authority converts the transportation corridor from rail to trucking, subgrade construction to convert the rail track to roadway is projected to take approximately three months to complete. The transportation corridor would then be sufficient to resume usage for vehicular traffic. Paving is projected to take another two months to complete while simultaneously using the converted alternate access. During the three-month, subgrade construction period, alternate access to the Smith Gap Landfill via the transportation corridor will be unavailable. The Authority may elect to transport all or some of the region's MSW to other permitted, sanitary landfills during this interim. The Authority currently has contracts in place with New River Resource Authority, Bedford County, Region 2000, and Waste Management to provide alternate disposal options. Should the Authority need to access the Smith Gap Landfill for any reason during subgrade construction, it would do so via Bradshaw Road.

In the event the Authority converts the transportation corridor from rail to trucking, automated bar-gating (see DKS 1602 Barrier Gate Appendices A8-A10) and video surveillance will be constructed to control and monitor access to the regional landfill for all incoming and outgoing access. The gating's operation would be powered by hard-wire and solar back-up and would be located approximately ¼ mile north of Reese Mountain Road in Montgomery County. The automated gates would be controlled by 1) transponders mounted on approved access vehicles; 2) manual, hand-held remote control; 3) PIN-accessed control panel; or 4) access button located at the landfill administrative offices for deliveries and visitors. Twenty-four (24) hour, seven (7) day per week video surveillance would be located along the access corridor to monitor the access point. Additionally, fire/rescue in Montgomery and Roanoke Counties will be provided with appropriate access controls, in order to utilize the access point, if needed, at any time.

If the Authority selects trucking as its sole transportation operation, all on-going regular access of deliveries to the landfill would be conducted via the transportation corridor thereby, eliminating the periodic deliveries currently utilizing Bradshaw Road. Furthermore, if trucking is selected and in the event I-81 becomes inaccessible for durations longer than three (3) hours, trucks would be routed via U.S. 460 to North Fork Road to the access point. The Authority would store waste at its transfer stations and/or in its trailers for durations shorter than three (3) hours. If rail is selected, some deliveries will continue to access the landfill via Bradshaw Road. In the event the transportation corridor becomes inoperable for either option selected, the Authority would utilize Bradshaw Road as the emergency access to its regional landfill and/or third-party landfills using trucking as the transportation operation. In the event rail is selected as the transportation option, if rail loading/unloading facilities become inoperable or insufficient, the Authority would utilize Bradshaw Road as the emergency access to its regional landfill and/or third-party landfills using trucking as the transportation operation.
AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, DECEMBER 3, 1991

RESOLUTION 12391-7 GRANTING A SPECIAL USE PERMIT AND AMENDING CONDITIONS AND OPERATING POLICIES TO THE ROANOKE COUNTY RESOURCE AUTHORITY FOR THE SMITH GAP SOLID WASTE DISPOSAL FACILITY, LOCATED IN THE CATAWBA MAGISTERIAL DISTRICT

WHEREAS, the Roanoke County Planning Commission held a public hearing on this matter on November 7, 1991; and

WHEREAS, the Board of Supervisors of Roanoke County, Virginia, held a public hearing on this matter on November 19, 1991; and,

WHEREAS, legal notice and advertisement has been provided as required by law.

NOW, THEREFORE, be it resolved by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the Board finds that the granting of amendments to the Special Exception Permit conditions and operating policies for the solid waste disposal facility at the Smith Gap site is substantially in accord with the adopted 1985 Comprehensive Plan pursuant to the provisions of Section 15.1-456 (b) of the 1950 Code of Virginia, as amended.

2. That this action is taken upon the petition of the Roanoke County Resource Authority.

3. That this action amends the Resolution 62789-12 of this Board adopted on June 27, 1989.

4. That the Board hereby grants a Special Exception Permit to the Roanoke County Resource Authority (and upon its creation and
approval by the State Corporation Commission, its successor, the Roanoke Valley Resource Authority) to publicly own and operate a solid waste disposal facility on what is known as the "Smith Gap Site" located on 640.39 acres on the northwest side of Fort Lewis Mountain between Smith Gap and Bradshaw Road in the Catawba Magisterial District, subject to the amended landfill permit conditions and operating policies, which are attached hereto and incorporated herein by reference.

5. That the Board acknowledges, to the extent permitted by law, that the Authority has a non-binding moral obligation to pay such amounts as may be needed to address the adopted operating policies, including property value protection, and that such payment is subject to future appropriations. Nothing in the approved operating policies shall be deemed to constitute the creation of a debt, the lending of the credit, nor a pledge of the credit of the County under the Constitution and laws of the Commonwealth of Virginia, nor shall any provision thereof give any person any legal right to enforce the terms thereof against the County or the Authority.

6. That this Resolution shall be in full force and effect thirty (30) days after its final passage. All resolutions or parts of resolutions in conflict with the provisions of this resolution be, and the same hereby are, repealed.

On motion of Supervisor Robers to adopt the ordinance amending the corridor to provide protection to 1800 feet contiguous to rail line with protection extending only to current residents and
existing improvements and provided that further construction is
exempt from protection, and carried by the following recorded vote:
AYES: Supervisors Robers, Johnson, Nickens, McGraw
NAYS: None
ABSTAIN: Supervisor Eddy

A COPY TESTED:

Mary H. Allen, Clerk
Roanoke County Board of Supervisors

cc: File
John R. Hubbard, Assistant County Administrator
Terrance L. Harrington, Director, Planning & Zoning
CONCEPT PLAN CHECKLIST

A concept plan of the proposed project must be submitted with the application. The concept plan shall graphically depict the land use change, development or variance that is to be considered. Further, the plan shall address any potential land use or design issues arising from the request. In such cases involving rezonings, the applicant may proffer conditions to limit the future use and development of the property and by so doing, correct any deficiencies that may not be manageable by County permitting regulations.

The concept plan should not be confused with the site plan or plot plan that is required prior to the issuance of a building permit. Site plan and building permit procedures ensure compliance with State and County development regulations and may require changes to the initial concept plan. Unless limiting conditions are proffered and accepted in a rezoning or imposed on a special use permit or variance, the concept plan may be altered to the extent permitted by the zoning district and other regulations.

A concept plan is required with all rezoning, special use permit, waiver, community plan (15.2-2232) review and variance applications. The plan should be prepared by a professional site planner. The level of detail may vary, depending on the nature of the request. The County Planning Division staff may exempt some of the items or suggest the addition of extra items, but the following are considered minimum:

ALL APPLICANTS
✓ a. Applicant name and name of development
✓ b. Date, scale and north arrow
✓ c. Lot size in acres or square feet and dimensions
✓ d. Location, names of owners and Roanoke County tax map numbers of adjoining properties
✓ e. Physical features such as ground cover, natural watercourses, floodplain, etc.
✓ f. The zoning and land use of all adjacent properties
✓ g. All property lines and easements
✓ h. All buildings, existing and proposed, and dimensions, floor area and heights
✓ i. Location, widths and names of all existing or platted streets or other public ways within or adjacent to the development
✓ j. Dimensions and locations of all driveways, parking spaces and loading spaces

Additional information required for REZONING and SPECIAL USE PERMIT APPLICANTS

✓ k. Existing utilities (water, sewer, storm drains) and connections at the site
✓ l. Any driveways, entrances/exits, curb openings and crossovers
✓ m. Topography map in a suitable scale and contour intervals
✓ n. Approximate street grades and site distances at intersections
✓ o. Locations of all adjacent fire hydrants
✓ p. Any proffered conditions at the site and how they are addressed
✓ q. If project is to be phased, please show phase schedule

I certify that all items required in the checklist above are complete.

[Signature of applicant]
[Date]
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<td>REQUESTED REVISED TOTAL SUP ACREAGE= 886.80</td>
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COMMUNITY PLANNING AREA: MASON'S COVE
EXISTING ZONING: AG-3 & AG-3S
PROPOSED ZONING: AG-3S AGRICULTURAL/RURAL PRESERVE with SPECIAL USE PERMIT
Legal Description

8.05 Acres of Rail Spur Property Conveyed From NS to RVRA (formerly exempt from zoning req's)

All of that certain tract or parcel of land, lying and being partially in the Catawba Magisterial District, Roanoke County, Virginia, being more particularly bounded and described as follows:

BEGINNING at a corner of the land of the Roanoke Valley Resource Authority, being Roanoke County Tax Parcel no. 052.00-01-02.00-0000, situated approximately 1,800 feet southwest of the Smith Gap Landfill Office and unloading facility;

THENCE, running with the Roanoke Valley Resource Authority, with a curve to the right with an arc length of 523.43', with a radius of 1055.37', with a chord bearing of S 71°46'29" W, with a chord length of 518.08';

THENCE, continuing with said Authority, S 85°58'59" W 80.06' to a point;

THENCE, continuing with said Authority, S 04°01'01" E 50.00' to a point;

THENCE, continuing with said Authority and crossing a hollow and Williby Drive S 85°58'59" W 506.04' to a point in the line of Alvin Smith and Patricia Smith;

THENCE, leaving said Authority and running with Smith N 24°05'56" W 117.11' to a point;

THENCE, continuing with Smith, S 85°59'02" W 164.84' to a point;

THENCE, continuing with Smith, S 56°33'50" W 167.22' to the Montgomery and Roanoke County boundary;

THENCE, continuing along the Montgomery and Roanoke County boundary, N 33°39'53" W 237.17' to a point;

THENCE, continuing with Hodges, on an as non-tangent curve to the right with an arc length of 171.00', with a radius of 1055.37', with a chord bearing of N 76°28'49" E, with a chord length of 170.81', to a point in an open field;

THENCE, N 56°33'50" E 196.74' to a point in Williby Drive on the line of Paul W. Hicks;

THENCE, leaving Hodges and running with Williby Drive and Hicks, S 24°06'03" E 49.13' to a point;

THENCE, leaving Williby Drive and running with Hicks, N 85°58'59" E 615.73' to a point;

THENCE, continuing with Hicks, S 04°01'01" E 50.00' to a point;

THENCE, N 85°58'59" E 80.06' to a point;

THENCE with Hicks and lands of Becky Sue Sink, on a curve to the left with an arc length of 453.61', with a radius of 855.37', with a chord bearing of N 70°47'27" E, with a chord length of 448.31', to a point, a corner to lands of the Roanoke Valley Resource Authority;

THENCE, leaving Sink and with the Authority's land, S 24°06'03" E 202.64' to the BEGINNING;

The above described tract or parcel of land contains 8.051 Acres, more or less and is comprised of portions designated as Roanoke County Virginia Tax Parcel 052.00-01-02.08-0000.
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<td>8681 SINKER LN SALEM, VA 24153</td>
<td>8664 Bradshaw Rd. Salem, Va. 24153</td>
<td>AG3</td>
<td>Farm Buildings</td>
</tr>
<tr>
<td>52.00-1-2.2</td>
<td>BODDEN JASON W</td>
<td>8862 WILLYBD RD SALEM, VA 24153</td>
<td>SAME</td>
<td>AG3</td>
<td>Residential</td>
</tr>
<tr>
<td>52.00-1-2.1</td>
<td>JAMES A. FORBES &amp; JUDY F</td>
<td>8890 WILLYBD RD SALEM, VA 24153</td>
<td>SAME</td>
<td>AG3</td>
<td>Residential</td>
</tr>
<tr>
<td>52.00-1-2.7</td>
<td>SMITH ALVIN DEAN &amp; PATRICIA</td>
<td>8793 WILLYBD RD, SALEM, VA 24153</td>
<td>SAME</td>
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<td>Residential</td>
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<tr>
<td>52.00-1-2.9</td>
<td>Hodgnett JONATHAN</td>
<td>0000 WILLYBD RD</td>
<td>177 Highland Rd. Vinton, Va. 24179</td>
<td>AG3</td>
<td>Nursery</td>
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<tr>
<td>52.00-1-2.11</td>
<td>HICKS PAUL W</td>
<td>0000 WILLYBD RD</td>
<td>1520 Penley Blvd, Salem, Va. 24153</td>
<td>AG3</td>
<td>Vacant</td>
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<td>52.00-1-2.12</td>
<td>PENNEWELL PHILLIP &amp; PENNEWELL CINDY C</td>
<td>8840 WILLYBD RD</td>
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<tr>
<td>53.00-1-7</td>
<td>HS TEJAS LTD</td>
<td>DOW HOLLOW RD</td>
<td>P.O. Box 1350 Santa Rosa Beach, FL 32459</td>
<td>AG3</td>
<td>Vacant</td>
</tr>
</tbody>
</table>
POTENTIAL OF NEED FOR TRAFFIC ANALYSIS AND/OR TRAFFIC IMPACT STUDY

The following is a list of potentially high traffic-generating land uses and road network situations that could elicit a more detailed analysis of the existing and proposed traffic pertinent to your rezoning, subdivision waiver, public street waiver, or special use permit request. If your request involves one of the items on the ensuing list, we recommend that you meet with a County planner, the County traffic engineer, and/or Virginia Department of Transportation staff to discuss the potential additional traffic related information that may need to be submitted with the application in order to expedite your application process.

( Note this list is not inclusive and the County staff and VDOT reserve the right to request a traffic study at any time, as deemed necessary. )

High Traffic-Generating Land Uses:

- Single-family residential subdivisions, Multi-family residential units, or Apartments with more than 75 dwelling units
- Restaurant (with or without drive-through windows)
- Gas station/Convenience store/Car wash
- Retail shop/Shopping center
- Offices (including: financial Institutions, general, medical, etc.)
- Regional public facilities
- Educational/Recreational facilities
- Religious assemblies
- Hotel/Motel
- Golf course
- Hospital/Nursing home/Clinic
- Industrial site/Factory
- Day care center
- Bank
- Non-specific use requests

Road Network Situations:

- Development adjacent to/with access onto/within 500-ft of intersection of a roadway classified as an arterial road (e.g., Rte 11, 24, 115, 117, 460, 11/460, 220, 221, 419, etc)
- For new phases or changes to a development where a previously submitted traffic study is more than two (2) years old and/or roadway conditions have changed significantly
- When required to evaluate access issues
- Development with ingress/egress on roads planned or scheduled for expansion, widening, improvements, etc. (i.e. on Long Range Transportation Plan, Six-Yr Road Plan, etc.)
- Development In an area where there is a known existing traffic and/or safety problem
- Development would potentially negatively impact existing/planned traffic signal(s)
- Substantial departure from the Community Plan
- Any site that is expected to generate over one hundred (100) trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day

Effective date April 10, 2005
NOTICE TO APPLICANTS FOR REZONING, SUBDIVISION WAIVER, PUBLIC STREET WAIVER, OR SPECIAL USE PERMIT PETITION

PLANNING COMMISSION APPLICATION ACCEPTANCE PROCEDURE

The Roanoke County Planning Commission reserves the right to continue a Rezoning, Subdivision Waiver, Public Street Waiver or Special Use Permit petition if new or additional information is presented at the public hearing. If it is the opinion of the majority of the Planning Commissioners present at the scheduled public hearing that sufficient time was not available for planning staff and/or an outside referral agency to adequately evaluate and provide written comments and suggestions on the new or additional information prior to the scheduled public hearing then the Planning Commission may vote to continue the petition. This continuance shall allow sufficient time for all necessary reviewing parties to evaluate the new or additional information and provide written comments and suggestions to be included in a written memorandum by planning staff to the Planning Commission. The Planning Commission shall consult with planning staff to determine if a continuance may be warranted.

POTENTIAL OF NEED FOR TRAFFIC ANALYSES AND/OR TRAFFIC IMPACT STUDY

The Roanoke County Planning Commission reserves the right to continue a Rezoning, Subdivision Waiver, Public Street Waiver, or Special Use Permit petition if the County Traffic Engineer or staff from the Virginia Department of Transportation requests further traffic analyses and/or a traffic impact study that would be beneficial in making a land use decision (Note: a list of potential land uses and situations that would necessitate further study is provided as part of this application package). This continuance shall allow sufficient time for all necessary reviewing parties to evaluate the required traffic analyses and/or traffic impact study and to provide written comments and/or suggestions to the planning staff and the Planning Commission. If a continuance is warranted, the applicant will be notified of the continuance and the newly scheduled public hearing date.

Effective date: April 19, 2005

Roanoke Valley Resource Authority

Name of Petition

Petitioner's Signature

Date

27
APPENDICES
May 3, 2019

Mr. Daniel D. Miles, P.E.
Chief Executive Officer
Roanoke Valley Resource Authority
1029 Hollins Road, NE
Roanoke, Virginia 24012-8011

Re: Request for Zoning Administrator Interpretation

Dear Mr. Miles:

Thank you for your letter dated February 26, 2019 and subsequent information provided March 14 & 15, 2019 regarding an Interpretation request of zoning requirements applicable to the transportation access corridor under ownership of the Roanoke Valley Resource Authority (RVRA) to access Smith Gap Landfill. In particular, the interpretation is a request for determination whether a special use permit or other form of permit is required in order to continue operation of the rail line or the development of a dedicated access roadway along the same corridor. The real estate parcels involved in this request are detailed in a document identified by Instrument No. 2019000869, filed February 13, 2019 and recorded in Montgomery County, Virginia by Erica W. Conner, Clerk of Circuit Court. Specific details of these parcels are provided as an attachment to this letter.

Roanoke Valley Resource Authority (RVRA), identified as a political subdivision of the Commonwealth of Virginia created pursuant to the Virginia Water and Waste Authorities Act 15.2-5100 et seq., Code of Virginia (1950), as amended has owned and operated Smith Gap Landfill since June 27, 1989 under a Roanoke County issued Special Exception Permit (SEP)/Special Use Permit (SUP). The parcels transferred February 13, 2019 to Roanoke Valley Resource Authority (RVRA) were acquired and owned “by Norfolk Southern Railway under a contract dated October 25, 1991 to construct an alternate, dedicated rail spur access serving the landfill which was not part of the Roanoke County issued (SEP)/(SUP) as Norfolk Southern Railway was exempt from exempt from such conditions”. The contract expired June 30, 2018 and subsequently the Norfolk Southern Railway parcels were transferred to RVRA.

Based upon the review of the materials provided by RVRA and the Montgomery County Code, along with the fact that RVRA is a political subdivision of the Commonwealth of Virginia, it is my determination that the use(s) requested qualify as “public use, public facility”, defined by Section 10-61 below:

Public use, public facility: Any use or facility for exclusively public purposes, without reference to the ownership of the building or structure or the realty upon which it is situated, by any department or branch of the federal, Commonwealth of Virginia, or Montgomery County governments.
Additionally, Montgomery County Code, Section 10-(4)(d)4 requires that “where areas appear to be unclassified, or where territory is added to the jurisdictional area, it shall be considered to be classified as C-1 [Conservation District] until action is taken to amend the zoning map or otherwise determine the boundary and/or district, in accord with the provisions of this chapter.” Since these properties were previously owned by Norfolk Southern Railway, they were preempted from zoning. However, now that the parcels have been transferred to RVRA, Montgomery County zoning applies and per Section 10-(4)(d)4 above, they are designated as Conservation District (C-1) until the owner requests a change in zoning. Further, Section 10-22, Conservation District (C1), specifies “Public use, public facility” as a “use permitted by right” within the district.

In summary, it is my determination that the parcels referenced herein, may be utilized as a “use permitted by right” in the Conservation (C1) zoning district as access either by rail or road to a “public use, public facility” identified as Smith Gap Landfill, owned by Roanoke Valley Resource Authority (RVRA).

Section 10-55(2) of the Montgomery County Code provides that anyone aggrieved by this decision may appeal the decision within thirty (30) days. The appeal shall be received in writing along with the $260 fee on or before June 03, 2019. Failure to appeal this decision within thirty (30) days shall render this decision unappealable.

We’ve had an opportunity to talk with Roanoke County staff regarding the Roanoke County Special Use Permit dated December 3, 1991 and Special Exception dated May 25, 1993. We look forward to discussing the potential RVRA Special Use Permit application as you move forward with Roanoke County requirements for this project.

Please feel free to contact me by email at jenkinsds@montgomerycountyva.gov or by telephone at (540) 394-2148 if I can be of further assistance.

Sincerely,

Dari S. Jenkins, CZA
Planning & Zoning Administrator

DJ

Attachment: Montgomery County Parcel Information per Instrument No. 2019000869

C: Emily Gibson, Planning Director
Marty McMahen, County Attorney
Jim H. Gwynn, Esq., Gwynn, Waddell, Carroll & Lockaby P.C.
Mark C. Popovich, Esq., Gwynn, Waddell, Carroll & Lockaby P.C.
Philip Thompson, Roanoke Co. Dep. Director of Planning, 5204 Bernard Dr., 2nd Floor, Roanoke, VA 24018
John Murphy, Roanoke Co. Zoning Administrator, 5204 Bernard Dr., 2nd Floor, Roanoke, VA 24018
<table>
<thead>
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<th>Montgomery County Parcel Information</th>
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<tr>
<td>Prepared by Paul Hester, Cartographer</td>
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<tr>
<td>Montgomery County Commissioner of the Revenue</td>
</tr>
<tr>
<td>per Instrument No. 2019000869</td>
</tr>
<tr>
<td>filed February 13, 2019</td>
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</table>

<table>
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<tr>
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<th>Acreage</th>
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TOTAL Acres = 165.639
RVRA Working Group Report

Date: September 18, 2018
To: Board of the Roanoke Valley Resource Authority
From: Robert K. Bengtson, Chair, RVRA Working Group
Subject: RVRA Transportation Options to Landfill – Recommendation

The Board of the Roanoke Valley Resource Authority (RVRA) adopted a resolution (Attachment A) on May 23, 2018 creating a sub-group (Working Group) to explore transportation options related to the hauling of trash to the Smith Gap Landfill. The Working Group met on five separate occasions beginning July 10, 2018 and concluding on September 7, 2018 to develop a recommendation in response to the RVRA Board’s fundamental question: “What transportation option is RVRA’s best long-term solution to continue providing service into the future?”

The Working Group identified three primary options:

- Gondolas via Rail (Status Quo)
- Hybrid (Shipping Containers and Trucking)
- Trucking Only

These options were evaluated using nine separate criteria considered by the Working Group as key to assessing the merits of each option:

- Dependability/reliability of service
- Cost/fiscal
- Environmental/safety
- Regulatory controls
- Capital investment
- Maintenance of facilities
- Operations/process/staffing
- Timing/longevity
- Bradshaw community

The attached document titled “RVRA Transportation Options to the Landfill” (Attachment B) uses a matrix format to assess the nine criteria for each of the three options. Additionally, the projected 25-year budget and tip fee chart (Attachment C) as well as a graphical representation of the 25-year budget projections (Attachment D) have been prepared to provide financial analyses for each of the three options. It is important to note that when comparing these cost figures that there be a greater focus on the relative difference in cost between each of the three options.

After thorough consideration of the options, as documented in the attached material, the consensus determination of the Working Group is that the Trucking Only option would be RVRA’s best long-term solution to continue providing service into the future. Since its inception in 1993, trash by rail has been an innovative and progressive model for trash management in the Roanoke Valley. Current conditions have evolved such that the status quo methodology is no longer effective. The trucking option overcomes current system constraints and service deficiencies. Further, as the market for trash disposal options increases, trucking trash to the Smith Gap Landfill allows RVRA to remain a competitive option for its commercial customers. Any significant loss of RVRA’s commercial customers is expected to have a spiraling affect upon the costs borne by RVRA’s member localities. The RVRA Board is encouraged to more fully examine the attached documents to gain a greater understanding of all the considerations evaluated by the Working Group. Lastly, there is recognition that proceeding in this direction is predicated upon the resolution of the land use issue.

The members of the Working Group are prepared to discuss this matter with the RVRA Board as needed. We thank you for the opportunity to serve in this capacity.

Copy: RVRA Working Group Members

Attachments
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Gondolas via Rail Option (Status Quo)</th>
<th>Hybrid (Shipping Containers and Trucking)</th>
<th>Trucking Only</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dependability/reliability of service</strong></td>
<td>RVRA contract with NS does not provide for guarantee of rail service. No penalty for NS if service not provided. NS provides a total of 30 gondolas, with a minimum obligation to provide 25 gondolas. Trash exceeds the gondola capacity during summer months and holiday weekends. Second pulls available, but no assurance of service or penalty if not provided. Need contingency plan for alternative storage and/or shipping. Lack of competition for rail transportation service limits RVRA’s bargaining power.</td>
<td>RVRA would own flatcars and shipping containers. RVRA dependent upon NS to haul flatcars. RVRA’s current NS contract does not provide guarantee of rail service. No penalty for NS if service not provided. Shipping containers likely to handle trash quantities, reducing need for second pulls. Lack of competition for rail transportation service limits RVRA’s bargaining power.</td>
<td>RVRA owns 50 trailer units for loading of trash. RVRA current contract with Thompson Trucking provides for daily hauling between STS and TCTS. In general, procurement of trucking service allows for competition leading to strong assurance that service is available. Contract also provides backup support under status quo (rail) methodology to haul from STS and/or TCTS to either the SGLF or third-party landfill. Service has a high degree of reliability.</td>
</tr>
<tr>
<td><strong>Cost/fiscal</strong></td>
<td>Using a 25-year planning horizon, total costs range from a low of $420,267,304 to a high of $428,345,308. This was a set rate per pel and annual inflation in new 5-year contract with NS. Any hauls to other landfills incurs added expense (up to $50,000 per week) that is not budgeted. The cost range includes “impositions” that require consideration: (1) four new full-time employees needed to offset persistent need to work employees on overtime (2) $45,359,443 The cost range includes “impositions” that require consideration: (1) four new full-time employees needed to offset persistent need to work employees on overtime (2) adjustments to shipping container densities (3) three unimpeded use of the Salem Transfer Station (STS)</td>
<td>Using a 25-year planning horizon, total costs range from a low of $376,046,397 to a high of $388,760,144. Any hauls to other landfills incurs added expense that is not budgeted.</td>
<td>Using a 25-year planning horizon, total costs range from a low of $376,046,397 to a high of $388,760,144. Any hauls to other landfills incurs added expense that is not budgeted.</td>
</tr>
<tr>
<td><strong>Environmental/Safety</strong></td>
<td>Rail service that fully meets trash quantity mitigates the need to haul by truck from the TCTS to third-party landfills. Excess trash not hauled by rail is placed in trailers. Excess trash not hauled by rail is placed in trailers. If exceed trailer capacity, haul to New River landfill via I-81.</td>
<td>Rail service that fully meets trash quantity mitigates the need to haul by truck from TCTS to SGLF. Excess trash not hauled by rail is placed in trailers. If exceed trailer capacity, haul to New River landfill via I-81.</td>
<td>Places up to 50 tractor trailer trips each day on I-81 each weekday. Percentage of additional trips not discernable being within daily range of variability. Plan to have trucks off I-81 before 5:00 a.m. Potential private CNG fueling facility for Roanoke could improve emissions for RVRA trips and more. SGLF source of CNG as well.</td>
</tr>
<tr>
<td><strong>Regulatory controls</strong></td>
<td>Trash that is not hauled by rail remains on the tipping floor at the TCTS, violating RVRA’s DEQ permit requirements, along with associated employee licenses as well.</td>
<td>Shipping container capacity likely to handle trash quantity, which complies with DEQ permit requirements</td>
<td>Trash cleared from TCTS floor meets DEQ permit requirements. Roanoke County Indicates that a special use permit amendment for trucking is needed.</td>
</tr>
<tr>
<td><strong>Capital Investment</strong></td>
<td>Ownership/maintenance of gondolas belongs to NS. Existing gondolas are not expected to last another 10 years.</td>
<td>RVRA would purchase flatcars, shipping containers, Hyster lifts, transport tippers and articulating carriers</td>
<td>Facility modifications needed at TCTS for truck routing, STS for entranceway, and completion of SGLF spur road.</td>
</tr>
<tr>
<td><strong>Maintenance of facilities</strong></td>
<td>Railcar tipper is now 25 years old and subject to failure and significant downtime. Tipper overhaul requires two weeks of downtime. All property and rail originally acquired by NS is now RVRA responsibility to maintain.</td>
<td>Railcar tipper and associated process would no longer be used. All property and rail originally acquired by NS is now RVRA responsibility to maintain.</td>
<td>Railcar tipper and associated process would no longer be used. All property and rail originally acquired by NS is now RVRA responsibility to maintain.</td>
</tr>
<tr>
<td><strong>Operations/process/staffing</strong></td>
<td>Current operating conditions are highly inefficient. Railcar tipper method results in double-handling of waste. Tipper needs major overhaul within next five years. Without tipper, trash can only be hauled by truck to SGLF via Bradshaw Road, or to other landfills at a cost of $14M per month. Five employees required to support tipper method, plus two large Volvo trucks at SGLF on lease-to-own for next three years. STS must use trucking to haul to TCTS which results in triple-handling of trash. Tipping floor at TCTS not sized to</td>
<td>Operating conditions become more efficient. Trash is only handled once (twice if it comes from STS). Five employees and four pieces of heavy equipment that support current tipper method are reassigned to other functions. Two large Volvo trucks on lease-to-own are no longer needed. STS must use trucking to haul to Tinker Creek Transfer Station (STS not configured for rail service). Tipping floor at TCTS not sized to</td>
<td>Methodology is efficient. All trash handled once time. Trash quantities at STS and TCTS become more balanced with unimpeded access at STS. Current complement of staff at TCTS remains appropriate. Staff at SGLF can be reduced by five through attrition.</td>
</tr>
<tr>
<td>RVRA TRANSPORTATION OPTIONS TO LANDFILL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Timing/longevity</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New RVRA and NS contract for up to 5 years, can terminate after any year (includes cancellation fee)</td>
<td>Would need a contract between RVRA and NS to begin after current contract expires</td>
<td>Complete implementation of this option can occur in less than two years</td>
<td></td>
</tr>
<tr>
<td>Bradshaw community</td>
<td>Residents continue to anticipate arrival/departure of trash train. RVRA continues to honor moral commitment to not haul trash on Bradshaw Road (used by trucks only in rare and extreme circumstances)</td>
<td>Residents continue to anticipate arrival/departure of trash train. RVRA continues to honor moral commitment to not haul trash on Bradshaw Road (used by trucks only in rare and extreme circumstances)</td>
<td>New spur road supports RVRA's moral commitment to not haul trash on Bradshaw Road. Proper access protections included on spur road. Property value protections can be revisited. First-responders would have access to spur road</td>
</tr>
</tbody>
</table>
**1602 Parking Control Barrier Gate Operator**

- Commercial
- Industrial

- Designed to control wide traffic lanes (27 feet maximum) in limited use applications
- Suitable for low-cycle applications to restricted access areas such as prisons, airport security areas or industrial sites
- Electronic limit settings
- Three-place aluminum arm available in 20, 24 and 27 foot lengths
- DKS patent pending Loop Logic vehicular/pedestrian detection system
- 5-year limited warranty

**Access Control Solutions**
1602 PARKING CONTROL
BARRIER GATE
OPERATOR

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<th>CLASS OF OPERATION</th>
<th>MAXIMUM LENGTH</th>
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<th>MOTOR</th>
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<td>1 HP</td>
<td>115 VAC: 60 HZ, 0.7A</td>
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<tr>
<td></td>
<td>24 FT (7.3 m)</td>
<td>Aluminum</td>
<td>Continuous Duty AC Motor</td>
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<td></td>
<td>27 FT (8.2 m)</td>
<td>Aluminum</td>
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**Options:**
- Open Package
- Heater Kit
- Fan Kit

*Three symbols set a step-down transformer to achieve a 115 VAC operating voltage.

Optional factory-installed DC powered safety system provides an automatic method to open the gate when primary AC power fails.

---

**Technical Features**

**Mechanical**
- Primary function is provided by a DC motor and reduction system designed for year-round operation.
- Arm rests 60" in approximately 5 to 4 seconds.
- Three-position steel flange, 304 stainless steel.
- Rigid bracket for rigid mount.
- Full- or end-mounted options.
- Optional adjustment before the motor begins operation.
- Optional side sensor option for added security.
- Optional door interlock for added security.

**Electrical**
- 120/240 VAC, 50/60 Hz.
- Transformer for 120 VAC input.
- Control panel included.

**Miscellaneous**
- Electronic lock: 100-1000 lbs. (45-454 kg)
- Power source: 120 VAC, 60 Hz.
- Operating voltage: 115 VAC: 60 HZ, 0.7A

---

MGR FENCING
COMMERCIAL - INDUSTRIAL

540.985.0001
Fax 540.985.0080
www.MGRFENCINGVA.com
626 Tinker Avenue
Vinton, VA 24179

Marty Miller 540.580.8703
Greg Carroll 540.580.7532
Randy Hawkins 540.580.2263

BOOKINGING:
1-800-831-1124
Fax 1-800-999-0050
www.MGRFENCINGVA.com
626 Tinker Avenue
Vinton, VA 24179

---

Access Control Solutions since 1976
This table illustrates the high voltage AC power wire size and distance limitations.

<table>
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<th>Model Type</th>
<th>Voltage Required</th>
<th>Amps Required</th>
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<th>8 AWG</th>
<th>6 AWG</th>
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<td>270</td>
<td>405</td>
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</table>
FOR INFORMATIONAL PURPOSES ONLY

OPERATING PROCEDURES

TYPES OF WASTE

In order to protect surrounding residents and prolong the life of the Landfill site, the following conditions are made concerning the types of waste that may be accepted.

1. No hazardous waste will be allowed at any time during the entire life of the Landfill.
2. Wastes designated as “special wastes” shall be disposed of in separate sections of the areas designated for sanitary waste.
3. Non-hazardous Incinerator Ash may be disposed of as a special waste in the Landfill.
4. Only properly approved waste may be accepted, with the main objective always being to safely dispose of materials and prolong the useful life of the Landfill.

OPERATING HOURS

In consideration of the adjoining neighborhoods, the following operating limits be placed at the facility:

1. Normal working hours shall be:
   
<table>
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<tr>
<th>Activity</th>
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<th>Saturday</th>
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<tr>
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<td>8:00am-3:30pm</td>
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<td>Delivery of Waste</td>
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<td></td>
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<tr>
<td>Operation of all Equipment</td>
<td>7:00am-8:00pm</td>
<td>8:00am-6:30pm</td>
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2. Emergency operations shall allow for extended hours on all days and Sundays whenever an emergency has been duly declared by the Roanoke County Administrator.
3. Operating hours can only be changed by action of the Board of Supervisors, after public notice and hearing.

OPERATING CONTROLS

Effective control over potential Landfill pests and nuisances are of great concern to all residents surrounding the Landfill site. The following policies are designed to minimize such nuisances:

1. Noise
   a. Noise levels generated by the Landfill machinery and equipment may not exceed the following amounts:
      80 db (decibels) – Landfill site borders
      65 db (decibels) – Surrounding residences
b. Landfill operations vehicles must be equipped with the best possible muffler or exhaust system available to minimize noise.

2. Dust
   a. Fugitive dust emissions will be monitored by an authorized agent of Roanoke County or by the Landfill Operators for compliance with state regulations.
   b. Problem areas arising during dry seasons will be controlled with water.
   c. Access roads should be cleaned and dust controlled with water if excessive amounts of dust are generated.
   d. Any fill area of intermediate cover must be seeded in vegetative cover within 30 days of fill.

3. Odor
   a. Odor problems will be minimized if the Landfill operation is conducted properly and active fill areas are covered daily.
   b. If problem odors exist that adversely impact surrounding residents, deodorizing agents will be used.
   c. All holding tanks for Leachate collection systems shall be in enclosed underground structures.

4. Lights
   a. Sufficient lighting must be maintained at all times to facilitate normal operations and to provide adequate security over the Landfill site.
   b. Lighting must be directed inward to keep the main-body of light and glare off surrounding residents.
   c. Adjoining property owners will be consulted as to light placement, direction and height.
   d. Lighting shall be limited to fixtures attached to buildings as necessary for security and operations and freestanding poles of not more than 16 feet in height, and no lights shall exceed one foot-candle of light measured at the base of the pole or structure.

5. Pests
   a. A bonded, licensed pest control company will be retained by the Landfill Agency throughout the active life of the Landfill to provide preventive inspections and treatments.
   b. Adjoining property owners who incur pest problems that are proven to be directly related to the Landfill operation must be provided proper extermination at the expense of the Landfill Agency.
   c. Breeding areas for flying insects must be treated as often as is necessary to prevent the breeding cycle.

6. A telephone number will be provided for use of surrounding residents, including those in the transportation corridor, to call in complaints about noise, dust, odor, or pests. These calls will be recorded and corrective actions documented.

ACTIVE FILL AREAS

The active areas of the Landfill are regulated by the Virginia Department of Waste Management. Strict guidelines are specified in the regulations; however, the active areas shall be designed to allow for final cover as soon as possible.
Fill areas should be designed as far as practical from adjoining properties to provide maximum buffering, and in no case should extend within 100 feet of the Landfill boundary line.

ENVIRONMENTAL MONITORING

1. The responsible Landfill Agency must have all landfill facilities inspected at least annually by a qualified independent contractor to determine compliance with all special exception permit conditions and all other landfill conditions. Any violations must be reported to the responsible Landfill Agency and shall be made public information and the Landfill Agency shall take whatever steps are necessary to immediately correct the violations.

2. The responsible Landfill Agency will be required to log all complaints from any adjoining residents or businesses of the landfill and transportation corridor and all reasonable and legitimate complaints shall receive the proper attention and shall be corrected immediately. The complaint log shall be open to public inspection.

SCREENING AND BUFFERING

Adequate screening and buffering is a paramount concern. Effective screening and buffering can reduce or mitigate the adverse impacts of noise, dust, and light from the landfill on adjoining properties, as well as improve the visual appearance of the landfill operation. In addition, landscaping of obtrusive buildings and active areas within the landfill can reduce the visual blight from improved properties which are above and overlook the landfill site. Finally, minimizing the size of active and disturbed areas and immediate seeding of these areas once activity ceases can further reduce this visual blight.

To address these items, the following standards are recommended. Additional requirements may be formulated for site specific conditions upon review of the proposed landfill sites. Any modification shall be subject to such site specific circumstances, as determined by the Director of Planning.

1. The following buffer yard and plantings shall be established around the perimeter of the landfill property, except adjacent to an existing residential property or private right-of-way. Trees shall be planted in three separate rows or in clusters, where natural land characteristics allow within the buffer yard.
   a. 50 foot buffer yard;
   b. Three large deciduous trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard;
   c. Five large evergreen trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard; and,
   d. Seven small evergreen trees with an ultimate height of 15 feet or greater per 100 linear feet of buffer yard.

2. In areas adjacent to an existing residential property or public or private right-of-way, the following shall be established and maintained around the perimeter of the landfill property. Trees shall be planted in three separate rows or in clusters, where natural land characteristics allow with the buffer yard.
   a. 100 foot buffer yard;
b. Six large deciduous trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard;
c. Ten large evergreen trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard; and,
d. Fifteen small evergreen trees with an ultimate height of 15 feet or greater per 100 linear feet of buffer yard.
3. The buffer yard may only be used for passive recreation, such as pedestrian, bike or equestrian trails provided that:
   a. No plant material is eliminated;
   b. The total width of the buffer is maintained; and
   c. All other requirements and conditions are met.
4. Buildings, active landfill areas, equipment storage areas and other facilities shall be landscaped in such a manner as to enhance (but not necessarily screen) the visual appearance from adjoining properties.
5. The administrative standards and procedures contained under Section 21-92 of the Roanoke County Zoning Ordinance shall apply unless more restrictive or specific standards are required above.
6. The transportation corridor may or may not be able to be totally buffered by natural topography or feasibly by normal screening methods. Where feasible, buffering will be negotiated with the property owners. (A1)

SITE SECURITY

In compliance with State regulations, the following suggestions are to make the landfill the most up to date facility.

1. All facilities shall be surrounded on all sides by natural barriers, fencing, or an equivalent means of controlling vehicles access and preventing illegal disposal. All access will be limited by gates, and such gates shall be securable and equipped with locks.
   a. All fencing utilized at the facility shall be adequate to control unauthorized access.
   b. Gates shall be at the main entrance as well as the entrance to additional service areas.
2. Access shall be permitted only when an attendant is on duty and only during daylight hours, unless otherwise specified in the facility permit, such as for delivery of waste. (A1)
3. Landfill should be provided with an adequately lighted and heated shelter where operating personnel can exercise site control and have access to essential sanitation facilities. Lighting, heat and sanitation facilities may be provided by portable equipment, as necessary.
   a. Dust to dawn lights to be placed around buildings and at each of the security gates.
4. Landfill will be equipped with permanent or mobile telephone or radio communications.
5. The operator is responsible for safety hazards to operating personnel through an active safety program.
6. All access points to the transportation corridor shall be properly gated and shall be posted with “No Trespassing” signs. Signs will also be posted at intervals along the transportation corridor.

FIRE PROTECTION AND PUBLIC WATER
Fire protection for the site shall be provided on site with adequate storage, distribution, and hydrants to properly extinguish fires. The system shall be designed as a potable water system in conformance with the standards of Roanoke County. The system may be deeded to Roanoke County for ownership and operation. The system shall be designed to serve all on-site water needs as well as being capable of serving adjoining properties.

Expansion of the water supply system, except when groundwater contamination has been documented, shall be prohibited without prior review for consistency with the Comprehensive Plan. This review shall follow the requirements and criteria outlined in Section 15.1-491(h) Site Plan Review, of the Code of Virginia.
Aerial View

8484 Bradshaw Road
Smith Gap Landfill
Roanoke Valley
Resource Authority

Existing Zoning: AG3
Proposed Zoning: AG3S

Tax Map Number:
052.00-01-02.08-0000
Parcel size:
8.05 acres

Magisterial District:
Catawba

Subject site

Roanoke Co. Planning
(540) 772-2068
5204 Bernard Dr.
Roanoke VA 24018
Zoning Map

8484 Badshaw Road
Smith Gap Landfill
Roanoke Valley
Resource Authority

Zoning: AG3
Tax Map Number: 052.00-01-02.08-0000
Parcel size: 8.05 acres

Magisterial District: Catawba

Subject site

Roanoke Co. Planning
(540) 772-2068
5204 Bernard Dr.
Roanoke VA 24018

Date: 10/2/2019
Roanoke County, Virginia

Future Land Use Map

8484 Bradshaw Road
Smith Gap Landfill
Roanoke Valley
Resource Authority

Future Land Use Designation:
- Rural Preserve

Tax Map Number:
052.00-01-02.08-0000

Parcel size:
8.05 acres

Magisterial District:
Catawba

Subject site

Roanoke Co. Planning
(540) 772-2068
5204 Bernard Dr.
Roanoke VA 24018
AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, DECEMBER 3, 1991

RESOLUTION 12391-7 GRANTING A SPECIAL USE PERMIT AND AMENDING CONDITIONS AND OPERATING POLICIES TO THE ROANOKE COUNTY RESOURCE AUTHORITY FOR THE SMITH GAP SOLID WASTE DISPOSAL FACILITY, LOCATED IN THE CATAWBA MAGISTERIAL DISTRICT

WHEREAS, the Roanoke County Planning Commission held a public hearing on this matter on November 7, 1991; and

WHEREAS, the Board of Supervisors of Roanoke County, Virginia, held a public hearing on this matter on November 19, 1991; and,

WHEREAS, legal notice and advertisement has been provided as required by law.

NOW, THEREFORE, be it resolved by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the Board finds that the granting of amendments to the Special Exception Permit conditions and operating policies for the solid waste disposal facility at the Smith Gap site is substantially in accord with the adopted 1985 Comprehensive Plan pursuant to the provisions of Section 15.1-456 (b) of the 1950 Code of Virginia, as amended.

2. That this action is taken upon the petition of the Roanoke County Resource Authority.

3. That this action amends the Resolution 62789-12 of this Board adopted on June 27, 1989.

4. That the Board hereby grants a Special Exception Permit to the Roanoke County Resource Authority (and upon its creation and
approval by the State Corporation Commission, its successor, the Roanoke Valley Resource Authority) to publicly own and operate a solid waste disposal facility on what is known as the "Smith Gap Site" located on 640.39 acres on the northwest side of Fort Lewis Mountain between Smith Gap and Bradshaw Road in the Catawba Magisterial District, subject to the amended landfill permit conditions and operating policies, which are attached hereto and incorporated herein by reference.

5. That the Board acknowledges, to the extent permitted by law, that the Authority has a non-binding moral obligation to pay such amounts as may be needed to address the adopted operating policies, including property value protection, and that such payment is subject to future appropriations. Nothing in the approved operating policies shall be deemed to constitute the creation of a debt, the lending of the credit, nor a pledge of the credit of the County under the Constitution and laws of the Commonwealth of Virginia, nor shall any provision thereof give any person any legal right to enforce the terms thereof against the County or the Authority.

6. That this Resolution shall be in full force and effect thirty (30) days after its final passage. All resolutions or parts of resolutions in conflict with the provisions of this resolution be, and the same hereby are, repealed.

On motion of Supervisor Robers to adopt the ordinance amending the corridor to provide protection to 1800 feet contiguous to rail line with protection extending only to current residents and
existing improvements and provided that further construction is exempt from protection, and carried by the following recorded vote:

AYES: Supervisors Roberts, Johnson, Nickens, McGraw

NAYS: None

ABSTAIN: Supervisor Eddy

A COPY TESTED:

[Signature]
Mary H. Allen, Clerk
Roanoke County Board of Supervisors

cc: File
John R. Hubbard, Assistant County Administrator
Terrance L. Harrington, Director, Planning & Zoning
LANDFILL, RAIL & TRANSFER STATION

PERMIT CONDITIONS

AND

OPERATING POLICIES

ROANOKE VALLEY RESOURCE AUTHORITY

Revised October 22, 1992
PREFACE

In 1988, the local governments of Roanoke County, Roanoke City and the Town of Vinton began preparing a comprehensive solid waste disposal plan for the long term future of the Roanoke Valley. The initial study phase of the plan identified numerous methods for the disposal of solid wastes including incineration, landfilling, recycling and composting. After months of review, landfilling was identified as the primary method of disposal.

With the assistance of dedicated Citizens' Advisory Committees and the commitment from the elected officials, the Smith Gap Landfill and the Roanoke Transfer Station were selected. With each selection was a commitment to protect the environment and the neighborhoods.

The Roanoke Valley Resource Authority and the City of Roanoke, County of Roanoke and the Town of Vinton have adopted permit conditions and operating policies for each facility of the solid waste disposal system. These commitments are expressed in the following pages and represent the concerns and compassion for the residents of the area, the impact the facilities will have on their lives, and the importance of a sound waste disposal system.

Questions concerning this document may be addressed to the Roanoke Valley Resource Authority by calling 772-2130 or by writing to 3433 Brambleton Avenue, Roanoke, Virginia 24018.
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LANDFILL

PERMIT CONDITIONS
PERMIT CONDITIONS

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In order to protect surrounding residents and prolong the life of the Landfill site, the following conditions are made concerning the types of waste that may be accepted.

1. No hazardous waste will be allowed at any time during the entire life of the Landfill.

2. Wastes designated as "special wastes" shall be disposed of in separate sections of the areas designated for sanitary waste.

3. Non-hazardous Incinerator Ash may be disposed of as a special waste in the new Landfill.

4. Only properly approved waste may be accepted, with the main objective always being to safely dispose of materials and prolong the useful life of the Landfill.

OPERATING HOURS

In consideration of the adjoining neighborhoods, it is recommended that the following operating limits be placed on the new facility:

1. Normal working hours shall be:

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2. Emergency operations shall allow for extended hours on all days and Sundays
whenever an emergency has been duly declared by the Roanoke County Administrator.

3. Operating hours can only be changed by action of the Board of Supervisors, after public notice and hearing.

OPERATING CONTROLS

Effective control over potential Landfill pests and nuisances are of great concern to all residents surrounding the Landfill site. The following policies are designed to minimize such nuisances:

1. Noise
   a. Noise levels generated by the Landfill machinery and equipment may not exceed the following amounts:
      
      80 db (decibels) - Landfill site borders
      65 db (decibels) - Surrounding residences
   
       b. Landfill operations vehicles must be equipped with the best possible muffler or exhaust system available to minimize noise.

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   a. Fugitive dust emissions will be monitored by an authorized agent of Roanoke County or by the Landfill Operators for compliance with state regulations.
   
   b. Problem areas arising during dry seasons will be controlled with water.
   
   c. Access roads should be cleaned and dust controlled with water if excessive amounts of dust are generated.
   
   d. Any fill area of intermediate cover must be seeded in vegetative cover within 30 days of fill.
3. Odor
   a. Odor problems will be minimized if the Landfill operation is conducted properly and active fill areas are covered daily.
   b. If problem odors exist that adversely impact surrounding residents, deodorizing agents will be used.
   c. All holding tanks for Leachate collection systems shall be in enclosed underground structures.

4. Lights
   a. Sufficient lighting must be maintained at all times to facilitate normal operations and to provide adequate security over the Landfill site.
   b. Lighting must be directed inward to keep the main-body of light and glare off surrounding residents.
   c. Adjoining property owners will be consulted as to light placement, direction and height.
   d. Lighting shall be limited to fixtures attached to buildings as necessary for security and operations and freestanding poles of not more than 16 feet in height, and no lights shall exceed one footcandle of light measured at the base of the pole or structure.

5. Pests
   a. A bonded, licensed pest control company will be retained by the Landfill Agency throughout the active life of the Landfill to provide preventive inspections and treatments.
   b. Adjoining property owners who incur pest problems that are proven to be directly related to the Landfill operation must be provided proper extermination at the expense of the Landfill Agency.
   c. Breeding areas for flying insects must be treated as often as is necessary to prevent the breeding cycle.
6. A telephone number will be provided for use of surrounding residents including those in the rail corridor to call in complaints about noise, dust, odor, or pests. These calls will be recorded and corrective actions documented.

ACTIVE FILL AREAS

The active areas of the landfill are regulated by the Virginia Department of Waste Management. Strict guidelines are specified in the regulations; however, the Landfill Citizens Advisory Committee feels that active areas shall be designed to allow for final cover as soon as possible.

Fill areas should be designed as far as practical from adjoining properties to provide maximum buffering, and in no case should extend within 100 feet of the Landfill boundary line.

ENVIRONMENTAL MONITORING

1. The responsible Landfill Agency must have all landfill facilities inspected at least annually by a qualified independent contractor to determine compliance with all special exception permit conditions and all other landfill conditions. Any violations must be reported to the responsible Landfill Agency and shall be made public information and the Landfill Agency shall take whatever steps are necessary to immediately correct the violations.

2. The responsible Landfill Agency will be required to log all complaints from any adjoining residents or businesses of the landfill and rail corridor and all reasonable and legitimate complaints shall receive the proper attention and shall be corrected immediately. The complaint log shall be open to public inspection.
SCREENING AND BUFFERING

Adequate screening and buffering is a paramount concern of the Landfill Citizens Advisory Committee. Effective screening and buffering can reduce or mitigate the adverse impacts of noise, dust and light from the landfill on adjoining properties, as well as improve the visual appearance of the landfill operation. In addition, landscaping of obtrusive buildings and active areas within the landfill can reduce the visual blight from improved properties which are above and overlook the landfill site. Finally, minimizing the size of active and disturbed areas and immediate seeding of these areas once activity ceases can further reduce this visual blight.

To address these items, the following standards are recommended. Additional requirements may be formulated for site specific conditions upon review of the proposed landfill sites. Any modification shall be subject to such site specific circumstances, as determined by the Director of Planning.

1. The following buffer yard and plantings shall be established around the perimeter of the landfill property, except adjacent to an existing residential property or public or private right-of-way. Trees shall be planted in three separate rows or in clusters, where natural land characteristics allow within the buffer yard.
   - 50 foot buffer yard;
   - Three large deciduous trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard;
   - Five large evergreen trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard; and,
   - Seven small evergreen trees with an ultimate height of 15 feet or greater per 100 linear feet of buffer yard.

2. In areas adjacent to an existing residential property or public or private right-of-way, the following shall be established and maintained around the perimeter of the landfill property. Trees shall be planted in three separate rows or in clusters, where natural land characteristics allow within the buffer yard.
   - 100 foot buffer yard;
   - Six large deciduous trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard.
   - Ten large evergreen trees with an ultimate height of 50 feet or greater per 100 linear feet of buffer yard; and
   - Fifteen small evergreen trees with an ultimate height of 15 feet or greater per 100 linear feet of buffer yard.

3. The buffer yard may only be used for passive recreation, such as pedestrian, bike
or equestrian trails provided that:

- No plant material is eliminated;
- The total width of the buffer is maintained; and,
- All other requirements and conditions are met.

4. Buildings, active landfill areas, equipment storage areas and other facilities shall be landscaped in such a manner as to enhance (but not necessarily screen) the visual appearance from adjoining properties.

5. The administrative standards and procedures contained under Section 21-92 of the Roanoke County Zoning Ordinance shall apply unless more restrictive or specific standards are required above.

6. The rail line may or may not be able to be totally buffered by natural topography or feasibly by normal screening methods. Where feasible, buffering will be negotiated with the property owner during purchase negotiations with Norfolk Southern.
SITE SECURITY

In compliance with State regulations, the following suggestions are to make the landfill the most up to date facility.

1. All facilities shall be surrounded on all sides by natural barriers, fencing, or an equivalent means of controlling vehicle access and preventing illegal disposal. All access will be limited by gates, and such gates shall be securable and equipped with locks.
   a. All fencing utilized at the facility shall be adequate to control unauthorized access.
   b. Gates shall be at the main entrance as well as the entrance to additional service areas.

2. Access to a solid waste disposal facility (landfill) shall be permitted only when an attendant is on duty and only during daylight hours, unless otherwise specified in the facility permit, such as for rail delivery of waste.

3. Each solid waste disposal facility should be provided with an adequately lighted and heated shelter where operating personnel can exercise site control and have access to essential sanitation facilities. Lighting, heat and sanitation facilities may be provided by portable equipment as necessary.
   a. Dusk to dawn lights to be placed around buildings and at each of the security gates.

4. All sanitary landfills will be equipped with permanent or mobile telephone or radio communications.
   a. The main security gate should be able to communicate with all necessary areas of the landfill.

5. The operator is responsible for safety hazards to operating personnel through an active safety program.
   a. Security rules and regulations shall be posted at each gate.
   b. Security guard or landfill personnel shall be on site 24 hours each day.
6. All vehicle access points to the rail spur shall be properly gated, with lock, and shall be posted with "No Trespassing" signs. Signs will also be posted at intervals along the rail spur.
FIRE PROTECTION AND PUBLIC WATER

Fire protection for the site shall be provided on site with adequate storage, distribution, and hydrants to properly extinguish fires. The system shall be designed as a potable water system in conformance with the standards of Roanoke County. The system may be deeded to Roanoke County for ownership and operation. The system shall be designed to serve all on-site water needs as well as being capable of serving adjoining properties.

Expansion of the water supply system, except when groundwater contamination has been documented, shall be prohibited without prior review for consistency with the Comprehensive Plan. This review shall follow the requirements and criteria outlined in Section 15.1-456 of the Code of Virginia, and shall also apply to any proposal submitted under Section 15.1-475 (subdivision) and Section 15.1-491(h) Site Plan Review, of the Code of Virginia.

SITE REJECTION

The Special Exception Permit for a landfill shall become null and void upon official notification of the rejection of the site by the Department of Waste Management or the date Roanoke County selects not to submit a Part "B" application for the site.
LANDFILL

POLICIES
POLICIES

GROUNDWATER PROTECTION

The single greatest concern of all residents surrounding a landfill site is the potential contamination of groundwater sources. Residents must be assured that the water supplies will be protected at all times.

1. The responsible Landfill Agency will take all necessary actions as required by state, federal or local laws or regulations, including permit conditions to protect the groundwater and water wells from contamination as a result of the landfill construction and operation.

2. If private groundwater sources are contaminated as a result of landfill leakage, construction, and/or operation, the responsible Landfill Agency will, at its expense, provide to each eligible resident or business a clean source of replacement water.
   a. The Landfill Agency may select any source of water they so desire but it must meet all applicable health standards. The newly established water system will be extended to each residence or business and connected at the Agency's expense within 120 days after the date the contamination is verified. All interior plumbing contaminated to the extent that it is rendered hazardous for continued use will be replaced at the Agency's expense.
   b. Eligible residents or businesses will receive free water up to 6,000 gallons per month for as long as they own and occupy the residence. All water usage over 6,000 gallons per month will be paid by the resident or business at the rates in effect at that time. Heirs of residents will qualify for free water under this provision.
   c. The Landfill Agency agrees to continue to provide water to subsequent owners of affected residences or businesses. However, these residents or businesses must pay the normal charge for water services being paid by other Roanoke County water users.
d. The Landfill Agency will provide water during the interim period between providing a new source and the well contamination.

3. This guarantee will remain in force for a period equal to the State and EPA required monitoring period after closure, but not less than 25 years.

4. To be eligible for groundwater protection, each surrounding property owner (within 1,000 feet of landfill property boundary) must sign an agreement and must agree to allow water samples to be taken and tested at the Landfill Agency’s expense. All property owners in the rail corridor are eligible for groundwater protection only after a derailment of waste along the spur line or if contamination from the landfill is detected from those wells being tested quarterly. The Resource Authority will remain responsible to the property owners during a derailment. However, Norfolk Southern may be ultimately responsible under the transportation contract.

a. For all wells in existence before the opening of the landfill, the initial water sample must pass all health standards and must include the chemical and bacteria tests.

b. All eligible residents or businesses must allow water samples to be taken on a quarterly basis for testing by the Landfill Agency. All testing is to be done at the Landfill Agency’s expense.

c. For all wells which pass the initial test, if subsequent tests show contamination, it will qualify under the terms of this agreement for guaranteed replacement, unless the Landfill Agency can prove that the source of the contamination is not the landfill.

d. For all wells that fail the initial test, the exact nature of the existing contamination must be recorded and sufficient additional tests taken to establish an accurate base-line of data against which to compare future tests. If future tests demonstrate a deterioration of water contamination the well will qualify under the terms of this agreement for guaranteed replacement.

e. All new wells drilled (within 1,000 feet of the landfill property boundary) during the life of the landfill that pass an initial water sample test (chemical and bacteria) will qualify for groundwater protection under the terms of this agreement.
5. All surrounding property owners within 5,000 feet of the landfill property boundary may elect to have their water tested at the Landfill Agency’s expense. This will be a one-time only test prior to the opening of the landfill, and is to include chemical and bacteria analysis.

6. A Contingency Plan must be designed and approved, for providing potable water to surrounding residents covered under this agreement, prior to the opening of the landfill.

7. The Landfill Agency will escrow sufficient money from landfill tipping fees to guarantee fulfillment of this agreement.
PROPERTY VALUE PROTECTION

A second major concern of residents surrounding the landfill site is the potential devaluation of their property. This is particularly true since people's homes usually represent the majority of their assets. Residents must be assured that their property values will be protected.

1. The responsible Landfill Agency will take all necessary actions as required by federal, state or local laws or regulations, including landfill permit conditions, to insure residents surrounding the landfill site that their property values will not be adversely impacted by the landfill.

2. Any resident or business owning property within 5,000 feet of the landfill site border on November 1, 1992, may be eligible for compensation if they can prove their property was devalued as a result of the landfill. (Amended 10-22-92 to become effective November 1, 1992.)

Any resident or business owning property within the rail corridor on December 3, 1991, may be eligible for compensation if they can prove their property was devalued as a result of the rail spur. Only that property, or portion thereof, and improvements existing on December 3, 1991, that lies within the rail corridor boundaries will be covered by this policy. This policy will become effective on the date that construction begins on the rail spur.

3. The resident must establish the value of the affected property just prior to the sale date (Appraised Value) by either obtaining an appraisal by a "Professionally Certified Appraiser" or by use of the current Roanoke County or Montgomery County tax assessments. Tax assessments must reflect 100% of fair market value. The responsible Landfill Agency will pay 50% of the cost of the initial appraisal up to a total of $150. Appraisals to be made as if landfill was not existing.

4. Any resident who sells their property for an amount (Sale Value) which is less than the Appraised Value determined under paragraph 3 will be eligible for compensation from the responsible Landfill Agency for the amount of this difference, subject to the following conditions:

a. The responsible Landfill Agency must be given the "Right of First Refusal" to buy any property for which a bona fide offer to purchase has
been received in an amount below the Appraised Value.

b. The responsible Landfill Agency must exercise their rights under paragraph 4a within 30 days of the date they are notified by the resident of a bona fide purchase offer.

c. Appraisal shall take into account condition of property.

5. The foregoing agreement to compensate residents for loss in property values will only apply to properties sold before the termination date, which is defined as 5 years after the date the landfill is closed. Heirs of residents qualifying under paragraph 2 will be eligible for compensation under the terms of this agreement.

6. Any resident who is eligible for compensation for property devaluation under the foregoing terms of this agreement will also qualify for reimbursement of the following expenses:

a. Residents or renters will receive reasonable moving expenses to move to a new location within 25 miles of existing residence. Moving expenses are limited to the costs of transporting household goods and require three (3) written quotes approved by the Landfill Agency. Payments are to be made within 60 days of approved expenses.

b. Residents or renters will receive reimbursement for the Interest Differential between their existing mortgage loan and any new loan assumed on any replacement property within 25 miles of existing residence. This reimbursement will be defined as the present value of the remaining principal payments, discounted at the difference between the interest rates on the original loan and on the replacement loan. Payments to be made within 60 days of the new loan closing.

7. It shall be the responsibility of the resident to carry adequate property insurance to cover any loss hazards. In the event that a total loss does occur, the Landfill Agency will compensate the resident (who qualifies under the preceding terms of this agreement) for the difference between the Assessed Value and the Insurance Settlement. However, if the Insurance Settlement is for any amount less than the Sale Value, the amount of compensation will be the difference between the Assessed Value and the Sale Value. For purposes of this provision, the Sale Value is understood to be the Replacement Value of the property on the date of the insurance loss.
APPEALS

In order to provide a timely and inexpensive method for parties that may be damaged by the landfill permit conditions and policies, any disagreement between a property owner and the responsible Landfill Agency concerning groundwater contamination or property value damage, the matter may be resolved through the provisions of the Uniform Arbitration Act, Article 2 of Title 8.01 of the Code of Virginia (Section 8.01-581.01 et seq).

LANDFILL OWNERSHIP

The citizens of Roanoke County feel strongly that the landfill operator needs to be responsive and accountable for properly operating, maintaining, and adhering to the conditions placed on the permit.

The Landfill Agency shall remain in full control and accountable for the construction and operation of the landfill. And will be accountable for the proper transportation of waste under the Norfolk Southern transportation contract.
LANDFILL USERS

The responsible Landfill Agency shall limit users of the Regional Landfill to qualifying residents and businesses of Roanoke County, Roanoke City, Vinton, Montgomery County and Salem. Private haulers will be allowed to use the landfill only if the refuse that is submitted originates from one of the municipalities previously mentioned and if they have applied for and obtained a dump permit from the Landfill Operator.

LANDFILL OPERATIONAL PRIORITIES

Siting and permitting a new landfill under current VDWM regulations is extremely complex and difficult. This is true for technical reasons but also due to the adverse impact on surrounding residents. The Landfill Citizens Advisory Committee feels that the following priorities must be used to guide the Landfill Operator and Board in making all future policy determinations. These are listed in priority order below:

1. Protection of the environment of the Roanoke Valley Service Area.
2. Protection or extension of the useful life of the landfill.
3. Protection of the interests of the residents of the landfill host community.
4. Protection of the interests of the residents of the rail corridor.
5. Minimization of landfill operating costs.
RAIL ACCESS

A safe and adequate rail spur to the landfill is a great concern of the residents of the rail corridor. Properly constructed and maintained rail lines are critical in protection and safety of the adjoining neighborhoods. The following conditions are an attempt to address these issues:

1. Adequate access controls and proper posting of the rail spur shall be provided.
2. The number of train runs per day will be kept to a minimum.
3. Train speed shall not exceed 25 miles per hour along the rail spur.
4. Grade crossings should be of asphalt or other surfacing material other than gravel.
5. Train whistles should be kept to a minimum and only when necessary.
6. Train runs should be as early as possible considering timing, scheduling, traffic and operating controls.
7. Spur line shall be for landfill traffic only.
8. Ground cover and weeds shall not be controlled by use of toxic herbicides.
9. If, after purchase of property for the rail spur, the Landfill Agency or railroad determines that the rail will not be used to transport waste to the landfill, the property owners will have the right to repurchase their property at the fair market value.

HAZARDOUS WASTE COLLECTION

The landfill presently being sited in Roanoke County is strictly for sanitary municipal solid waste. Since no hazardous waste will be allowed, it is important for the Regional Landfill service area to provide a means of disposing of hazardous waste.

The responsible Landfill Agency or Board will develop and make public information for the proper disposal of hazardous waste.
HOST COMMUNITY IMPROVEMENT FUND

A Host Community Improvement Fund will be established through donations from the Landfill Agency for the purpose of public improvements for the Host Community. The Host Community is defined as the area within 5,000 feet of the landfill along with the rail corridor. Donations will be made annually in amounts of $10,000; however, the fund shall never exceed $150,000. The fund shall be utilized for the construction and maintenance of public improvements to Landfill Agency property approved by the Board of Supervisors and the Planning Commission. A Public Improvement Plan shall be developed by Landfill Agency with assistance from the residents of the Host Community for the expenditure of the fund.

RAIL CORRIDOR ESTABLISHMENT

The rail corridor has been established to identify the area adjacent to the rail spur that may be influenced by the transportation of waste and the construction of the new line. Each property owner will be adequately and fairly compensated for any land acquired for the construction of the rail line and any residue damage, if any. Those other adjoining properties may experience some effects associated with the transportation waste along the rail spur as those adjoining properties of the landfill and, therefore, should be afforded similar protection.

The rail corridor has been established and limited to those properties or portion thereof that lie within boundaries defined as 1800 feet on both sides of the rail spur from its beginning at the existing main rail line to the Roanoke County-Montgomery County corporate line. The rail corridor is generally depicted on the rail corridor map.

MISCELLANEOUS

The railroad's responsiveness to complaints and claims is of great concern of the rail corridor residents. The Landfill Agency will make all efforts to assist the residents in satisfying their concerns and obtaining quick response and resolve from the railroad.

Reimbursements for legitimate livestock claims will be resolved and paid within 60 days.
AMENDMENTS TO LANDFILL POLICIES
MEETING: October 22, 1992

SUBJECT: Property Protection Policy - Landfill

ACTION REQUIRED: Unanimous Approval of all City and County Representatives

BACKGROUND:

On June 27, 1989, the Roanoke County Board of Supervisors approved the special use permit to construct the Smith Gap Landfill. With the approval, certain conditions and operating policies were included, one of which was the Property Value Protection Policy.

The Property Value Protection Policy provides property owners within 5,000 feet of the landfill boundary, protection against the decline of property values due to the landfill. The policy becomes effective on the date the "Part B" application is approved and a permit is issued by the Department of Waste Management. This condition was selected in case the site was denied, and therefore, would not become a landfill.

Since the approval of the County permit, the Roanoke Valley Resource Authority has received "Part A" approval and has begun preliminary site development, all of which indicates the intent to utilize the site. Also, the effective date of property protection in the rail corridor is May 1, 1992, the date work began on the spur line.

Several property owners in the protected area have requested that the effective date be changed to reflect acceptance of the site for development, rather than "Part B" approval. The change will not require approval of the County Board of Supervisors. The Roanoke Valley Resource Authority must approve the change with a unanimous vote of all representatives of the County and City as specified in the Members Use Agreement.

The change will expose the Resource Authority to payments for affected property values earlier.

FUNDING:

Funds for the establishment of the Property Value Protection Fund are available within the Capital Budget. The Property Value Protection Fund should be initially established to be $200,000.
OPTIONS:

(1) Approve the effective date to be changed from "Part B" approval to January 1, 1993, and establish the Property Value Protection Fund in the amount of $200,000. (Requires approval of all Roanoke County and Roanoke City representatives and budget approval by majority.)

(2) Retain the current effective date. However, approve the establishment of the Property Value Protection Fund in the amount of $200,000. (Requires majority vote.)

(3) Make no changes at this time.
(Requires no action or majority vote.)

RECOMMENDATION:

In an effort to make the Property Value Protection Program consistent between the rail corridor and the landfill community and keeping in mind the initial intent of the "Part B" date, it is recommended that option 1 be approved.

Respectfully submitted:

John R. Hubbard, P.E.
Chief Executive Officer
TRANSFER STATION

DESIGN CRITERIA
TRANSFER STATION
DESIGN CRITERIA

APPROVAL PROCESS

1. City Council Approval

2. Comprehensive Site Plan Review
   a. Staff Review/Approval
   b. Planning Commission Review/Approval

3. Department Waste Management Review/Approval

ACCESS/INTERNAL CIRCULATION

1. Site shall have sufficient on-site queuing capacity to prevent waiting collection vehicles from backing up onto public roads.*

2. Site access should be controlled to limit access and to prevent unauthorized entry.*
   a. All facilities shall be surrounded on all sides by natural barriers, fencing, or an equivalent means of controlling vehicles and pedestrian access. Required fencing shall be set back from the property line.
   b. Gates shall be provided at the main entrance as well as the entrance to additional service areas.

3. Adequate directional signage shall be provided to insure safe and efficient internal traffic circulation on the site.

4. All internal streets and driveways shall be designed to adequately serve the needs of the traffic function for both large and small vehicles in a safe fashion.

5. All roads utilized as the main access to the proposed transfer facility must be adequate for the projected type and volume of traffic.
LANDSCAPING/BUFFERING/OPEN SPACE

1. No structural features should extend closer than fifty feet to any property line or closer than 200 feet to any home, school, or recreational area.*

2. Minimum open space (that part of the site, including yards, which is not covered by buildings, structures, or paved areas) shall be at least ten percent of the lot.

3. Visual buffers created by topography or existing vegetation shall be maintained or enhanced to the extent possible.

4. All required yards and open spaces not used for parking, driveways or outdoor storage shall be landscaped.

5. Buildings, equipment storage areas, and other facilities shall be landscaped in such a manner as to enhance their visual appearance from adjoining properties.

6. Adequate on-site parking shall be provided for transfer station employees preferably from a separate entrance.

7. Except for any required storm water retention basins, there shall be no above ground open treatment facilities.

8. Consideration shall be given to providing internal litter control fences.

OUTDOOR STORAGE

1. No outside storage collected solid waste shall be permitted with the exception of brush and other wood items prior to mulching.

2. Any outside mulching operations (including materials waiting to be mulched) shall be screened from public view.

ARCHITECTURAL COMPATIBILITY

The proposed transfer facility and accessory structures shall be attractively designed to blend in and/or enhance surrounding development.
FLOOD PLAIN PROTECTION

1. The tipping floor elevation of the proposed solid waste transfer facility shall be above the base flood elevation for the area at a minimum.

2. No outside storage shall be permitted within the base flood elevation.

*Minimum State Department of Solid Waste Criteria*
TRANSFER STATION

OPERATING POLICIES
TRANSFER STATION
OPERATING POLICIES

TYPES OF WASTE

1. No hazardous waste will be received or stored at this facility.

2. Only properly approved solid waste may be accepted and transported from this facility.

3. In the event that any hazardous waste, as defined by the Virginia Department of Waste Management, is discovered on the site of the proposed Solid Waste Transfer Facility, the Transfer Station Operating Agency will immediately contact The City's Hazardous Material Coordinator who shall take all necessary steps to insure that the hazardous waste is properly contained and disposed of in accordance with the Department of Hazardous Waste regulations.

4. Any person, firm, or corporation who knowingly transports hazardous waste, as defined by the Virginia Department of Solid Waste Management, into the proposed Solid Waste Transfer Station shall be subject to prosecution under applicable criminal statutes and shall be liable for the full cost incurred by the Transfer Station Operator for proper clean-up and disposal of such material in a licensed facility.

OPERATING HOURS

1. Normal working hours shall not exceed:

   Delivery of Waste   Operation of All Equipment

   Monday-Friday 7:00 a.m.-7:00 p.m.   7:00 a.m.-9:00 p.m.
   Saturday       8:00 a.m.-5:00 p.m.   8:00 a.m.-7:00 p.m.

2. Emergency operations shall allow for extended hours on all days and Sundays whenever an emergency has been duly declared by the Roanoke City Manager.

3. Residential drop-off areas will operate during the hours of normal operation.
4. Maximum operating hours can only be changed by action of Roanoke City Council.

PERFORMANCE STANDARDS

1. Noise
   a. Noise levels generated by transfer station machinery and equipment may not exceed the following amounts:
      
      80 db (decibels) - Transfer station borders
      65 db (decibels) - Surrounding residences
   
   b. Equipment used at the transfer station should be as noise free as possible.

2. Dust
   a. Fugitive dust emissions shall be controlled by an authorized agent of the City of Roanoke or by the Transfer Station Operators for compliance with state and/or local regulations.
   
   b. Problem areas arising during dry seasons shall be controlled.
   
   c. Internal access roads shall be cleaned and dust controlled if excessive amounts of dust are generated.

3. Odor
   a. Tipping areas shall be washed down at the close of operations each day.
   
   b. If problem odors exist that adversely impact surrounding residents, deodorizing agents should be used.
   
   c. All leachate shall be handled in a closed system.

4. Lights
   a. Sufficient lighting must be maintained at all times to facilitate normal operations and to provide adequate security over the Transfer Station.
b. Lighting must be directed to keep the main body within the transfer station site.

c. Adjoining property owners should be considered as to light placement, direction and height.

5. Pests

a. A bonded, licensed pest control company shall be retained by the Transfer Station Operating Agency throughout the active life of the facility to provide preventive inspections and treatments.

b. Adjoining property owners who incur pest problems that are proven to be directly related to the Transfer Station must be provided property extermination at the expense of the Transfer Station Operating Agency.

c. Breeding areas for flying insects must be treated as often as is necessary to prevent the breeding cycle.

6. Litter pick-up on the site is to be performed at least once each week or whenever needed, weather permitting.

SITE SECURITY

1. All facilities shall be surrounded on all sides by natural barriers, fencing, or an equivalent means of controlling vehicle access and preventing illegal disposal. All access will be limited by gates, and such gates shall be securable and equipped with locks.

a. All fencing utilized at the facility shall be adequate to control unauthorized access.

b. Gates shall be at the main entrance as well as the entrance to additional service areas.

2. Access to the solid waste transfer facility shall be permitted only when an attendant is on duty and only during normal operating hours, unless otherwise specified in the facility permit.

3. Dusk to dawn lights shall be placed around buildings and at all security gates.
ROAD IMPROVEMENTS AND ACCESS

1. The Transfer Station Operator will properly maintain all on-site entrance roads and driveways in good, safe repair.

2. The Transfer Station Operator will keep all designated access roads and the adjoining rights-of-way and properties free and clean of litter and debris originating from vehicles traveling to and from the transfer facility. Litter pickup is to be made at least once each week or whenever needed, weather permitting.

3. Government-owned refuse vehicles will be required, and all other vehicles will be encouraged to use roads designated by the City of Roanoke to access the proposed transfer facility.

4. The Transfer Station Operator will keep all designated access roads and the adjoining rights-of-way and properties free and clean of any liquid residue originating from public or private collection vehicles. Street cleaning is to be performed whenever needed, weather permitting.

APPEALS

A telephone number shall be provided for use of surrounding residents to call-in complaints about noise, dust, odor, pests, or other problems associated with the operation. These calls shall be recorded and corrective actions documented.

In order to provide a timely and inexpensive method for parties that may be damaged by the transfer station permit conditions and policies, any disagreement between a property owner and the responsible Transfer Station Operating Agency concerning operating problems may be resolved through the provisions of the Uniform Arbitration Act, Article 2 of Title 8.01 of the Code of Virginia (Section 8.01-581.01 et seq.).

PROPERTY VALUE PROTECTION

1. The Transfer Station Operating Agency will take all necessary action as required by federal, state or local laws or regulations, including permit conditions, to assure residents surrounding the transfer station site that their property values will not be adversely impacted by the facility.

2. Any resident owning property within 1,000 feet of the transfer station site border on the day the site becomes operational may be eligible for
compensation if they can prove their property was devalued as a result of the transfer station.

3. The resident must establish the value of the affected property just prior to the sale date (Appraised Value) by either obtaining an appraisal by a "Professionally Certified Appraiser" or by use of the current Roanoke City tax assessments. Tax assessments must reflect 100% of fair market value. The responsible Transfer Station Operating Agency will pay 50% of the cost of the initial appraisal up to a total of $150; appraisals to be made as if the transfer station was not existing.

4. Any resident who sells their property for an amount (Sale Value) which is less than the Appraised Value, determined under paragraph C, will be eligible for compensation from the responsible Agency for the amount of this difference, subject to the following conditions:

   a. The responsible Transfer Station Operating Agency must be given the "Right of First Refusal" to buy any property for which a bona fide offer to purchase has been received in an amount below the Appraised Value.

   b. The responsible Transfer Station Operating Agency must exercise their rights under paragraph D within 30 days of the date they are notified by the resident of a bona fide purchase offer.

   c. Appraisal shall take into account condition of property and whether the loss of property value would occur for any other permitted use under current zoning designation.

   d. The foregoing agreement to compensate residents for loss in property values will only apply to properties sold before the termination date, which is defined as 5 years after the date the transfer station is operational. Heirs of residents qualifying under paragraph 2 will be eligible for compensation under the terms of this agreement.

   e. Eligibility for compensation will be extended under the same terms to include any Roanoke City resident owning residential property adjoining any road used as the main access road to the transfer station site.

5. Any resident who is eligible for compensation for property devaluation
under the foregoing terms of this agreement will also qualify for reimbursement for the Interest Differential between their existing mortgage loan and any new loan assumed on any replacement property within the boundaries of Roanoke City. This reimbursement will be defined as the present value of the remaining principal payments, discounted at the difference between the interest rates on the original loan and on the replacement loan.

6. It shall be the responsibility of the resident to carry adequate property insurance to cover any loss hazards. In the event that a total loss does occur, the Transfer Station Operating Agency will compensate the resident (who qualifies under the preceding terms of agreement) for the difference between the Assessed Value and the Insurance Settlement. However, if the Insurance Settlement is for any amount less than the Sale Value, the amount of compensations will be the difference between the Assessed Value and the Sale Value. For purposes of this provision, the Sale Value is understood to be the Replacement Value of the property on the date of the insurance loss.
AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, MAY 25, 1993

ORDINANCE 52593-12 AMENDING RESOLUTION 62789-12 GRANTING A SPECIAL EXCEPTION PERMIT TO THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, TO PUBLICLY OWN AND OPERATE A SOLID WASTE DISPOSAL FACILITY ON WHAT IS KNOWN AS THE "SMITH GAP SITE:" SAID AMENDMENT TO REFLECT THE ACTUAL SURVEYED ACREAGE AND TO INCORPORATE ADDITIONAL LANDS

WHEREAS, on June 27, 1989, the Board of Supervisors granted a Special Exception Permit for the location and operation of a solid waste facility on what is known as the "Smith Gap Site" located on 640.39 acres on the northwest side of Fort Lewis Mountain between Smith Gap and Bradshaw Road in the Catawba Magisterial District; and

WHEREAS, the Roanoke Valley Resource Authority has petitioned for an amendment to the Special Exception Permit to reflect the actual surveyed acreage of the area originally permitted and to incorporate lands acquired for the entrance, tipper building and rail yard associated with the regional landfill at Smith Gap; and

WHEREAS, the Planning Commission held a public hearing on this matter on May 4, 1993; and

WHEREAS, the Board of Supervisors of Roanoke County, Virginia, held a first reading on this matter on April 27, 1993; the second reading and public hearing on this matter was held on May 25, 1993.

NOW, THEREFORE BE IT ORDAINED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the Board finds that the granting of the petition of the Roanoke Valley Resource Authority to amend the Special Exception Permit granted by Resolution 62789-12 to include the 1
actual surveyed acreage of 752.01 acres be, and hereby is, approved: and

2. That the Special Exception Permit be expanded to allow the location and operation of a solid waste facility on additional land acquisitions (for the entrance, tipper building, and rail yard associated with the regional landfill), said additional land acquisitions totaling 126.74 acres, making the total acreage covered by this Special Exception Permit to be 878.75, said 878.75 acres outlined in pink on the attached plat entitled "Composite Plat for Roanoke Valley Resource Authority showing 6 parcels of land containing 1241.355 Acre Situate off Va. Sec. Rte. 622, Catawba Magisterial District, Roanoke County, Virginia" dated February 23, 1992 and revised April 29, 1993 and prepared by T. P. Parker & Son, Engineers, Surveyors, Planners, said plat attached hereto and made a part hereof.

On motion of Supervisor Nickens to adopt the ordinance, and carried by the following recorded vote:

AYES: Supervisors Johnson, Kohinke, Eddy, Nickens, Minnix

NAYS: None

A COPY TESTE:

Brenda J. Holton, Deputy Clerk
Roanoke County Board of Supervisors

cc: File
John R. Hubbard, Executive Director, RVRA
Paul M. Mahoney, County Attorney
Terrance L. Harrington, Director, Planning & Zoning
Mary F. Parker, Clerk, Roanoke City Council
Carolyn S. Ross, Clerk, Vinton Town Council
Jeffrey Cromer, Roanoke Valley Reg. Solid Waste Mgt Board
Questions and comments raised by those in attendance:

1) Mason’s creek sits on a fault line. Concern with endangered clam species and potential hazardous waste. How was this landfill site chosen in the first place? This is a watershed. Concern with crawdads. Concern with creeks drying out. Trailers are travelling the roads and leaking liquids onto the road. Has complained to DEQ and VDGIF.

2) What body will approve or deny this request?

3) I witnessed liquids coming out of a back corner of a trailer near Orange Market. There is no way this trailer had the required bladder. It was pouring out of the back like a hose.

4) Why do you need trailers if you have a train? Which is cheaper to operate? How much money has been spent on trailers? If there is a train, trailers should not be allowed.

5) Bradshaw Road was not designed to be used by trailers. The road is being destroyed.

6) The trailer drivers speed down the road and it is dangerous. They do not drive carefully.

7) If the Authority continues business as they are now, is this permit even needed? Why can’t they keep doing what they are doing?

8) How many localities do you bring in trash for? Wasn’t this meant to be only for Roanoke County and Roanoke City?

9) I know you all have been using the railroad since 2005. Why does it have to be changed? Concerns mentioned with asbestos storage. Mentions they have a very powerful telescope and have seen asbestos warning signs up the road to the landfill. The smell is very strong at his property. Some of the methane taps have helped but not enough.

10) Have there been any air quality studies done for where we live? Requesting they be done.

11) How many wells were drilled for testing? I drilled all of them.

12) How much does it cost per ton to transport? You said it was more economical to take the train, how?
13) Will you put in writing that if the rail is put in, trailers will be off the road? Understands there may be clauses for use during emergency situations, but then concerned they will make up emergencies.

14) Map question- is this red area the area of interest? Are trucks going to be on the road by the railroad track? Where will the road go?

15) Can we put “stop using Bradshaw Road” on the SUP?

16) In ’91 we were told they could go through the railroad property in case of emergency and would not need to use Bradshaw Road at all.

17) In SUP- there is mention of a 3hr delay with a wreck on the interstate. Will the trucks come on Bradshaw then?

18) Bradshaw Road is not good for tractor trailers. It is not wide enough and dangerous if one breaks down or has to stop. In 6 months this road has been destroyed. The railroad will save money and time.

19) How long will road construction take? How will that be done?

20) (Speaker 8 again) How much did the tipper cost? Why don’t you put in a new tipper if that will solve the problems? Did you say you estimate 50 trucks a day?

21) (Speaker 14 again) Is there construction already going on at the railroad near Williby Rd? Will there be more trucks than we see now in the future?

22) You don’t want to fix the tipper because it’s expensive, but you’ve bought...(speaker goes on to summarize different properties / projects the Authority has done recently.) How much money has been spent in anticipation of going into a trucking enterprise? Why not just use that money to fix the tipper? We have to be careful and ask these questions because the language in this SUP is what we are going to have to live with.

23) Has a decision been made on trucks vs railroad? County has used our money to buy trailers and trucks, so this doesn’t add up. The decision has already been made and we are being lied to.

24) What is the longevity of the landfill? How much longer will it be able to function?
25) $18.5 million has been spent preparing to switch to trucks, but that decision hasn’t been made, while you said the tipper cost $9 million. You’ve been using our money and it doesn’t make sense. - what would it have cost to use the train instead? How long would that money have lasted on train transit?

26) (Speaker 22 again)Do you have proposals for fixing Bradshaw? Due to all of the damage your trucks have caused?

27) (Speaker 14 again) Is there a timeframe on finishing the road and converting to that from the railroad?

28) Timeline? Will Bradshaw be used during the switchover? Is the track even wide enough to hold roads for tractor trailers?

29) So is this meeting really about the SUP for the property indicated? Isn’t this property currently being used now? So this SUP is just to continue the use?

30) When the road is built, will you still be using the tipper?

31) (Speaker 1 again) One lane bridges are very dangerous. Describes being trapped on one recently. The road is not in good condition

32) If this SUP is not approved, what happens next?
SEC. 30-32. AG-3 AGRICULTURAL/RURAL PRESERVE DISTRICT.

Sec. 30-32-1. Purpose.

(A) The AG-3, agricultural/rural preserve district consists of land primarily used as farmland, woodlands, and widely scattered residential development located within the rural service area. Also found in these areas are lands with steep slopes, and groundwater recharge areas. Many of the county's unique natural and scenic resources are found in this district. The purpose of this district is to maintain these areas essentially in their rural state, and attempt to protect sensitive and unique land resources from degradation as recommended in the rural preserve land use category of the comprehensive plan. This may be accomplished by maintaining the existing agricultural lands and preventing the encroachment of incompatible land uses. Non-farm residents should recognize that they are located in an agricultural environment where the right-to-farm has been established as county policy. This district is also intended to minimize the demand for unanticipated public improvements and services, such as public sewer and water, by reducing development densities and discouraging large scale development.

(Ord. No. 042799-11, § 1f., 4-27-99; Ord. No. 042208-16, § 1, 4-22-08)

Sec. 30-32-2. Permitted Uses.

(A) The following uses are permitted by right subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

1. Agricultural and Forestry Uses

   Agriculture
   Agritourism *
   Farm Brewery *
   Farm Distillery *
   Farm Employee Housing *
   Farm Winery *
   Forestry Operations *
   Stable, Commercial *
   Stable, Private *
Wayside Stand *

2. **Residential Uses**

   Accessory Apartment *
   Home Beauty/Barber Salon *
   Home Occupation, Type II *
   Manufactured Home *
   Manufactured Home, Accessory *
   Manufactured Home, Emergency *
   Multiple Dog Permit *
   Residential Human Care Facility
   Single-Family Dwelling, Detached

3. **Civic Uses**

   Community Recreation *
   Family Day Care Home *
   Park and Ride Facility *
   Public Parks and Recreational Areas *
   Safety Services *
   Utility Services, Minor

4. **Commercial Uses**

   Agricultural Services *
   Bed and Breakfast *
   Kennel, Commercial *
   Veterinary Hospital/Clinic
5. **Industrial Uses**

Custom Manufacturing *

6. **Miscellaneous Uses**

Amateur Radio Tower *

Wind Energy System, Small*

(B) The following uses are allowed only by special use permit pursuant to section 30-19. An asterisk (*) indicates additional, modified or more stringent standards as listed in article IV, use and design standards, for those specific uses.

1. **Agricultural and Forestry Uses**

Commercial Feedlots *

2. **Residential Uses**

Alternative Discharging Sewage Systems *

3. **Civic Uses**

Camps *

Cemetery *

Correctional Facilities

Day Care Center *

Religious Assembly *

Utility Services, Major *

4. **Commercial Uses**

Antique Shops *

Bed and Breakfast Inn *

Campgrounds *

Country Inn *
Golf Course *

Special Events Facility *

Studio, Fine Arts

5. Industrial Uses

Composting *

Landfill, Construction Debris *

Landfill, Rubble *

Landfill, Sanitary *

Resource Extraction *

6. Miscellaneous Uses

Aviation Facilities, Private *

Broadcasting Tower *

Outdoor Gatherings *

Shooting Range, Outdoor *

Wind Energy System, Large*

Wind Energy System, Utility*

Sec. 30-32-3. Site Development Regulations.

General Standards. For additional, modified, or more stringent standards for specific uses, see Article IV, Use and Design Standards.

(A) Minimum lot requirements.
1. All lots, regardless of sewer and water provisions:
   a. Area: 3 acres (130,680 square feet).
   b. Frontage: 200 feet on a publicly owned and maintained street.
   c. Maximum width to depth ratio: 1 to 5 (W to D) on streets in existence prior to the adoption of this ordinance.

(B) Minimum setback requirements.

1. Front yard:
   a. Principal structures: 50 feet.
   b. Accessory structures: Behind the front building line.

2. Side yard:
   a. Principal structures: 25 feet.
   b. Accessory structures: 25 feet behind front building line or 10 feet behind rear building line.

3. Rear yard:
   a. Principal structures: 35 feet.
   b. Accessory structures: 10 feet.

4. Where a lot fronts on more than one street, front yard setbacks shall apply to all streets.

5. Where the principal structure is more than 150 feet from the street, accessory buildings may be located 150 feet from the street and 25 feet from any side property line.

(C) Maximum height of structures.

1. All structures: 45 feet.

(D) Maximum coverage.

1. Building coverage: 10 percent of the total lot area.

2. Lot coverage: 20 percent of the total lot area.
(Ord. No. 62293-12, § 10, 6-22-93, Ord. No. 111213-15, § 1, 11-12-13)
Sec. 30-86-6. Landfill, Sanitary.

(A) General standards:

1. Minimum parcel size: Fifty (50) acres.

2. A Type E buffer yard shall be provided in accordance with section 30-92.

3. The site development and operations shall be in accordance with all of the regulations of the Virginia Department of Environmental Quality, include special conditions of any landfill permit, for sanitary landfills.

4. In addition to the application requirements for a special use permit, a Master Plan of the proposed development and use of the site shall be submitted for consideration. This plan shall specify all physical changes and improvements to the property, areas proposed for landfilling activities including a phasing plan with time frames for the landfilling activities, methods for controlling drainage, run-off and leachate, erosion and sediment control measures to be employed during development of the site, an evaluation of the impact of the proposed activity on groundwater resources, methods for securing the site from illegal entry, proposed access routes and impacts on public roads, and proposed closure plan and eventual re-use of the site.

5. In considering a special use permit, in addition to the above standards and the general standards contained in Section 30-19 of this ordinance, the board may consider and set standards for the following:

   a. The surface materials required for the access road, and length from the public road this surface treatment is required.

   b. Specific measures to control dust, odor and pests on the site.

   c. Specific levels of noise permitted on the site, as measured at adjacent property lines and acceptable noise levels as measured from adjoining residences.

   d. Limits on the hours of operation including the delivery of waste material and the operation of equipment on-site.

   e. Limitations on the types of materials to be landfilled.

   f. Measures to insure adequate security of the site.

   g. Additional requirements for screening and buffering.
6. No clearing or landfilling activities shall be undertaken until the appropriate permits are approved by the Virginia Department of Environmental Quality.

7. During the operating life of the landfill, an annual environmental audit shall be prepared by a qualified independent contractor to determine compliance with all conditions of the special use permit and all other requirements for the operation of the landfill. Any violations shall be reported to the administrator and shall be made public information.

(Ord. No. 42694-12, § 20, 4-26-94; Ord. No. 042208-16, § 1, 4-22-08)
**Rural Preserve:** A future land use area of mostly undeveloped, outlying lands. These rural regions are generally stable and require a high degree of protection to preserve agricultural, forestal, recreational, and remote rural residential areas.

**Land Use Types:**

- **Agricultural Production** - The production of crops, plants, vines, trees, livestock, poultry and eggs.
- **Agricultural Services** - Services that support agricultural production such as soil and crop preparation, veterinary services and landscape and horticultural care.
- **Forest and Wood Products** - Tree farms, forest nurseries and reforestation services.
- **Parks and Outdoor Recreation Facilities** - Large regional parks and other recreation facilities that are designed to preserve environmentally sensitive lands and protect them from more intense land uses.
- **Rural Residential** - Single-family residential generally averaging a gross density of one unit per three acres. Cluster developments are encouraged.
- **Rural Institutional** - Limited intensity uses such as religious assembly facilities and clubs serving the local rural population base.
- **Mining and Extraction Operations** - Those uses that locate according to the availability of natural resources. There are strict limitations on these industries in the Rural Preserve designation due to potentially harmful effects on housing, farming and resource protection and conservation areas.

**Land Use Determinants:**

- **EXISTING LAND USE PATTERN** - Locations where agricultural, recreational, and forestal uses are predominant and are encouraged to expand.
- **EXISTING ZONING** - Locations where agricultural zoning is in effect.
- **RURAL RESIDENTIAL AND INSTITUTIONAL AREAS** - Locations where limited, very low density residential and institutional uses are allowed.
- **RESOURCE PROTECTION** - Locations where valuable and irreplaceable resources such as open space, public water supply impoundments, rivers, streams, lakes, productive agricultural land, woodlands, critical slopes, ridgelines, historical and archeological sites and unique natural areas exist.
- **ACCESS** - Locations that are accessible by existing improved or
unimproved rural roads and, to a lesser extent, rural arterial highways.

RURAL SECTOR - Locations outside the urban service area.