



**AGENDA
FRANKLIN COUNTY BOARD OF SUPERVISORS
TUESDAY MAY 19, 2020**

**THE MEETING WILL BE CONDUCTED IN COMPLIANCE WITH (ORDINANCE #02-04-2020)
EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES
AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO
ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER**

All County residents are encouraged to continue participation in public meetings of the Franklin County Board of Supervisors. To facilitate public participation, the Board will continue to update their website with options for citizens to participate.

Please continue to monitor the County's Website (www.franklincountyva.gov) or call the County Administration office (540) 483-3030 for ways to continue citizen participation during this unprecedented time.

Citizens wishing to submit public comment are required to alert Madeline L. Sefcik, Clerk to the Board via email at madeline.sefcik@franklincountyva.gov or at (540) 483-3030 before 12:00 PM on May 19, 2020.

- 1:30 Call to Order, Chairman Mitchell
- 1:31 Invocation, Supervisor
- 1:32 Pledge of Allegiance
- 1:33 Public Comment
- 1:38 **CONSENT AGENDA (REQUIRES ACTION)**
 - Approval of Accounts Payable Listing, Appropriations, and approval of April 21, 2020 Board of Supervisors Meeting Minutes, and May 4, 2020 Board of Supervisors Budget Work Session Minutes
 - 1. Addition to VDOT Secondary Road Maintenance System (**Attachment #1**)
- 1:40 Todd Daniel, Resident Engineer – VDOT (via teleconference)
 - 1. Monthly Report (**Attachment #2**)
- 1:45 Steven Sandy, Director of Planning and Community Development
 - 1. 2020 VDOT Smart Scale Projects Applications (**Attachment #3**)
 - 2. Short-Term Rental Use-by-Right Zoning Ordinance Discussion (**Attachment #4**)
- 2:10 Brian Carter, Director of Finance
 - 1. Monthly Finance Report
- 2:20 Mike Thurman, Director of General Properties
 - 1. Glade Hill Fire-EMS Station (**Attachment #5**)

- 2:35 Mike Burnette, Director of Economic Development
1. Summit View Business Park Updates **(Attachment #6)**
 2. Summit View Business Park Athletic Field #1 Construction Contract Award **(Attachment #7)**
 3. AEP Easement Public Hearing Request **(Attachment #8)**
- 2:50 Dr. Mark Church, Superintendent of Franklin County Public Schools
1. Modified Proposed School System Budget **(Attachment #9)**
- 3:10 Dr. Mark Church, Superintendent of Franklin County Public School and Sheriff Overton
1. School Resource Officers Grant **(Attachment #10)**
 2. COPsync Program **(Attachment #11)**
- 3:25 Sheriff Bill Overton
1. Courthouse Security Fees **(Attachment #12)**
- 3:40 Christopher Whitlow, County Administrator
1. Modified Proposed FY 20-21 Budget
 2. Upcoming Events
 3. Other Matters
- 4:20 Other Matters by Supervisors
- 4:30 Request for Closed Meeting in Accordance with 2.2-3711, (A)(1), Personnel Discussion of appointments to County Boards, Commissions, etc.; (A) (3) Discussion of the acquisition of real property or the disposition of real property; (A) (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry; (A)(7) Consultation with legal counsel.

APPOINTMENTS
(Attachment #13)

Recess for Dinner

6:00 Call To Order, Chairman Mitchell

6:01 Recess for Previously Advertised Public Hearings as Follows:

1. The Franklin County Board of Supervisors will hold a public hearing to consider proposed amendment to **(Chapter 20: Article I, Section 20-4 – Procedure for refund of taxes erroneously paid and Article VI – Bank Franchise Tax, Sections 20-111, 20-112, 20-113, 20-115).** **(Attachment #14) and (Attachment #15)**
2. **APPLICATION for SPECIAL USE PERMIT-** Application of John Mathena, Applicant, and South Lake Motor Sports, LLC, Owners, requesting to amend condition #4 attached to an existing Special Use Permit that was granted by the Board of Supervisors on January 15, 2019. Specifically the applicant is requesting to (1) substitute a single welded wire fence for the approved split rail fence with wire mesh, and (2) to substitute Eastern Red Cedar trees with a height of two (2) feet to four (4) feet, for the previously approved six (6) foot tall Green Giant Arborvitae. The Eastern Red

Cedar's would be planted in a single row twenty (20) feet on center along the property boundaries that already have existing mature vegetation. Eastern Red Cedars with a height of three (3) feet to five (5) feet would be planted in a staggered double row twenty (20) feet on center along the north/northwest property lines adjacent to Hampton Drive. The property is approximately 14.25 acres, currently zoned A-1, Agricultural, and B-2, General Business, and located at 2000 Old Salem School Road in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0520010302. The property has a future land use designation of Low Density Residential. **(Attachment #16)**

3. **APPLICATION for SPECIAL USE PERMIT** – Application of Boyd K. Temple and LeAnn L. Temple, Applicants and Owners, requesting a Special Use Permit with possible conditions, to allow for the short term tourist rental of a dwelling, located on an approximate 3.29 acre property. The property, currently zoned A-1, Agriculture, is located at 601 Strawberry Banks Drive in the Gills Creek District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0320005800. Short term tourist rentals of a dwelling is a permitted use by Special Use Permit in A-1 Agriculture zoning districts and subject to the supplemental regulations found in Section 25-138 of the Franklin County Code. The property has a future land use designation of Low Density Residential. **(Attachment #17)**
4. **APPLICATION for REZONE-** Application of Bowman Excavating, Inc, Applicants, and Brent E. Bowman and Cora Mae Bowman, Owners, requesting to rezone a property from A-1, Agricultural, to B-2, General Business, for the purpose of having a contractor's office and shop from which their business would operate. The property is approximately 9.64 acres, currently zoned A-1, Agricultural, and located at 540 Ikenberry Road in the Blackwater District of Franklin County, and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0430002401D. The property has a future land use designation of Low Density Residential and Agriculture, Forestry/Rural Residential. **(Attachment #18)**
5. **APPLICATION for SPECIAL USE PERMIT** – Application of Smith Mountain Lake Volunteer Fire & Rescue Department, Applicants and Owners, requesting to amend condition #1 of an existing Special Use Permit that was granted by the Board of Supervisors on June 1, 2017 to allow the proposed optional storage building to be increased in size from 2,500 square feet to a maximum of 5,000 square feet. The property is approximately 6.13 acres, currently zoned R-1, Residential Suburban Subdivision District, and located at the end of Oak Grove Drive in the Gills Creek District of Franklin County, and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0150007301. The property has a future land use designation of Low Density Residential. **(Attachment #19)**
6. **APPLICATION for SPECIAL USE PERMIT** – Application of Mohammad Alkhawaja, Applicant, and Kawaja Corporation, Owners, requesting a Special Use Permit with possible conditions, to allow for rental of moving equipment, located on an approximate 1.68 acre property. The property, currently zoned B-1, Limited Business, is located at 445 Doe Run Road in the Snow Creek District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0720034301. The Zoning Administrator has determined that the rental of moving equipment is a permitted use by issuance of a Special Use Permit in B-1, Limited Business, zoning districts. The property has a future land use designation of Low Density Residential. **(Attachment #20)**
7. **APPLICATION for SPECIAL USE PERMIT** – Application of Edward T. Carter Jr. and Heather E. Carter, Applicants and Owners, requesting a Special Use Permit with possible conditions, to allow for the short term tourist rental of a dwelling, located on an approximate 5.00 acre property. The property, currently zoned A-1, Agriculture, is located at 220 Ridgeway Road in the Boone District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0050007901. Short term tourist rental of a dwelling is a permitted use by Special Use Permit in A-1 Agriculture zoning districts and subject to the supplemental regulations found in

Section 25-138 of the Franklin County Code. The property has a future land use designation of Agriculture Forestry/Rural Residential. **(Attachment #21)**

8. **APPLICATION for SPECIAL USE PERMIT** – Application of Bradley Ty Walker, Applicant, and William J. Walker Jr. and Bonnie Peters Walker, Owners, requesting a Special Use Permit with possible conditions, to allow for the short term tourist rental of a dwelling, located on an approximate 131 acre property. The property, currently zoned A-1, Agriculture, is located at 1027 Ty Valley Lane in the Union Hall District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0710005300. Short term tourist rentals of a dwelling is a permitted use by Special Use Permit in A-1 Agriculture zoning districts and subject to the supplemental regulations found in Section 25-138 of the Franklin County Code. The property has a future land use designation of Agriculture Forestry/Rural Residential. **(Attachment #22)**
9. **PETITION to AMEND FRANKLIN COUNTY CODE – The Franklin County Board of Supervisors** proposal to amend Section 5.5, Community Development, of the Franklin County Code, by adding Article IV, Short Term Rentals, 5.5-70 entitled, Short Term Rental Registry. This amendment shall require all operators of short-term rentals of a dwelling in the Franklin County to register the use of such property annually with the County and pay an annual registration fee of \$200 by July 1st each year. The failure of a property owner to register annually and pay the required annual fee are subject to a fine of \$500. Section 5.5-72 entitled, Short Term Rentals, also provides uniform regulations governing short-term rentals including limits on occupancy levels, safety provisions, parking and noise standards. **(Attachment #23)**

Public Comment Period Continued (if any citizen wishes to speak)

Adjournment Thereafter



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p>AGENDA TITLE: Allison Drive/Secondary State System Acceptance</p>	<p>AGENDA DATE: May 19, 2020</p>
<p>SUBJECT/PROPOSAL/REQUEST Resolution request to add Allison Drive (Route 900) to the secondary system of state highways.</p>	<p>BOARD ACTION: Yes INFORMATION: No ATTACHMENTS: No</p>
<p>STRATEGIC PLAN FOCUS AREA:</p> <p><input type="checkbox"/> <i>Economic Development</i> <input type="checkbox"/> <i>Financial Stability</i></p> <p><input checked="" type="checkbox"/> <i>Infrastructure</i> <input type="checkbox"/> <i>Lifelong Learning</i></p> <p><input type="checkbox"/> <i>Managed Growth</i> <input checked="" type="checkbox"/> <i>Public Safety</i></p> <p><input type="checkbox"/> <i>Operational Effectiveness</i></p>	<p>CONSENT AGENDA: Yes ATTACHMENTS: Yes</p> <p>STAFF CONTACT(S): <u>VDOT, Sandy, and Cooper</u></p> <p>REVIEWED BY: Christopher Whitlow, County Administrator <i>CW</i></p>

BACKGROUND:

Allison Drive of Hansen Forms Subdivision has been constructed to meet the public service criteria of secondary street requirements to be accepted as part of the Secondary State Highway System.

DISCUSSION:

A resolution from the Board of Supervisors is required by the VDOT to add Allison Drive (Route 900) into the secondary system of state highways, pursuant to Section 33.2-705, taking certain streets into secondary state highway system. Attached is a development sketch and VDOT Form AM 4.3, which is incorporated herein as part of the resolution.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors adopt by resolution for Allison Drive (Route 900) to be added to the secondary system of state highways.

§33.2-705 – Land Development Additions to Secondary Route

RESOLUTION

WHEREAS, the Hansen Farms Subdivision has been completed, and

WHEREAS, the streets of Hansen Farms meet the public service criteria of the Secondary Street Requirements; and

WHEREAS, the development sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction; and

WHEREAS, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

NOW THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

BE IT FINALLY RESOLVED, a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By: _____

Seconded By: _____

(Name), (title)

Yeas: _____

Nays: _____

In the County of Franklin

By resolution of the governing body adopted May 19, 2020

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Hansen Farms

Type Change to the Secondary System of State Highways:

Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: 33.2-705, 33.2-334

Street Name and/or Route Number

◆ Allison Drive, State Route Number 1009

Old Route Number: 0

● From: Route 900

To: cul de sac, a distance of: 0.28 miles.

Recordation Reference: PB 872 PG 1364

Right of Way width (feet) = 0

EA0072 P 01364



- LEGEND**
- SURVEYED PROPERTY LINE
 - SURVEYED DE LINE
 - DEED LINE
 - SIDING/HOLLOW
 - FENCE
 - OVERHEAD CABLE
 - OVERHEAD ELECTRIC
 - FOUND 1/2" IRON REBAR
 - FOUND 3/4" IRON REBAR
 - FOUND 1" IRON PIPE
 - FOUND WOOD POST
 - FOUND ANGLE IRON
 - FOUND TREE
 - SET 1/2" IRON REBAR
 - PORT
 - UTILITY POLE
 - TELEPHONE BOX
 - CUTLINE
 - NWC DENOTES NATURAL WATER COURSE
 - PUK DENOTES PUBLIC UTILITY EASEMENT
 - CSM DENOTES CORRUGATED METAL PIPE
 - CE DENOTES EASEMENT



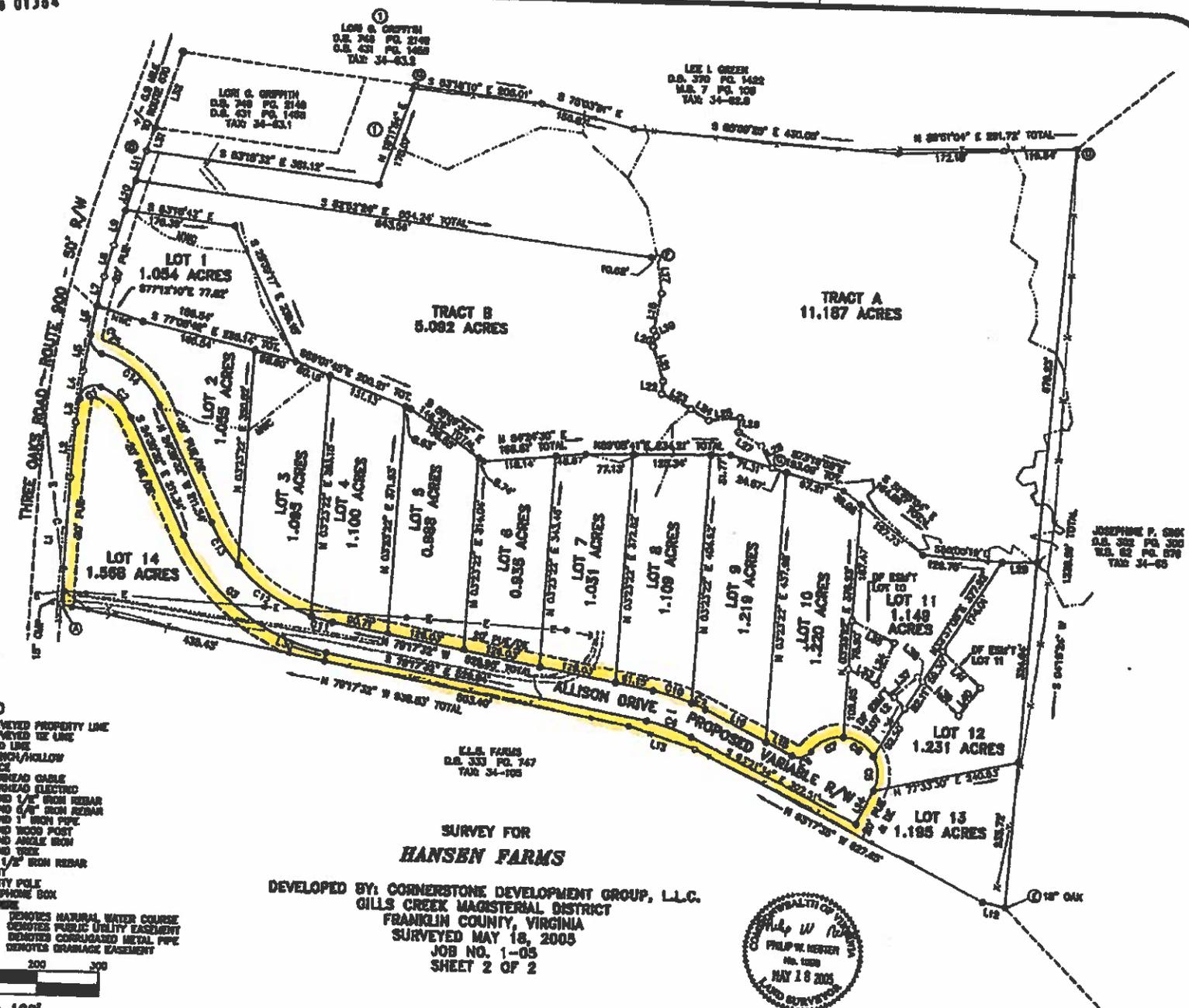
SCALE: 1" = 100'

**SURVEY FOR
HANSEN FARMS**

DEVELOPED BY: CORNERSTONE DEVELOPMENT GROUP, L.L.C.
GILLS CREEK MAGISTERIAL DISTRICT
FRANKLIN COUNTY, VIRGINIA
SURVEYED MAY 18, 2005
JOB NO. 1-05
SHEET 2 OF 2



PHILIP W. NEFF, INC., P.O. BOX 827, ROCKY MOUNT, VA, 24151, PHONE: 540-423-6570





Bedford Residency
 Todd Daniel – Residency Administrator
 Brian Casella – Assistant Resident Engineer
 VDOT Call Center – 1-800-FOR-ROAD
 (1-800-367-7623)

To: Franklin County Board of Supervisors
 Subject: May 2020 – Franklin County VDOT Monthly Updates

MAINTENANCE

Maintenance Activities for Previous 30 Days:

- Ordinary maintenance – Pavement (pothole) repair, gravel road repair, right of way brush cutting operations (County wide), shoulder repairs (County wide), storm water culvert repairs and cleaning (County wide) and guardrail repairs.
- Route 869 (Turtle Hill Rd.)/Route 40 (Old Franklin Turnpike) – Intersection improvements on Route 869 (Turtle Hill Rd.) at Route 40 to include re-aligning and widening of the intersection. Pavement and pavement markings to be completed in upcoming weeks.
- Route 116 (Jubal Early Hwy.) – Pipe replacement. COMPLETED
- Primary and secondary mowing operations.
- Route 819 (Buckscape Rd.) – Pipe replacement. COMPLETED
- Patching operations in preparation for plant mix schedule.

Maintenance Activities for Next 60 Days:

- Ordinary Maintenance – Pavement (pothole) repair, gravel road repair, right of way brush cutting operations (County wide), shoulder repairs (County wide), storm water culvert repairs and cleaning county wide, guardrail repairs.
- Over the rail mowing to include primary and secondary routes.
- Route 647 (Kay Fork Rd.) – Preparation for pipe replacement for failed pipe; ongoing closure.
- Route 760 (Telegraph Rd.) – Pipe replacement. In progress.
- Route 678 (Northridge Rd.) – Slope repair to begin week of May 11th; one lane will be open to traffic.
- Route 640 (Six Mile Post Rd.) – Installation of headwalls for drainage structure to begin mid-June; one lane will be open to traffic.
- Route 618 (Muddy Fork Rd.) – Installation of headwalls for drainage structure to begin late May; one lane will be open to traffic.
- Route 1083 (Countrywood Rd.) – Pipe replacement to begin late June; one lane will be open to traffic.
- Route 740 (Algoma Rd.) – Pipe replacement to begin late June; one lane will be open to traffic.

Maintenance Activities for Next 60 Days (cont.):

- Route 714 (Washboard Rd.) – Preparation for pipe replacement.
- Route 723 (Lucy Wade Rd.) – Preparation for pipe replacement.
- Route 643 (Coles Creek Rd.) – Low water structure replacement tentatively to begin mid-June; road will be closed for approximately 5 weeks.
- Primary and secondary mowing operations.
- Route 122 (Booker T. Washington Hwy.) – paving operations from Route 616 (Scruggs Rd.) to 0.21 mi. north of Route 636 (Lost Mountain Rd.)
- Patching operations in preparation for plant mix schedule.

LAND DEVELOPMENT & PERMITS

- 121 Active permits to include: 54 utilities, 49 private entrances, 2 commercial entrances, 7 roadside memorials, 2 private utility permits, 5 maintenance of traffic permits and 2 locally administered permits. Of these, 8 were issued in April.
4 site plan reviews:
- Enirtep – Site plan review for office building on Route 122.
- Russell Wedding Venue – Review for wedding venue on Route 688 (Poteet Rd.)
- WVWA – Review for utility installation on Route 919 (Grassy Hill Rd.)
- WVWA – Review for utility installation on Route 220 between Route 983 (Shady Lane) and Route 220 Business.
- Facebook Fiber Project – Intermittent flagging operations in the Callaway, Wirtz and Burnt Chimney area.
- Fox Run Subdivision – Review subdivision for future state maintenance.
- Penhook Pointe Subdivision – Review subdivision street for future state maintenance.
- WVWA – Installation of sewer line along Route 220; lane closure to be installed on Route 220S near intersection of Route 635 (Bonbrook Mill Rd.).

CONSTRUCTION

Franklin County

- Route 122 (Booker T. Washington Hwy.) Bridge over Blackwater River – Construction underway. The traveling public can expect delays due to flagging operations throughout the life of the project. Project completion is planned for late Fall 2020.

Roanoke County – US220

- Route 220 Bridge over Back Creek – Bridge replacement to include increased width, 6-foot inside shoulder and 10-foot outside shoulder. The project includes grading to improve sight distance at the intersection of Route 657 (Crowell Gap Rd.) and Route 220. During construction, two narrowed traffic lanes are expected to remain open in both directions; nighttime hours may possibly include additional lane closures. Work began in Fall 2017 and is scheduled to be completed in July 2021.
- Route 220 southbound – Left turn lane construction in conjunction with the bridge construction at the crossover/intersection with Route 657 (Crowell Gap Rd.)

TRAFFIC STUDIES/SPECIAL REQUESTS

Requested Safety Studies:

- N/A

Completed Safety Studies:

- Route 9122 (Ben Franklin Middle School Rd.) – Recommend installation of 25mph speed limit.
- Review of various routes for sign compliance.

PROJECT STATUS

- Route 122 (Booker T. Washington Hwy.)/Route 636 (Hardy Rd.) – Original advertisement date delayed. Plan revision underway; plan revision to include a round-a-bout intersection improvement. Revised advertisement date of December 2020. (UPC 109287)
- Route 834/670 (Brooks Mill Rd./Burnt Chimney Rd.) – Construction of a roundabout at the intersection of Route 834 and Route 670; advertisement scheduled for February 2022. (UPC 111364)
- Route 718 (Colonial Turnpike) – Bridge replacement; project was advertised on January 28, 2020. Fixed completion date 12/1/2021.
- Route 641 (Callaway Rd.) – Superstructure replacement near intersection of Route 602; construction scheduled to begin June 1, 2020. One lane will be open to traffic during the construction.
- Ongoing discussions with Salem Location and Design and County Staff to refine the design concepts for Smart Scale applications for Route 220/613 (Naff Rd.) and Route 220/605 (Henry Rd.).



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> SMART SCALE PROPOSED CHANGES</p>	<p><u>AGENDA DATE:</u> May 19, 2020</p>
<p><u>SUBJECT/PROPOSAL/REQUEST</u> VDOT's suggestions for possible changes to SMART Scale pre-applications submitted by the County.</p>	<p><u>BOARD ACTION:</u> Yes <u>INFORMATION:</u> Yes <u>ATTACHMENTS:</u> Yes</p>
<p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><input type="checkbox"/> <i>Economic Development</i> <input type="checkbox"/> <i>Financial Stability</i></p> <p><input checked="" type="checkbox"/> <i>Infrastructure</i> <input type="checkbox"/> <i>Lifelong Learning</i></p> <p><input type="checkbox"/> <i>Managed Growth</i> <input type="checkbox"/> <i>Public Safety</i></p> <p><input type="checkbox"/> <i>Operational Effectiveness</i></p>	<p><u>CONSENT AGENDA:</u> No <u>ATTACHMENTS:</u> No</p>
	<p><u>STAFF CONTACT(S):</u> <u>VDOT,, Sandy, and Cooper</u></p>
	<p><u>REVIEWED BY:</u> Christopher Whitlow, County Administrator <i>clw</i></p>

BACKGROUND:
SMART Scale pre-applications are in pre-screening with VDOT to ensure the proposed projects meet the criteria for VTRANS (Virginia Transportation Plan). Once the projects have been pre-screened; the full applications can be submitted. The portal for submitting applications opens on June 1, 2020 and all full applications must be submitted to VDOT by August 3rd at 5:00 p.m. The following projects were submitted as pre-applications for Franklin County for this round of SMART Scale on April 15, 2020.

- Intersection and roadway improvements Naff Road (Route 613)/Route 220
 - Unsignalized Continuous Green T, with a right turn lane southbound on Route 220, extend acceleration lane northbound on Route 220, and a left and right turn lane on Naff Road
- Intersection and roadway improvements Iron Ridge Road (Route 775)/Route 220
 - R-Cut
- Intersection and roadway improvements Bonbrook Mill Road (Route 635)/Route 220
 - Unsignalized Continuous Green T with acceleration lane
- Intersection and roadway improvements Henry Road (Route 605)/Route 220
 - Unsignalized Continuous Green T with acceleration lane northbound and realign and widen northbound left turn lane
- Intersection and roadway improvements Lakemount Road (Route 1235)/Route 122
 - Roundabout
- Intersection and roadway improvements Brooks Mill Road (Route 834)/Scruggs Road (Route 616)
 - Roundabout
- Intersection and roadway improvements Harmony School Road (Route 634)/Route 122
 - Roundabout

DISCUSSION:

After further review by VDOT staff, changes are suggested for the projects as follows:

- Intersection and roadway improvements at Naff Road (Route 613)/Route 220
 - This project will change from an Unsignalized Continuous Green T to restricting the left turn movement from Naff Road to northbound on Route 220. All traffic would make a right turn onto southbound Route 220 and proceed to make a U-turn at the first crossover approximately 1500' to the south. The project would still include a right turn lane on Route 220 south onto Naff road.
 - Reasons identified for the change are the following:
 - Cost of the original proposed project estimated over \$10 million. The high cost of the project was identified as one reason the project did not score well enough for funding in the Third Round of SMART Scale. The new proposal has a cost estimate of approximately \$3.5 million.
 - A 12-hour traffic volume count was accomplished on March 8, 2018 from 6:00 a.m. to 6:45 p.m. and identified only 66 lefts from Naff Road to 220 Northbound
 - VDOT evaluated a truck and horse trailer combination vehicle and determined they can maneuver in the crossover and pavement without the need additional improvements (See diagram attached titled "Naff Rd/Rte. 220")
 - By eliminating the left turn off of Naff Road onto Route 220 north this will reduce the conflict points (crashes) at this intersection
- Intersection and roadway improvements at Iron Ridge Road (Route 775)/Route 220
 - The project stays as an R-Cut with improvements to Iron Ridge Road/Route 220 intersection, the improvements to the crossover at Town and County Drive is proposed to be converted from a crossover to proposed southbound left turn only.
 - Reason for the improvement at Town and County Drive:
 - Traffic at the crossover at Town and County Drive will maneuver better with the improvements and being close to the loon. (See sketch attached titled "Rte. 220 and Iron Ridge")
- Intersection and roadway improvements at Bonbrook Mill Road (Route 635)/Route 220
 - This project stays as an Unsignalized Continuous Green T with acceleration lane southbound as submitted in the pre-application. County was supplied with a new proposed sketch. (See new sketch attached titled "Rte. 220 and Bonbrook Mill")
- Intersection and roadway improvements at Henry Road (Route 605)/Route 220
 - This project will change from an Unsignalized Continuous Green T with acceleration lane northbound. The revised proposal realigns and widens northbound left turn lane and realigns the curve on 220 Northbound.
 - Reason for the change of the project is the following:
 - Most of the crashes are due to the curve of the road; not the intersection and an Unsignalized Continuous Green T would not eliminate most of the crashes in this area. (See sketch attached titled "Rte. 220 and Rte. 605 Intersection")

In June or July after pre-screening of County SMART Scale projects, staff will be requesting resolutions of support for all SMART Scale projects to be submitted by the County, West Piedmont Planning District Commission, and Roanoke Alleghany Regional Commission.

RECOMMENDATION:

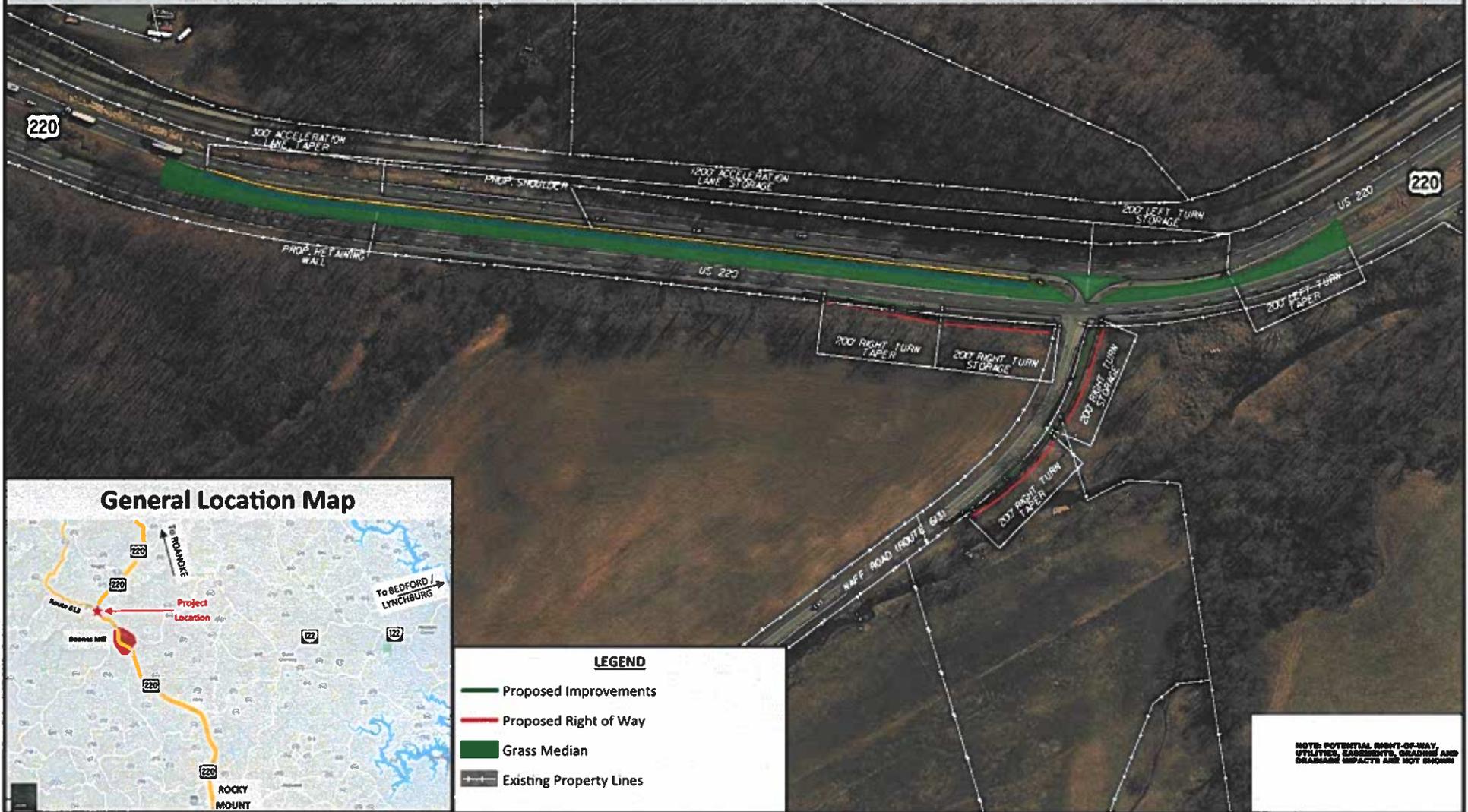
Staff respectfully requests the Board of Supervisors to authorize staff to make changes to SMART Scale Pre-Applications as suggest by VDOT under the discussion phase of this executive summary.

Route 220 at Naff Road—Project Sketch (Unsignalized Continuous Green T)

Franklin County

ARTERIAL
PRESERVATION PROGRAM

August 1, 2018



Route 220 and Iron Ridge Road



- Legend
- Proposed Right of Way
 - Proposed Pavement
 - Proposed Mill & Overlay
 - Proposed Concrete
 - Proposed Grass

• Turning as shown accommodate @ WP-62

Existing structure to be removed

New Crossover to accommodate RHD-Turn

Platted at 1:40

Route 220 and Bonbrook Mill Road



Naff Rd/Rte. 220

Crossover to the South
U-Turns for Trucks with Horse Trailers

Legend

-  Quality Realty
-  Route

WB-40 - Trailer length = 33'
No Acceleration Lane

Google Earth

© 2020 Google



100 ft

Rte. 220 and Rte. 605 Intersection

Smart Scale 2020





Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> <i>Short Term Rentals</i>	<u>AGENDA DATE:</u> May 19, 2020
<u>SUBJECT/PROPOSAL/REQUEST</u> <i>Discussion of potential additional restrictions on short term rentals</i>	<u>ACTION:</u> No
	<u>INFORMATION:</u> No
	<u>ATTACHMENTS:</u> No
	<u>CONSENT AGENDA:</u> No
<u>STRATEGIC PLAN FOCUS AREA:</u>	<u>STAFF CONTACT(S):</u> Steven Sandy
<input checked="" type="checkbox"/> <i>Economic Development</i> <input checked="" type="checkbox"/> <i>Financial Stability</i> <input type="checkbox"/> <i>Infrastructure</i> <input type="checkbox"/> <i>Lifelong Learning</i> <input checked="" type="checkbox"/> <i>Managed Growth</i> <input checked="" type="checkbox"/> <i>Public Safety</i> <input type="checkbox"/> <i>Operational Effectiveness</i>	<u>REVIEWED BY:</u> Chris Whitlow, County Administrator 

BACKGROUND:

On February 18, 2020, the Planning Commission and Board of Supervisors held a joint work session to discuss issues related to short-term rentals. Concerns that were raised included safety, enforcement, compliance, taxation, and zoning regulations. At the following meetings in March and April the Board discussed possible changes further.

The Board of Supervisors' took the following actions on April 21, 2020.

- Developing a short-term rental registry with annual application fee.
 - *Public Hearing to amend County Code scheduled for evening session of May 19th meeting.*
- Methods to improve safety in structures currently used as short-term rentals.
 - *Public Hearing to amend County Code scheduled for evening session of May 19th meeting.*
- Acquiring services of a 3rd party vendor to monitor and track short term rentals.
 - *Annual contract with Host Compliance approved subject to approval of registry.*
- Increased fines for non-compliance
 - *Public hearings proposed for Planning Commission and Board*
- Uniform regulations for short term rentals in the zoned and non-zoned areas.
 - *Public Hearing to amend County Code scheduled for evening session of May 19th meeting.*
- Lobbying the Virginia General Assembly to allow Franklin County to access an additional 2% transient occupancy tax.

- *Future public hearing required to raise tax rate*

At the April meeting the Board briefly discussed additional restrictions that might be applied in the zoned areas of the County to allow for more oversight. In particular, discussion revolved around possibly requiring short-term rentals in all zoned areas of the County to obtain a special use permit.

DISCUSSION:

In addition to the initial tasks undertaken by the staff to increase monitoring, compliance and safety of short-term rentals, some members of the Water's Edge community have asked that the County consider additional regulations on short-term rentals in the zoned areas of the county. Many of you received emails in the past from some citizens requesting the Board take more action relative to short-term rentals.

Primarily, the request is to eliminate all by-right use of short-term rentals in the zoned areas (currently allowed in RPD- Residential Planned Development and PCD – Planned Commercial Development zoning districts) and require a special use permit in the RPD and PCD like the current requirement in Agriculture (A-1) zoning districts. This change would require anyone wishing to have short-term rentals in the A-1, PCD and RPD zoned areas of Franklin County to obtain a special use permit. This process requires a public hearing before both the Planning Commission and Board of Supervisors and notification of the adjacent property owners. Short term rentals would still be prohibited in all other zoning districts.

Additional proposals have been discussed by some Planning Commission members and members of the community as listed below:

- Setback requirements between dwellings - For example, a dwelling used for a short-term rental must be at least 100-feet from an adjacent dwelling.
- Minimum lot size requirements - Currently, there is no minimum lot size to conduct a short-term rental. As an example, a requirement could be considered that no short-term rental can occur on a lot that is less than 0.5 acres in size.

After discussion at the April 21st meeting, no consensus was reached on next steps. It was requested that this discussion be continued until all members of the board were present to participate.

RECOMMENDATION:

Planning staff respectfully requests that the Board of Supervisors discuss the above proposals to amend short-term rental zoning regulations and consider referring any proposed amendments to the Planning Commission for review and recommendation prior to conducting required public hearings.



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p>AGENDA TITLE: Glade Hill Fire-EMS Station</p> <p>SUBJECT/PROPOSAL/REQUEST: Permission To Negotiate and Award Final A&E Design/Construction Documents</p> <p>STRATEGIC PLAN FOCUS AREA:</p> <p><input type="checkbox"/> <i>Economic Development</i></p> <p><input type="checkbox"/> <i>Financial Stability</i> <input checked="" type="checkbox"/> <i>Infrastructure</i></p> <p><input type="checkbox"/> <i>Lifelong Learning</i> <input checked="" type="checkbox"/> <i>Managed Growth</i></p> <p><input checked="" type="checkbox"/> <i>Public Safety</i> <input type="checkbox"/> <i>Operational Effectiveness</i></p>	<p>AGENDA DATE: May 19, 2020</p> <p>BOARD ACTION: Yes</p> <p>INFORMATION: ATTACHMENTS: NO</p> <p>CONSENT AGENDA:</p> <p>STAFF CONTACT(S): Messrs. Ferguson, Thurman</p> <p>REVIEWED BY: Christopher L. Whitlow, County Administrator </p>
---	--

BACKGROUND:

Franklin County has been in the process of planning for the construction of a new Fire/EMS station in the Glade Hill area of the Union Hall district for several years. A site was selected and approximately 5.5 acres was purchased for this facility near the intersection of Turtle Hill Road (State Route 869) and Old Franklin Turnpike (State Route 40). County funding of \$2 million for the project was secured in 2017 and is supplemented with an additional \$1 million in a station construction account.

The Board appointed Supervisor Tommy Cundiff and Supervisor Tim Tatum to work with the Glade Hill Volunteer Fire Chief, Public Safety Director, and the General Properties Director on completing the preliminary design work.

The first phase of this work was completed and on June 18, 2019 and a presentation was made to the Board of Supervisors recommending the basic design of an approximate 11,500 sq. ft. facility. The Board subsequently directed staff to complete preliminary site work which included identification and security of an adequate water source (well) and septic area, as well as soil borings and some assurances from VDOT for site ingress / egress. Such work has now been completed, with VDOT giving preliminarily approval for ingress/egress onto Turtle Hill Road and a possible egress alternative onto Old Franklin Turnpike (Route 40 East) if a sight easement can be obtained. With the preliminary design work and preliminary site work assurances completed, the County will need to move to next steps in both securing a Special Use Permit for the property as well as finalizing a contract to complete final architectural & engineering documents. At its February 18, 2020 meeting, the Board of Supervisors approved staff to move forward with advertising and soliciting proposals for final Architectural and Engineering (A&E) Design for the planned Glade Hill Fire-EMS Station.

DISCUSSION:

The RFP was advertised in keeping with County Procurement Guidelines and we were in receipt of three (3) proposals.

All responders were Virginia based companies and in addition to their basic services, they all submitted proposals based on the practice of incorporating a “3rd party” Fire Station Design expert which seems to be the norm for such projects.

Due to the COVID-19 virus situation, all three firms were interviewed via teleconference calls on April 17, 2020. Those taking part (on behalf of the County) were Chris Whitlow, County Administrator, Billy Ferguson, Director of Public Safety and Mike Thurman, General Properties.

The advertised RFP outlined a “Selection Criteria” section. Among other things, the selection process placed most emphasis on the firm’s recent experience, knowledge, and familiarity in the construction of similar projects and the firm’s demonstrated ability in construction incorporating the client’s design preferences.

While all three firms seemed highly reputable with regard to professional standing, etc., the firm of Thompson-Litton clearly had the most recent experience with similar projects.

In taking all aspects of the selection process into account, it was the consensus of the interview group to recommend Thompson-Litton as the firm to design the Glade Hill Fire-EMS Station, create construction documents by which to bid the project, assist with the bidding process and provide construction oversight. While final construction costs estimates of project will not be known until final design is completed, based on prior experience with similar facilities, Thompson & Litton recently updated its estimate for the site development at \$730K, building construction at \$2.3 million, and another \$500K for a construction escalator and project contingency. Such costs combined with project engineering, testing, and inspections services at \$321,385, leaves the subsequent total project costs estimate at approximately \$3,990,700 (**Please see attached Preliminary Project Cost Estimate from Thompson & Litton).

It should be pointed out that (as a minimum) these estimates were based on:

- The desire to have “drive thru” bays
- The desire (If possible) to have access from both Turtle Hill Road and Old Franklin Turnpike
- No public water/sewer available.
- Fairly significant grading that must occur
- The need of at least “limited area sprinkler system” for sleeping quarters
- Current trends of construction costs increase (steel, HVAC, etc.)
- Regulations regarding E & S and Storm Water Management
- The design/construction of a facility to support 50 – 75 years of service
- Include Safety, Education and Training Features
- A somewhat “Prototype Facility” for future combined stations for fire and EMS services
- All functions/features identified in the “requirements document” established by the Franklin County Department of Public Safety
- Add alternates are estimated, yet not included in the project’s total estimate

RECOMMENDATION:

Staff respectfully requests the Board to submit an application for obtaining a Special Use Permit for the property and authorize the County Administrator, County Attorney and staff to negotiate and execute a contract with the firm of Thompson-Litton of Radford, Virginia for the purpose of providing finish construction documents and assistance with bidding and construction oversight of the Glade Hill Fire/EMS Station for a contract amount not to exceed \$321,385. Such contract is contingent upon the County securing the Special Use Permit with the Planning Commission and Board holding the required public hearings on June 9th and 16th. Funding is budgeted and available in Capital Account #30230042-57026. Once final construction documents are completed, staff will bring back an updated, pre-construction final estimate prior to requesting the Board to authorize bidding for the construction of the project.



Franklin County
Fire/EMS Station at Glade Hill
Budget for Comprehensive Design Contract
Preliminary Order of Magnitude Project Cost Estimate

Hard Costs:		<u>Budget</u>	
^1	Site Development	\$730,000	
^2	Building	\$2,378,000	11,600 SF
	Fixtures, Furnishings & Equipment (FF&E)	\$25,000	
^3	Telecom, Security, A/V-IT, etc.	\$20,000	
^4	Owner Provided items (appliances)	\$10,000	
	subtotal	<u>\$3,163,000</u>	
^5	Escalation to mid-point of Construction	\$316,300	10.0%
	subtotal	<u>\$3,479,300</u>	

Soft Costs:			
^6	A/E Basic and Supplemental Services	\$271,385	7.8%
^7	Testing & Inspections	\$45,000	
	Reimbursable Expenses	\$5,000	
	subtotal	<u>\$321,385</u>	

Total Costs:			
	Project Subtotal Cost (Hard + Soft)	\$3,800,685	
	Project Contingency	\$190,034	5.0%
	subtotal	<u>\$3,990,720</u>	
	* Total Estimated Project Cost	\$3,990,700	*

Potential Additive Alternates:

Expanded Training Room to 65 persons (at tables)	\$192,500
Source Capture Exhaust System	\$82,500
Mineral Aggregate Surface at Truck Bays	\$11,000

* Total rounded to nearest \$100.

- ^1 Site development for the entire site in one phase including grading, utilities, concrete & asphalt paving, parking (5 paved and 25 gravel), entrance & exit lane (Exit Rt 40 & return Turtle Hill), bi-pass lane, E&S, SWM, on-site fill tank, sprinkler holding tank, minimal landscaping, etc.
- ^2 Pre-engineered Metal Building Structure with brick wainscot, vertical metal siding above and sloped metal roof, Mezzanine storage/mechanical area, Sprinkler for bunk rooms, Drive-thru Truck Bays, Commercial Extractor & Dryer, Kitchen Exhaust Hood
- ^3 All Computer, security, communications and phone equipment to be provided by Owner. Design fees for these project components are not included. Power and conduit will be in construction at location per owner direction
- ^4 Kitchen appliances
- ^5 Original figures established in June 2019. Current concern with COVID-19 impact on supply chain. Escalation assumes a design NTP by May 18, 2020, 5-6 Month design/permit time frame, and Construction Bid by November 2020.
- ^6 Comprehensive Design and Construction Phase Services. Supplemental Services: Survey, Civil Engineering, minimal Landscape Design, Interior Design, FF&E selection, Independent Cost Estimating, Record Documents, etc.
- ^7 Third party, code-required Agency; services to be acquired by the county.



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Summit View Business Park Updates	<u>AGENDA DATE:</u> May 19, 2020
<u>SUBJECT/PROPOSAL/REQUEST:</u> Updates on economic development projects at the Summit View Business Park	<u>BOARD ACTION:</u> No
<u>STRATEGIC PLAN FOCUS AREA:</u>	<u>INFORMATION:</u> No
<input checked="" type="checkbox"/> <i>Economic Development</i> <input type="checkbox"/> <i>Financial Stability</i>	<u>ATTACHMENTS:</u> No
<input type="checkbox"/> <i>Infrastructure</i> <input type="checkbox"/> <i>Lifelong Learning</i>	<u>CONSENT AGENDA:</u> No
<input type="checkbox"/> <i>Managed Growth</i> <input type="checkbox"/> <i>Public Safety</i>	<u>ATTACHMENTS:</u> No
<input type="checkbox"/> <i>Operational Effectiveness</i>	<u>STAFF CONTACT(S):</u> Burnette
	<u>REVIEWED BY:</u> Christopher L. Whitlow, County Administrator 

BACKGROUND:

The Franklin County Office of Economic Development continues work on a number of projects to increase the availability of jobs, attract new tax base, and raise the community's quality of life. The continued construction of the Summit View Business Park (SVBP) is a critical piece of this effort. Periodically, County staff will update the Board on this effort and receive feedback on necessary steps moving forward.

DISCUSSION:

Staff will update the Board on the progress of various initiatives at the Summit View Business Park. This will include an update on current expected timelines of construction projects underway, as well as upcoming construction and design projects at the Summit View Business Park.

RECOMMENDATION:

Staff respectfully requests that the Board hear updates on the current and upcoming projects at the Summit View Business Park.



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<u>AGENDA TITLE:</u> Summit View Business Park Updates Athletic Field #1 Construction Contract Award	<u>AGENDA DATE:</u> May 19, 2020
<u>SUBJECT/PROPOSAL/REQUEST:</u> Request to award construction contract for Athletic Field #1 at the Summit View Business Park	<u>BOARD ACTION:</u> Yes
<u>STRATEGIC PLAN FOCUS AREA:</u>	<u>INFORMATION:</u> No
<input checked="" type="checkbox"/> <i>Economic Development</i>	<u>ATTACHMENTS:</u> Yes
<input type="checkbox"/> <i>Financial Stability</i>	<u>CONSENT AGENDA:</u> No
<input type="checkbox"/> <i>Infrastructure</i>	<u>ATTACHMENTS:</u> No
<input type="checkbox"/> <i>Lifelong Learning</i>	<u>STAFF CONTACT(S):</u> Burnette
<input type="checkbox"/> <i>Managed Growth</i>	<u>REVIEWED BY:</u> Christopher L. Whitlow, County Administrator
<input type="checkbox"/> <i>Operational Effectiveness</i>	

BACKGROUND:

During the initial conceptual planning of the Summit View Business Park, the Board of Supervisors envisioned differentiating the new business park from so many others around the country by inserting quality of life features into the very fabric of the project. It was determined that constructing a recreational park and an event area in the heart of Summit View would help entice companies to the park that seek additional amenities and quality of life factors as part of their site selection process. This approach has already been successful as each of the three announced businesses at the park, especially Traditional Medicinals, have noted these amenities to be a positive factor in their location decisions. In addition to making the park more attractive to incoming businesses, the Board determined that incorporating such amenities would simultaneously be a major asset to the citizens of Franklin County that will also utilize such features. The recreation park at Summit View is the only such park serving the entire northern section of Franklin County. To date, the County has constructed a recreational pavilion for public use, an access road and parking to serve recreation park users, and teamed with the Rocky Mount Rotary Club on the construction of a half-mile walking trail within the recreational area.

DISCUSSION:

In September 2019, the Board of Supervisors approved going out for bid on construction of Athletic Field #1. This was done to construct the next phase on the proposed recreation area, alleviate scheduling pressure on existing fields throughout the County, open new recreational opportunities in football and lacrosse for the County's youth, and to remove and utilize approximately 15,000 cubic yards of excess dirt left over from the Pavilion project and stockpiled in two large mounds next to the recreation area parking lot. Because the excess dirt was the major component to be used in the construction of the athletic field, the construction bid due date was pushed back several times as the Pavilion contractor continued utilizing it to complete its project. Bids were finally received and opened on May 13, 2020 and were analyzed by the project engineer, Parker Design. There were two bidders. The low bidder was Bowman Excavating in the amount of \$142,650. This amount was below the County's budget

of \$150,000 for this work. The other bid came in at \$198,337.50. The bid tabulation sheet and site plan are attached for the Board's information. The athletic field project funds were budgeted, appropriated and currently available from the second SVBP borrowing (line item # 30320235-57014).

RECOMMENDATION:

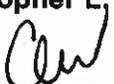
Staff respectfully requests that the Board award a construction contract to Bowman Excavating in the amount of approximately \$142,650 to construct Athletic Field #1 at the Summit View Business Park Recreation Area and to authorize the County Administrator and County Attorney to execute any necessary documents accordingly.



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

AGENDA TITLE: Economic Development Updates – AEP Easement Public Hearing Request	AGENDA DATE: May 19, 2020
SUBJECT/PROPOSAL/REQUEST: Request to schedule public hearing for easement transfer to AEP at the Summit View Business Park	BOARD ACTION: Yes
STRATEGIC PLAN FOCUS AREA:	INFORMATION: No
<input checked="" type="checkbox"/> <i>Economic Development</i> <input type="checkbox"/> <i>Financial Stability</i>	ATTACHMENTS: Yes
<input type="checkbox"/> <i>Infrastructure</i> <input type="checkbox"/> <i>Lifelong Learning</i>	CONSENT AGENDA: No
<input type="checkbox"/> <i>Managed Growth</i> <input type="checkbox"/> <i>Public Safety</i>	ATTACHMENTS: No
<input type="checkbox"/> <i>Operational Effectiveness</i>	STAFF CONTACT(S): Burnette
	REVIEWED BY: Christopher L. Whitlow, County Administrator 

BACKGROUND:

The Franklin County Office of Economic Development continues to work on the extension of relevant and adequate utility infrastructure throughout the Summit View Business Park. Provision of utilities to the three announced businesses within SVBP is a top priority to fulfill the County’s contractual obligations and ensure that all necessary utilities are in place to allow each business to open when ready.

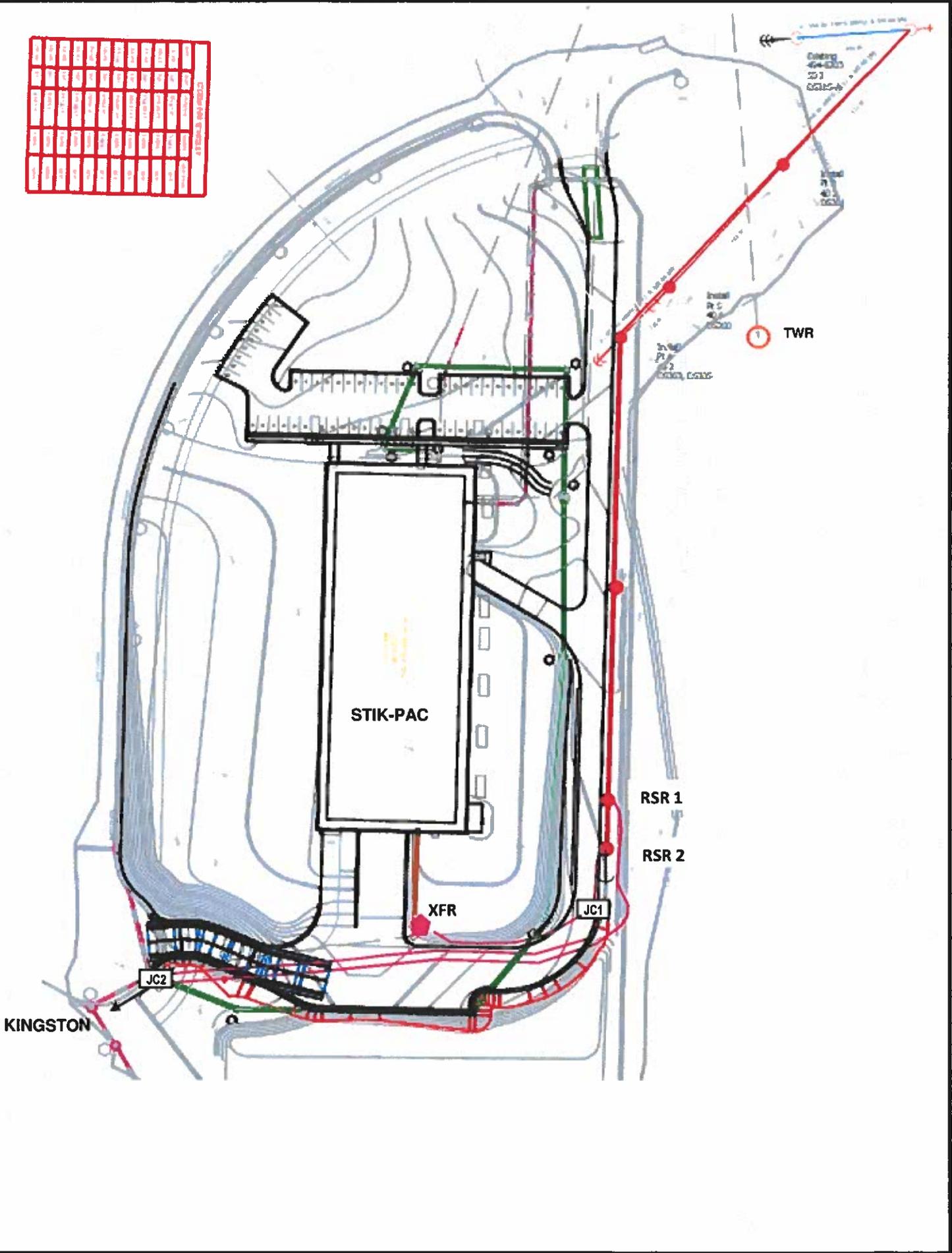
DISCUSSION:

To enable Stik-Pak to begin operations when their facility is complete, the County must work with Appalachian Electric Power (AEP) to install three-phase power from its current ending point to the Stik-Pak site. Additionally, this extension should be installed in a way that best sets the County up to extend power to the Traditional Medicinals site at a later date. The Board has previously provided a blanket easement to AEP along all roads within the park to do underground electric extensions to serve customers. As the Stik-Pak extension has moved through design, it was found that an overhead line on the back side of the Stik-Pak site would be much more economical while not affecting the overall aesthetics of the park. This new overhead line would run from the current terminus of the existing overhead three-phase line near the Commonwealth Parkway-Virginia Way intersection along the back of the Stik-Pak site and then go underground to a terminus along another side of Stik-Pak. This underground section meets the requirements of the Covenants of the park and will make the future extension to Traditional Medicinals more economical. To install the overhead line extension to serve Stik-Pak, a forty-foot (40’) wide easement is needed by AEP. Prior to transferring such an easement, the Board must hold a public hearing to hear comments for the public. Staff is requesting that the Board schedule a public hearing on the easement transfer to AEP at its June 16, 2020 meeting.

RECOMMENDATION:

Staff respectfully requests that the Board schedule a public hearing for June 16, 2020 regarding the transfer of a forty-foot wide easement to AEP at the Summit View Business Park to serve the Stik-Pak site.

A. STIK-PAC AND RELATED	
1	STIK-PAC
2	STIK-PAC
3	STIK-PAC
4	STIK-PAC
5	STIK-PAC
6	STIK-PAC
7	STIK-PAC
8	STIK-PAC
9	STIK-PAC
10	STIK-PAC
11	STIK-PAC
12	STIK-PAC
13	STIK-PAC
14	STIK-PAC
15	STIK-PAC
16	STIK-PAC
17	STIK-PAC
18	STIK-PAC
19	STIK-PAC
20	STIK-PAC
21	STIK-PAC
22	STIK-PAC
23	STIK-PAC
24	STIK-PAC
25	STIK-PAC
26	STIK-PAC
27	STIK-PAC
28	STIK-PAC
29	STIK-PAC
30	STIK-PAC
31	STIK-PAC
32	STIK-PAC
33	STIK-PAC
34	STIK-PAC
35	STIK-PAC
36	STIK-PAC
37	STIK-PAC
38	STIK-PAC
39	STIK-PAC
40	STIK-PAC
41	STIK-PAC
42	STIK-PAC
43	STIK-PAC
44	STIK-PAC
45	STIK-PAC
46	STIK-PAC
47	STIK-PAC
48	STIK-PAC
49	STIK-PAC
50	STIK-PAC
51	STIK-PAC
52	STIK-PAC
53	STIK-PAC
54	STIK-PAC
55	STIK-PAC
56	STIK-PAC
57	STIK-PAC
58	STIK-PAC
59	STIK-PAC
60	STIK-PAC
61	STIK-PAC
62	STIK-PAC
63	STIK-PAC
64	STIK-PAC
65	STIK-PAC
66	STIK-PAC
67	STIK-PAC
68	STIK-PAC
69	STIK-PAC
70	STIK-PAC
71	STIK-PAC
72	STIK-PAC
73	STIK-PAC
74	STIK-PAC
75	STIK-PAC
76	STIK-PAC
77	STIK-PAC
78	STIK-PAC
79	STIK-PAC
80	STIK-PAC
81	STIK-PAC
82	STIK-PAC
83	STIK-PAC
84	STIK-PAC
85	STIK-PAC
86	STIK-PAC
87	STIK-PAC
88	STIK-PAC
89	STIK-PAC
90	STIK-PAC
91	STIK-PAC
92	STIK-PAC
93	STIK-PAC
94	STIK-PAC
95	STIK-PAC
96	STIK-PAC
97	STIK-PAC
98	STIK-PAC
99	STIK-PAC
100	STIK-PAC



TAX ID or PARCEL NO. 0370005400

GRW 32-UGOHD – VA CORP

County of Franklin Eas. No. _____ R/W Map No. 3780-494 C4
Summit Park W.O. No. W003278002 Job No. 20220025 Prop. No. 1
Line Marshall Holdings Extension

THIS AGREEMENT, made this 4th day of MAY, 2020,
by and between the **COUNTY OF FRANKLIN**, body politic, organized and existing under the laws of the Commonwealth of Virginia, herein called "Grantor", and **APPALACHIAN POWER COMPANY**, a Virginia corporation, herein called "Appalachian",

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), or other good and valuable consideration from Appalachian, the receipt and sufficiency of which hereby acknowledged, Grantors hereby grant, convey, and warrant to Appalachian, its successors, assigns, lessees and tenants, a right of way and easement for an electric power line or lines, and communication lines, in, on, along, through, over, across or under the following described lands of the Grantor situated in **Boone** District, County of **Franklin**, State of Virginia.

Being a right of way and easement on the property of the Grantors identified as Franklin County, Tax Parcel No. 0370005400 herein after referred to as "premises."

Said right of way and easement on Franklin County Tax Parcel No. 037005400 extends in a southwesterly direction from Appalachian's existing pole numbered 37800494C46202 to new pole numbered 37800494C46238. Overhead easement areas shall be forty feet in width, lying 20 feet on each side of the centerline

TOGETHER with the right, privilege and authority to Appalachian, its successors, assigns, lessees and tenants, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the number of, and relocate at will, poles, with wires, cables, crossarms, guys, anchors, grounding systems and all other appurtenant equipment and fixtures, underground conduits, ducts, vaults, cables, wires transformers, pedestals, risers, pads, fixtures, and appurtenances (hereinafter called "Appalachian's Facilities"), and string wires and cables, adding thereto from time to time, in, on, along, over, through, across and under the above referred to premises. The right to cut, trim, remove and/or otherwise control, with herbicides or by other means, at Grantee's option (without any liability to Grantor), any trees, limbs or branches, brush, shrubs, undergrowth, of whatever size, or other obstructions that in Grantee's reasonable judgment endanger or interfere with the safety or use of its facilities, both within and adjoining the right of way and easement; the right of ingress and egress to and over said above referred to premises, and any of the adjoining lands of the Grantors at any and all times, for the purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith. Within the Easement, Grantor shall not: place any buildings, structures, piles of debris, change the level of the ground by excavation or mounding.

It is understood and agreed between the parties hereto, that the Grantor reserves the right to use said lands in any way not inconsistent with the rights herein granted.

TO HAVE AND TO HOLD the same unto Appalachian Power Company, its successors, assigns, lessees and tenants.

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

**THIS INSTRUMENT PREPARED BY AND UPON RECORDATION RETURN TO
APPALACHIAN POWER COMPANY, PO BOX 2021, ROANOKE, VIRGINIA 24022**

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereto affixed the day and year first above written.

COUNTY OF FRANKLIN, a Virginia Body Politic

By: _____
Christopher Whitlow, Its Interim Administrator

By: _____
JIM GUYNN, Interim County Attorney

STATE OF VIRGINIA
COUNTY OF FRANKLIN, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Christopher Whitlow, Interim Administrator for the County of Franklin a Virginia Body Politic.

My Commission expires

Notary Public/Commissioner

STATE OF VIRGINIA
COUNTY OF FRANKLIN, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Jim Guynn, Interim Attorney for the County of Franklin a Virginia body politic.

My Commission expires

Notary Public/Commissioner



Existing AEP
Power Line
494-6202

494-6236

P/L

494-6237

494-6238

 PROPOSED EASEMENT AREA SHOWN
ON COUNTY OF FRANKLIN TAX
PARCEL NO. 037005400

P/L

4
J

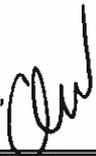
PROPOSED EASEMENT AREA ON
COUNTY OF FRANKLIN TAX PARCEL
NO. 037005400 FOR
WORK REQUEST NO.76048795



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> MODIFIED PROPOSED FY 20-21 SCHOOL BUDGET</p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> Review Current FY 2019-20 Revised Budget Estimates Presentation of Modified Proposed FY 20-21 School Budget</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><input type="checkbox"/> <i>Economic Development</i> <input checked="" type="checkbox"/> <i>Financial Stability</i> <input type="checkbox"/> <i>Infrastructure</i> <input type="checkbox"/> <i>Lifelong Learning</i> <input type="checkbox"/> <i>Managed Growth</i> <input type="checkbox"/> <i>Public Safety</i> <input checked="" type="checkbox"/> <i>Operational Effectiveness</i></p>	<p><u>AGENDA DATE:</u> May 19, 2020</p> <p><u>BOARD ACTION:</u> Yes <u>INFORMATION:</u> No <u>ATTACHMENTS:</u> Yes</p> <p><u>CONSENT AGENDA:</u> No <u>ATTACHMENTS:</u> No</p> <p><u>STAFF CONTACT(S):</u> Dr. Mark Church, Superintendent David Terry, Director of Business & Finance Brian Carter, Director of Finance</p> <p><u>REVIEWED BY:</u> Christopher Whitlow, County Administrator </p>
--	---

BACKGROUND:

As with the County, the School System has revised revenue projections for the remainder of the current FY 19-20 (please see attachment "A"). In addition, the School System has revised estimates and revenue projections for next FY 20-21. The initial proposed School Budget has been modified accordingly (please see attachment "B").

DISCUSSION:

As noted on Attachment "A", the largest impact in the current year School budget is the anticipated reduction of State sales tax. The Schools are estimating a total revenue loss of \$752,868 due to the reduction of State funding and food service revenue. Offsetting expenditure reductions due to the closure of County school facilities will result in a potential net savings of \$309,501. The situation is fluid and can change constantly between now and when final numbers are calculated for FY 2020 by the end of September 2020.

The School budget was presented to the Board of Supervisors at their meeting on March 17, 2020. The Schools have proposed a modified budget based on reduced revenue projections caused by the economic impact of COVID-19. As noted on Attachment "B", the proposed school budget increases by a total \$355,755 or 0.4% from the current fiscal year original budget. The Schools are anticipating a reduction of nearly \$2.4 million in State funds along with local County reductions from the original proposed budget on March 17. The State reduction is offset some by CARES Act funding of \$1,492,694. Total revenue reductions for operations are projected to be \$1,889,082. There is a concern that State sales tax will face additional reductions. The attached School budget proposal outlines the uses of funds and proposed reductions. Essentially no employee raises or step increases are proposed. The

ADM is still projected at 6,325; however there is concern that this will drop further when Schools return in the Fall. A drop in ADM will further exacerbate any funding cuts the State passes on to local school systems. There are many unknowns on the State portion of school funding as the Governor is expected to reforecast revenues in the Summer. Actual State funding for FY 2021 may not be known for several months.

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors review and consider the modified proposed School Budget for FY2020-21.

These numbers are estimates and are updated frequently
as new information becomes available

FCPS Estimated Budget Savings and Revenue Reductions
March 16, 2020 thru June 30, 2020



ORG	OBJECT	PROJECT	ACCOUNT	DESCRIPTION	EFF DATE	AMOUNT	Collection Period
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	06/30/2020	\$122,500.00	June
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	06/15/2020	\$122,500.00	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	05/30/2020	\$227,500.00	May
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	05/15/2020	\$227,500.00	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	04/30/2020	\$320,400.00	April
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	04/15/2020	\$320,400.00	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	03/31/2020	\$342,734.69	March
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	03/16/2020	\$342,734.69	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	02/28/2020	\$457,479.23	February
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	02/18/2020	\$457,479.23	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	01/31/2020	\$395,096.50	January
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	01/21/2020	\$395,096.50	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	12/31/2019	\$393,099.26	December
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	12/18/2019	\$393,099.26	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	11/27/2019	\$611,125.94	November
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	11/15/2019	\$611,125.94	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	10/31/2019	\$390,976.50	October
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	10/16/2019	\$390,976.50	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	09/30/2019	\$370,648.29	September
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	09/16/2019	\$370,648.29	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	08/30/2019	\$163,507.82	August
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	08/15/2019	\$163,507.82	
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	07/31/2019	\$357,234.31	July
16	4701		16-00-000-0000-4701 -	240201 School State Sales Tax	07/16/2019	\$357,234.31	May
						\$8,623,775.80	

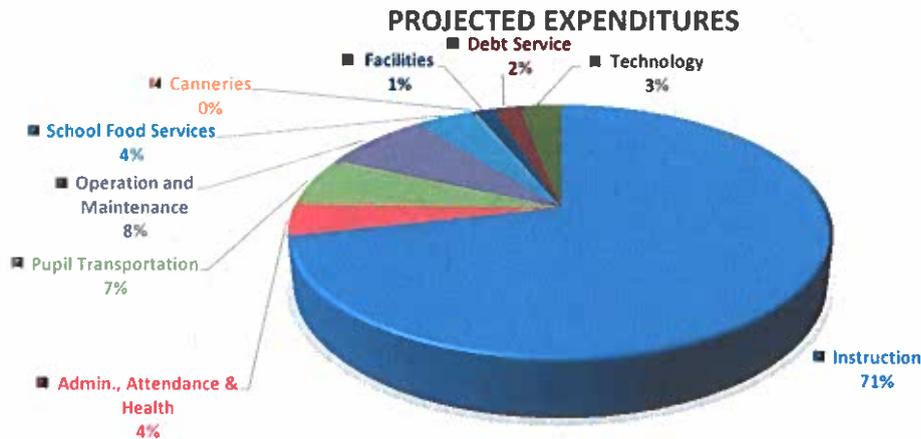
	Basic Aid based on 6526 and sales tax	Basic Aid Budget Budgeted
Original Budget 2019-20	\$18,153,367.00	\$18,243,572.00
Revised Budget Based on 2020 General Assembly Action	\$8,623,775.80	\$9,003,039.00
Total Basic Aid	\$26,777,142.80	\$27,246,611.00
Potential Basic Aid Revenue Deficit		\$469,468.20
Food Service Revenue Reduction		\$283,400.00
Total Potential Revenue Loss		\$752,868.20
Expenditure Savings		
Salary and Benefit Savings from Subs, tutors, reduced teacher workshops, dsip days not worked, etc....		\$642,608.00
transportation savings-fuel, maintenance savings		\$235,891.00
Electrical		\$18,289.00
Heating Oil		\$83,718.00
Food Service Materials and Supplies		\$81,863.00
Subtotal		\$1,062,369.00
Potential Net Savings		\$309,500.80



Revenue Estimates based on the General Assembly Amended state budget for 2020-21 4.22.20		2018-19 Adopted Budget Total	Adopted 2019-20 Adopted Budget Total	General Assembly/ Franklin County 2020-21 Proposed Budget	General Assembly 2020-21 Amended Budget	Difference from 19-20 GA Adopted Budget to Amended Budget
Average Daily Membership		6,770	6,522	6,325	6,325	0
Composite Index		0.3954	0.3954	0.3953	0.3953	0
Projected State Revenues						
GL Code	Standards of Quality Programs					
4702	Basic Aid	\$19,288,691	\$18,243,572	\$19,032,090	\$18,944,121	-\$87,969
4701	Sales Tax	\$8,662,614	\$9,003,039	\$9,253,068	\$8,225,481	-\$1,027,587
4712	Textbooks	\$412,138	\$397,041	\$411,043	\$411,043	\$0
4714	Vocational Education	\$433,873	\$417,979	\$344,225	\$344,225	\$0
4707	Gifted Education	\$204,657	\$197,160	\$202,711	\$202,711	\$0
4711	Special Education	\$2,631,890	\$2,535,478	\$3,109,503	\$3,109,503	\$0
4708	Prevention, Intervention, & Remediation	\$736,766	\$709,776	\$703,750	\$703,750	\$0
4717	VRS Retirement (Includes RHCC)	\$2,676,915	\$2,586,740	\$2,891,494	\$2,880,020	-\$11,474
4716	Social Security	\$1,215,663	\$1,171,131	\$1,239,212	\$1,235,387	-\$3,825
4745	Group Life	\$81,863	\$78,864	\$87,969	\$87,969	\$0
4732	English as a Second Language	\$118,364	\$100,874	\$85,916	\$85,916	\$0
4704	Remedial Summer School	\$98,321	\$101,112	\$134,791	\$134,791	\$0
	Subtotal - SOQ Accounts	\$36,561,755	\$35,542,766	\$37,495,772	\$36,364,917	-\$1,130,855
Incentive Programs						
4710	Compensation Supplement (Based on 5% increase)	\$0	\$1,170,149	\$531,508	\$0	-\$531,508
4725	At-Risk	\$683,751	\$228,371	\$1,023,929	\$832,767	-\$191,162
New	School Meal Expansion	\$0	\$0	\$27,566	\$0	-\$27,566
New	Community power add on funds-Mixed Delivery	\$0	\$0	\$50,000	\$0	-\$50,000
4721	Special Education - Regional Tuition	\$384,941	\$725,150	\$0	\$0	\$0
4728	Virginia Preschool Initiative	\$0	\$0	\$622,800	\$566,149	-\$56,651
4737	Technology - VPSA	\$466,000	\$466,000	\$466,000	\$466,000	\$0
	Subtotal - Incentive Accounts	\$1,534,690	\$2,589,670	\$2,721,803	\$1,864,916	-\$856,887
Categorical Programs						
4740	Adult Education	\$52,269	\$52,269	\$52,269	\$52,269	\$0
4713	School Lunch	\$36,321	\$36,138	\$36,210	\$36,210	\$0
4720	Special Education - Homebound	\$38,731	\$41,471	\$42,838	\$42,838	\$0
	Subtotal - Categorical Accounts	\$127,321	\$129,878	\$131,317	\$131,317	\$0
Lottery-Funded Programs						
4724	Foster Care	\$345,205	\$346,934	\$369,290	\$369,290	\$0
4725	At-Risk (Split funded - See Incentive section above)	\$0	\$572,987	\$395,716	\$397,892	\$2,176
4721	Special Education-Regional Tuition	\$392,205	\$0	\$501,000	\$501,000	\$0
4726	Early Reading Intervention	\$117,214	\$115,193	\$128,983	\$128,983	\$0
4729	Mentor Teacher Program	\$10,341	\$7,222	\$6,109	\$6,109	\$0
4727	K-3 Primary Class Size Reduction	\$846,044	\$791,750	\$876,845	\$876,845	\$0
4753	School Breakfast	\$28,985	\$30,034	\$26,782	\$26,782	\$0
4734	SOL Algebra Readiness	\$88,095	\$87,975	\$99,987	\$99,987	\$0
4761	Project Graduation	\$11,159	\$8,823	\$9,008	\$9,008	\$0
4730	ISAEF	\$23,576	\$0	\$0	\$0	\$0
4766	Career and Technical Education	\$38,308	\$41,409	\$67,667	\$67,667	\$0
4719	Infrastructure and Operations per pupil fund	\$1,378,956	\$1,466,584	\$1,455,116	\$1,055,116	-\$400,000
	Subtotal - Lottery-Funded Programs	\$3,865,267	\$4,042,616	\$3,936,503	\$3,538,679	-\$397,824
	Subtotal State Funds	\$42,089,033	\$42,304,930	\$44,285,395	\$41,899,829	-\$2,385,566
Other State Grants						
4739	Race to GED	\$110,525	\$110,525	\$110,525	\$110,525	\$0
4743	Regional Program Manager Grant	\$125,000	\$125,000	\$125,000	\$125,000	\$0
4730	Other State Funds	\$52,750	\$52,750	\$52,750	\$52,750	\$0
	Total Other State Grants/Funds	\$288,275	\$288,275	\$288,275	\$288,275	\$0
4749	Medicaid Reimbursement	\$300,000	\$300,000	\$300,000	\$300,000	\$0
	Total State Funds	\$42,677,308	\$42,893,205	\$44,873,670	\$42,488,104	-\$2,385,566

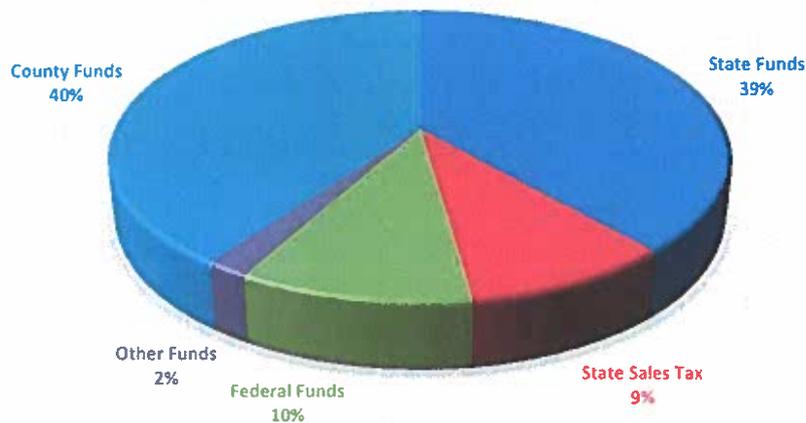
Revenue Estimates based on the General Assembly Amended state budget for 2020-21 4.22.20		2018-19 Adopted Budget Total	Adopted 2019-20 Adopted Budget Total	General Assembly/ Franklin County 2020-21 Proposed Budget	General Assembly 2020-21 Amended Budget	Difference from 19-20 GA Adopted Budget to Amended Budget
4930	Local Appropriation for Operations	\$32,021,332	\$32,390,187	\$33,815,309	\$32,819,099	-\$996,210
4931	Debt Service	\$1,634,513	\$1,597,572	\$1,561,154	\$1,561,154	\$0
4932	Canneries	\$37,419	\$37,419	\$37,419	\$37,419	\$0
	Total Local Appropriation	\$33,693,264	\$34,025,178	\$35,413,882	\$34,417,672	-\$996,210
	Federal					
4753	SNP-Breakfast	\$721,000	\$758,113	\$758,113	\$758,113	\$0
4851	NSLP	\$1,655,185	\$1,730,118	\$1,712,250	\$1,712,250	\$0
4849	SFSP Meals and Admin	\$0	\$40,000	\$60,000	\$60,000	\$0
4853	E-rate	\$343,032	\$342,000	\$342,000	\$342,000	\$0
4854	ABE	\$531,000	\$457,000	\$471,200	\$471,200	\$0
4855	Title I	\$2,040,000	\$2,100,000	\$2,100,000	\$2,100,000	\$0
4856	Title VI B	\$2,077,830	\$1,732,000	\$1,753,000	\$1,753,000	\$0
4857	Vocational-Perkins	\$126,127	\$153,000	\$117,076	\$117,076	\$0
4858	Preschool Handicapped allocation	\$34,916	\$34,426	\$34,426	\$34,426	\$0
NEW	CARES Act	\$0	\$0	\$0	\$1,492,694	\$1,492,694
4868	Title II	\$252,547	\$247,000	\$247,000	\$247,000	\$0
4876	AFJROTC	\$21,280	\$28,145	\$42,095	\$42,095	\$0
	Federal Subtotal	\$7,802,917	\$7,621,802	\$7,637,160	\$9,129,854	\$1,492,694
	Misc Revenue					
4450	Special Fees from Pupils	\$101,200	\$110,925	\$111,435	\$111,435	\$0
4451	School Food Receipts	\$1,305,894	\$1,140,000	\$850,000	\$850,000	\$0
4453	Summer School Tuition	\$6,320	\$7,765	\$7,765	\$7,765	\$0
4454	Cannery Revenues	\$15,620	\$15,620	\$11,520	\$11,520	\$0
4533	Donations	\$2,500	\$2,500	\$4,200	\$4,200	\$0
4531	Other Expenditure Refunds	\$325,000	\$350,000	\$500,000	\$500,000	\$0
4550	Sale Of Supplies	\$9,500	\$6,600	\$7,500	\$7,500	\$0
4551	Sale Of School Buses	\$5,000	\$0	\$7,000	\$7,000	\$0
4552	Sale Of Other Equipment	\$17,100	\$9,500	\$9,500	\$9,500	\$0
4553	Insurance Adjustments	\$25,000	\$14,000	\$14,000	\$14,000	\$0
4554	Other Funds	\$137,000	\$140,000	\$180,000	\$180,000	\$0
4590	Payments From Other Counties	\$1,221,031	\$1,044,200	\$0	\$0	\$0
	Misc Revenue Subtotal	\$3,190,665	\$2,841,110	\$1,702,920	\$1,702,920	\$0
	Total Revenue for Operations	\$87,364,154	\$87,381,295	\$89,627,632	\$87,738,550	-\$1,889,082
	Estimated Capital Fund Appropriation	\$1,220,000	\$1,220,000	\$1,420,000	\$1,220,000	-\$200,000
	Total Estimated Revenue FY20	\$88,584,154	\$88,601,295	\$91,047,632	\$88,958,550	-\$2,089,082

2020-21 SCHOOL BUDGET



Budget Category	Budget 2019-20	Budget 2020-21	Difference
Instruction	\$63,122,943	\$63,502,141	\$379,198
Admin., Attendance & Health	\$3,581,169	\$3,590,544	\$9,375
Pupil Transportation	\$5,735,250	\$5,735,250	\$0
Operation and Maintenance	\$6,883,764	\$6,883,764	\$0
School Food Services	\$3,747,385	\$3,747,385	\$0
Canneries	\$53,346	\$53,346	(\$0)
Facilities	\$1,220,000	\$1,220,000	\$0
Debt Service	\$1,597,572	\$1,561,154	(\$36,418)
Technology	\$2,659,866	\$2,664,966	\$5,100
TOTAL	\$88,601,295	\$88,958,550	\$357,255

PROJECTED REVENUES



Budget Category	Budget 2019-20	Budget 2020-21	Difference
State Funds	\$33,890,166	\$34,262,623	\$372,457
State Sales Tax	\$9,003,039	\$8,225,481	-\$777,558
Federal Funds	\$7,621,802	\$9,129,854	\$1,508,052
Other Funds	\$2,841,110	\$1,702,920	-\$1,138,190
County Funds	\$35,245,178	\$35,637,672	\$392,494
TOTAL	\$88,601,295	\$88,958,550	\$357,255

Coronavirus Aid, Relief, and Economic Security Act
Elementary and Secondary School Emergency Relief Fund
Uses of Funds

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020. CARES Act funds (under the Elementary and Secondary School Emergency Relief Fund) may be used to support school divisions in a wide variety of ways. The allowable uses of funds below are specified in Section 18003(d) of the CARES Act.

- Activities authorized by the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Education Act (IDEA), the Adult Education and Family Literacy Act (AEFLA), the Carl D. Perkins Career and Technical Education Act (Perkins), and the McKinney-Vento Homeless Education Assistance Act;
- Coordination of LEA preparedness and response efforts to improve coordinated responses with other agencies to prevent, prepare for, and respond to coronavirus;
- Providing principals and other school leaders with the resources necessary to address school needs;
- Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth;
- Developing and implementing procedures and systems to improve LEA preparedness and response efforts;
- Training and professional development for LEA staff on sanitation and minimizing the spread of infectious diseases;
- Purchasing supplies to sanitize and clean LEA facilities;
- Planning for and coordinating during long-term closures, including how to provide meals, technology for online learning, guidance on IDEA requirements, and ensuring other educational services can continue to be provided consistent with all applicable requirements;
- Purchasing educational technology (including hardware, software, and connectivity) for students served by the LEA that aids in regular and substantive educational interactions between students and their classroom teachers, including assistive technology or adaptive equipment;
- Providing mental health services and supports;
- Planning and implementing activities related to summer learning and supplemental afterschool programs and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care; and
- Other activities that are necessary to maintain operations and continuity of services and continuing to employ existing staff.

FY 2020-21 Budget Projection
 Compensation and Budget Initiatives

	No Compensation Increase	Y/N Funded
Total Salary and Benefits	\$73,376,108	
FY21 Non-Salary Budget	\$14,362,442	
Expenditure Budgets Before addition of Budget Initiatives	\$87,738,550	
2020-21 Revenue Budget Estimate	\$87,738,550	
Budget Surplus / (-)Deficit (increase in county support would directly reduce stated amounts)	\$0	
Budget Initiatives:		
Step increase for all employees	\$0	NO
Health Insurance Increase-0%	\$0	NO
Teacher Salary Schedule Revision	\$0	NO
Coordinator of Professional Learning and Innovation	\$85,000	NO
1 secondary Science and Math Teacher	\$135,000	NO
School Bus Leasing Proposal	\$125,000	NO
Update and replace the In-ground Lifts in Bus Garage	\$40,000	NO
1 SPED for SLC	\$67,500	NO
1 ITRT(due to Coordinator of Professional Learning)	\$106,850	NO
Job Placement Apprenticeship Coordinator	\$67,500	NO
Alternative setting-K-5 Rise Program and blending SLC and Choices (no facility costs)	\$198,000	NO
Secondary Guidance Position	\$67,500	NO
Begin market value adjustment of classified personnel salary scales	\$100,000	NO
Coaching Stipend recommendation	\$100,978	NO
Increase allotment of funds for pest control	\$40,000	NO
Offer Bus Aides Benefits	\$50,000	NO
Masters or Journeyman's license stipend	\$5,000	NO
1 Science teacher-BFMS	\$67,500	NO
Pay for a full 3rd personal day	\$9,000	NO
Add 2 personal days to benefit package for bus drivers and bus aides	\$20,000	NO
Increase LPN Salary Scale	\$225,000	NO
Stipend -health office assistance	\$1,000	NO
Increase Technician and Network Engineer Salary Scales	\$45,823	NO
1 Network/Systems Engineer	\$47,950	NO
Parking lot upgrade-more spaces needed for larger meetings-gravel	\$1,500	NO
Family Liasons-1 per building 4.5 FTE	\$221,454	NO
More Parking -Sontag in CIP, amount for Henry Elementary shown	\$3,002	NO
Secure entrances-2/2013 Controlled access study-with inflation factor	\$263,173	NO
improve instructional space	\$150,000	NO
Change 11 and 12 month elementary secretary from Scale C to Scale D	\$24,340	NO
Increase salary for 10 month secretaries-move from Scale B to Scale C	\$41,275	NO
Salary adjustment to be competitive with Technician Wages	\$30,500	NO
2 Elementary STEM Teachers	\$110,000	NO
Early Learning Center	TBD	NO
ELL Translator	\$50,000	NO
Special Education Routing Coordinator	\$47,250	NO
Content Development	\$10,000	NO
Employee Assistance Program (no cost to implement)	\$0	NO
Sherriff's request for two additional SROs(estimated)	\$86,700	NO
School Server Replacement	\$150,000	NO
Fully fund Bus Replacement Program	\$780,000	NO
Automobile Replacement Program	\$80,000	NO
Mechanics salary adjustment	\$7,536	NO
Traffic control Additional Staffing	\$27,000	NO
Total Additions	\$3,688,331	

Franklin County Public Schools
Debt Service Schedule
2020-21

LOAN DESCRIPTION	BOND AGENT	ORIGINAL AMOUNT OF LOAN	ORIGINAL DATE OF LOAN	ORIGINAL LENGTH OF LOAN	RATE OF INTEREST	EXPIRATION DATE	DUE DATE	2020-21		
								PRINCIPAL PAYMENTS DUE 2020-21	INTEREST DUE 2020-21	TOTAL PAYMENT 2020-21
FCHS (VPSA Subsidy Loan-\$7,500,000-\$1,214,474 (1))	U.S. BANK	\$6,285,526.00	2000	20 YEARS	5.10	JULY 2020	July 15 Jan. 15	\$371,160.00	\$9,464.58	\$380,624.58
FCHS, BFMS, Alternative, Henry and Snow Creek (1)	Carter Bnk	\$3,400,000.00	2000	20 YEARS	5.1-6.35 5.60	JULY 2021	July 15 Jan. 15	\$170,000.00	\$4,760.00	\$174,760.00
FCHS Stadium Expansion Project (1)	Carter Bnk	\$2,500,000.00	2004	20 YEARS	4.10-5.60 4.725	JULY 2024	July 15 Jan. 15	\$125,000.00	\$13,828.13 \$11,265.63	\$138,828.13 \$11,265.63
Windy Gap (VPSA Subsidy Loan \$7,500,000-\$926,400) (1)	Carter Bnk	\$6,573,600.00	2006	20 YEARS	4.23-5.1 4.50	JULY 2026	July 15 Jan. 15	\$343,136.00	\$56,226.07 \$48,762.86	\$399,362.07 \$48,762.86
2016A Bond to refund Series 2007A Windy Gap Public Facility Lease Revenue Obligation (2)	Carter Bank	\$2,334,000.00	2016	5.67 YEARS	1.45	AUG 2022	Aug 1 Feb 1	\$393,000.00	\$8,700.00 \$5,850.75	\$401,700.00 \$5,850.75
BM, DU, FE, GH, SO, CA, LW, RM, SC, and LAGCATCE GO Bonds (3)	Union Bank and Trust	\$3,068,750.00	2012	5 YEARS	1.45	SEPT. 2017	Sept 15			
Totals								\$1,402,296.00	\$158,858.02	\$1,561,154.02

Notes:

(1) Virginia Public School Authority Loans

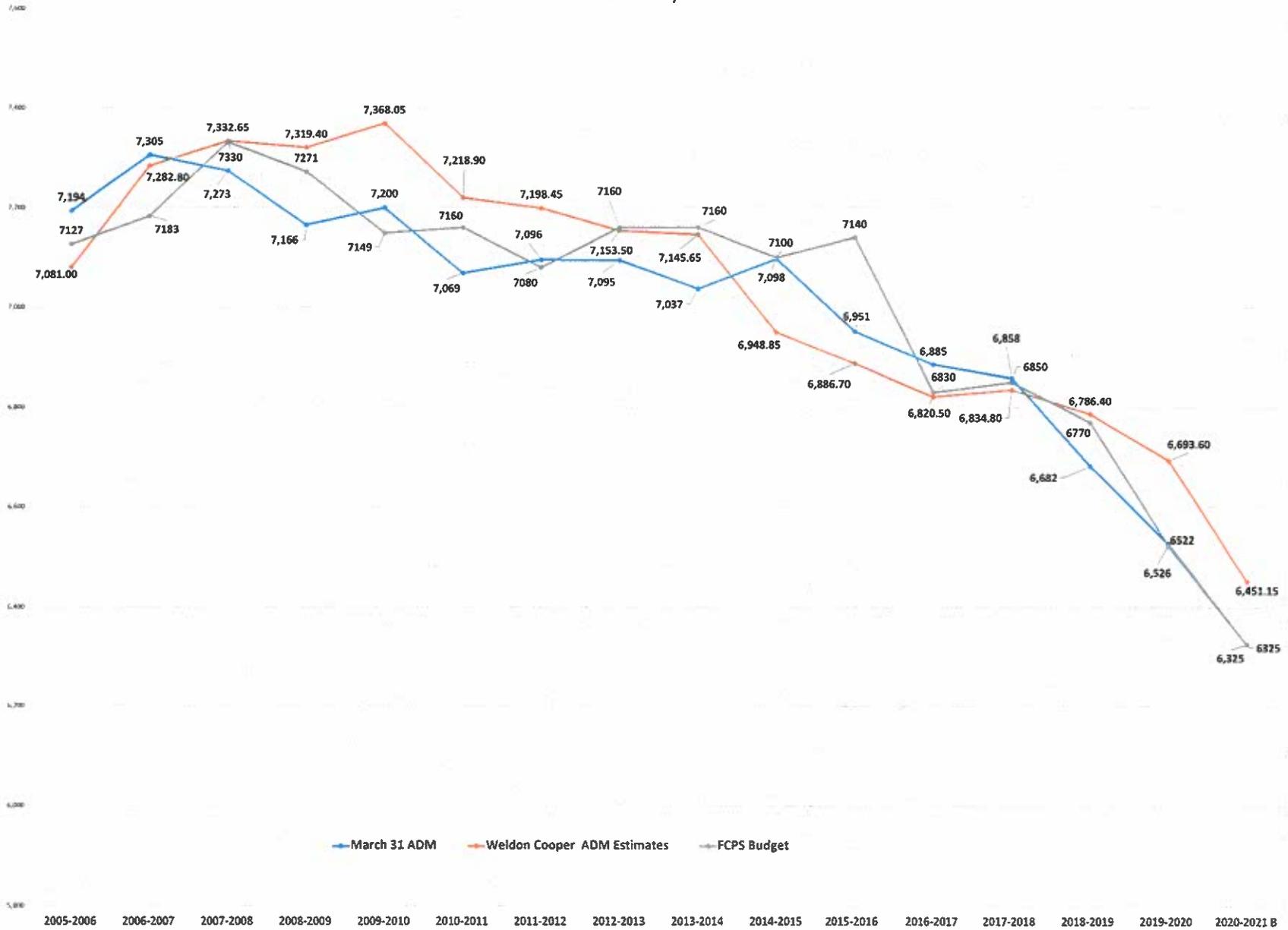
(2) This loan is secured by a leasehold interest in the Windy Gap Elementary School which the School Board has provided to the Industrial Development Authority of Franklin County thru a Ground Lease Agreement. The original debt was refinanced on 8/25/11 to reduce the interest rate from 3.91% to 2.91%. This debt was refinanced on 11/1/13 to reduce the rate to 2.58% and refinanced again on 12/15/16 to reduce the rate to 1.45%.

(3) Ten Literary Fund Loans were refinanced during 2012-13 to reduce the interest rate from 3% to 1.45%, with StellarOne bank, which merged with Union First Market Bankshares Corporation on 1/1/14.

County Expenditures

Department/Project	FY20-21 Proposed	FY21-22 Proposed	FY22-23 Proposed	FY23-24 Proposed	FY24-25 Proposed	5 Year Subtotal	FY25-26 Proposed	FY26-27 Proposed	FY27-28 Proposed	FY28-29 Proposed	FY29-30 Proposed	Ten Year Total Requested
Franklin County Public Schools												
Funding Sources												
Transfer from General Fund - School Projects	1,220,000	1,220,000	1,220,000	1,220,000	1,220,000	6,100,000	1,220,000	1,220,000	1,220,000	1,220,000	1,220,000	12,200,000
FY18-19 School Borrowing for CTE, Middle School												
School Projects												
School Projects - Total	880,000	880,000	880,000	880,000	880,000	4,400,000	880,000	880,000	880,000	880,000	880,000	8,800,000
School Bus Replacements	340,000	340,000	340,000	340,000	340,000	1,700,000	340,000	340,000	340,000	340,000	340,000	3,400,000
Middle School Project (Debt Service shown beginning FY19-20, \$36 million borrowing for 20 years at 3.5%, 1.3% issue costs included)												
Career and Technical Center debt service shown on borrowing \$ 8.5 million for 30 years at 3.5% beginning FY19-20 (1.3% issue costs included)												
Schools Proposed CIP												
Transportation	340,000	1,309,400	1,193,400	1,178,400	1,282,308	5,303,508	1,352,308	1,227,308	1,326,039	1,466,039	1,622,172	12,297,374
Buses (regular) - Replace 10	340,000	984,400	984,400	984,400	1,053,308	4,346,508	1,053,308	1,053,308	1,127,039	1,127,039	1,127,039	9,834,241
Bus(Sp Ed) - Add 2 (4 in 2017-18)		140,000	140,000	140,000	140,000	560,000	140,000	140,000	140,000	140,000	140,000	1,260,000
Activity Buses		105,000				105,000	105,000			105,000	105,000	420,000
Pre-owned Pool/Aid Cars		30,000	34,000	34,000	34,000	132,000	34,000	34,000	34,000	34,000	34,000	302,000
Pre-Owned 3/4 ton truck/Van			35,000			35,000						35,000
New 3/4 ton Work Truck/Van		30,000			35,000	65,000				35,000		135,000
New Car/Van		20,000		20,000	20,000	60,000	20,000		25,000	25,000	25,000	155,000
Maintenance	200,000	200,000	200,000	100,000	100,000	800,000	100,000	100,000	100,000	100,000	100,000	1,300,000
Tile Replacement	50,000	50,000	50,000			150,000						150,000
Plumbing Fixture/Partition Upgrades	100,000	5,000	5,000	50,000	50,000	350,000	50,000	50,000	50,000	50,000	50,000	600,000
Electrical, Lighting and Ceiling Upgrades	100,000	5,000	5,000	50,000	50,000	350,000	50,000	50,000	50,000	50,000	50,000	600,000
Roof Replacement			1,350,000			1,350,000	610,000	638,255	855,342			3,453,597
Henry								638,255				638,255
Ferrum									855,342			855,342
FCMS West Campus							610,000					610,000
BFMS West			1,350,000			1,350,000						1,350,000
FCMS				251,463		251,463						251,463
Press Box additions				251,463		251,463						251,463
BFMS		178,169				178,169						178,169
Baseball Practice Field Lighting		120,454				120,454						120,454
Softball Field Lighting		57,715				57,715						57,715
Asphalt Replacement		1,305,255				1,305,255						1,305,255
Driver Education Range		423,102				423,102						423,102
Seal and Stripe												
Bus Parking Lot		407,256				407,256						407,256
Maintenance, Transportation Lot		474,897				474,897						474,897
Replace HVAC Units	160,000	600,000	600,000	600,000	600,000	2,560,000	600,000	600,000	600,000	600,000	600,000	5,560,000
Split systems in rooms 101, 103 & 105 at RM												
HVAC Controller Upgrades at 7 schools	160,000					160,000						160,000
Chiller replacement, one per year		250,000	250,000	250,000	250,000	1,000,000	250,000	250,000	250,000	250,000	250,000	2,250,000
Boiler replacements, 4 per year		200,000	200,000	200,000	200,000	800,000	200,000	200,000	200,000	200,000	200,000	1,800,000
Miscellaneous HVAC Equipment		150,000	150,000	150,000	150,000	600,000	150,000	150,000	150,000	150,000	150,000	1,350,000
Install Air Conditioning in Cafeterias and Gyms	\$443,000	\$1,222,688	\$4,834,661	\$0	\$978,160	\$7,478,509	\$1,854,042	\$0	\$2,834,647	\$0	\$0	12,167,198
Ferrum Cafeteria		\$410,000				410,000						410,000
Glade Hill Cafeteria			\$343,085			343,085						343,085
Rocky Mount Cafeteria	\$443,000					443,000						443,000
Sontag Cafeteria			\$354,530			354,530						354,530
Boones Mill Gym			\$440,416			440,416						440,416
Burnt Chimney Gym		\$441,295				441,295						441,295
Callaway Gym			\$501,040			501,040						501,040
Ferrum Gym									\$512,075			512,075
Glade Hill Gym									\$512,075			512,075
Lee Waid Gym												829,892
Rocky Mount Gym					\$490,470	490,470						490,470
Snow Creek Gym		\$371,393				371,393						371,393
Sontag Gym					\$487,690	487,690						487,690
FCMS Law Gym									\$1,135,874			1,135,874
FCMS Ramsey Gym									\$1,698,773			1,698,773
FCMS Central Gym			\$3,195,590			3,195,590						3,195,590
Miscellaneous		2,367,619				2,367,619						2,367,619
Maintenance/Transportation Expansion		405,920				405,920						405,920
Additional Bus Garage Bays		1,215,506				1,215,506						1,215,506
Sontag Soccer Field & Parking Lot		608,490				608,490						608,490
Sontag Track		38,288				38,288						38,288
Sontag Parking Lot at the kitchen		99,415				99,415						99,415
Total School Expenditures	1,220,000	7,183,131	8,178,061	2,129,863	2,960,468	21,671,523	4,516,350	2,565,563	5,716,028	2,166,039	2,322,172	38,957,675

Franklin County Public Schools ADM History

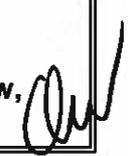




Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> SCHOOL RESOURCE OFFICERS GRANT</p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> Request funding for a local match to support grant funding of two School Resource Officers</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><input type="checkbox"/> <i>Economic Development</i> <input type="checkbox"/> <i>Financial Stability</i></p> <p><input type="checkbox"/> <i>Infrastructure</i> <input checked="" type="checkbox"/> <i>Lifelong Learning</i></p> <p><input type="checkbox"/> <i>Managed Growth</i> <input checked="" type="checkbox"/> <i>Public Safety</i></p> <p><input type="checkbox"/> <i>Operational Effectiveness</i></p>	<p><u>AGENDA DATE:</u> May 19, 2020</p> <p><u>BOARD ACTION:</u> Yes</p> <p><u>INFORMATION:</u> No</p> <p><u>ATTACHMENTS:</u> Yes</p> <p><u>CONSENT AGENDA:</u> No</p> <p><u>ATTACHMENTS:</u> No</p> <p><u>STAFF CONTACT(S):</u> <i>Sheriff Overton</i> <i>Dr. Mark Church, Superintendent</i></p> <p><u>REVIEWED BY:</u> Christopher Whitlow, County Administrator </p>
--	--

BACKGROUND

Currently, School Resource Officers (SRO) are stationed at both the Middle and High Schools. Historically, there were two SRO positions from the Franklin County Sheriff's Office (FCSO) assigned to the Franklin County Public Schools (FCPS). One SRO was assigned to the middle school and one SRO assigned to the high school. The FCPS have funded the two SRO positions since FY 2012 by reimbursing the County \$86,658 annually. This funding has not been increased since FY 2012. A current SRO with benefits could cost up to \$60,000 (\$120,000 for two SRO's). The County has supplemented the difference in cost.

Per request by FCSO last year, the Board of Supervisors approved a grant application with the Virginia Department of Criminal Justice Services, whereby the FCSO was awarded a grant in FY 2020 to assist with funding two additional school resource officers (SRO's) at the high school. As listed below from the minutes of the March 5th, 2019 Board of Supervisors meeting, the Board approved the grant application with the understanding that the Sheriff's Office would fund the local grant match of approximately \$55,000 through the existing Sheriff's Office budget with no additional funding requested from the Board. The County match was accomplished through the provision of a vehicle assigned to each SRO.

(RESOLUTION #01-03-2019)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to support the Sheriff's Department initiative and approve the request to apply for the grant funding for up to two deputies to be located on the County's School campuses as school resource officers. It is understood no local funding is required with the Sheriff's Office providing the in-kind match, whereby any future budgetary requirements, should state not continue the grant, be funded from within the Sheriff's Office budget.

MOTION BY: Tim Tatum
SECONDED BY: Ronnie Thompson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Thompson, Camicia, Cundiff, Carter, Tatum & Brubaker

DISCUSSION:

To continue state funding from the Virginia Department of Criminal Justice Services, an application to renew the grant funding has been submitted. If awarded, such grant continuance will fund the SRO positions again for FY 2021 with the same local match requirement. Assuming the SRO grants are awarded again for FY 2021, the FCSO has shared they will not be able to use a vehicle assignment to meet the local match for the grant. While the attached memo references the cost to maintain the local match as \$44,000 per year, the grant application local match is \$55,356 per year (\$27,678 for each grant) which will need to be funded in order to proceed with the grant funded SRO positions for FY 2021. As requested in the attached memo from Superintendent Mark Church and Sheriff Overton, the FCPS and the FCSO are requesting the County to begin funding the required local match. It is not clear if the local match will have an annual increase or if, or just how long, the Virginia Department of Criminal Justice Services may continue to offer the SRO grants.

RECOMMENDATION:

The FSCO and FCPS respectfully requests that the Board of Supervisors approve to begin funding of up to \$55,356 of the local match for the SRO grants for FY 2021. If approved, a recurring, budgeted line item would need to be identified somewhere within the County's future budget to cover any annual ongoing or future local match expenses / costs.



Franklin County Public Schools



Franklin County Sheriff's Department

Memorandum

DATE: May 14, 2020
TO: Franklin County Board of Supervisors
FROM: Dr. W. Mark Church, Superintendent
Sheriff Bill Overton
RE: Campus Safe Threat Alert System
Franklin County Sheriff's Department Deputies at Franklin County High School

Background

For the past three years, Franklin County Public Schools (FCPS), in conjunction with the Franklin County Sheriff's Department (FCSD), has utilized the Cop Sync threat alert and notification software program. This program was secured with a private donation through the FCSD; however, the contract has now expired. The benefits this program offers to the safety of students, faculty and staff, and the entire Franklin County community include the following:

- Immediate notification to law enforcement of a threat/emergency
- Live communication with faculty, officers, EMS, Fire and 911
- Access to building floor plans
- Activation of alerts from computer or mobile device
- Mapping of building location
- Improves law enforcement response time!

This program has been in place for three years, has proven to be effective in simulated active shooter drills both from a communication and response time standpoint and the faculty and staff at FCPS are familiar with how the program operates and functions. Additionally, immediate notification and rapid response could be critical with threats and emergencies that occur at school locations in rural areas, outside of the town limits.

This past school year, through a grant received by the FCSD, two deputies were placed at Franklin County High School (FCHS) on a full-time basis to provide additional safety and security. This proved to be very beneficial by not only providing additional safety, but the deputies also served as positive role models for students, were able to build professional relationships with staff and students, and had a positive impact on police and community relations.

Discussion//Current Status

The Cop Sync software program is owned by KOLOGIK, and they have recently changed the program name from Cop Sync to Campus Safe. The software still offers the same components and operates in the same manner. As mentioned previously, the current contract has expired. In anticipation of the contract expiring, a committee reviewed several other threat alert software programs that include IN FORCE 911, RAVE Mobile Safety, and RAPTOR Technologies. After assessing all programs, it was agreed that Campus Safe was still the preferred program that best meets our needs. Additionally, Campus Safe was the least expensive proposal.

Currently, the cost to continue utilizing the Campus Safe software program is \$15,000 per year.

The grant funding for the two deputies assigned to FCHS has also expired. The deputies provided a needed service at a campus consisting of several thousand students. The cost to keep and maintain the two additional deputies at FCHS is \$44,000 per year.

Request for Consideration

Currently, and like everybody else, both FCPS and the FCSD are facing significant reductions in their budgets to finish out the current year and for fiscal year 2020-21. The Campus Safe program and additional deputies at FCHS are both integral pieces to help ensure the safety and security of school aged children, faculty, and the community.

We respectfully ask that the Franklin County Board of Supervisors consider fully funding both the Campus Safe threat alert system and the two deputies assigned to FCHS at a total cost of \$59,000 dollars.

We appreciate your time and consideration of this request.



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> COPSYNC PROGRAM</p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> Request to begin funding a new contract for Campus Safe software</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><input type="checkbox"/> <i>Economic Development</i> <input type="checkbox"/> <i>Financial Stability</i></p> <p><input type="checkbox"/> <i>Infrastructure</i> <input checked="" type="checkbox"/> <i>Lifelong Learning</i></p> <p><input type="checkbox"/> <i>Managed Growth</i> <input checked="" type="checkbox"/> <i>Public Safety</i></p> <p><input type="checkbox"/> <i>Operational Effectiveness</i></p>	<p><u>AGENDA DATE:</u> May 19, 2020</p> <p><u>BOARD ACTION:</u> Yes</p> <p><u>INFORMATION:</u> No</p> <p><u>ATTACHMENTS:</u> Yes</p> <p><u>CONSENT AGENDA:</u> No</p> <p><u>ATTACHMENTS:</u> No</p> <p><u>STAFF CONTACT(S):</u> <i>Sheriff Overton</i> <i>Dr. Mark Church, Superintendent</i></p> <p><u>REVIEWED BY:</u> Christopher Whitlow,  County Administrator</p>
---	---

BACKGROUND:

COPsync is a threat alert and notification system that immediately notifies law enforcement of a threat/emergency, offers live communication with faculty and emergency responders, provides access to building floor plans, activation of alerts from a computer or mobile device, mapping of building location, and improves law enforcement response time. The Franklin County Sheriff's Office (FCSO) secured a private donation approximately 3 years ago to fund the Cop Sync software purchase and implementation with the Franklin County Public Schools (FCPS). As the Cop Sync private donation did not require County funding, any associated hardware and software costs have not been a part of annual budget requests from the Sheriff's office.

DISCUSSION:

As shared on the attached communication from School Superintendent Dr. Mark Church and Sheriff Overton, the COPsync program contract has expired. The COPsync software name has changed to Campus Safe. As noted in the memo, staff with the FCSO and FCPS have reviewed other software options and determined that Campus Safe is still the best option. As also shared in the memo, continuing the contract with Campus Safe was the lowest cost option of the alternatives reviewed and detailed in the attached memo. The annual cost would be \$15,000. It is not clear if such annual maintenance funding will have an annual escalation price increase or if there are other terms (i.e. expiration, upgrades, etc.). Funding is not currently identified in the current or next years' Sheriff's Department or School budgets.

RECOMMENDATION:

The FSCO and FCPS is requesting the Board of Supervisors to approve and appropriate funding of \$15,000 to begin annually funding the COPsync - Campus Safe software program. If approved, a recurring, budgeted line item would need to be identified somewhere within the County's budget to cover any annual ongoing or future upgrade expenses / costs.



Franklin County Public Schools



Franklin County Sheriff's Department

Memorandum

DATE: May 14, 2020
TO: Franklin County Board of Supervisors
FROM: Dr. W. Mark Church, Superintendent
Sheriff Bill Overton
RE: Campus Safe Threat Alert System
Franklin County Sheriff's Department Deputies at Franklin County High School

Background

For the past three years, Franklin County Public Schools (FCPS), in conjunction with the Franklin County Sheriff's Department (FCSD), has utilized the Cop Sync threat alert and notification software program. This program was secured with a private donation through the FCSD; however, the contract has now expired. The benefits this program offers to the safety of students, faculty and staff, and the entire Franklin County community include the following:

- Immediate notification to law enforcement of a threat/emergency
- Live communication with faculty, officers, EMS, Fire and 911
- Access to building floor plans
- Activation of alerts from computer or mobile device
- Mapping of building location
- Improves law enforcement response time!

This program has been in place for three years, has proven to be effective in simulated active shooter drills both from a communication and response time standpoint and the faculty and staff at FCPS are familiar with how the program operates and functions. Additionally, immediate notification and rapid response could be critical with threats and emergencies that occur at school locations in rural areas, outside of the town limits.

This past school year, through a grant received by the FCSD, two deputies were placed at Franklin County High School (FCHS) on a full-time basis to provide additional safety and security. This proved to be very beneficial by not only providing additional safety, but the deputies also served as positive role models for students, were able to build professional relationships with staff and students, and had a positive impact on police and community relations.

Discussion//Current Status

The Cop Sync software program is owned by KOLOGIK, and they have recently changed the program name from Cop Sync to Campus Safe. The software still offers the same components and operates in the same manner. As mentioned previously, the current contract has expired. In anticipation of the contract expiring, a committee reviewed several other threat alert software programs that include IN FORCE 911, RAVE Mobile Safety, and RAPTOR Technologies. After assessing all programs, it was agreed that Campus Safe was still the preferred program that best meets our needs. Additionally, Campus Safe was the least expensive proposal.

Currently, the cost to continue utilizing the Campus Safe software program is \$15,000 per year.

The grant funding for the two deputies assigned to FCHS has also expired. The deputies provided a needed service at a campus consisting of several thousand students. The cost to keep and maintain the two additional deputies at FCHS is \$44,000 per year.

Request for Consideration

Currently, and like everybody else, both FCPS and the FCSD are facing significant reductions in their budgets to finish out the current year and for fiscal year 2020-21. The Campus Safe program and additional deputies at FCHS are both integral pieces to help ensure the safety and security of school aged children, faculty, and the community.

We respectfully ask that the Franklin County Board of Supervisors consider fully funding both the Campus Safe threat alert system and the two deputies assigned to FCHS at a total cost of \$59,000 dollars.

We appreciate your time and consideration of this request.



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Courthouse Security Fees</p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> Request to amend County Code Sec 1-17 to increase fee and appropriate funds to Sheriff's Office courthouse security</p> <p><u>STAFF CONTACT(S):</u> Major Sigmon, Capt. Amos, Mr. Brian Carter</p>	<p><u>AGENDA DATE:</u> May 19, 2020</p> <p><u>ITEM NUMBER:</u> <u>ACTION:</u></p> <p><u>CONSENT AGENDA:</u> YES</p> <p><u>INFORMATION:</u> <u>ATTACHMENTS:</u> NO</p> <p><u>REVIEWED BY:</u> Christopher L. Whitlow, County Administrator <i>CW</i></p>
---	--

BACKGROUND:

The Office of the Sheriff, County of Franklin is a full-service law enforcement agency with jail, court security, and law enforcement responsibilities. The Franklin County Sheriff's Office is charged with courthouse and courtroom security at the Franklin County courthouse. The Franklin County Court system has one Circuit court, one General District court, and two Juvenile and Domestic Relations courts. Due to the increase in cases being heard, the second J&D court was opened in 2015. These courts operate Monday through Friday and have seen an increase in cases and business in the courthouse over the last few years.

In 2015, the Franklin County courthouse underwent several renovations; to include limiting access by providing one entry point. This entry point is staffed with Franklin County Sheriff's Office deputies that screen individuals entering the courthouse. This screening is completed through several means to include; staff, metal detectors, handheld wands and other equipment. Bailiffs provide security to the courtroom, judge and citizens as well as transport prisoners to and from the Franklin County jail. The Sheriff's Office utilizes full time and part-time deputies to assist in the security of the courthouse. Part-time deputies are paid an hourly rate.

DISCUSSION:

The Franklin County Sheriff's Office incurs costs to staff and keep the courthouse and courtrooms safe and secure. There are challenges in maintaining staffing of part-time deputies that are Law Enforcement certified. The hourly rate for these part-time deputies is \$15.45 per hour. Similar positions in surrounding jurisdictions have significantly higher pay rates for these positions, making it more appealing to go to those areas for employment. The Franklin County Sheriff's Office has not seen an increase in the part-time salaries line item (2107 51003) for several years. Not only is there an employee cost, but there are equipment costs as well. Metal detectors and the x-ray machine require yearly maintenance and calibrations. There will also be a significant cost when the time comes to replace that equipment at end of life.

The importance and significance of courthouse security is demonstrated under Code of Virginia 53.1-120. The Franklin County code adopted this code in Chapter 1, Section 1-17. - Provision local courthouse security. This code section assesses a ten dollar (\$10) charge as part of the costs in each criminal or traffic case in Franklin County General District, Juvenile and Domestic, or Circuit Courts in which the defendant is convicted. The assessment shall be collected by the clerk of the court, remitted to the treasurer and held by the treasurer subject to appropriation by the governing body to the Sheriff's Office for the funding of courthouse security.

Governor Northam recently signed Senate Bill 149 into law and will go into effect July 1, 2020. This bill allows localities to increase Courthouse and Courtrooms security fees from \$10 to \$20. Increasing the courthouse security fee to \$20 is estimated to add approximately \$50,000 in new revenue to the County budget. Prior to a fee increase, a public hearing is required to amend the current County Code Chapter 1, Section 1-17. - Provision local courthouse security.

RECOMMENDATION:

The Office of the Sheriff respectfully requests that the Board of Supervisors to schedule a public hearing at the upcoming June 16th meeting to consider amending County Code Chapter 1, Section 1-17 to increase the Courthouse security fee to \$20.00. If Code amendment is approved following such public hearing, the Office of the Sheriff requests such new revenue from the fee increase be designated into the Office of the Sheriff budget for part-time salaries and other expenses in Courthouse/courtroom security to include equipment maintenance and replacement.

Sec. 1-17. - Provision local courthouse security.

Pursuant to the provisions of Code of Virginia § 53.1-120, there is hereby assessed a charge of ten dollars (\$10.00) as part of the costs in each criminal or traffic case in Franklin County General District, Juvenile and Domestic or Circuit Courts in which the defendant is convicted. The assessment shall be collected by the clerk of the court, remitted to the treasurer and held by the treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security.

(Ord. of 5-16-02(1); Ord. of 6-26-07(2))

THE FOLLOWING TERMS ARE UP FOR APPOINTMENT/RE-APPOINTMENT

(NOTIFICATION IS GIVEN ACCORDING TO THE BOARD'S POLICY/60 DAYS PRIOR TO EXPIRATION)

COMMITTEE	NAME	ADDRESS	DISTRICT	YEAR	TERM EXPIRES
Building Code Appeals		VACANCY			
		VACANCY			
DAN RIVER ASAP	Brandt Gawor		CITIZEN APT.	3-Year	6/30/2016
LIBRARY BOARD		RESIGNED	BOONE	4 Year	
PIEDMONT COMMUNITY SERVICE	Debbie Powell	RESIGNED EFFECTIVE 4/13/2019		3-Year	
	Betty Buckingham	125 Patterson Avenue		3-Year	6/30/2020
PLANNING COMMISSION	Deborah Crawford	328 Brooks Point Land	UNION HALL	4-Year	6/30/2020
	Earl Webb	929 Coles Creek Road	BLACKWATER	4-Year	6/30/2020
	C.W. Doss	247 Five Mtn. Road	BLUE RIDGE	4-Year	6/30/2020
	James M. Colby	80 Coveport Place	GILLS CREEK	4-Year	6/30/2020
RECREATION COMMITTEE	Kay Saleeby	85 Forest Hill Road	ROCKY MOUNT	3-Year	6/30/2020
	Reba Dillion	6051 Burnt Chimney Road	GILLS CREEK	3-Year	6/30/2020
	Josh Gibson	4782 Pleasant Hill Road	BLUE RIDGE	3-year	6/30/2020
	Jessica Gowor	245 Farmington Road	AT-LARGE		6/30/2019
Roanoke Valley-Allegheny Regional Commission	David Phelps	11 Vermont Avenue	CITIZEN APT.	3-Year	6/30/2020
SOCIAL SERVICES	Robert E. Button	245 Farmington Road	SNOW CREEK	4 Year	
	Richard L. Kleckner	116 Sapphire Lane	GILLS CREEK	4 Year	6/30/2020
	John Lipscomb	346 Quail Valley Lane	BOONES MILL	4 Year	6/30/2020
West Piedmont Planning District Commission	David Thorp	Hardy, Virginia 24101	CITIZEN APT.	3-Year	
Western Virginia Community College	Bill Cooper	81 Lighthouse Lane	CITIZEN APT.	4-Year	6/30/2020
Western Virginia Regional Industrial Development Authority	Vacancy			4-Year	



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> REVISIONS TO FRANKLIN COUNTY CODE</p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> Request approval of Franklin County Code revisions to Chapter 20 Taxation</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><input type="checkbox"/> <i>Economic Development</i> <input checked="" type="checkbox"/> <i>Financial Stability</i></p> <p><input type="checkbox"/> <i>Infrastructure</i> <input type="checkbox"/> <i>Lifelong Learning</i></p> <p><input type="checkbox"/> <i>Managed Growth</i> <input type="checkbox"/> <i>Public Safety</i></p> <p><input checked="" type="checkbox"/> <i>Operational Effectiveness</i></p>	<p><u>AGENDA DATE:</u> May 19, 2020</p> <p><u>BOARD ACTION:</u> Yes</p> <p><u>INFORMATION:</u> No</p> <p><u>ATTACHMENTS:</u> Yes</p> <p><u>CONSENT AGENDA:</u> No</p> <p><u>ATTACHMENTS:</u> No</p> <p><u>STAFF CONTACT(S):</u> <u>Brian Carter, Director of Finance</u></p> <p><u>REVIEWED BY:</u> Christopher Whitlow, County Administrator <i>clw</i></p>
--	---

BACKGROUND:

County levied taxes are authorized by Chapter 20 of the Franklin County Code. Chapter 20, Article VI of the County Code imposes a bank franchise tax on any bank located within the boundaries of the County. The bank franchise tax is an annual tax on the bank's computation of net capital as described in the Code of Virginia, Section 58.1-1205. The County tax rate is 80 percent of the State rate of franchise tax (\$1 per \$100 of net capital). Each bank is responsible for filing tax returns and remitting payment of the tax with both the State and County.

DISCUSSION:

Due to the recent bank franchise tax refund requested by the State Tax Commissioner to Branch Banking & Trust Company (BB&T), a review of the County Code revealed deficiencies relating to the procedure for handling tax refunds. The attached revisions to the County Code have been recommended by the County Attorney to set a procedure for tax refunds and assessing penalties and interest on taxes paid or unpaid due to a mistake.

In summary, the new Code Sections under Chapter 20 Taxation, Article I – General, stipulate that any person may apply to the Commissioner of Revenue for a correction of a tax assessment within 3 years from the last day of the tax year. Upon a determination that an erroneous payment has been made, the Board of Supervisors may approve a refund to the taxpayer upon certification of the Commissioner of Revenue. The Treasurer is authorized to approve refunds up to \$2,500.

Penalties and interest will not be imposed if the failure to file a return or pay the tax was not the fault of the taxpayer or was the fault of the Commissioner of Revenue or Treasurer. There are also protections due to the death of a taxpayer or a medically determined physical or mental impairment.

The recommended County Code amendments under Chapter 20, Article VI for bank franchise tax corrects references to sections of the Code of Virginia and ensures consistency with penalties and interest defined under Chapter 20, Article I of the Franklin County Code.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors approve the attached revisions to the Franklin County Code relating to Chapter 20, Articles I and VI recommended by the County Attorney.

REVISIONS -- FRANKLIN COUNTY TAX CODE

CHAPTER 20 -- TAXATION

Article I. -- In General

...

Sec. 20-2. -- Interest on refunds of erroneously assessed taxes.

The county, upon refunding any taxes that are paid pursuant to an erroneous assessment, shall pay, in addition to such refund, interest at the rate of ten (10) percent per annum, which interest shall run from the date that such taxes are paid or the date that such taxes were required to be paid, whichever is later. This section shall apply to all tax refunds made after December 1, 1996.

Sec. 20-3. -- Interest on unpaid taxes.

There is hereby adopted a charge of ten (10) percent per annum interest on any unpaid taxes commencing the first day of the first month following the due date of the unpaid taxes as advertised for the County of Franklin.

Any taxes due to Franklin County, whether such taxes be real property taxes or personal property taxes, which become delinquent on or after December 6, shall accrue interest as set out in section 20-3 of the Franklin County Code beginning January 1 of the year following the due date of the delinquent taxes.

Sec. 20-4. -- Procedure for refund of taxes erroneously paid.

- (a) Any person assessed with a local tax aggrieved by an assessment of any tax under this chapter may apply to the commissioner of the revenue for correction thereof within three years from the last day of the tax year for which such assessment is made, or within one year from the date of the assessment, whichever is later, to correct such assessment.
- (b) If the commissioner of the revenue is satisfied that he has erroneously assessed such applicant with any such tax, he shall correct such assessment. If the assessment exceeds the proper amount, he shall exonerate the applicant from the payment of so much as is erroneously charged if not paid into the treasury of the county. If the assessment has been paid, the board of supervisors shall, upon the certificate of the commissioner with the consent of the county attorney that such assessment was erroneous, direct the treasurer to refund the excess to the taxpayer, with interest if authorized by law. No refund may be made of any tax for which the refund was applied for more than three years after the year for which the tax was assessed.
- (a)(c) Notwithstanding the provisions of subsection (b), upon presentation of the certificate of the commissioner of the revenue that a tax has been erroneously assessed, the treasurer is authorized to approve and issue any refund up to two thousand five hundred dollars (\$2,500.00) as a result of an erroneous assessment.

Sec. 20-5. -- Interest on taxes paid or unpaid due to mistake.

- (a) Penalty and interest for failure to file a return or to pay a tax shall not be imposed if such failure was not the fault of the taxpayer, or was the fault of the commissioner of revenue or the treasurer, as the case may be.

- (b) The failure to file a return or to pay a tax due to the death of the taxpayer or a medically determinable physical or mental impairment on the date the return or tax is due shall be presumptive proof of lack of fault on the taxpayer's part, provided the return is filed or the taxes are paid within 30 days of the due date; however, if there is a committee, legal guardian, conservator or other fiduciary handling the individual's affairs, such return shall be filed or such taxes paid within 120 days after the fiduciary qualifies or begins to act on behalf of the taxpayer. Interest on such taxes shall accrue until paid in full. Any such fiduciary shall, on behalf of the taxpayer, by the due date, file any required returns and pay any taxes that come due after the 120-day period.
- (c) The determination of interest for overpayment of taxes shall be determined in the same manner as for underpayments.
- (d) The treasurer shall make determinations of fault relating exclusively to failure to pay a tax, and the commissioner of the revenue shall make determinations of fault relating exclusively to failure to file a return or to overpayment of a tax.

...

Article VI. – Bank Franchise Tax

Sec. 20-111. – Definitions.

For the purposes of this article, the following words shall have the meanings ascribed to them by this section.

Bank shall be as defined in section ~~38~~58.1-1201 of the Code of Virginia.

Net capital shall mean a bank's net capital computed pursuant to section 58.1-1205 of the Code of Virginia.

Sec. 20-112. – Imposed.

- (a) There is hereby imposed upon each bank located within the boundaries of this county and outside any incorporated town a tax on net capital equalling eighty (80) percent~~um~~ of the state rate of franchise tax set forth in section ~~58-485.06~~58.1-1204 of the Code of Virginia.
- (b) In the event that any bank located within the boundaries of this county is not the principal office, but is a branch extension or affiliate of the principal office located outside the corporate limits hereof, the tax upon such branch shall be apportioned as provided by section ~~58-485.01~~58.1-1211 of the Code of Virginia.

Sec. 20-113. – Returns, schedules, etc., to be filed.

- (a) On or after the first day of January of each year, but not later than March first of any such year, all banks whose principal offices are located within this county, but outside any incorporated town, shall prepare and file with the commissioner of the revenue a return, as provided by section ~~58-485.01~~58.1-1207 of the Code of Virginia, in duplicate, which shall set forth the tax on net capital computed pursuant to chapter ~~10.01~~12 of title 58.1 of the Code of Virginia. The commissioner of the revenue shall certify a copy of such filing of the bank's return and schedule and shall forthwith transmit such certified copy to the state department of taxation.
- (b) In the event that the principal office of a bank is located outside the corporate boundaries of this county and such bank has branch offices located within this county, in addition to the filing

requirements set forth in subsection (a) above, any bank conducting such branch business shall file with the commissioner of the revenue a copy of the real estate deduction schedule, apportionment and other items which are required by sections ~~58-485-01258.1-1211~~, ~~58-485-01358.1-1207~~, and ~~58-485-01458.1-1212~~ of the Code of Virginia.

Sec. 20-114. – Payment of tax.

Each bank, on or before the first day of June each year, shall pay into the treasurer's office of this county all taxes imposed pursuant to this article.

Sec. 20-115. – Penalty for failure to comply with article.

Any bank which shall fail or neglect to ~~comply with any provision of~~ file a return or pay funds when due under this article shall ~~be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), which fine shall be recovered upon motion, after five (5) days' notice, in the circuit court of the county. The motion shall be in the name of the commonwealth and shall be presented by the attorney for the commonwealth of this county~~ be subject to a penalty in the amount of five percent of the total tax due, plus interest as provided in this chapter.



Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> BANK FRANCHISE TAX REFUND</p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> Request approval to refund bank franchise tax to BB&T for tax years 2012, 2013, and 2014</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><input type="checkbox"/> <i>Economic Development</i> <input type="checkbox"/> <i>Financial Stability</i></p> <p><input type="checkbox"/> <i>Infrastructure</i> <input type="checkbox"/> <i>Lifelong Learning</i></p> <p><input type="checkbox"/> <i>Managed Growth</i> <input type="checkbox"/> <i>Public Safety</i></p> <p><input checked="" type="checkbox"/> <i>Operational Effectiveness</i></p>	<p><u>AGENDA DATE:</u> May 19, 2020</p> <p><u>BOARD ACTION:</u> Yes</p> <p><u>INFORMATION:</u> No</p> <p><u>ATTACHMENTS:</u> Yes</p> <p><u>CONSENT AGENDA:</u> No</p> <p><u>ATTACHMENTS:</u> No</p> <p><u>STAFF CONTACT(S):</u> <u>Brian Carter, Director of Finance</u></p> <p><u>REVIEWED BY:</u> Christopher Whitlow, County Administrator <i>CW</i></p>
--	--

BACKGROUND:

Chapter 20, Article VI of the County Code imposes a bank franchise tax on any bank located within the boundaries of the County. The bank franchise tax is an annual tax on the bank's computation of net capital as described in the Code of Virginia, Section 58.1-1205. The County tax rate is 80 percent of the State rate of franchise tax (\$1 per \$100 of net capital). Each bank is responsible for filing tax returns and remitting payment of the tax with both the State and County.

DISCUSSION:

The County received a memorandum from the State Department of Taxation dated February 27, 2020. The memorandum included a copy of a letter from the State Tax Commissioner, Craig Burns, dated October 1, 2019. The memo and letter are attached. Essentially, the memo and letter alerted County staff that Branch Banking & Trust Company (BB&T) filed for a refund of the bank franchise taxes assessed and paid in tax years 2012, 2013, and 2014. Mr. Burns approved a modified refund amount and directed the State portion of the refund to be remitted to BB&T. The letter also directed the localities in which BB&T has a branch to issue refunds, plus interest. While the County bank franchise tax is a local tax, there was some concern as to the authority of Mr. Burns to require a refund. However, the County does not have a tax refund process in County Code to justify withholding payment, and a small notification was placed in BB&T's 2015 tax filing that an appeal had been filed for the 2012-2014 tax years with the State. A public hearing will be held this evening to address the shortfalls in the County Code. BB&T is willing to forego the interest and is only requesting the actual taxes paid be refunded. At this time, staff, and the County Attorney, believe payment is due to BB&T in the amount of \$58,295 as calculated by the Department of Taxation for the County's portion of a refund of bank franchise taxes to BB&T for tax years 2012, 2013, and 2014.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors approve the bank franchise tax refund to BB&T in the amount of \$58,295 for tax years 2012, 2013, and 2014.



COMMONWEALTH of VIRGINIA

Department of Taxation

TO: Commissioners of the Revenue & Other Local Officials

FROM: C. Keven Wright
Director of Special Taxes and Services

SUBJECT: Bank Franchise Tax Refunds for Branch Banking and Trust Company
Tax Years 2012-2014

DATE: February 27, 2020

I wanted to make you aware of a large refund request that may impact your locality. Branch Banking and Trust Company filed revised Bank Franchise Tax (BFT) returns for tax years 2012 through 2014. Virginia Tax conducted an audit of the amended returns. Branch Banking and Trust Company appealed the audit to the Tax Commissioner. The ruling is attached for your review. The table below indicates the original refunds requested and the approved refunds, exclusive of interest, based on the Determination.

Original Refund Requested	Adjusted Amended Refund
2012 - \$3,906,439	\$3,590,372
2013-\$3 ,569,940	\$3,050,539
2014- \$4,662,551	\$3,679,331
Total- \$12,138,930	\$10,320,242

Attached you will find a Local Tax Apportionment Schedule for 2012 – 2014, with the Department's computation of the local refunds.

If you have questions, please contact Becky Akers at rebecca.akers@tax.virginia.gov or at (804) 225-4410.



COMMONWEALTH of VIRGINIA
Department of Taxation

October 1, 2019

Mr. David M. Vistica
Washington National Tax
Deloitte Tax LLP
555 12th Street, N.W., Suite 400
Washington, D.C. 20004

Re: § 58.1-1824 Application: Bank Franchise Tax
Branch Banking and Trust Company

Dear Mr. Vistica:

This is in response to your letter in which you seek correction of the bank franchise tax (BFT) assessments issued to Branch Banking and Trust Company (the "Bank") for the 2013 and 2014 tax years and protective claim for refund for the 2012 through 2014 tax years. I apologize for the delay in responding to your appeal.

FACTS

For the tax years at issue, the Bank had investments in numerous subsidiaries that were reported in the Bank's official report of condition (the "Call Report"). The Bank timely filed amended BFT returns for the taxable years at issue, reporting a significant increase in its deduction for retained earnings and surplus of subsidiaries and requested refunds.

Under review, the Department requested additional documentation concerning the deductions for the surplus of subsidiaries. Based on the additional documentation, the Department granted deductions that were less than originally claimed. The Department also increased taxable capital on the 2014 return. The refunds were denied and assessments were issued for the 2013 and 2014 tax years.

The Bank filed a protective claim for refund, contending it had correctly reported its capital on the 2014 return and the deductions on its amended returns. The Bank also asserts the Department assessed the 2013 tax year beyond the statute of limitations. Further, if relief is not granted on the issue of the deduction, the Bank



Virginia Internet Filing and Payment for Businesses and Individuals
WWW.TAX.VIRGINIA.GOV

Mr. David M. Vistica
October 1, 2019
Page 2

claims the Department failed to allow a historic rehabilitation tax credit to which it was entitled.

DETERMINATION

Statute of Limitations

Pursuant to *Virginia Code* § 58.1-104, the Department generally has authority to issue an assessment within three years of the due date of a timely filed return. Under *Virginia Code* § 58.1-1207, the 2013 BFT return was due March 1, 2013. Thus, the Department had until March 1, 2016, to issue an assessment. The 2013 assessment was issued in February 2017, beyond the statute of limitations.

Total Equity Capital

The BFT is imposed on the net capital of a bank. *Virginia Code* § 58.1-1205 provides the computation for determining a bank's net capital. There is no provision under Virginia statute that requires or permits banks to combine capital among affiliated banks for purposes of determining its BFT liability. Instead, each bank must make a separate determination of its capital.

For the 2014 tax year, the Department adjusted the Bank's "total equity capital" to equal the amount reported on the Call Report. While Title 23 of the Virginia Administrative Code (VAC) 10-330-20 B 7 starts the BFT computation with total equity capital as reported on the Call Report, the Department has recognized that changes in United States Generally Accepted Accounting Principles (GAAP) and federal banking regulations have included items reported in a bank's equity beyond those items identified in Virginia's statute. See Public Document (P.D.) 05-165 (12/5/2005).

Under *Virginia Code* § 58.1-1205, the computation of net capital begins "by adding together its capital, surplus, undivided profits and one half of any reserve for loan losses net of applicable deferred tax" Title 23 VAC 10-330-20 defines "gross capital" to mean "the total of capital stock, surplus, and undivided profits and one half of any reserve for loan losses net of applicable deferred tax" Under the regulation, the gross capital of a bank is computed by adding the following accounts as reported on the Call Report: (1) preferred stock, (2) common stock, (3) surplus, (4) undivided profits and reserve for contingencies and other capital reserves, and (5) 50% of reserve for loan losses reduced by deferred tax. Under Virginia's regulation, any amounts not included in these five categories are not included in a bank's computation of total equity capital.

For the 2012 through 2014 tax years, the Bank included "noncontrolling (minority) interests in consolidated subsidiaries" in computing its total equity capital reported on its Call Reports. The Bank argues this line was created as a result of the reclassification of liabilities related to minority interests in relegated entities from the liability section of the balance sheet. According to the Bank, it was required to report a lower-tiered subsidiary as a noncontrolling interest because it was held outside the consolidated group included in the Call Report.

Financial Accounting Standards Board (FASB) Statement No. 160 made a number of amendments to Accounting Research Bulletin (ARB) 51 with regard to consolidating financial statements of related entities. Included in the amendments was a change in the way noncontrolling interests in other entities were reported in the financial statements. Instead of reporting the noncontrolling or minority interests in the liability section of the balance sheet, FASB Statement No. 160 began requiring entities to report noncontrolling interests in the consolidated statement of financial position with equity but separate from the parent's equity. Under the provisions of FASB Statement No. 160, the total equity capital reported on the Call Report included a separate item in its equity section for "noncontrolling (minority) interests in consolidated subsidiaries." The description of the equity accounts included in determining a bank's capital subject to BFT does not include noncontrolling or minority holdings in a subsidiary.

Deduction for Surplus

Under GAAP, banks are required to include majority-owned subsidiaries in a consolidated Call Report. Accordingly, a Call Report filed by a bank may include the bank and its subsidiaries. Before consolidation, a parent bank will include the investment in its subsidiary as an asset. The subsidiary reports a corresponding equity owned by the parent bank in the equity section of its balance sheet. When the entities are consolidated, an elimination adjustment is made to offset the intercompany transaction. In the elimination, the parent bank's asset will be offset by the subsidiary's equity owned by the bank.

Virginia Code § 58.1-1206 A 4 permits a deduction equal to the "amount of retained earnings and surplus of subsidiaries to the extent included in the gross capital of the bank." Title 23 VAC 10-330-30 E explains that the intent of the deduction is to remove the amount of increase in the bank's recorded investment in its subsidiaries resulting from undistributed earnings of such subsidiaries from the gross capital of a bank. This reduces the possibility that the bank would be taxed on the activities of its subsidiaries. Under the regulation, the deduction is limited to the amount included in gross capital that represents the undistributed earnings of its subsidiaries during the period of the bank's investment in such subsidiaries.

Mr. David M. Vistica
October 1, 2019
Page 4

For reporting purposes, the regulatory requirements applicable to the Call Report conform to GAAP. Under ARB No. 51, retained earnings of a purchased subsidiary at the date of acquisition are not included in consolidated financial statements. Consequently, the only undistributed earnings of a subsidiary that should be included in a bank's consolidated financial statement would be the subsidiary's retained earnings during the period of the bank's investment.

Such increases are generally reflected in a subsidiary's undivided profits or retained earnings. In some instances, however, the increase may be reflected in the subsidiary's surplus. As such, the deduction is permitted for the subsidiary's retained earnings and surplus.

Pursuant to Title 23 VAC 10-330-20 B, "surplus" is defined as the amount shown on the Call Report including "reserves for contingencies and other capital account reserves." For purposes of the Call Report, the surplus account includes capital contributions, adjustments arising from treasury stock transactions, and any amount received for common stock in excess of its par value.

Unlike retained earnings, a subsidiary's surplus at the date of acquisition is not eliminated in consolidated financial statements under GAAP. Consequently, the clear language of the statute permits a deduction for any amount of a subsidiary's surplus included in the Call Report of a bank. Such surplus, including reserves, treasury stock, and amounts paid in excess of par, should be readily identifiable on the subsidiary's year end financial statements. See P.D. 06-69 (8/18/2006).

The Department denied the deductions for surplus because Title 23 VAC 10-330-30 E restricts the deduction to undistributed earnings. In addition, the deduction reported on the 2014 return far exceeded the amount reported on the Call Report.

The term "undistributed earnings" is not defined for BFT purposes. Generally, the term "undistributed earnings" is used along with a number of terms to describe retained earnings, which are earnings or profits that are not paid as distributions to the entity's owners. The Virginia Supreme Court has used the terms "undistributed earnings" and "retained earnings" interchangeably. See *Segaloff v. Segaloff*, 59 Va. Cir. 55, 2002 Va. Cir. LEXIS 131 (2002). *Virginia Code* § 58.1-1206, however, permits a deduction for surplus in addition to retained or undistributed earnings. See also P.D. 06-69 (8/18/2006).

As to the amount of the deduction claimed by the Bank, *Virginia Code* § 58.1-1206 A 4 limits the deduction to the extent retained earnings and surplus are included in the gross capital of the bank. In conjunction with its review, the Department requested the Bank to provide a reconciliation of its deduction to amounts reported on

Mr. David M. Vistica
October 1, 2019
Page 5

the Call Report. The reconciliation provided by the Bank indicated that a significant amount of the deduction for retained earnings and surplus claimed on its amended returns had been eliminated before being reported on the Call Reports. In accordance with the statute, the Bank would not be permitted to deduct retained earnings and surplus not included in gross capital.

Historic Rehabilitation Tax Credit

In 2009, the Bank received a Historic Rehabilitation Tax Credit (the "Credit") from a pass-through entity. In subsequent years, the Bank became eligible to claim additional Credits received through various pass-through entities.

Under *Virginia Code* § 58.1-339.2, any individual, trust, estate, or corporation is entitled to the Credit equal to 25% of eligible expenses. Credits granted to partnerships are allocated to the partners either in proportion to their ownership interest or as agreed. The credit may be carried over for up to 10 tax years.

As permitted under the statute, the portion of the Credit that was not used on the 2010 BFT return was carried forward to 2011 and 2012. Credits earned in subsequent taxable years were likewise carried forward to 2012, 2013 and 2014 and claimed on the Bank's original BFT returns. When the Bank filed amended returns, the state BFT tax liability was reduced to \$0. As a result, the Bank had no BFT liability on which to apply the Credits that had been carried forward. Thus, the Bank did not report any Credit on the amended returns.

The Bank asserts the Department has not reflected available Credits against the assessments made for the 2013 and 2014 tax years. A review of the audit reports confirms the Department failed to adjust Credit carryovers to reflect the full amounts that were eligible to be claimed in its audit findings and resulting assessments.

When the Bank amended its deduction of retained earnings, it also amended its claims for the Credit in accordance with the resulting state BFT liability. Because the Credit carryovers were amended, the Department was obligated to adjust the Credit carryovers when it disallowed the deduction.

Mathematical Errors

During the course of considering the Bank's appeal, a number of minor transposition errors were discovered on the amended returns. The Bank has provided documentation to verify the correct amounts.

Mr. David M. Vistica
October 1, 2019
Page 6

CONCLUSION

In accordance with this determination, the adjustment to increase equity capital for the 2014 tax year by including noncontrolling (minority) interests in consolidated subsidiaries is reversed. In addition, the Department will allow a deduction for both retained earnings and surplus of the Bank's subsidiaries to the extent included in gross capital. Finally, the Credit carryovers must be corrected to show the amounts that should have been claimed for the 2012 through 2014 tax years. The enclosed schedules display the adjustments (including mathematical errors) to be made as a result of this determination. The overpayments of state BFT, including applicable interest, will be refunded shortly. The Department will notify the affected localities and refunds of the local portion of the BFT will be issued by those localities.

The *Code of Virginia* sections, regulations, and public documents cited are available on-line at www.tax.virginia.gov in the Laws, Rules & Decisions section of the Department's web site. If you have any questions regarding this determination, you may contact David T. Mason in the Department's Office of Tax Policy, Appeals and Rulings, at (804) 371-6041.

Sincerely,



Craig M. Burns
Tax Commissioner

Enclosure

AR/1289o

SUMMARY OF REFUNDS DUE TO BB&T

LOCALITY	2012 REFUND TO BANK	2013 REFUND TO BANK	2014 REFUND TO BANK	TOTAL DUE TO BANK
City of Staunton	\$9,941	\$9,020	\$10,393	\$29,355
City of Suffolk	\$40,470	\$29,940	\$33,567	\$103,977
City of Virginia Beach	\$161,162	\$141,347	\$170,923	\$473,432
City of Waynesboro	\$6,358	\$5,112	\$6,198	\$17,667
City of Williamsburg	\$9,372	\$8,136	\$10,823	\$28,330
City of Winchester	\$93,497	\$78,059	\$96,502	\$268,059
Cumberland County	\$2,422	\$2,153	\$2,423	\$6,999
Dinwiddie County	\$2,999	\$2,704	\$3,161	\$8,864
Fairfax County	\$545,843	\$464,315	\$568,435	\$1,578,593
Fauquier County	\$13,128	\$11,310	\$13,828	\$38,267
Fluvanna County	\$11,613	\$9,529	\$11,812	\$32,954
Franklin County	\$21,518	\$16,319	\$20,459	\$58,295
Frederick County	\$22,204	\$19,391	\$21,987	\$63,583
Gloucester County	\$15,836	\$14,101	\$16,491	\$46,429
Greene County	\$6,368	\$5,318	\$6,726	\$18,413
Hanover County	\$42,244	\$38,107	\$42,773	\$123,124
Henrico County	\$144,178	\$123,029	\$161,870	\$429,077
Henry County	\$20,330	\$15,515	\$18,527	\$54,373
James City County	\$3,208	\$4,268	\$4,916	\$12,392
King & Queen County	\$3,261	\$2,965	\$3,102	\$9,329
King George County	\$10,581	\$9,017	\$10,268	\$29,866
Loudoun County	\$57,965	\$53,224	\$67,850	\$179,038
Mecklenburg County	\$3,011	\$2,544	\$3,093	\$8,648
Middlesex County	\$9,517	\$7,963	\$9,532	\$27,012
Montgomery County	\$2,556	\$2,117	\$2,494	\$7,167
Nelson County	\$10,281	\$9,348	\$10,967	\$30,596
Page County	\$9,665	\$8,562	\$9,957	\$28,184
Patrick County	\$3,723	\$3,067	\$3,965	\$10,755
Pittsylvania County	\$6,240	\$5,138	\$6,048	\$17,425
Prince George County	\$6,413	\$5,274	\$6,385	\$18,072
Prince William County	\$86,598	\$77,827	\$94,538	\$258,962
Rappahannock County	\$2,896	\$2,549	\$2,867	\$8,312
Roanoke County	\$17,618	\$15,564	\$19,663	\$52,845
Rockbridge County	\$15,615	\$13,117	\$16,958	\$45,690
Rockingham County	\$4,689	\$3,929	\$4,539	\$13,157
Russell County	\$2,491	\$2,236	\$2,549	\$7,276
Scott County	\$2,751	\$2,108	\$2,439	\$7,298
Smyth County	\$3,329	\$0	\$0	\$3,329
Spottsylvania County	\$26,090	\$22,371	\$27,464	\$75,925
Stafford County	\$38,767	\$34,048	\$41,920	\$114,734
Sussex County	\$2,237	\$2,172	\$2,249	\$6,658
Town of Abingdon	\$35,327	\$7,573	\$8,328	\$51,228
Town of Altavista	\$4,789	\$3,768	\$4,388	\$12,944
Town of Amherst	\$8,739	\$10,714	\$12,824	\$32,277

Department of Planning & Community Development



Transmittal of Planning Commission Action

Date: May 13, 2020

Item: John Mathena, Applicant, and South Lake Motor Sports, LLC, Owners, Requesting to amend condition #4 attached to an existing Special Use Permit, on an approximate 14.25-acre parcel, currently zoned A-1, Agricultural District, and B-2, General Business. (Case # SPEC-02-20-16531).

Prepared by: Steven M. Sandy, Director of Planning & Community Development

Date of Commission Action: Public Hearing, May 12, 2020

SUMMARY OF REQUEST

On February 19, 2019, the Board of Supervisors approved a special use permit request of Southlake Motorsports LLC to allow for a RV campground and tourist and resort facilities development on an approximate 14.25 acre parcel currently zoned A-1 Agriculture. (Tax Parcel # 0520010302)

The approval of the SUP was subject to the compliance with twelve (12) conditions contained in Resolution 04-02-2019. These conditions addressed:

- Development in compliance with the concept plan submitted as a part of the SUP application.
- Compliance with all development standards contained in Section 25-155 of the County Code
- Requirement that each phase of development have an approved land disturbing and stormwater management plan
- The required type and location of all fencing along all property lines
- The preservation of all existing vegetation along property lines and the planting of a new evergreen buffer along said property lines around proposed development
- Campground management and maintenance plan
- Campground lighting
- Compliance with Virginia health, transportation and environmental regulations
- Waste Management
- Recreational Facilities
- 911 Emergency Addresses

- Required vehicle access location
- Required parking
- Limitation on the use of ATV's on the property
- Signage

These conditions were attached by the Commission and Board of Supervisors to attempt to mitigate any negative impacts and address concerns raised by adjoining property owners during the public hearing process.

Subsequent to the approval of the SUP, the property owner submitted, and the staff reviewed, an initial draft site plan prepared by Pierson Engineering. Staff review comments advised/reminded the applicant that the approved SUP required compliance with multiple conditions including conditions pertaining to a specific type and size of evergreen tree to be used in the required perimeter buffer. Specifically, the required tree was a Green Giant Arborvitae or equivalent, with a minimum height of 6 feet at time of planting. A double staggered row of trees is required by the approved SUP, with trees planted a minimum of twelve (12) twelve feet on center.

The approved SUP also required a split rail fence with wire mesh along the bottom portion of the fence. This fence is to be located along the mutual property lines with tax parcels 0520010200 and 0520012408 with a 100 foot extension along the adjacent property line with Hampton Drive.

Commission's Recommendation: The Planning Commission finds that the modification of the perimeter evergreen buffer and fencing conditions adopted as condition #4 on Resolution 04-02-2019 to be consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to the community. Therefore, they recommend approval of the SUP request with condition #4 as follows:

- 4) A wire fence with wooden posts similar to that depicted in Attachment A shall be installed along the common property line with tax parcels 0520012408 and 0520010200. The fence shall be extended from the property corner with tax parcel 0520010200 to the boundary line along Hampton Drive and then extended for 100 linear feet along the boundary of Hampton Drive. The fencing and entire boundary line along Hampton Drive shall include signs stating "No Trespassing (or No Campers) Beyond This Point" and shall be placed along the fencing every fifty (50) linear feet. An existing vegetative buffer consisting of a minimum width of twenty (20) feet shall be maintained around the entire perimeter of the parcel (except for roads, utility easements, etc).

In addition to the existing vegetation, a new evergreen buffer shall be established along the perimeter of the campground area to provide a visual buffer from adjoining properties. The established buffer shall consist of Green Giant Arborvitae or Eastern Red Cedar trees with a minimum height of 3- 4 feet at the time of planting. This evergreen buffer shall consist of a single row of trees

spaced 10 feet apart except along Hampton Drive. Along Hampton Drive, the evergreen buffer shall consist of a double row of trees to the drain field area, and then a single row shall go perpendicular to Hampton Drive behind the cabins. The vegetative buffer shall be maintained by the property owner for the entire period that the use approved by this special use permit is conducted. This buffer and fencing shall be in place prior to the campground opening. A new site plan confirming the vegetative buffer and fencing, along with a photo of the proposed fencing, shall be provided.

Roll Call Vote: **Motion to Approve: Crawford** **Seconded :Doss**

AYES: Doss, Crawford, McGhee, Clements, Webb
NAYES: Colby
ABSENT: Mitchell
ABSTAIN: None

The Planning Commission's motion to recommend approval of the requested amendment to condition #4 of an existing special use permit, was approved by a vote of 5-1-1-0.

RESOLUTION # _____

APPLICATION OF JOHN MATHENA APPLICANT, AND SOUTH LAKE MOTOR SPORTS, LLC, OWNERS, REQUESTING TO AMEND CONDITION #4 OF AN EXISTING SPECIAL USE PERMIT, ON PROPERTY CURRENTLY ZONED A-1, AGRICULTURAL, AND B-2, GENERAL BUSINESS, AND CONSISTING OF +/- 14.25 ACRES, LOCATED AT 2000 OLD SALEM SCHOOL ROAD, IN THE UNION HALL DISTRICT OF FRANKLIN COUNTY AND FURTHER IDENTIFIED AS TAX MAP/PARCEL # 0520010302. (CASE # SPEC-02-20-16531).

WHEREAS, John Mathena did file an application requesting to amend condition #4 of an existing special use permit, on an approximate 14.25 acre parcel, located in the Union Hall District, and

WHEREAS, the approximate 14.25 acre property is currently zoned A-1, Agricultural, and B-2, General Business, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Planning Commission and Board of Supervisors did hold public hearings on May 12, 2020 and May 19, 2020, respectively, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration, the Franklin County Planning Commission recommended APPROVAL of the request with twelve (12) conditions and #4 amended as follows:

1. The RV campground and tourist facility will be developed in general conformity with the concept plan entitled "Proposed site plan Camp Reel Simple, Union Hall, Virginia Draft 5 dated February 7, 2019.
2. The proposed RV Campground will comply with all the development standards contained in Section 25-155 of the County Code.
3. Each phase of development shall have an approved development plan detailing all land disturbing activities and storm water management in accordance with State and local regulations.
4. A wire fence with wooden posts similar to that depicted in Attachment A shall be installed along the common property line with tax parcels 0520012408 and 0520010200. The fence shall be extended from the property corner with tax parcel 0520010200 to the boundary line along Hampton Drive and then extended for 100 linear feet along the boundary of Hampton Drive. The fencing and entire boundary line along Hampton Drive

shall include signs stating “No Trespassing (or No Campers) Beyond This Point” and shall be placed along the fencing every fifty (50) linear feet. An existing vegetative buffer consisting of a minimum width of twenty (20) feet shall be maintained around the entire perimeter of the parcel (except for roads, utility easements, etc).

In addition to the existing vegetation, a new evergreen buffer shall be established along the perimeter of the campground area to provide a visual buffer from adjoining properties. The established buffer shall consist of Green Giant Arborvitae or Eastern Red Cedar trees with a minimum height of 3- 4 feet at the time of planting. This evergreen buffer shall consist of a single row of trees spaced 10 feet apart except along Hampton Drive. Along Hampton Drive, the evergreen buffer shall consist of a double row of trees to the drain field area, and then a single row shall go perpendicular to Hampton Drive behind the cabins. The vegetative buffer shall be maintained by the property owner for the entire period that the use approved by this special use permit is conducted. This buffer and fencing shall be in place prior to the campground opening. A new site plan confirming the vegetative buffer and fencing, along with a photo of the proposed fencing, shall be provided.

5. A full-time campground manager shall be retained by the owners to manage the campground operations. On-site management shall post a sign on office with contact number if the manager leaves site. The manager shall develop policies for use of the facility and make these available to the County prior to the campground opening.
6. All lighting in the campground shall comply with all county lighting standards and shall not exceed an intensity of .5-foot candles at any property line.
7. Compliance with State Regulations:
 - a. All uses of the property shall be approved by the Virginia Department of Health to ensure compliance with respect to water supply, waste disposal and food service and preparation prior to the approval of a final site plan/plat for the project.
 - b. VDOT shall approve all required permits authorizing the proposed driveway connection to Old Salem School Road prior to the approval of the final site plan/plat for the project.
 - c. No gasoline or oil products shall be stored on the subject property without the approval of VA Department of Environmental Quality, Franklin County Fire Marshal and/or Franklin Building Official.
8. Property owner shall submit a plan to ensure the perpetual and proper care and maintenance of property, parking areas, buildings, landscaping including vegetative buffer and storm water management facilities prior to site plan/plat approval. Such plan shall be reviewed and approved by the Zoning Administrator prior to approval of site plan. Plan shall include, but not be limited to, the following:

- a. Grass and vegetation, in areas of the site that have been developed or used for campground/cabins, are kept at a height no greater than eight (8) inches.
 - b. No inoperable or unlicensed vehicles shall be located on the property.
 - c. Common areas and parking lots are always in good repair and safe for public.
 - d. Trash/Litter: All trash generated on the subject property shall be properly contained and secured on site until it can be picked up by licensed trash hauler or properly disposed at appropriate facility.
 - e. Burn pits, camp fire pits or grilling location shall be shown and approved by Fire Marshal.
 - f. Visible 911 address for individual lots shall be established for easy access and identification by first responders in the event of medical, fire or emergency situations. Should be visible and on display in orderly fashion for each lot or cabin as approved by Franklin County GIS.
9. Any access to the property shall be limited to Old Salem School Road. The access roads shall be constructed to a minimum width of twenty-eight (28) feet to accommodate two-way traffic. The roads shall be built to accommodate emergency apparatus weighing a minimum of 50,000 lbs.
10. No overflow parking shall be provided on this parcel or any other parcels for recreational vehicles awaiting a space in the park. All recreational vehicles on site shall be parked in one of the approved spaces with approved water and sewer hookups.
11. All-terrain vehicles (ATV) shall only be allowed for owner's use. No rentals of ATVs or golf carts. Golf carts belonging to campers shall only be allowed on campground site.
12. A sign shall be installed on the subject property (outside of the VDOT right of way) stating "No Recreational Vehicles/Trailers Beyond This Point" at main entrance prior to the campground opening.

WHEREAS, after full consideration, the Franklin County Board of Supervisors determined that the modification of the perimeter evergreen buffer and fencing conditions adopted as condition #4 on Resolution 04-02-2019 to be consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to the community.

THEREFORE, BE IT RESOLVED, that a copy of this resolution be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue and the Franklin

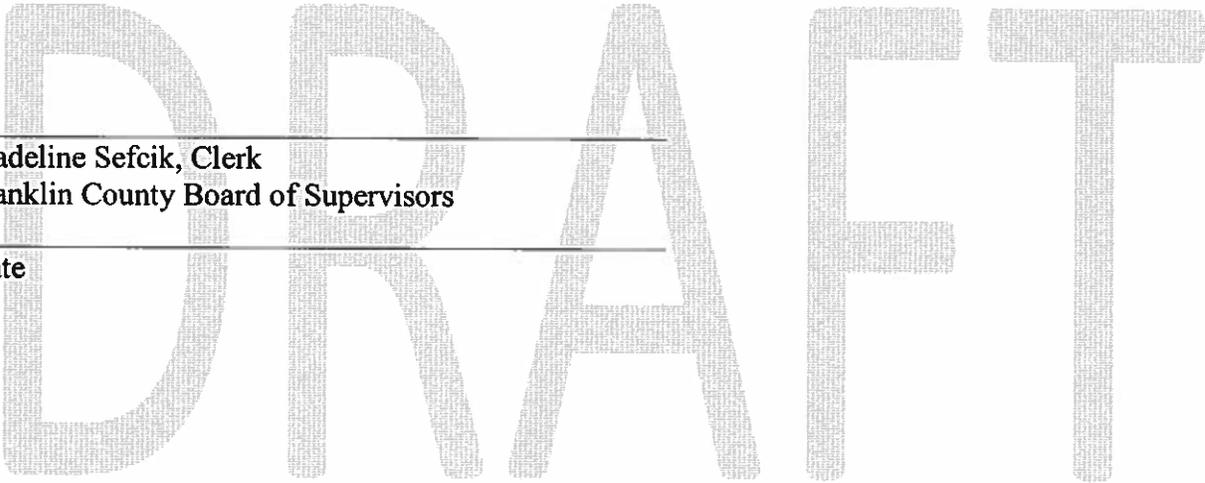
County Zoning Administrator and that the Clerk be directed to reflect this action to APPROVE the amendment to condition #4 in the records of Franklin County.

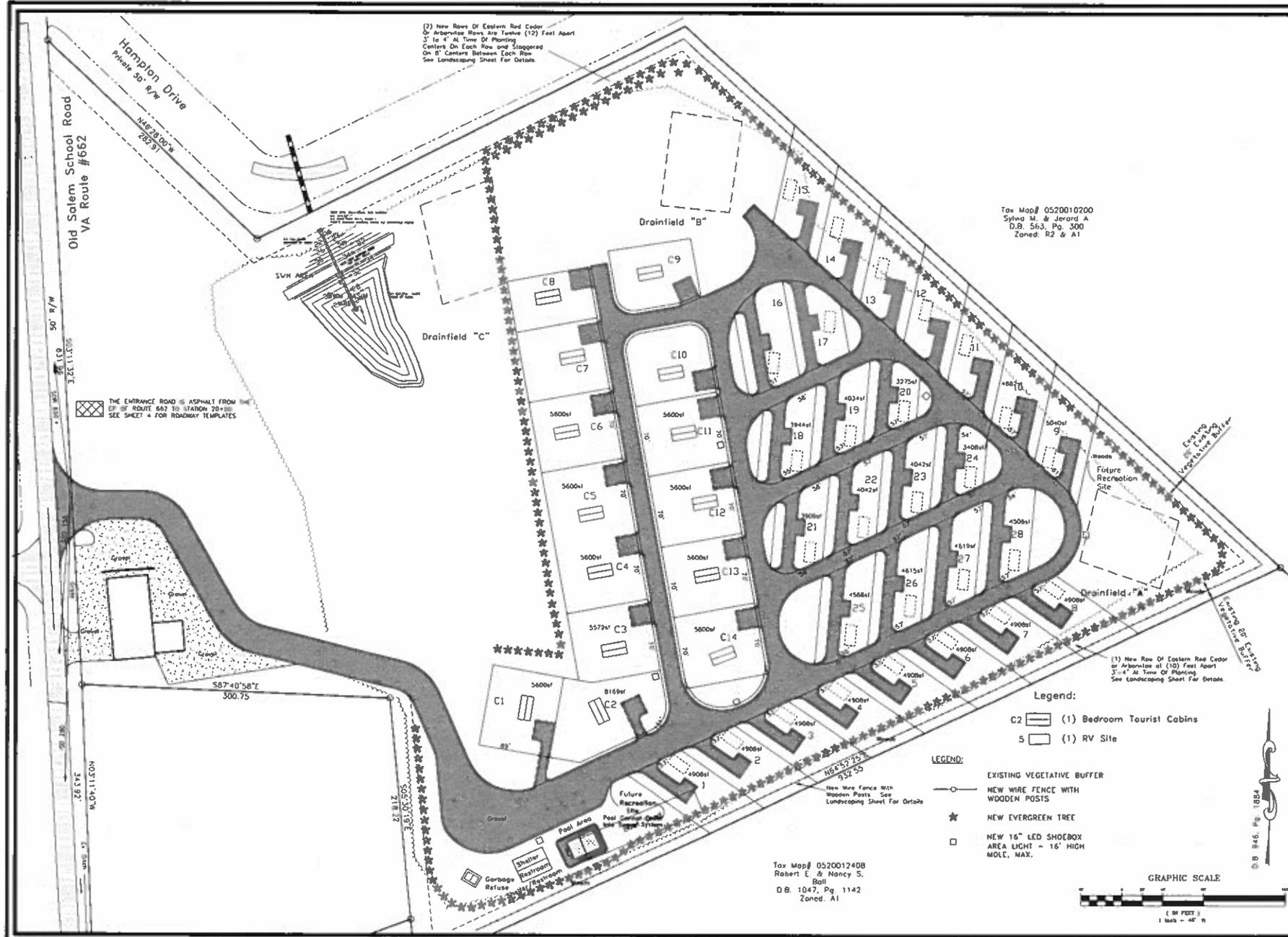
On the motion by _____ to APPROVE the amendment to condition #4, and seconded by _____, said motion was approved by the following recorded vote:

- AYES:
- NAYES:
- ABSENT:
- ABSTAIN:

 Madeline Sefcik, Clerk
 Franklin County Board of Supervisors

 Date





(2) New Rows Of Eastern Red Cedar Or Arborvitae Rows Are Twelve (12) Feet Apart 3' To 4' At Time Of Planting Centers On Each Row and Staggered On 8' Centers Between Each Row See Landscaping Sheet For Details.

Top Map# 0520010200
Sylvia M. & Gerard A.
D.B. 563, Pg. 300
Zoned: R2 & A1

THE ENTRANCE ROAD IS ASPHALT FROM CP OF ROUTE 662 TO STATION 20+10 SEE SHEET # FOR ROADWAY TEMPLATES

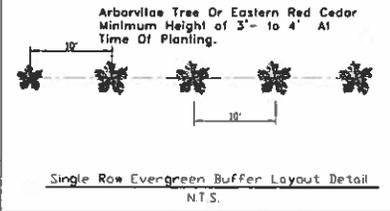
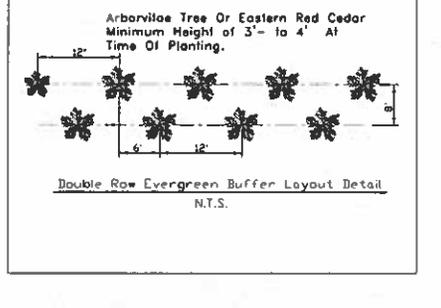
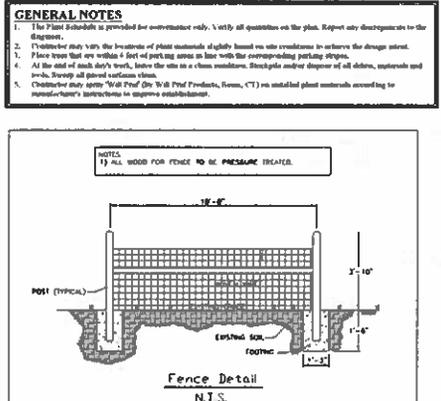
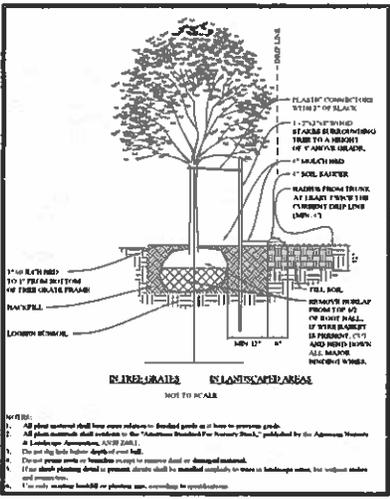
(1) New Row Of Eastern Red Cedar Or Arborvitae at (10) Feet Apart 3'-4' At Time Of Planting See Landscaping Sheet For Details.

Top Map# 0520012408
Robert E. & Nancy S.
Ball
D.B. 1047, Pg. 1142
Zoned: A1

- LEGEND:
- EXISTING VEGETATIVE BUFFER
 - NEW WIRE FENCE WITH WOODEN POSTS
 - NEW EVERGREEN TREE
 - NEW 15" LED SHOEBOX AREA LIGHT - 16' HIGH MOLE, MAX.

- Legend:
- C2 (1) Bedroom Tourist Cabins
 - S (1) RV Site





PLANT PREPARATION (TOPSOILING)

1.01 DESCRIPTION

- 1.01.1. Work Includes: Prepare and place in situ a previously prepared subgrade, or amend as site topsoil, in preparation for the installation of fence posts, rails, and end caps.
- 1.01.2. Refer to Section 05110 for details of fence posts, rails, and end caps.
- 1.01.3. Materials: Use the best quality materials available for the fence system.
- 1.01.4. Installation: Fence posts shall be installed in a trench excavated to the depth specified in the drawings. Posts shall be set in concrete. Posts shall be spaced as shown on the drawings.
- 1.01.5. Finish: Posts shall be finished with a preservative treatment.

1.02 MATERIALS

- 1.02.1. Topsoil: Topsoil shall conform to the per cent by volume of VERMIX 1.0 and VDOT Section 244, except as described below.
- 1.02.2. Topsoil: Topsoil shall be free of tree stumps, roots, rocks and stones larger than 2 inches, tree stumps, limbs, or other deleterious material.
- 1.02.3. Topsoil: Topsoil shall be free of plant parts of Bromus, grass, clover, alfalfa, timothy, sorghum, sorghum, broom RA, Canadian thistle or other that might compete with the desired plant growth.
- 1.02.4. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.5. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.6. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.7. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.8. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.9. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.10. Topsoil: Topsoil shall be free of any deleterious material.

1.03 APPLICATION

- 1.03.1. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.2. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.3. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.4. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.5. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.6. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.7. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.8. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.9. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.10. Topsoil: Topsoil shall be applied to the site as shown on the drawings.

EXTERNAL PLANTS

1.01 GENERAL

- 1.01.1. Work Includes: Prepare and place in situ a previously prepared subgrade, or amend as site topsoil, in preparation for the installation of fence posts, rails, and end caps.
- 1.01.2. Refer to Section 05110 for details of fence posts, rails, and end caps.
- 1.01.3. Materials: Use the best quality materials available for the fence system.
- 1.01.4. Installation: Fence posts shall be installed in a trench excavated to the depth specified in the drawings. Posts shall be set in concrete. Posts shall be spaced as shown on the drawings.
- 1.01.5. Finish: Posts shall be finished with a preservative treatment.

1.02 MATERIALS

- 1.02.1. Topsoil: Topsoil shall conform to the per cent by volume of VERMIX 1.0 and VDOT Section 244, except as described below.
- 1.02.2. Topsoil: Topsoil shall be free of tree stumps, roots, rocks and stones larger than 2 inches, tree stumps, limbs, or other deleterious material.
- 1.02.3. Topsoil: Topsoil shall be free of plant parts of Bromus, grass, clover, alfalfa, timothy, sorghum, sorghum, broom RA, Canadian thistle or other that might compete with the desired plant growth.
- 1.02.4. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.5. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.6. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.7. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.8. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.9. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.10. Topsoil: Topsoil shall be free of any deleterious material.

1.03 APPLICATION

- 1.03.1. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.2. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.3. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.4. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.5. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.6. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.7. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.8. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.9. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.10. Topsoil: Topsoil shall be applied to the site as shown on the drawings.

1.04 QUALITY ASSURANCE

- 1.04.1. The Contractor shall be responsible for the quality of the work.
- 1.04.2. The Contractor shall be responsible for the quality of the work.
- 1.04.3. The Contractor shall be responsible for the quality of the work.
- 1.04.4. The Contractor shall be responsible for the quality of the work.
- 1.04.5. The Contractor shall be responsible for the quality of the work.
- 1.04.6. The Contractor shall be responsible for the quality of the work.
- 1.04.7. The Contractor shall be responsible for the quality of the work.
- 1.04.8. The Contractor shall be responsible for the quality of the work.
- 1.04.9. The Contractor shall be responsible for the quality of the work.
- 1.04.10. The Contractor shall be responsible for the quality of the work.

PIERSON ENGINEERING & SURVEYING

P.O. BOX 311
44 CATAWBA ROAD
DALEVILLE, VA 24083

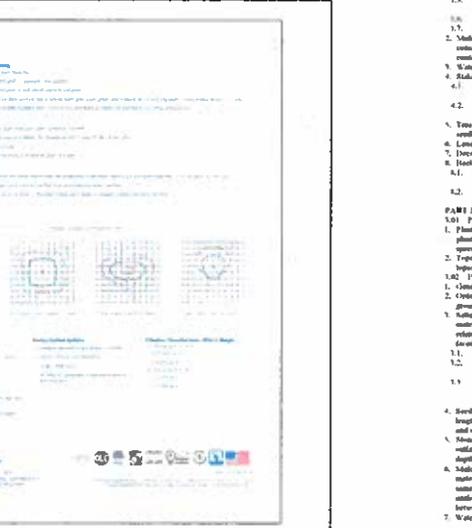
(540) 966-3027 TEL
(540) 966-5906 FAX
e-mail: pierson@earthlink.net

SITE PLAN FOR CAMP REEL SIMPLE FRANKLIN COUNTY, VIRGINIA



Light Fixture Specifications (Please Refer to Type 4.00001)

Item	Description	Quantity	Unit
1	LED Landscape Area - Fixed Light Fixture	1	Each



1.01 GENERAL

- 1.01.1. Work Includes: Prepare and place in situ a previously prepared subgrade, or amend as site topsoil, in preparation for the installation of fence posts, rails, and end caps.
- 1.01.2. Refer to Section 05110 for details of fence posts, rails, and end caps.
- 1.01.3. Materials: Use the best quality materials available for the fence system.
- 1.01.4. Installation: Fence posts shall be installed in a trench excavated to the depth specified in the drawings. Posts shall be set in concrete. Posts shall be spaced as shown on the drawings.
- 1.01.5. Finish: Posts shall be finished with a preservative treatment.

1.02 MATERIALS

- 1.02.1. Topsoil: Topsoil shall conform to the per cent by volume of VERMIX 1.0 and VDOT Section 244, except as described below.
- 1.02.2. Topsoil: Topsoil shall be free of tree stumps, roots, rocks and stones larger than 2 inches, tree stumps, limbs, or other deleterious material.
- 1.02.3. Topsoil: Topsoil shall be free of plant parts of Bromus, grass, clover, alfalfa, timothy, sorghum, sorghum, broom RA, Canadian thistle or other that might compete with the desired plant growth.
- 1.02.4. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.5. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.6. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.7. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.8. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.9. Topsoil: Topsoil shall be free of any deleterious material.
- 1.02.10. Topsoil: Topsoil shall be free of any deleterious material.

1.03 APPLICATION

- 1.03.1. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.2. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.3. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.4. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.5. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.6. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.7. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.8. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.9. Topsoil: Topsoil shall be applied to the site as shown on the drawings.
- 1.03.10. Topsoil: Topsoil shall be applied to the site as shown on the drawings.

LANDSCAPE DETAILS & NOTES AND LIGHTING DETAILS

10/10/2020
REVISION 1, 023842
Kathryn P. Peltier
COMMISSIONER
R201887
SHEET
8

Department of Planning & Community Development



May 5, 2020

To: Franklin County Planning Commission

From: Terrance L Harrington, AICP [↑]
Senior Planner

Tax Parcel: 0520010302

District: Union Hall

Petitioner: John Mathena

Owner: South Lake Motorsports LLC

Re: Request of John Mathena, representing South Lake Motorsports LLC, to modify conditions that were attached to a Special Use Permit (SUP) approved by the Board of Supervisors on February 19, 2019, authorizing the construction and operation of a 14.25 acre RV and tourist cabin campground to be located at 2000 Old Salem School Road in the Union Hall District

BACKGROUND

On February 19, 2019, the Board of Supervisors approved a special use permit request of Southlake Motorsports LLC to allow for a RV campground and tourist and resort facilities development on an approximate 14.25 acre parcel currently zoned A-1 Agriculture. (Tax Parcel # 0520010302)

The approval of the SUP was subject to the compliance with twelve (12) conditions contained in Resolution 04-02-2019. These conditions addressed:

- Development in compliance with the concept plan submitted as a part of the SUP application.
- Compliance with all development standards contained in Section 25-155 of the County Code
- Requirement that each phase of development have an approved land disturbing and stormwater management plan

- The required type and location of all fencing along all property lines
- The preservation of all existing vegetation along property lines and the planting of a new evergreen buffer along said property lines around proposed development
- Campground management and maintenance plan
- Campground lighting
- Compliance with Virginia health, transportation and environmental regulations
- Waste Management
- Recreational Facilities
- 911 Emergency Addresses
- Required vehicle access location
- Required parking
- Limitation on the use of ATV's on the property
- Signage

These conditions were attached by the Commission and Board of Supervisors to attempt to mitigate any negative impacts and address concerns raised by adjoining property owners during the public hearing process.

Subsequent to the approval of the SUP, the property owner submitted, and the staff reviewed, an initial draft site plan prepared by Pierson Engineering. Staff review comments advised/reminded the applicant that the approved SUP required compliance with multiple conditions including conditions pertaining to a specific type and size of evergreen tree to be used in the required perimeter buffer. Specifically, the required tree was a Green Giant Arborvitae or equivalent, with a minimum height of 6 feet at time of planting. A double staggered row of trees is required by the approved SUP, with trees planted a minimum of twelve (12) twelve feet on center.

The approved SUP also required a split rail fence with wire mesh along the bottom portion of the fence. This fence is to be located along the mutual property lines with tax parcels 0520010200 and 0520012408 with a 100 foot extension along the adjacent property line with Hampton Drive.

REQUEST TO MODIFY LANDSCAPING BUFFER AND FENCING CONDITIONS

The applicant has requested a modification of the SUP conditions as they relate to the required evergreen buffer and the required split rail fence with wire mesh. Information on the modifications proposed by the applicant is included with this application. The reason for the requested change is cost and availability of the trees and the cost of the split rail fence. The following table compares the SUP requirements, and the applicants requested modification.

IMPACTS FROM REQUESTED CHANGES

The main change resulting from the change in the SUP conditions is that the landscape buffer would be less effective for the first 3-4 years of the RV parks operation. As the buffer vegetation matured, the screening differences between the Arborvitae species and Eastern Red Cedar species would become less pronounced.

Evergreen Buffer

<p>Requirements:</p> <p>Double row of Green Giant Arborvitae or equivalent; minimum height of 6 feet at planting; planted 12 feet on center; eight foot separation of rows; planted along property lines with parcels</p> <p>Requirements:</p> <p>0520010200 and 0520012408 and along Hampton Drive R/W</p>	<p>Requested Modification:</p> <p>Substitute Eastern Red Cedar for Arborvitae, 2-4 feet at time of planting; single row 5 feet on center along 0520010200 and 0520012408; double row along Hampton Drive</p>
---	---

Split Rail/ Wire Mesh Fence

<p>Requirements:</p> <p>Wood Split Rail Fence with wire mesh attached to bottom along parcels 0520010200 and 0520012408 extended 100 feet down Hampton Drive</p>	<p>Requested Modification:</p> <p>Eliminate Split Rail Fence; use welded wire fence as substitute</p>
---	--

PUBLIC COMMENTS

Forty-two (42) residents of the surrounding neighborhood have submitted a petition opposing the modification of the approved SUP conditions.

CONCLUSION AND RECOMMENDATION

The applicant has stated that cost and the limited availability of 6 foot trees is the reason this request to modify the conditions has been submitted. Considering the surrounding neighborhood's concern for the RV parks impact on their neighborhood, the staff believes that the proposed modification is not in keeping with the concerns expressed by the community and the purpose and intent of the original conditions required by the Board of Supervisors and should be DENIED.

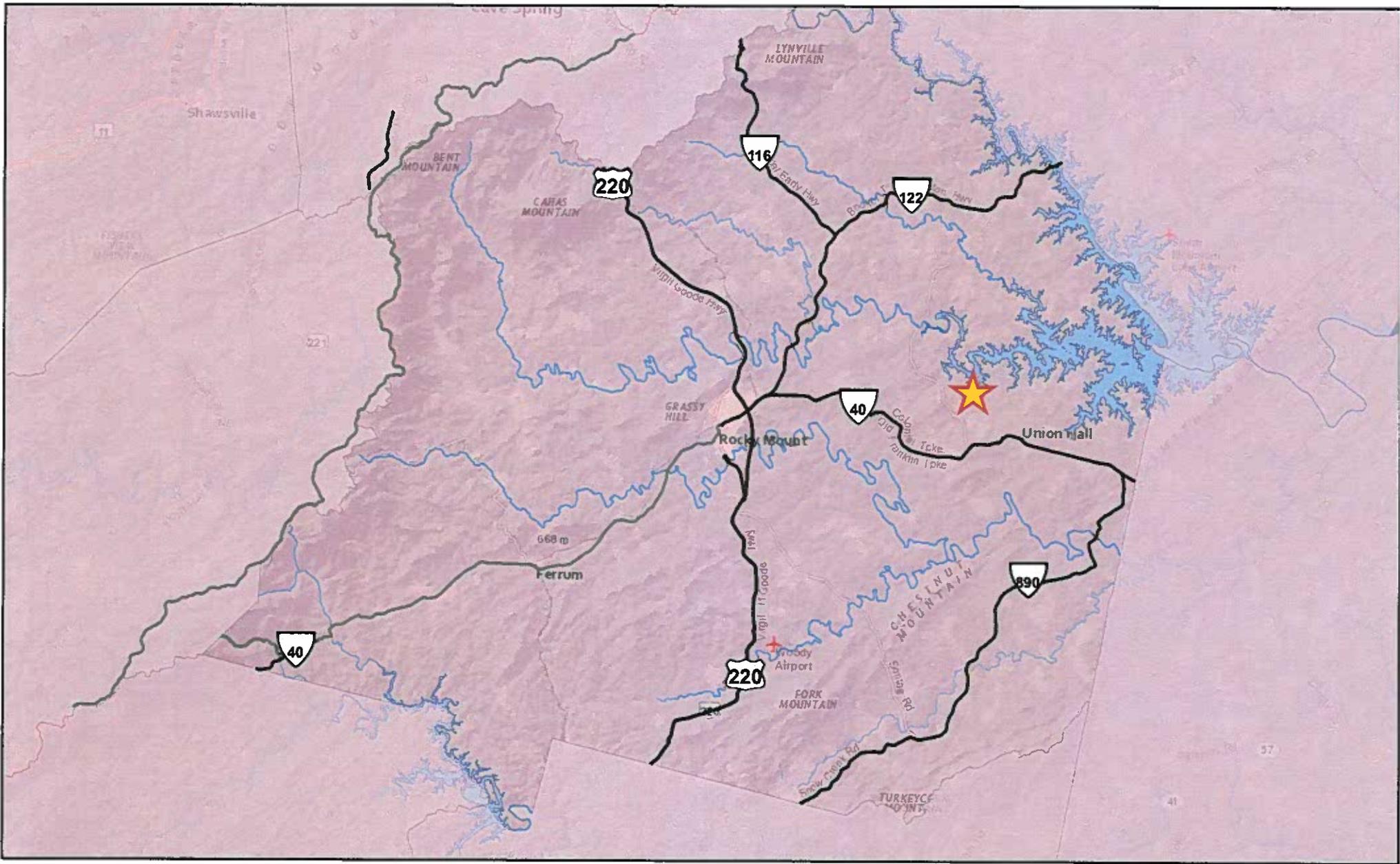
Staff does recognize that there may be other options to consider to reduce the tree costs without compromising the intent of the required buffering and fencing however the applicant has not proposed other options for consideration that may maintain the purpose and intent of the original conditions.

SAMPLE MOTIONS

(DENY) I find that the proposal to modify condition #4 of Resolution 04-02-2019 to reduce the perimeter evergreen buffer and fencing conditions proposed by the applicant is not consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will result in a substantial detriment to the surrounding community. I therefore recommend DENIAL of the request to modify the previously approved conditions of the special use permit.

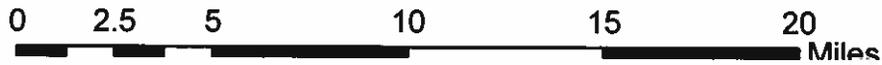
(APPROVE) I find that the modification of the perimeter evergreen buffer and fencing conditions adopted as condition #4 on Resolution 04-02-2019 to be consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to the community. I therefore recommend approval of the SUP request

(TABLE) I move to table this request to allow for the applicant and staff to develop other possible modifications for consideration by the Commission.



Tax Map # 0520010302
 SPEC-02-20-16531
 John Mathena

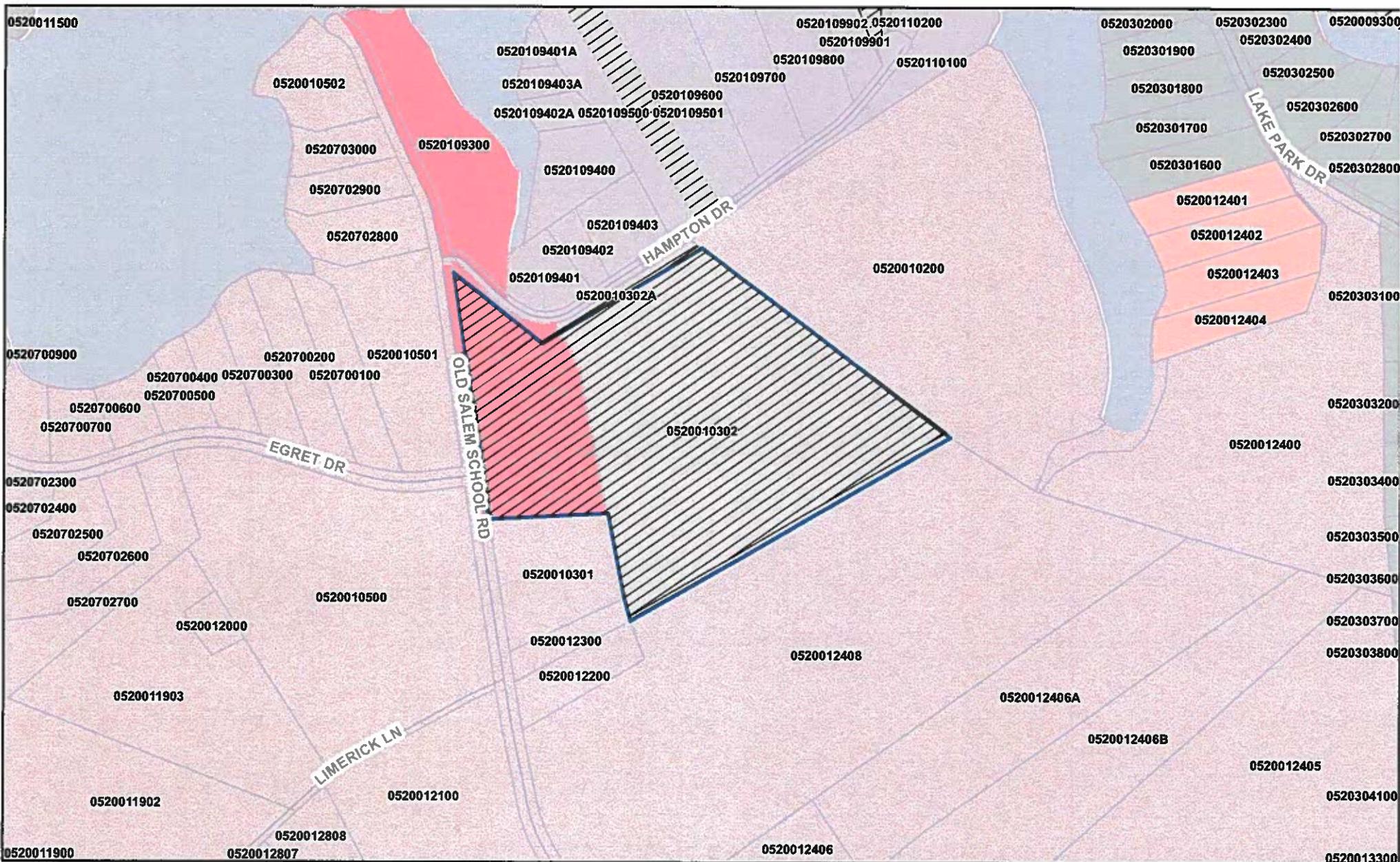
 Subject Property Location



Date: 3/16/2020



Franklin Co GIS



- Parcels
- Special Use Permit
- Zoning Classifications**
- A1 - Agricultural
- B2 - Limited Business District

- R1 - Residential Suburban Subdivision
- R2 - Residential Suburban Subdivision
- RC1 - Residential Combined Subdivision
- Smith Mountain Lake

Tax Map # 0520010302
SPEC-02-20-16531
John Mathena



Date: 3/16/2020



Franklin Co GIS



Legend

- Subject Parcel
- Parcels

2017 Pictometry Imagery

Tax Map # 0520010302
 SPEC-02-20-16531
 John Mathena



Date: 3/16/2020



Franklin Co GIS

Dear Commission Members

You will be considering an amendment to the Camp Real Simple SUP Tuesday and I would like for you to consider these items before you vote. In addition to the fact that the Planning Dept staff is recommending you **Deny** this amendment and that you received our neighborhood petition opposing this amendment, I would like to add some other items that have my wife, myself and many neighbors are concerned about last year's process of approval of John Mathena's campground SUP.

Attached are two documents, the **Transmittal of Planning Commission** action stating the action taken by the Commission on January 8, 2019 and **Board of Supervisors** action taken on February 19 (see attached).

In the Planning Commission action, it stated:

" The Planning Commission finds that the SUP complies with the County comprehensive plan and good zoning practice and will not be a substantial detriment to the and community recommends APPROVAL subject to the following conditions "

"Each phase of development shall have an approved development plan detailing all land disturbing activities and storm water management in accordance with State and Local regulation."

Some of our neighbors filed a complaint with the DEQ and Elizabeth Abe from DEQ visited the site, conducted an inspection and sent a letter to the Franklin County Planning Dept (see attached) siting the non-permitted work regarding the land-disturbing activity at the campground site.(see attachment SLFC complaint)

The following highlighted Condition items were approved by the Planning Commission but were deleted when the Board of Supervisors approved the SUP (see attached BOS &PC..)

- A full-time professional campground management shall be retained by the owners to manage the campground operations. On-site management shall be available 24/7. The management company shall develop policies for use of the facility to include but not be limited to the following:

- "Quiet hours" shall be established for the campground between 10:00pm and 7:00am and shall be enforced by the on-site campground manager.

- "Long term camping shall not be permitted. Recreational vehicle sites or cabins sites shall not be rented for a period exceeding fourteen (14) days."

These 3 items were very important Conditions to the surrounding neighbors and they were deleted by the BOS after the Planning Commission approval on 1/8/19.

All KOA campgrounds have quiet hours and limit long term rentals and have professional managers on site 24/7. Given that this campground is in the middle of 3 residential developments and that the neighborhood is very concerned about the impact the campground will have concerning noise and the management of this campground, **would you have approved the campground in this location if these conditions had been excluded from the SUP at the time you voted to approve the campground last year?** In our eyes these changes don't support the way the campground was portrayed to the public ... as a **Luxury** campground.

Bill and Sue Timmins
130 Egret Dr, Union Hall



COMMONWEALTH of VIRGINIA

Matthew J. Strickler
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
Blue Ridge Regional Office
3901 Russell Drive, Salem VA 24153
(540) 492-1840 Fax (540) 562-6725
www.deq.virginia.gov

David K. Paylor
Director

Robert J. Weld
Regional Director

May 28, 2019

Ronald Wilson
SW/ESC Administrator
Franklin County Planning Dept.
1255 Franklin St. Suite 103
Rocky Mount, VA 24151
Email Ronald.Wilson@frankincountyva.gov

Re: Complaint Referral – South Lake Motor Sports, LLC

Dear Mr. Wilson:

The Department of Environmental Quality (DEQ) has received a complaint regarding a land-disturbing activity being conducted in Franklin County. This information is being referred to you as the local Virginia Erosion and Sediment Control Program (VESCP)/Virginia Stormwater Management Program (VSMP) authority. Please see the attached inspection report for additional details.

The DEQ is requesting that Franklin County investigate this complaint and provide a written response within 10 business days detailing the findings and, if necessary, actions that have been taken, or will be taken, to bring the site into compliance. Please advise DEQ if there is additional information of which DEQ should be aware.

Responses may be directed to me at elizabeth.abe@deq.virginia.gov. Please note that DEQ may take direct action to resolve the alleged non-compliance if Franklin County does not respond or act to return the site to compliance. Should you have questions or require compliance assistance please do not hesitate to contact me by email or by phone at 540-492-1840.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Abe".

Elizabeth Abe
Stormwater Compliance Specialist

Copy to: Jay Roberts, SWM /Water Protection Programs Manager

Enclosure

CONSTRUCTION GENERAL PERMIT SITE INSPECTION REPORT - LEVEL 1 (FOCUSED)

Project Name:		South Lake Motor Sports LLC		Permit Number:		No permit	
Project Address:		2000 Old Salem Road		County/City:		Union Hall VA 24176	
Project Operator:		John Mathena, Lauren Carter		Operator Telephone:			
Project Contact:		John Mathena		Contact Telephone:			
Contact E-Mail:		magnumpointmarina@gmail.com		Qualified Personnel (QP):		undetermined	
Inspector:		Elizabeth Abe		Weather (Wet/Dry/Rain):		Dry	
Total Dist. Acres Permitted:		None permitted	Est. Dist. Acres (At time of inspection):	1+	Inspection Date & Time:		5/22/19
Linear Project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Annual Stands. & Specs:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
				VSMP Authority:		<input checked="" type="checkbox"/> Locality <input type="checkbox"/> DEQ	
Stage of Construction:							
<input checked="" type="checkbox"/> Initial Clearing & Grading		<input type="checkbox"/> Rough Grading		<input type="checkbox"/> Building Construction		<input type="checkbox"/> Final Grading	
<input type="checkbox"/> Construction of SWM Facilities		<input type="checkbox"/> Final Stabilization		<input type="checkbox"/> Notice of Termination		<input type="checkbox"/> Other	
Nature of Project:						Re-inspection:	
<input type="checkbox"/> Public		<input checked="" type="checkbox"/> Private		<input type="checkbox"/> State		<input type="checkbox"/> Federal	
				<input type="checkbox"/> Other:		<input type="checkbox"/> Yes <input type="checkbox"/> No	

COVERAGE & POSTING REQUIREMENTS		Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No	Comments/Description
1	Construction site has permit coverage? (Va. Code §62.1-44.15:34.A) (9VAC25-870-310)		X			
2	A copy of the notice of coverage letter is posted conspicuously near the main entrance of the construction activity? (CGP Part II.C)		X			
3	Notice of the location of the SWPPP is posted near the site's entrance, if applicable, and information for public access is provided? (9VAC25-870-54.G)(CGP Part II D.2 & 3)		X			
SWPPP AVAILABILITY AND CONTENTS		Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Comments/Description
4	The SWPPP is on-site or made available during the inspection? (CGP Part II D.1 & 2)(9VAC25-870-54.G)					
5	The SWPPP contains a signed copy of the registration statement? (CGP Part II A.1.a)					
6	The SWPPP includes, upon receipt, a copy of the notice of coverage letter and the CGP? (CGP Part II A.1.b & c)					
7	The SWPPP contains the name, phone number and qualifications of "Qualified Personnel" conducting inspections? (CGP Part II A.6)					
8	The SWPPP contains an approved erosion and sediment control plan? (9VAC25-870-54.B)(CGP Part II.A.2)					
9	The SWPPP contains an approved stormwater management plan or an existing construction site has a stormwater management plan? (9VAC25-870-54.C)(CGP Part II.A.3) Technical Criteria II.B <input checked="" type="checkbox"/> II.C <input type="checkbox"/>					
10	The SWPPP contains a pollution prevention plan? (9VAC25-870-54.D)(CGP Part II.A.4)					

ESC AND SWM CONTROL MEASURES		Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Comments/Description
11	Sediment trapping measures are installed as a first step in the land disturbing activity? (9VAC25-840-40.4)				
12	Stabilization applied and/or established in accordance with CGP and ESC Minimum Standards? (9VAC25-840-40(1,2,3,5,7, and 15)) (9VAC25-880-60) (CGP Part I F.1(a)) (CGP Part II A.2.c.8) (CGP Part II A.5.b.1)				
13	Operable storm sewer inlets are protected from sediment laden water? (9VAC25-840-40.10)				
14	Operational stormwater conveyance channels or pipes have adequate outlet protection and channel lining? (9VAC25-840-40.11)				
15	Transport of sediment onto paved surfaces is minimized? (9VAC25-840-40.17)				
16	Are all control measures properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications? (CGP Part II E.1) (9VAC25-840-60.A)				
17	For Notice of Termination, permanent SWM control measures included in the SWPPP are in place? (9VAC25-880-60) (CGP Part I F.1(a))				
POLLUTION PREVENTION PRACTICES		Yes	No	N/A	Reviewed during re-inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Comments/Description
18	Have discharges of spilled and leaked fuels and chemicals from vehicle fueling and maintenance activities been prevented, if applicable? (CGP Part IIA.4 (e)(2))				
19	Have discharges of soaps, solvents, detergents, and washwater from construction materials, including the clean-up of stucco, paint, form release oils, and curing compounds been prevented, if applicable? (CGP Part IIA.4(e)(3))				
20	Is concrete washwater directed into a leak-proof container or leak-proof settling basin? (CGP Part IIA.4(e)(5))				
SITE EVALUATION AND AGENCY RECOMMENDATION		Yes	No	N/A	Request for Corrective Action attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comments/Description
21	Are measures in place that have prevented or minimized actual or potential impacts occurring at the site or along the perimeter and at outfall locations?		X		
22	VA DEQ's Risk Based Inspection Strategy has been satisfied. No local VSMP Authority or comprehensive DEQ re-inspection is required at this time.		X		Referred to Locality: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No DEQ recommends an immediate Stop Work Order since no plans have been submitted to the plan approving authority, nor permits have been obtained. The owner(s) is knowledgeable in construction projects in VA. Additionally, contained within the SUP application they presented to the BOS of Franklin County and FC's staff report and the minutes of the hearing, all include information stating approved development plan(s) detailing all land disturbing activities and storm water management in accordance with State and local regulations."
23	Site inspection results are such that immediate or subsequent recommendation for issuance of a Warning Letter or Notice of Violation is NOT required.		X		

Be advised that this inspection is focused on portions of the applicable statutory and regulatory requirements only. The purpose of the inspection is to assess the general condition and compliance level of the construction site and to evaluate the need for a more comprehensive inspection by DEQ or the local VSMP, as applicable, or the presence of actual or potential adverse impacts. The inspector's report is limited to the day, time, and specified statutory and regulatory requirements identified in the Report and Request for Corrective Action, if attached. Although some statutory or regulatory components may not be covered by this inspection report your responsibilities as the owner/operator are to comply with all applicable statutory and regulatory requirements.

CONSTRUCTION GENERAL PERMIT SITE INSPECTION REPORT REQUEST FOR CORRECTIVE ACTION

Checklist #	Regulatory Citation/Legal Requirement ¹	Occurrence	Observation/Recommended Corrective Action
1	Va. Code §62.1-44.15:34.A) (9VAC25-870-310)	1st	<p>Observation: At the time of the inspection, there wasn't an approved SWPPP or construction general permit (CGP) issued, yet land disturbing had already taken place.</p> <p>Recommended Corrective Action: Don't engage in land disturbing activity until plans have been submitted and approved. Additionally, all necessary permits must be obtained prior to land disturbing.</p>
			<p>The owner(s) is knowledgeable in construction projects in VA. DEQ staff have met previously on a large commercial construction project.</p> <p>Additionally, contained within the SUP application they presented to the BOS of Franklin County and FC's staff report and the minutes of the hearing, all include information stating, "approved development plan(s) detailing all land disturbing activities and storm water management in accordance with State and local regulations." No plans have even been submitted for review and approval as of this date.</p>

¹ Refers to applicable regulation found in the most recent publication of the State Water Control Law (Va. Code § 62.1-44.2 et seq.), Virginia Erosion and Sediment Control Regulations (9VAC25-840), the Virginia Stormwater Management Program (VSMP) Regulations (9VAC25-870), or the General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880).

Recommended Corrective Action Deadline: June 11, 2019

Targeted Re-Inspection Date: TBD

The recommended corrective action deadline date applies to all conditions noted on this report unless otherwise noted. If listed condition(s) currently constitute non-compliance and/or corrective actions are not completed by the deadline, other enforcement actions may be issued to the entity responsible for ensuring compliance on the above project.

Elizabeth Ahe

Inspector Signature: _____

_____5/28/19_____

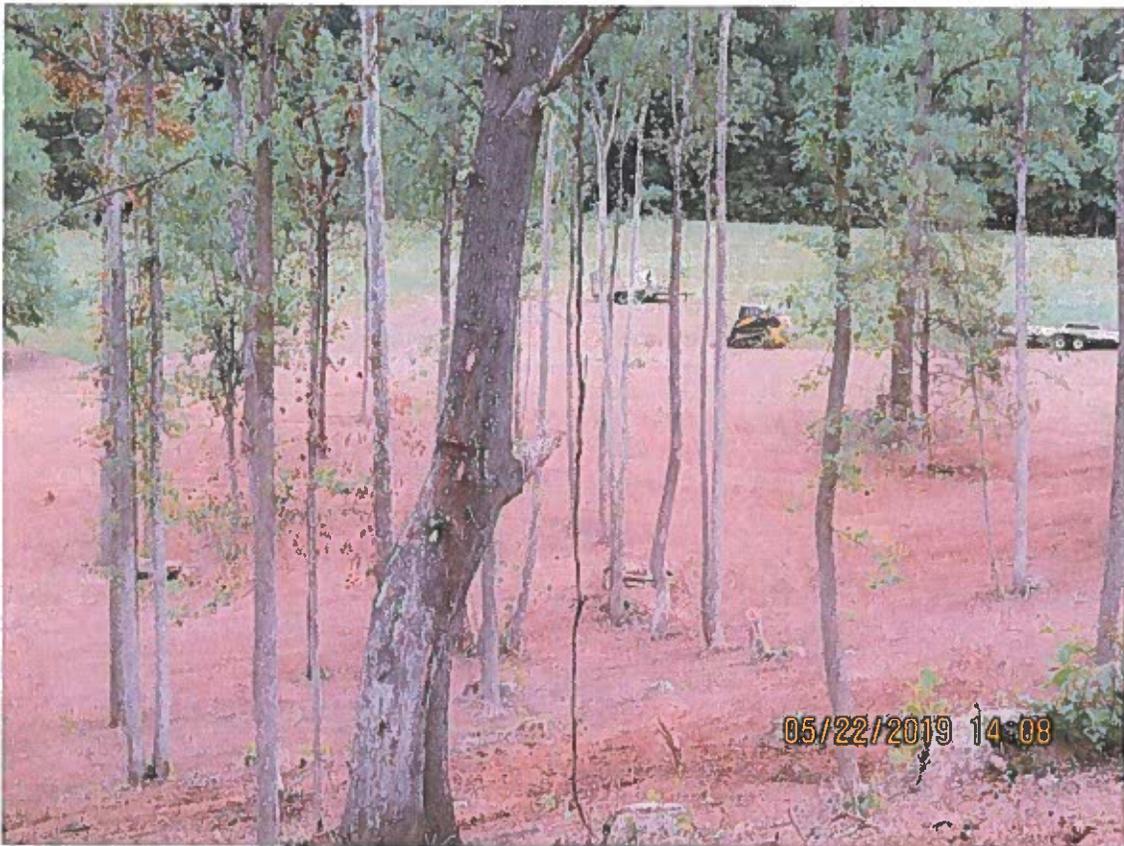


Photo 1 & 2 Land disturbance that has taken place. All undergrowth, leaf litter appears to have been completely removed. This area receives SW runoff from upstream DA, and drains towards SML.



Powell, Hannah

From: Wendy Ralph <kenandwendy@embarqmail.com>
Sent: Friday, May 8, 2020 12:24 PM
To: Powell, Hannah
Subject: Camp Reel Simple - SUP amendment

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Hannah, please forward to Planning Commission Members. Thank you, Wendy
>

> Members of the Planning Commission,
>

> You will find in your packet a letter in opposition to the request to amend the SUP for Camp Reel Simple. It has original signatures from many of the residents on Hampton Drive, Egret Drive and Old Salem School Road which surround the Campground location. We fought very hard to have these conditions approved. And even with the original conditions in place, we still find the Campground hard to accept. However, they do provide some level of protection for those of us who will have to live with it every day. We ask that you maintain the integrity of the basis for this SUP and the trust of the citizens you represent and vote to deny this request for amendment.

>
> Thank you,
>
> Ken & Wendy Ralph
> 265 Hampton Drive

TO: Members of the Franklin County Planning Commission

DATE: April 1, 2020

SUBJECT: REQUEST FOR AMENDMENT TO CONDITIONS FOR SUP FOR CAMP REEL SIMPLE

This letter is to express our **opposition** to the request to amend the approved conditions for the Special Use Permit for Camp Reel Simple. We would like to point out that the application to amend the conditions submitted by the applicant shows that the zoning on the 14.25 acre parcel where the Campground is to be located includes R-2 zoned property. That is incorrect—there is no R-2 zoning on that parcel of land and the application should be corrected to reflect that.

First of all, we are very disturbed about the timing of this request for amending the SUP. The applicant has known about the conditions since they were adopted by the Board in February of 2019. Yet, they have waited a year to express any concern about a hardship with compliance. It was not and never has been our intent to create a financial hardship for the applicant. We had valid, well researched reasons for the conditions that we fought so hard to have adopted and those reasons have not changed.

Special Use Permits are discretionary legislative actions authorized by the Code of Virginia. Conditions can be attached to a special use permit to mitigate against the impact of the proposed SUP on the surrounding property so that it is **no more intrusive than a use of right**. Therefore, the FC Zoning Code requires a special use permit for campgrounds to mitigate the impact on surrounding property. It is not a use allowed by right. The Special Use Permit was approved based on these conditions and by amending them, you negate the basis for the approval of the Campground. Not to mention the trust of the citizens who have relied on these conditions to insure that their property and their way of life would not be adversely impacted by the operation of the Campground.

We would now like to address each item included in the proposed amendments and why we strongly **oppose** their approval.

A. Substitution of 2 foot to 4 foot Eastern Red Cedar for 6 foot Arborvitae

The condition concerning the Arborvitae trees as approved by the Board on February 19, 2019 reads as follows. *"In addition to the existing vegetation, a NEW evergreen buffer shall be established along the perimeter of the CAMPGROUND area to provide a VISUAL buffer from ADJOINING PROPERTIES. The established buffer shall consist of Green Giant, or equivalent, Arborvitae trees with a minimum height of six (6) feet AT TIME OF PLANTING. This evergreen buffer shall consist of two staggered rows of trees planted twelve (12) feet on center with the rows planted eight (8) feet apart. The vegetative buffer shall be maintained by the property owner for the entire period that the use approved by this special permit is conducted. This buffer and fencing shall be in place PRIOR TO THE CAMPGROUND OPENING."* In fact, the motion recommending approval by the Planning Commission on January 8, 2019 included the same two staggered rows of Arborvitae trees. The applicant would have had sufficient time before the case went to the Board of Supervisors to determine the cost of the trees; however, no objection was raised at that time.

We do not feel the Eastern Red Cedar is an "equivalent substitution" or would qualify as an "adequate visual buffer" as required in the conditions because:

- The ERC is a SLOW GROWING tree and a 2 foot tree would take 5 years to even reach 4 feet in height (stated by Nursery Owner/Landscape Designer). This would not provide an adequate

visual buffer as required by the SUP. Therefore, it doesn't matter what the industry standard size is (as stated by the applicant) of 2' to 4' at time of planting.

- The Landscape Designer also stated the Green Giant arborvitae should be as available as the ERC in this area.
- The ERC is native to the area and can be found in most woods, open fields, and roadside areas. It is described as invasive, and therefore, needs to be properly managed.
- The ERC does not provide denseness all the way to the bottom of the tree. There is a question as to how much of the trunk will show versus the green branches. (Stated by a Horticulturist and Landscape Designer). The bark is reddish brown and, fibrous, and peels off in narrow strips. As it ages it loses its lower branches and becomes more tree-like. Again, this does not make it an adequate visual buffer.
- The applicant has not presented any supporting information or provided any proof that the Eastern Red Cedar would be an adequate substitute for the 6 foot Green Giant Arborvitae.

B. Reducing the Trees Along the Areas That Have an "Existing Mature Vegetative Buffer"

The approved condition concerning the existing buffer as approved by the Board on February 19, 2019 reads as follows: *"An existing vegetative buffer consisting of a minimum width of twenty (20) feet shall be maintained around the entire perimeter of the PARCEL."* (We understand that to mean no existing trees within that 20 feet are to be removed).

- The applicant submitted a copy of the site plan for the campground with hand drawn notations showing the area where the new evergreen buffer would be reduced. A significant number of new evergreen trees have been covered with an "X", meaning they would not be planted. The handwritten note calls for "2 foot to 4 foot Eastern Red Cedar to be planted in a single row 20 foot on center along property boundaries that already have an "existing mature vegetated buffer". This is a substantial reduction in the size and number of trees. This would completely eliminate a VISUAL BUFFER at time of planting and for many years to come, if ever.
- We believe there is very little area surrounding the campground parcel that would qualify as "existing mature vegetative buffer". It is mostly scrubby pine and would not provide the evergreen visual buffer as required in the SUP. Refer to Exhibit A (Hampton Drive), Exhibit B (Ball property) and Exhibit C (Armstrong property) which show pictures of the "existing vegetative buffer". Exhibit A picture is the view from Hampton Drive near the intersection of Old Salem School Rd (Rt.662). From that vantage point, any existing vegetative buffer would be well below the line of sight and provide no visual buffer for Hampton Drive. Exhibit B1 was taken from the Ball's property line which adjoins the Campground parcel to the South. And it makes up a significant portion of the area where the applicant is proposing to reduce the number of new evergreen buffer trees. It shows the property line identified by the pink flagging tape which clearly proves there is no "existing mature vegetative buffer" on the campground parcel (where school buses are located). Exhibits B2 and B3 show the same property line adjacent to the Ball property. The boats shown are on the campground property, again showing there is no "existing mature vegetative buffer". Exhibits C1 and C2 provide a view of the campground parcel, this time, from the Armstrong property which also adjoins the campground to the East. Assuming the property line is close to the clearing, again there is no "existing mature vegetative buffer" on the campground parcel alone.
- Where a "mature vegetative buffer" may exist, a good portion is on land owned by one or more of these adjacent property owners and, therefore, would not be available or qualify for use as an existing buffer by the applicant. This is especially true if the adjacent property owner wanted to remove their trees for any reason.

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....."Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by **denying** this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
<u>Nancy S. Ball</u>	<u>Nancy S. Ball</u>	<u>1812 OLD SALEM SCHOOL ROAD</u>
<u>ROBERT E. BALL</u>	<u>Robert E. Ball</u>	<u>1812 OLD SALEM SCHOOL RD.</u>
<u>Margie F. McGuire</u>	<u>Margie F. McGuire</u>	<u>195 Hampton Dr, Union Hall, Va. 24176</u>
<u>Sheila F. Drobot</u>	<u>Sheila F. Drobot</u>	<u>235 Hampton Dr, Union Hall, VA 24176</u>
<u>Francis J. Gallyin</u>	<u>Francis J. Gallyin</u>	<u>235 Hampton Dr, Union Hall, VA 24176</u>
<u>MARGARET E. CLUTE</u>	<u>Margaret E. Clute</u>	<u>2143 OLD SALEM SCHOOL, UNION HALL, VA 24176</u>
<u>WILLIAM H. CLUTE</u>	<u>William H. Clute</u>	<u>2143 OLD SALEM SCHOOL, UNION HALL, VA 24176</u>
<u>Caleb Taylor</u>	<u>Caleb Taylor</u>	<u>235 Hampton Dr, Union Hall, VA 24176</u>
<u>William H Taylor III</u>	<u>William H Taylor III</u>	<u>235 Hampton Dr, Union Hall, VA 24176</u>

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
Linda Firebaugh	<i>Linda Firebaugh</i>	70 Egret Dr. Union Hall
PATSY BERWAL	<i>Patsy Berwal</i>	185 Egret Dr. Union Hall
Linda Threlkel	<i>Linda Threlkel</i>	185 Egret Dr. Union Hall
DM Threlkel	<i>DM THRELKEL</i>	185 EGRET DR. UNION HALL
_____	_____	_____
_____	_____	_____
Di Jarrard	<i>Di Jarrard</i>	259 Egret DR Union Hall VA
William Timmins	<i>William Timmins</i>	130 Egret Dr, Union Hall Va.
SUSAN TIMMINS	<i>Susan Timmins</i>	130 EGRET DR. UNION HALL, VA

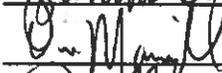
C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
SCOTT HILLYARD		285 EGRET DRIVE, UNION HALL
BRENDA C. HILLYARD	Brenda C. Hillyard	285 EGRET DRIVE, UNION HALL
Dennis Massengill		190 Egret Dr. Union Hall, VA
Donna Massengill	Donna Massengill	190 Egret Dr. Union Hall, VA
Colton Massengill	Colton Massengill	190 Egret Dr Union Hall, VA
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
<u>Kelly Kaykenell</u>	<u>[Signature]</u>	<u>223 Egret Drive Unicorn Hk 11</u>
<u>Stephanie Alphin</u>	<u>[Signature]</u>	<u>270 Egret Drive</u>
<u>Robert Alphin</u>	<u>[Signature]</u>	<u>11</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name

John Veith
Janet Veith

Signature

[Signature]
Janet Veith

Address

Lot 27, Egret Drive
Lot 27, Egret Drive

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name

Signature

Address

Michael Lemnios

Michael Lemnios

343 Egret Dr

Christine Lemnios

Christine Lemnios

343 Egret Drive

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
<i>Melissa Boe</i>	<i>Melissa Boe</i>	<i>318 E. Dr. Union Hill, VA 24176</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

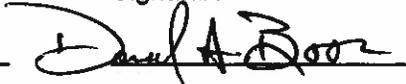
C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
DAVID A BOOR		318 Egret DRIVE UMONT HALL, VA 24176
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

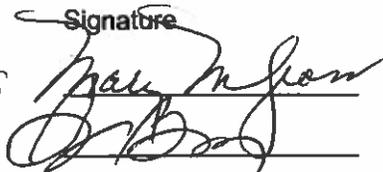
Respectfully,

Printed Name

Signature

Address

Mary M GROSS
GARS P 62051



340 Egret Dr Union Hall, VA
340 EGRET DR UNION HALL, VA 24176

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Exhibits: A; B1, 2 & 3; C1 & 2

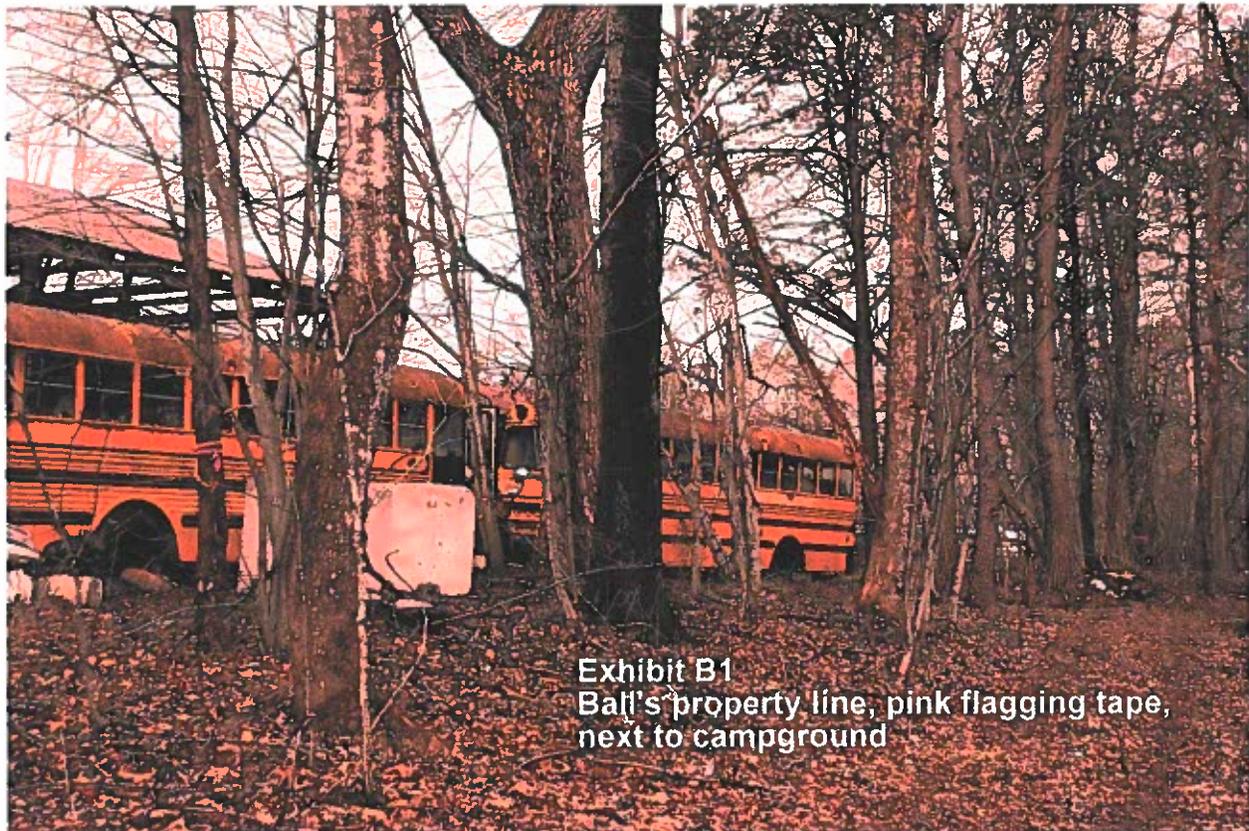




Exhibit B2
Ball's property line, pink flagging tape,
next to campground

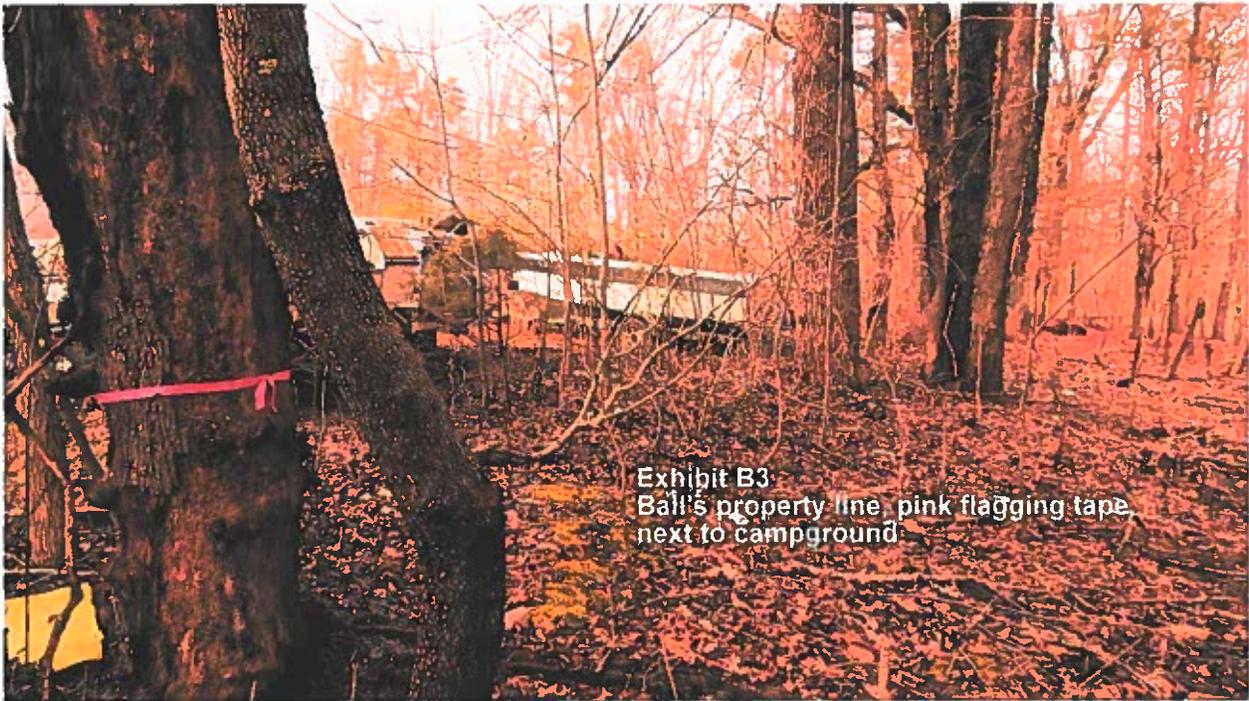


Exhibit B3
Ball's property line, pink flagging tape,
next to campground

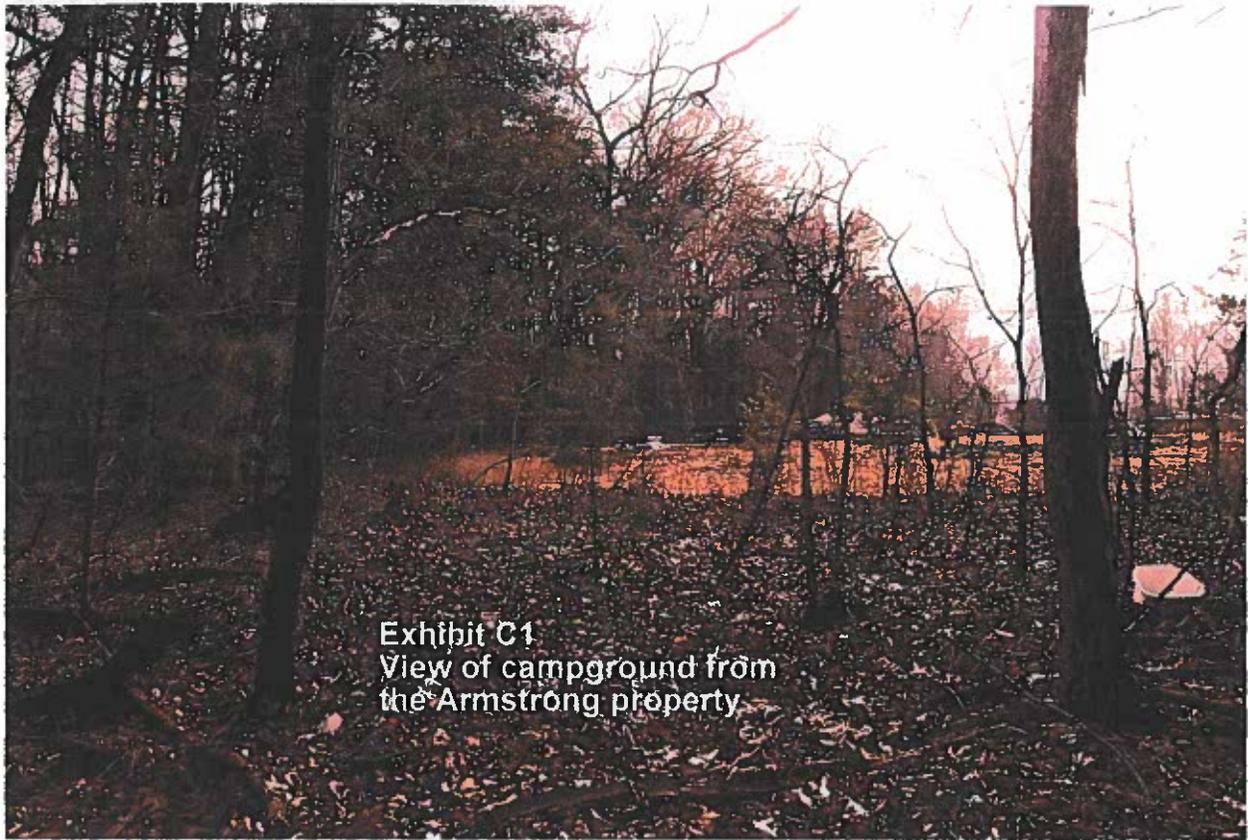


Exhibit C1
View of campground from
the Armstrong property

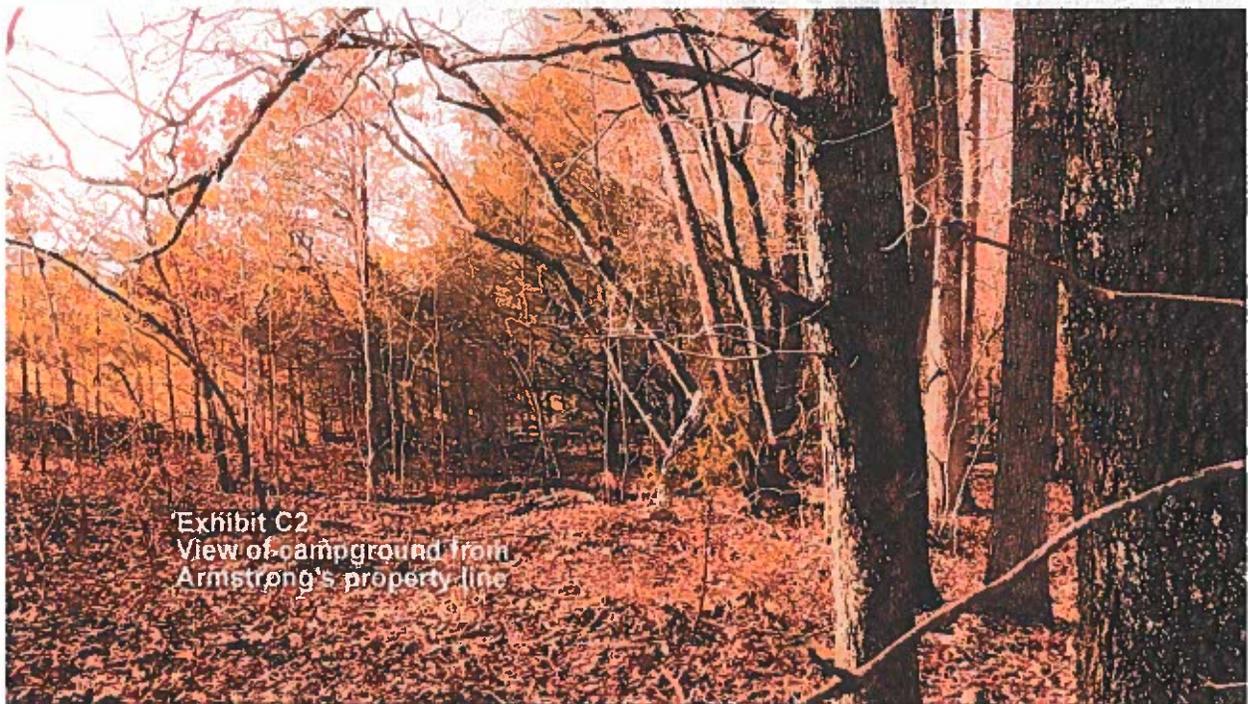


Exhibit C2
View of campground from
Armstrong's property line

02/27/20

To Franklin County Planning,

We are requesting an amendment to the SUP conditions for the campground at 2000 Old Salem School Rd. Union Hall. During the costing phase of the project we found the Arborvitae 6' trees to be largely unavailable and costly. The industry standard size of trees used for buffer areas is 2'-4' in height at time of planting. The conditions set forth in the SUP requires approximately 450 trees. The estimate for a planted 6' Arborvitae tree is \$150 each, making the tree buffer cost \$67,500.00 +/- . The Split rail fence listed in the conditions has zero functional value. The price of the split rail fence as required is estimated at \$123,000.00. These costs were never figured into the planning of this project. They have zero scientific value and were intended as a pacifier for the neighbors. We propose to substitute the Arborvitae with Eastern Red Cedar. According to the Virginia Department of Forestry, the ERC is a native tree that thrives well in most types of soil. We are asking to reduce the trees along the areas that have an existing mature vegetative buffer. We also request to substitute the split rail fence with a welded wire fence that will keep pets in campground. The costs of these 2 items jeopardize the project being completed.



John Mathena

Managing Member

South Lake Motor Sports LLC

Camp Reel Simple

In an effort to design a beautiful, viable project as well as respect the current and future land use of the adjacent property owners, we are suggesting the following design substitutions to the plan. Through careful research and evaluation, we have found these substitutions to adequately address the intended purpose of the design requirements, while also allowing us to maintain the viability of the project due to cost and availability of the Arborvitae.

I. Tree Substitution

Eastern Red Cedar – (juniperus virginiana)

The red cedar can have a very similar size, shape, and foliage as the proposed “green giant”. It has a growth rate of 1.5 – 2 feet/year, reaching sizes of over 30’ tall and 30’ wide. We feel as though this is viable alternative, as it is more readily available at a better value, and is a native species to Virginia.

We propose 2-4’ (industry standard) Eastern Red Cedar to be planted in a single row, 20’ on center, along the property boundaries that already have an existing mature vegetated buffer. Upgrading to the double staggered rows of 3-5’ trees , as needed, along the north – northwest boundaries of the property that are adjacent to the Hampton Drive.

II. Fencing Substitutions

Single welded wire fencing in lieu of split rail with mesh.

The plan drawings contain a wooden split rail fence with a wire mesh secured to the fence with staples, which are prone to failure due to the natural seasonal expansions and aging associated with a wooden fence. These failures could defeat the purpose of the wire mesh.

Given the split rail fence’s propensity to age and fail, we feel that a substitution of a well secured single welded wire fence will provide more protection to the adjacent properties, as well as help secure the campground for our guests. This type of fencing stays tighter, more secured, and less visually intrusive, particularly along the border of the adjacent mature wooded buffer.

Ben Jackson
Principal Designer – Owner
Jackson Land Planning & Design
Troutville, VA

FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION

(Type or Print)

I/We, John Mathena, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

Petitioner's Name: John Mathena

Petitioner's Address: 4016 Bandy Rd Roanoke VA 24014

Petitioner's Phone Number: 304 520 2100

Petitioner's E-mail: JEMATHENA@GMAIL.COM

Property Owner's Name: South Lake Motor Sports LLC

Property Owner's Address: 2000 OLD SALEM SCH RD UNION HALL VA

Property Owner's Phone Number: 540 576 3001

Property Owner's E-mail: _____

Directions to Property from Rocky Mount: 40 E to OLD SALEM SCH RD

Tax Map and Parcel Number: 0520010302

Magisterial District: Union Hall

Property Information:

A. Size 14.25 Acres of Property:

B. Existing Zoning: B2, A1 + B2

C. Existing Land Use: SUP CAMP GROUND / vacant

D. Is property located within any of the following overlay zoning districts:
___ Corridor District ___ Westlake Overlay District ___ Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes No If yes, explain.

Proposed Special Use Permit Information:

A. Proposed Land Use: Amended SUP Conditions

B. Size of Proposed Use: 14.25 Acres
C. Other Details of Proposed Use: Amend SUP Conditions

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): John Mathena
Signature of Petitioner: 
Date: 2-27-20
Mailing Address: 4016 Bandy Rd
Rounde VA 24014
Telephone: 304 520 2100
Email Address: JEMATHENA@GMAIL.COM
Owner's consent, if petitioner is not property owner:
Owner's Name (Print): _____
Signature of Owner: _____
Date: _____

Date Received by Planning Staff _____

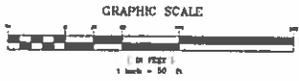
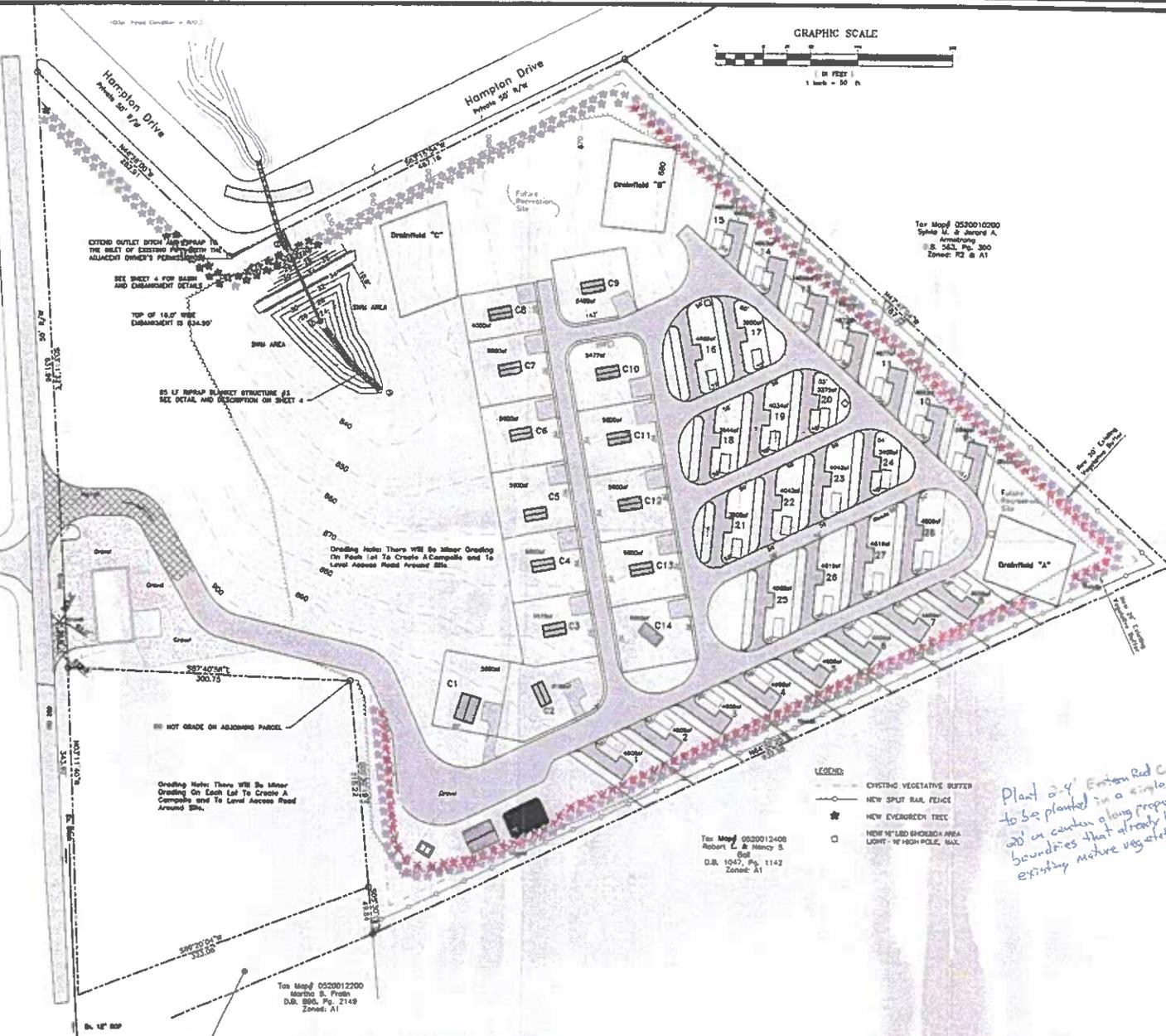
Clerk's Initials: _____

CHECK #: _____
RECPT. #: _____
AMOUNT: _____



Old Salem School Road
VA Route #662

Egret Drive
Route #1123



Tax Map# 0520010200
Spike L. & Nancy A.
Armstrong
S. 542, Pg. 200
Zone: R2 & A1

EXTEND OUTLET DITCH AND BRANCH TO THE SILET OF EXISTING PROPERTY THE ALABAMA POWER'S PERMITS

SEE SHEET 4 FOR MAIN AND DRAINAGE DETAILS

TOP OF 15' HIGH EMBANKMENT IS 634.50'

25.17' RIPSAP BASKET STRUCTURE #3
SEE DETAIL AND DESCRIPTION ON SHEET 4

DRAINAGE NOTE: There Will Be Minor Grading On Each Lot To Create A Compable and To Level Access Road Around Site.

Grading Note: There Will Be Minor Grading On Each Lot To Create A Compable and To Level Access Road Around Site.

Tax Map# 0520012300
Martha S. Frain
D.B. 896, Pg. 2149
Zone: A1

Tax Map# 0520012200
Martha S. Frain
D.B. 896, Pg. 2149
Zone: A1

Tax Map# 0520012400
Robert L. & Nancy S.
Gill
D.B. 1047, Pg. 1142
Zone: A1

- LEGEND:
- CHISTING VEGETATIVE BUFFER
 - NEW SPLIT RAIL FENCE
 - ★ NEW EMERGENCY TREE
 - NEW 16" LED SHROUD AREA LIGHT - 14' HIGH POLE, MAX.

Plant 2-4' Eastern Red Cedar to be planted in a single row, 20' on center along property boundaries that already have an existing mature vegetated buffer.

PIERSON
ENGINEERING
&
SURVEYING

P.O. BOX 311
44 CATAWBA ROAD
DALEVILLE, VA 24083

(840) 666-3327 TEL
(840) 666-6928 FAX
www.pierson-engineering.com

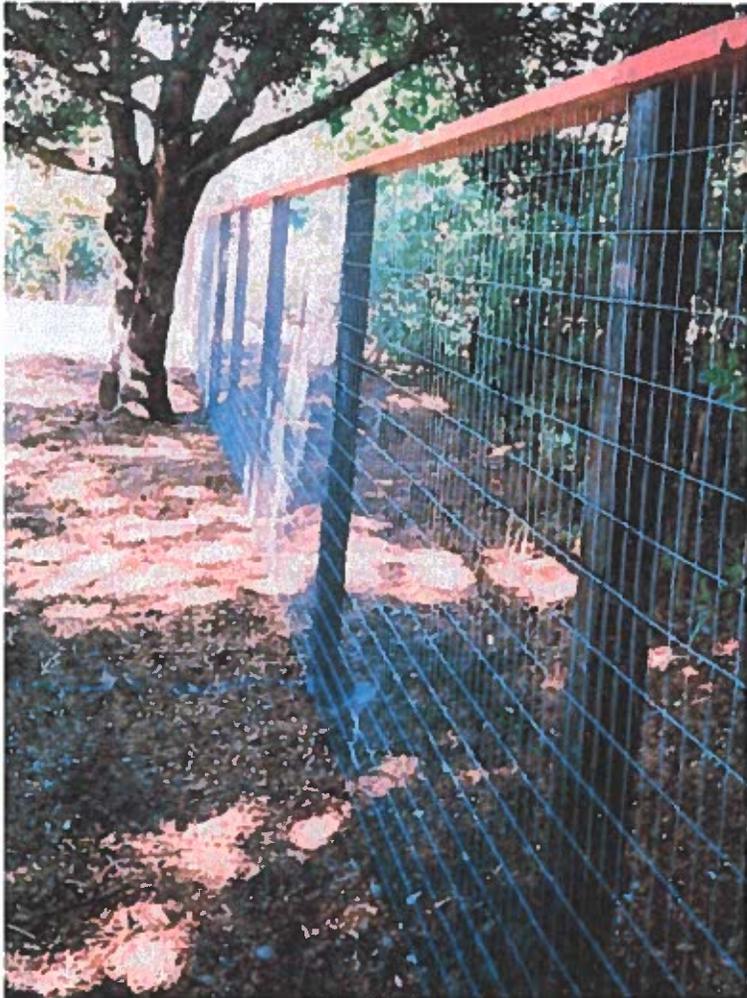
SITE PLAN FOR
CAMP REEL SIMPLE
FRANKLIN COUNTY, VIRGINIA

GRADING
SHEET



COMMISSION
103816136
SHEET
3









Eastern Redcedar

Juniperus virginiana



Dense pyramid shape excellent for windbreaks and screens. Birds love its berries. Medium green foliage. Likes full sun. Tolerant of most soils. Matures at 40' - 50'. (zones 2-9)



Hardiness Zones

The eastern redcedar can be expected to grow in Hardiness Zones 2-9. [View Map](#)



Tree Type

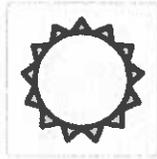


Mature Size

The eastern redcedar grows to a height of 40-50' and a spread of 8-20' at maturity.



This tree grows at a medium rate, with height increases of 13-24" per year.



Sun Preference

Full sun is the ideal condition for this tree, meaning it should get at least six hours of direct, unfiltered sunlight each day.



Soil Preference

The eastern redcedar grows in acidic, alkaline, loamy, moist, rich, sandy, silty loam, well-drained and clay soils. The tree can withstand occasional flooding yet has good drought tolerance.



Attributes

This tree:

- Loves the sun, growing best in open spaces.
 - Features scale-like evergreen leaves compacted to form rounded or 4-sided branchlets.
 - Produces rounded fruit that is gray or bluish-green in color and about 1/4" in diameter. This fruit resembles a berry but is actually a cone made of fused cone scales.
 - Develops deep roots.
 - Tolerates heat, wind and salt.
 - Grows in a columnar or pyramidal shape.
 - Should not be planted near apple trees due to cedar-apple rust.
-



Eastern redcedar twigs and foliage are eaten by browsers while the fruit is eaten most extensively by cedar waxwings. Evergreen foliage provides nesting and roosting cover for sparrows, robins, mockingbirds, juncos and warblers.



History/Lore

The eastern redcedar is an ancient tree, dating to aboriginal America, where fossil evidence indicates it covered large portions of the continent. Early explorers took note of the tree. Arthur Barlowe and Phillip Amadus were quoted as saying the trees were "the tallest and reddest cedars in the world" when they arrived at Roanoke Island in 1564. Colonial craftsmen lost no time in using the wood from the eastern redcedar for furniture and fences, as it had superior weathering capability and was easy to work with. The wood was a staple of the pencil industry for over a century until supplies became exhausted and the industry switched to more plentiful western cedars.



American Arborvitae

Thuja occidentalis



This native evergreen is a hard-working, versatile specimen. The narrow, pyramid shape makes it a natural choice for windbreaks. It requires almost no care when used as a hedge or screen. Pairs of these hardy trees make great accents for doors and garden gates. And single trees soften house corners.

Tall and elegant, the American arborvitae may be the right solution to your landscaping challenges.



Hardiness Zones

The american arborvitae can be expected to grow in Hardiness Zones 3-7.

[View Map](#)



Tree Type

This is an evergreen tree, keeping its foliage year-round.



Mature Size

The American arborvitae grows to a height of 40-60' and a spread of 10-15' at maturity.



Growth Rate



This tree grows at a slow to medium rate, with height increases of anywhere from less than 12" to 24" per year.



Sun Preference

Full sun is the ideal condition for this tree, meaning it should get at least six hours of direct, unfiltered sunlight each day.



Soil Preference

The American arborvitae grows well in acidic, loamy, moist, rich, sandy, silty loam, well-drained, wet and clay soils.



Attributes

This tree:

- Features tiny, scale-like leaves that are packed closely together in overlapping rows on branchlets, displaying in a flattened, fan-like spray. The leaves change from bright green in the summer to a multitude of rich yellow-brown-green hues in the winter.
- Grows in a pyramidal shape.
- Adapts well to shearing and shaping.
- Releases a pleasing aroma when leaves are squeezed.
- Yields light brown or reddish-brown oblong cones that are $\frac{3}{8}$ - $\frac{1}{2}$ " long and persist through winter. Cone scales are blunt-tipped and separate from each other at the base.
- Can be planted 3' apart for a low-maintenance hedge.



Providing shelter in the winter and nesting sites for grackles, robins and house finches in the summer, this evergreen is also browsed by deer, cottontail rabbits, snowshoe hares and an occasional moose. The seeds are eaten by red squirrels and birds such as pine siskins.



History/Lore

The name arborvitae, is a Latin form of the French, "l'arbre de vie," which means, "tree of life." Linnaeus, the Swedish botanist who assigned the Latin name to this species, picked up on other traits. The genus name, *Thuja*, is from a Greek word for perfume. Squeezing the evergreen leaves releases an aroma that is nothing less than nature's perfume.

America arborvitae was useful in early canoes and medicines and became the first North American tree to be introduced to Europe. The specific name, *occidentalis*, means "west," the direction from Sweden where this tree was discovered.

Sefcik, Madeline

From: Wendy Ralph <kenandwendy@embarqmail.com>
Sent: Friday, May 8, 2020 12:27 PM
To: Sefcik, Madeline
Subject: Camp Reel Simple - SUP amendment

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

>
> Madeline, please forward to Board Members. Thank you, Wendy
>>
>
>
>> Members of the Board of Supervisors,
>>
>> You will find in your packet a letter in opposition to the request to amend the SUP for Camp Reel Simple. It has original signatures from many of the residents on Hampton Drive, Egret Drive and Old Salem School Road which surround the Campground location. We fought very hard to have these conditions approved. And even with the original conditions in place, we still find the Campground hard to accept. However, they do provide some level of protection for those of us who will have to live with it every day. We ask that you maintain the integrity of the basis for this SUP and the trust of the citizens you represent and vote to deny this request for amendment.
>>
>> Thank you,
>>
>> Ken & Wendy Ralph
>> 265 Hampton Drive

TO: Members of the Franklin County Board of Supervisors

DATE: April 1, 2020

SUBJECT: REQUEST FOR AMENDMENT TO CONDITIONS FOR SUP FOR CAMP REEL SIMPLE

This letter is to express our **opposition** to the request to amend the approved conditions for the Special Use Permit for Camp Reel Simple. We would like to point out that the application to amend the conditions submitted by the applicant shows that the zoning on the 14.25 acre parcel where the Campground is to be located includes R-2 zoned property. That is incorrect—there is no R-2 zoning on that parcel of land and the application should be corrected to reflect that.

First of all, we are very disturbed about the timing of this request for amending the SUP. The applicant has known about the conditions since they were adopted by the Board in February of 2019. Yet, they have waited a year to express any concern about a hardship with compliance. It was not and never has been our intent to create a financial hardship for the applicant. We had valid, well researched reasons for the conditions that we fought so hard to have adopted and those reasons have not changed.

Special Use Permits are discretionary legislative actions authorized by the Code of Virginia. Conditions can be attached to a special use permit to mitigate against the impact of the proposed SUP on the surrounding property so that it is **no more intrusive than a use of right**. Therefore, the FC Zoning Code requires a special use permit for campgrounds to mitigate the impact on surrounding property. It is not a use allowed by right. The Special Use Permit was approved based on these conditions and by amending them, you negate the basis for the approval of the Campground. Not to mention the trust of the citizens who have relied on these conditions to insure that their property and their way of life would not be adversely impacted by the operation of the Campground.

We would now like to address each item included in the proposed amendments and why we strongly **oppose** their approval.

A. Substitution of 2 foot to 4 foot Eastern Red Cedar for 6 foot Arborvitae

The condition concerning the Arborvitae trees as approved by the Board on February 19, 2019 reads as follows. *"In addition to the existing vegetation, a NEW evergreen buffer shall be established along the perimeter of the CAMPGROUND area to provide a VISUAL buffer from ADJOINING PROPERTIES. The established buffer shall consist of Green Giant, or equivalent, Arborvitae trees with a minimum height of six (6) feet AT TIME OF PLANTING. This evergreen buffer shall consist of two staggered rows of trees planted twelve (12) feet on center with the rows planted eight (8) feet apart. The vegetative buffer shall be maintained by the property owner for the entire period that the use approved by this special permit is conducted. This buffer and fencing shall be in place PRIOR TO THE CAMPGROUND OPENING."* In fact, the motion recommending approval by the Planning Commission on January 8, 2019 included the same two staggered rows of Arborvitae trees. The applicant would have had sufficient time before the case went to the Board of Supervisors to determine the cost of the trees; however, no objection was raised at that time.

We do not feel the Eastern Red Cedar is an "equivalent substitution" or would qualify as an "adequate visual buffer" as required in the conditions because:

- The ERC is a SLOW GROWING tree and a 2 foot tree would take 5 years to even reach 4 feet in height (stated by Nursery Owner/Landscape Designer). This would not provide an adequate

visual buffer as required by the SUP. Therefore, it doesn't matter what the industry standard size is (as stated by the applicant) of 2' to 4' at time of planting.

- The Landscape Designer also stated the Green Giant arborvitae should be as available as the ERC in this area.
- The ERC is native to the area and can be found in most woods, open fields, and roadside areas. It is described as invasive, and therefore, needs to be properly managed.
- The ERC does not provide denseness all the way to the bottom of the tree. There is a question as to how much of the trunk will show versus the green branches. (Stated by a Horticulturist and Landscape Designer). The bark is reddish brown and, fibrous, and peels off in narrow strips. As it ages it loses its lower branches and becomes more tree-like. Again, this does not make it an adequate visual buffer.
- The applicant has not presented any supporting information or provided any proof that the Eastern Red Cedar would be an adequate substitute for the 6 foot Green Giant Arborvitae.

B. Reducing the Trees Along the Areas That Have an "Existing Mature Vegetative Buffer"

The approved condition concerning the existing buffer as approved by the Board on February 19, 2019 reads as follows: *"An existing vegetative buffer consisting of a minimum width of twenty (20) feet shall be maintained around the entire perimeter of the PARCEL."* (We understand that to mean no existing trees within that 20 feet are to be removed).

- The applicant submitted a copy of the site plan for the campground with hand drawn notations showing the area where the new evergreen buffer would be reduced. A significant number of new evergreen trees have been covered with an "X", meaning they would not be planted. The handwritten note calls for "2 foot to 4 foot Eastern Red Cedar to be planted in a single row 20 foot on center along property boundaries that already have an "existing mature vegetated buffer". This is a substantial reduction in the size and number of trees. This would completely eliminate a VISUAL BUFFER at time of planting and for many years to come, if ever.
- We believe there is very little area surrounding the campground parcel that would qualify as "existing mature vegetative buffer". It is mostly scrubby pine and would not provide the evergreen visual buffer as required in the SUP. Refer to Exhibit A (Hampton Drive), Exhibit B (Ball property) and Exhibit C (Armstrong property) which show pictures of the "existing vegetative buffer". Exhibit A picture is the view from Hampton Drive near the intersection of Old Salem School Rd (Rt.662). From that vantage point, any existing vegetative buffer would be well below the line of sight and provide no visual buffer for Hampton Drive. Exhibit B1 was taken from the Ball's property line which adjoins the Campground parcel to the South. And it makes up a significant portion of the area where the applicant is proposing to reduce the number of new evergreen buffer trees. It shows the property line identified by the pink flagging tape which clearly proves there is no "existing mature vegetative buffer" on the campground parcel (where school buses are located). Exhibits B2 and B3 show the same property line adjacent to the Ball property. The boats shown are on the campground property, again showing there is no "existing mature vegetative buffer". Exhibits C1 and C2 provide a view of the campground parcel, this time, from the Armstrong property which also adjoins the campground to the East. Assuming the property line is close to the clearing, again there is no "existing mature vegetative buffer" on the campground parcel alone.
- Where a "mature vegetative buffer" may exist, a good portion is on land owned by one or more of these adjacent property owners and, therefore, would not be available or qualify for use as an existing buffer by the applicant. This is especially true if the adjacent property owner wanted to remove their trees for any reason.

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....."Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
<u>NANCY S. BALL</u>	<u>Nancy S. Ball</u>	<u>1812 OLD SALEM SCHOOL RD</u>
<u>ROBERT E. BALL</u>	<u>Robert E. Ball</u>	<u>1812 OLD SALEM SCHOOL RD.</u>
<u>Margie F. McGuire</u>	<u>Margie F. McGuire</u>	<u>195 Hampton Dr, Union Hall, Va 24176</u>
<u>Sheila F. Drobot</u>	<u>Sheila F. Drobot</u>	<u>235 Hampton Dr, Union Hall, VA 24176</u>
<u>Francis T Gulligan</u>	<u>Francis T Gulligan</u>	<u>235 Hampton Dr, Union Hall VA 24176</u>
<u>MARGARET E. CLUTZ</u>	<u>Margaret E. Clutz</u>	<u>2143 OLD SALEM SCHOOL RD, UNION HALL 24176</u>
<u>WILLIAM H. CLUTZ</u>	<u>William H. Clutz</u>	<u>2143 OLD SALEM SCHOOL ROAD, UNION HALL 24176</u>
<u>Gele L Taylor</u>	<u>Gele L Taylor</u>	<u>275 Hampton Dr, Union Hall, VA 24176</u>
<u>WILLIAM H TAYLOR III</u>	<u>William H Taylor III</u>	<u>275 Hampton Dr, Union Hall, VA 24176</u>

LETTER IN OPPOSITION (Cont'd)

REQUEST FOR AMENDMENT TO CONDITIONS FOR SUP FOR CAMP REEL SIMPLE

Printed Name

Signature

Address

William C. PACE



85 Hampton Dr Union Hall, VA

Patty Pace



" " " " "

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
Linda Firebaugh	Linda Firebaugh	70 Egret Dr. Union Hall
PATSY BROWN	Patsy Brown	185 Egret Dr. Union Hall
Linda Threlkel	Linda Threlkel	185 Egret Dr. Union Hall
DM Threlkel	DM THRELKEL	185 EGRET DR. UNION HALL
_____	_____	_____
_____	_____	_____
Di Jarrard	Di Jarrard	259 Egret DR. Union Hall VA
William Timmins	William Timmins	130 Egret Dr., Union Hall VA.
SUSAN TIMMINS	Susan Timmins	130 EGRET DR. UNION HALL, VA.

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
<u>SCOTT HILLYARD</u>	<u>[Signature]</u>	<u>285 Egret Drive Union Hall</u>
<u>BRENDA C. HILLYARD</u>	<u>[Signature]</u>	<u>285 EGRET DRIVE</u>
<u>Dennis Massengill</u>	<u>[Signature]</u>	<u>190 Egret Dr Union Hall, VA</u>
<u>Donna Massengill</u>	<u>[Signature]</u>	<u>190 Egret Dr. Union Hall, VA</u>
<u>Colton Massengill</u>	<u>[Signature]</u>	<u>190 Egret Dr. Union Hall, VA</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name

Signature

Address

Kelly Kuyken

JK

225 Egret Drive Unicornz V

Stephanie Alphin

Alphin

270 Egret Drive

Robert Alphin

Robert Alphin

11

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name

Signature

Address

John Veith

[Signature]

Lot 27, Egret drive

Janet Veith

[Signature]

Lot 27, Egret drive

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name

Signature

Address

Michael Lemnios

Michael Lemnios

343 Egret Dr.

Christine Lemnios

Christine Lemnios

343 Egret Drive

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name

Melissa L. Bess

Signature

Melissa L. Bess

Address

318 E. D. Hill, VA 24776

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
David A. Boor		318 Egret DRIVE UNION HALL VA 24176
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....." Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name

MARY M GROSS
6017 P (6201)

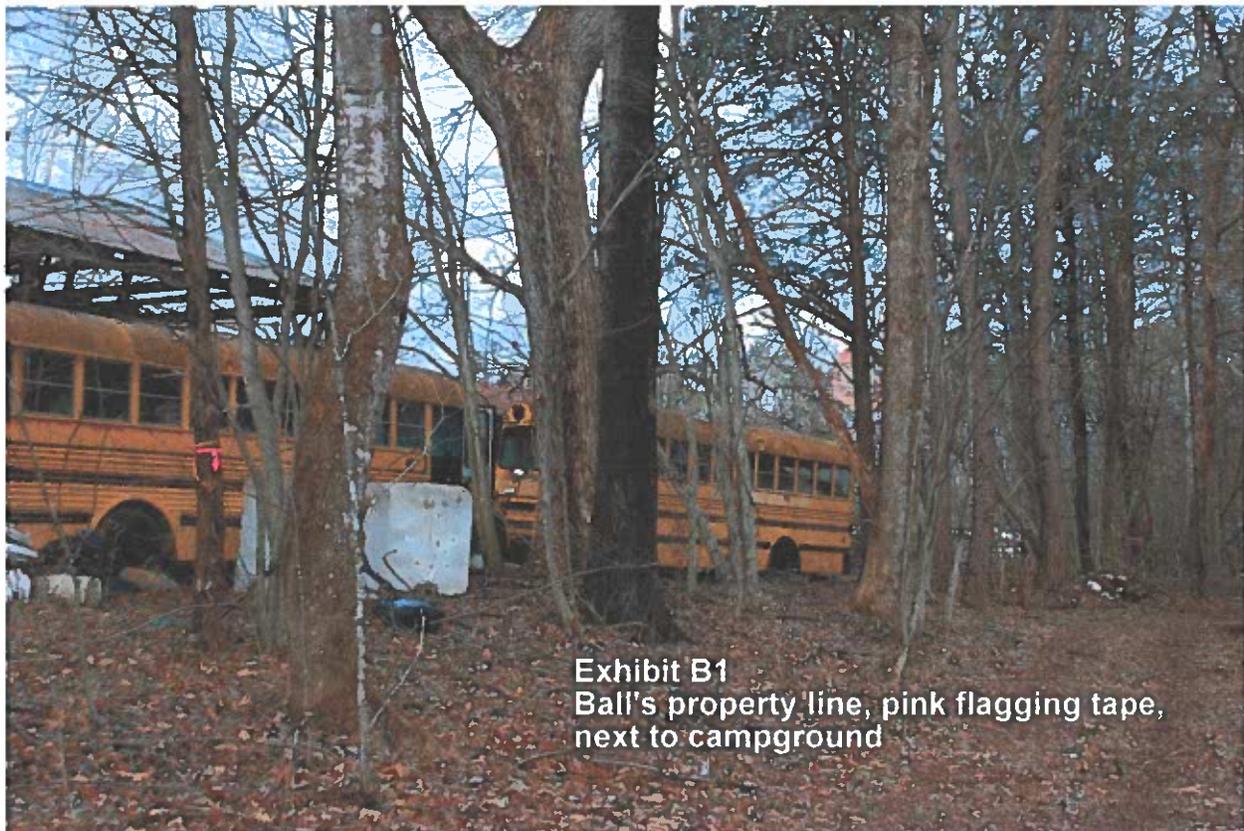
Signature



Address

340 EQUEST DR. UNION HALL, VA
340 EQUEST DR UNION HALL VA 2217

Exhibits: A; B1, 2 & 3; C1 & 2



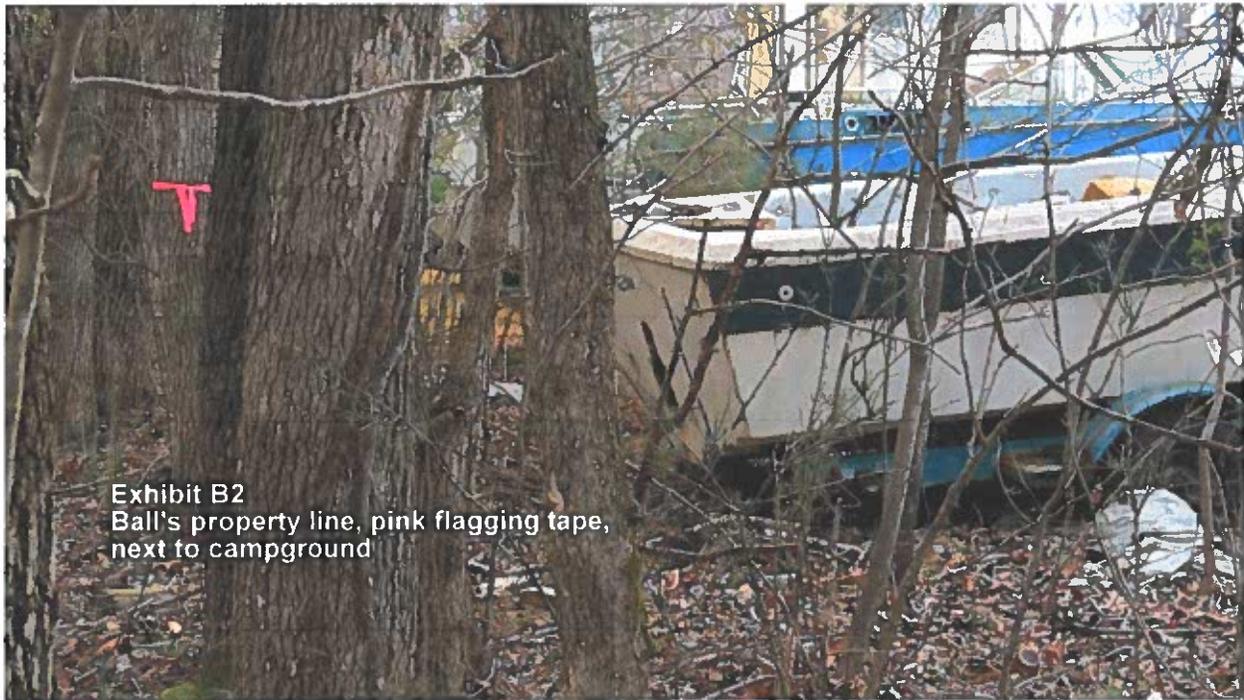


Exhibit B2
Ball's property line, pink flagging tape,
next to campground

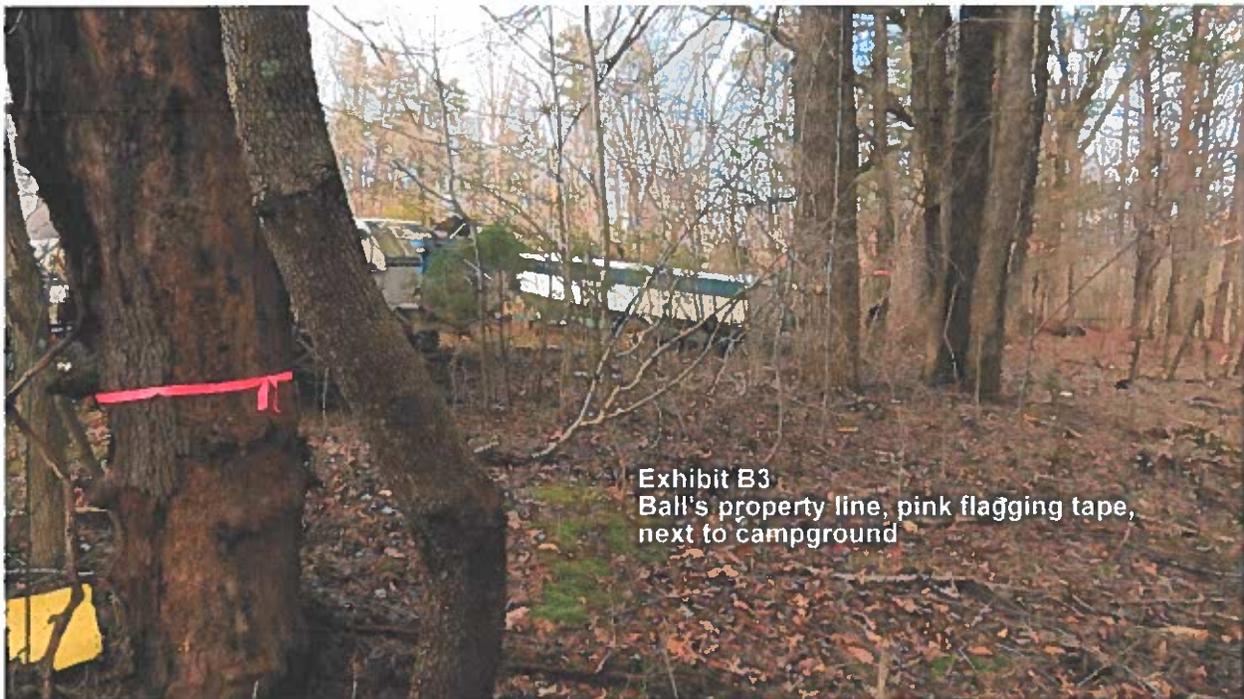


Exhibit B3
Ball's property line, pink flagging tape,
next to campground

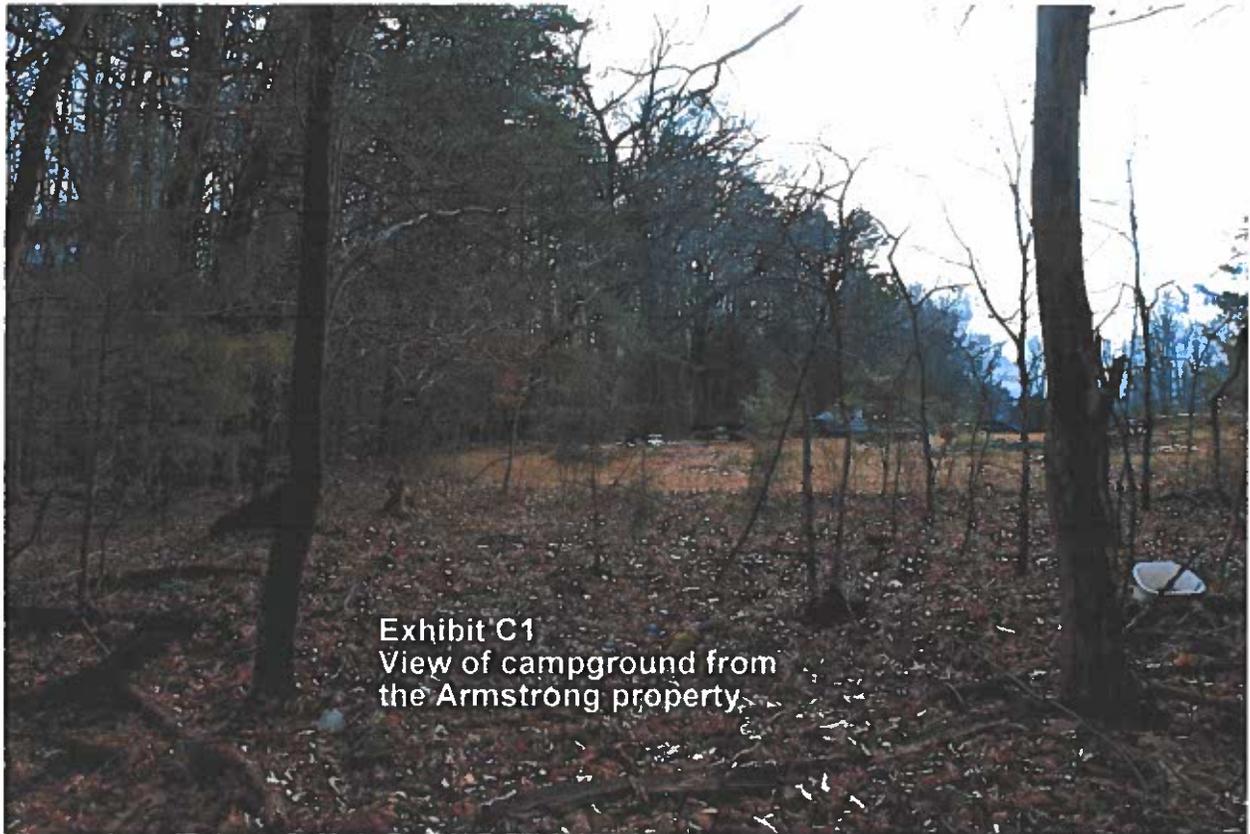


Exhibit C1
View of campground from
the Armstrong property.



Exhibit C2
View of campground from
Armstrong's property line

Department of Planning & Community Development



Transmittal of Planning Commission Action

Date: April 6, 2020

Item: Boyd K. Temple and LeAnn L. Temple, Applicants and Owners, requesting a Special Use Permit to allow for the short term tourist rental of a dwelling, on an approximate 3.29 acre parcel, currently zoned A-1, Agricultural District. (Case # SPEC-02-20-16509).

Prepared by: Steven M. Sandy, Director of Planning & Community Development

Date of Commission Action: Public Hearing, March 10, 2020

SUMMARY OF REQUEST

The Temples are the owners of a 3.285 acre waterfront lot on Strawberry Banks Drive in the Gills Creek District. Strawberry Banks Drive is a state maintained road with a R/W width of 50 feet. There is one single family home on this parcel. County Tax records list the home as a one bedroom 1536 square foot single story home with basement. There is also a large garage (+1600) sq. ft. on the property. Use of the garage as a component of the short term rental request is not requested by the applicant.

The site has both wooded and open space areas. Approximately one-third of the site is wooded, with the wooded areas being closest to the lake. The house is located within the wooded area, close to the lake.

There were six (6) public comments received at the advertised public hearing.

Commission's Recommendation: The Planning Commission finds that the requested Special Use Permit is consistent with the purpose and intent of the County's comprehensive plan and good zoning practice and will not be a substantial detriment to the community and recommends APPROVAL subject to the following four (4) conditions:

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0320005800 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.

2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code
3. The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Roll Call Vote: Motion to Approve with Conditions: Crawford Seconded : McGhee

AYES: Doss, Crawford, McGhee, Clements, Mitchell, Webb
NAYES: Colby
ABSENT: None
ABSTAIN: None

The Planning Commission's motion to recommend approval of the requested Special Use Permit was approved by a vote of 6-1-0-0 with the four (4) conditions listed above.

RESOLUTION # _____

APPLICATION OF BOYD K. TEMPLE AND LEANN L. TEMPLE, APPLICANTS AND OWNERS, REQUESTING A SPECIAL USE PERMIT WITH POSSIBLE CONDITIONS, TO ALLOW FOR THE SHORT TERM TOURIST RENTAL OF A DWELLING, LOCATED ON AN APPROXIMATE 3.29 ACRE PROPERTY. THE PROPERTY, CURRENTLY ZONED A-1, AGRICULTURE, IS LOCATED AT 601 STRAWBERRY BANKS DRIVE IN THE GILLS CREEK DISTRICT OF FRANKLIN COUNTY AND IS FURTHER IDENTIFIED BY FRANKLIN COUNTY REAL ESTATE RECORDS AS TAX MAP/PARCEL # 0320005800. SHORT TERM TOURIST RENTALS OF A DWELLING IS A PERMITTED USE BY SPECIAL USE PERMIT IN A-1 AGRICULTURE ZONING DISTRICTS AND SUBJECT TO THE SUPPLEMENTAL REGULATIONS FOUND IN SECTION 25-138 OF THE FRANKLIN COUNTY CODE. THE PROPERTY HAS A FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL.

WHEREAS, Boyd K. Temple and LeAnne L. Temple did file an application requesting a Special Use Permit to allow for the short term tourist rental of a dwelling on an approximate 3.29 acre parcel, located in Gills Creek District, and

WHEREAS, the 3.29 acre property is zoned A-1, Agricultural and short term tourist rental of a dwelling is a permitted use by special use permit in A-1 districts, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Planning Commission and Board of Supervisors did hold public hearings on March 10, 2020 and April 21, 2020, respectively, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration, the Franklin County Planning Commission recommended APPROVAL of the Special Use Permit with the following four (4) conditions:

- 1. This special use permit authorizing the short term rental dwelling on tax parcel # 320005800 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.**
- 2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code**
- 3. The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take**

place, and the property is found to be compliant with the applicable county building and fire codes.

4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

WHEREAS, after full consideration, the Franklin County Board of Supervisors determined that the requested Special Use Permit is consistent with the purpose and intent of the County's Comprehensive Plan and good zoning practice and will not be a substantial detriment to the community and **APPROVED** the request with the four (4) conditions recommended by the Planning Commission as contained in this Resolution.

THEREFORE, BE IT RESOLVED, that a copy of this resolution be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue and the Franklin County Zoning Administrator and that the Clerk be directed to reflect this action to **APPROVE** the Special Use Permit in the records of Franklin County.

On the motion by _____ to approve the requested Special Use Permit, and seconded by _____, said motion was **APPROVED** by the following recorded vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

Madeline Sefcik, Clerk
Franklin County Board of Supervisors

Date

**Statement of James Colby, Gills Creek Planning Commissioner
Prepared for Board of Supervisors of Franklin County, Virginia
Special Use Application Case No.: SPEC-02-20-16509 - Boyd Temple and LeAnn Temple
Staff Report of February 21, 2020 and Planning Commission action of March 10, 2020**

I remain convinced that this application for permission to convert a single-family residence to a short-term rental should be denied. The major reasons, along with community disruption and public safety concerns, to deny the request are summarized in this statement.

Would introduce a new land use into an established community.

If approved this would be the first instance of short term rental along, or in the vicinity of, Strawberry Banks Drive. It would be comparable to a single-unit motel in terms of the activities proposed to take place here and thus not compatible with the area. It has been used as a residence in the past and may be used as a residence again in the future.

*“When a property becomes a short-term-rental business, much like a hotel or bed and breakfast, it is no longer a residential use, but rather a commercial one. ... However, as rental properties become an increasingly attractive investment opportunity, a large number are being operated as de facto hotels that are disrupting communities, eating up affordable housing, driving rent prices skyward, and giving government regulators a headache.” Making a Business of “Residential Use”: The Short-Term-Rental Dilemma in Common-Interest Communities. Cai Roman. *Emory Law Journal*. volume 68, issue 4. June 2013.*

It is foreseeable that, if this SUP is granted, other similar requests in the area may follow in the future, citing the Boyd case a precedent for support of such requests, thus potentially compounding the disruptions to an established community.

Not supported by the adopted Franklin County Comprehensive Plan.

The Franklin County Comprehensive Plan does not address short-term rentals (STR). Therefore the plan cannot be relied on to either support this proposal. Rather, the plan identifies the subject property and vicinity as Low Density Residential. Pages 12-14 and 12-15 of the plan describe in detail the intent of this land use category including eight (8) policies. A careful reading reveals that the proposed STR is not accommodated by any of those policies. Neither can it be reasonably inferred to accommodate or support this proposal for a business use driven by customers and transactions rather than being used as a residence (i.e. home). Those same policies are however reflected in the existing developments already evident along Strawberry Drive.

Zoning issues are present.

The subject property is zoned Agricultural District (A-1). However, the property is adjacent to a significantly-sized tract zoned Residential Suburban Subdivision District (R-1). This R-1 property is already developed as an established single-family residential community. Approval of the SUP would set the stage for likely frictions with Franklin County residents. Further, the subject parcel does not exhibit the characteristics of A-1 set forth in the ordinance. For reference, the County's zoning ordinance clarifies the purpose of the A-1 district:

"This district includes unincorporated portions of the county that are occupied by various open uses such as farms, forests, lakes, reservoirs, streams and park lands. This district is established for the purpose of facilitating existing and future farming operations, preserving farm and forest lands, conserving water and other natural resources, reducing soil erosion, preventing water pollution, and protecting watersheds and reducing hazards from flood and fire." [Excerpt from Franklin County Zoning Ordinance. Sec. 25-177]

Neither this tract nor any other properties along Strawberry Banks are being used for the stated purposes of the A-1 district at this time. All observable properties appear to be used for residences, most of which were constructed in recent years or are currently under construction.

Required findings have not been made.

Special use permit for short-term rental in the Agricultural District (A-1) is discretionary. According to the Franklin County ordinance, a SUP may be issued by the Board of Supervisors (BOS) upon their determination of prescribed findings. Those findings were not included in the staff report and were absent from the motion passed by the planning commission. According to the Franklin County code, the BOS must make all of the following findings in order to approve a SUP:

1. The proposed use will not be of substantial detriment to adjacent property.
2. The character of the zoning district will not be changed.
3. The proposed use will be in harmony with the purpose and intent of the zoning ordinance.
4. The proposed use will be in harmony with the uses permitted by right in the zoning district.
5. The proposed use is compatible with the public health, safety and general welfare.

"The Franklin County Board of Supervisors hereby reserves unto itself the right to issue all special use permits permitted hereunder. Special use permits for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that

the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter; with the uses permitted by right in the zoning district, with additional regulations provided in sections [25-111](#) through [25-137](#), supplementary regulations, and amendments, of this chapter; and with the public health, safety and general welfare.” [Excerpt from Franklin County Zoning Ordinance. Sec. 25-638]

In the absence of these findings, a BOS approval could well be vulnerable to legal challenge.

SPECIAL USE PERMIT STAFF REPORT

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP
Senior Planner

Date: February 21, 2020

Tax Parcel # 0320005800

District: Gills Creek

Applicants/
Owners: Boyd Temple & LeAnn Temple

Case No: SPEC-02-20-16509

RE: Petition of Boyd Temple and LeAnn Temple requesting a special use permit authorizing the use of an existing home located at 601 Strawberry Banks Drive for short term rental.

BACKGROUND

Short Term Rentals are defined as the rental of a dwelling for a period of 30 days or less. The Temple property is zoned A-1 Agricultural. Per Section 25-179 of the County Code, short term rentals are permitted in A-1 zoning districts provided the Board of Supervisors issues a special use permit for the use.

STAFF ANALYSIS OF CURRENT REQUEST

SITE CHARACTERISTICS

The Temples are the owners of a 3.285 acre waterfront lot on Strawberry Banks Drive in the Gills Creek District. Strawberry Banks Drive is a state maintained road with a R/W width of 50 feet. There is one single family home on this parcel. County Tax records list the home as a one bedroom 1536 square foot single story home with basement. There is also a large garage (+1600) sq. ft. on

the property. Use of the garage as a component of the short term rental request is not requested by the applicant.

The site has both wooded and open space areas. Approximately one-third of the site is wooded, with the wooded areas being closest to the lake. The house is located within the wooded area, close to the lake.

VEHICLE ACCESS AND TRAFFIC

Access to the property is from Strawberry Banks Drive via Scruggs Road. Both roads are public roads maintained by VDOT. VDOT has reviewed this request and had no comments given the nature of the request. A portion of the Temple driveway closest to Strawberry Banks is paved. This paved driveway connects to a gravel loop driveway close to the home. Sight visibility for vehicles entering and leaving the property is good.

SURROUNDING ZONING AND LAND USES

The attached map shows that property in the immediate area is a mixture A-1 Agriculture and R-1 Residential Suburban Subdivision District zoning. Most of the A-1 zoned areas are either vacant or used for large lot single family development. R-1 properties in the general area are generally developed for small lot single family homes. A small manufactured home park is located on an A-1 lot adjacent to the Temple property.

PUBLIC HEALTH AND SAFETY

The Health Department has reviewed this request and has advised that each structure that is to be devoted to short term rental must be served by a septic system that has the capacity to accommodate expected demand. As a part of their review of this request, the Health Department also determined that there are two septic systems on his property. Mr. Temple has confirmed the existence of a second septic system on the property, stating that it was at one time used by manufactured homes that were on the property prior to his purchase of the property.

Due to the proximity of the septic system drain field to the lake this property is required to participate in the County's septic pump out inspection program. County records show the last pump out inspection was undertaken in 2013, at which time the contractor determined that a pump out was not necessarily due to the low demands being placed on the system. Mr. Temple is checking his records to determine if any additional inspections/pump outs have been undertaken since 2013.

The Fire Marshall reviewed this request and has advised that smoke detectors must be installed in each bedroom, outside each sleeping area and one in the vicinity of the bedroom. Detectors must also be installed on each additional story such as a basement or habitable loft or attic. A carbon monoxide detector must be installed if any gas fueled appliances are installed in the dwelling and a fire extinguisher must be in the dwelling.

Upon approval of the requested SUP, the Building Officials office and the Fire Marshall will inspect the structure proposed for short term rental use to ensure that the structure complies with building and fire code requirements for short term rental use.

COMPREHENSIVE PLAN

The Future Land Use Plan designates the property located at 601 Strawberry Banks Drive as Low Density Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. The Comprehensive plan would support the special use permit for this property to be used as a short term rental dwelling unit due to the fact the property would not adversely impact surrounding properties. In addition, the residence is located on 3.285 acres of land with the dwelling unit and dock being located in the center of the property and not in close proximity to other dwellings or docks, which will minimize the impacts on the surrounding property. Also, the tree cover around the dock and dwelling will provide screening from adjoining properties owners. The parcel is larger than most of the other parcels in the neighborhood, which also helps to minimize impacts with residences of the subdivision.

PUBLIC COMMENTS AND INQUIRIES

Then staff has received four telephone inquiries from citizens who have seen the public hearing signs posted on the property. No concerns were expressed by these citizens. The County has also received one letter of support for the SUP request from an adjacent property owner.

COMMUNITY IMPACTS

The staff expects minimal community impacts from the use of this house for short term rental. The one bedroom design of this house will limit the legal short term occupancy of the house to two adults. The 3.285 acre lot size and the wooded setting of the house will minimize noise impacts on adjacent properties. The closest residence on adjacent property is approximately 250 feet from the Temple home.

STAFF RECOMMENDATION

The staff recommends that the Planning Commission consider and recommend approval of this special use permit request for a short term rental of the existing dwelling on the property. Our recommendation of approval is with the following conditions:

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0320005800 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.

2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code
3. The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

The following suggested motions are sample motions that may be used.

(APPROVE) I find that the approval of SPEC-02-20-16509 authorizing the short term rental of a structure located at 601 Strawberry Banks Drive in the Gills Creek district with the conditions recommended by the staff, is consistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will not result in substantial detriment to the community. I therefore recommend approval of this SUP with the following conditions:

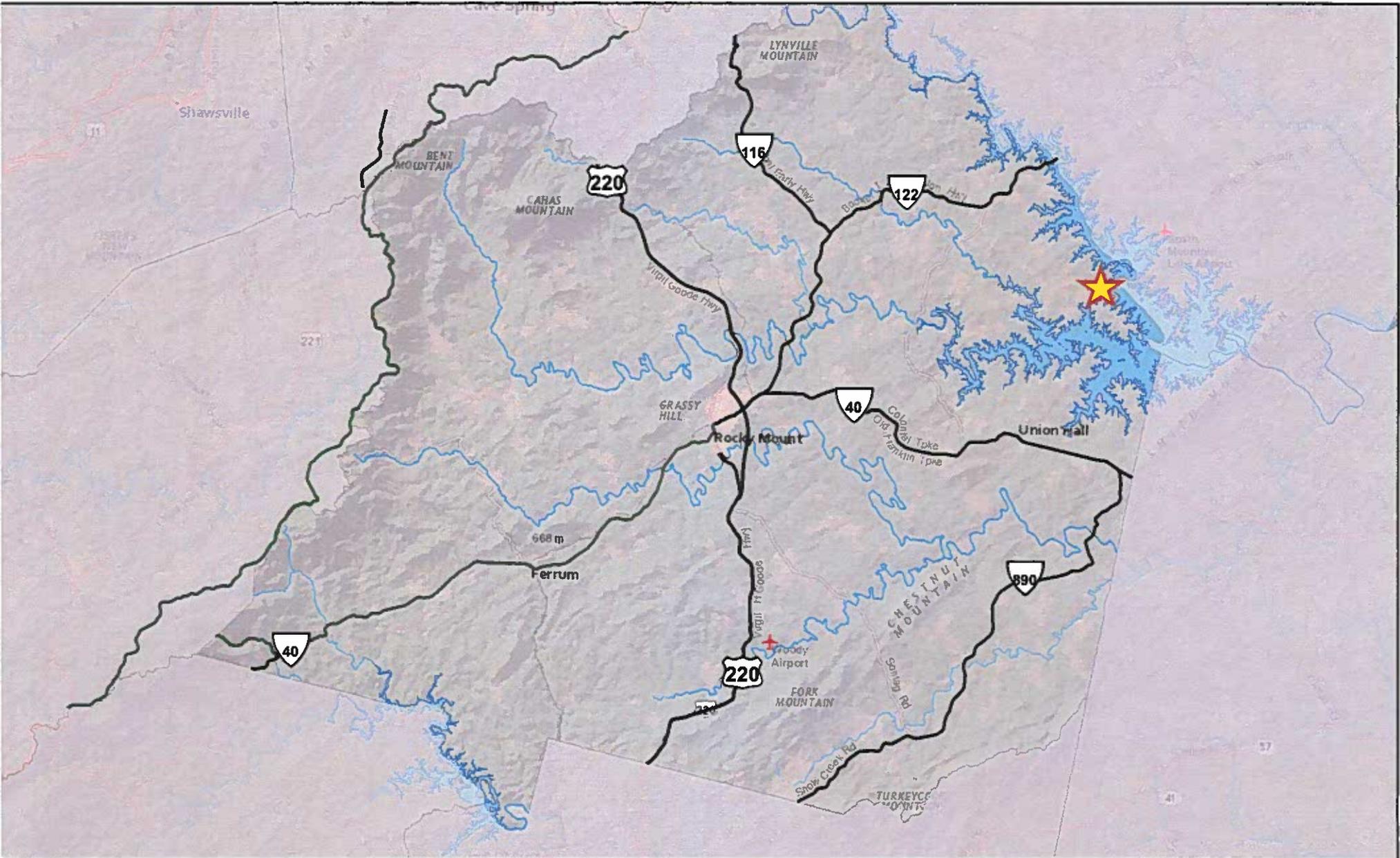
1. This special use permit authorizing the short term rental dwelling on tax parcel # 320005800 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code
3. The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

OR

(DENY) I find that the approval of SPEC-02-20-16509 is inconsistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will result in substantial detriment to the community. I therefore recommend denial of the special use permit.

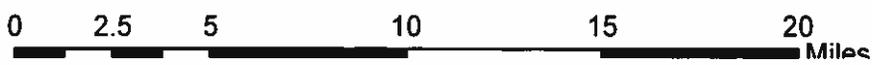
OR

(DELAY ACTION) I find that the required information for the submitted proposal is incomplete. Therefore, I move to delay action until additional necessary materials are submitted to the Planning Commission.



Tax Map # 0320005800
SPEC-02-20-16509
Boyd & LeAnn Temple

 Subject Property Location



Date: 2/27/2020



Franklin Co GIS



- Legend**
- Subject Property
 - Tax Parcels
 - Low Density Residential

Tax Map # 032005800
SPEC-02-20-16509
Boyd & LeAnn Temple



Date: 2/27/2020



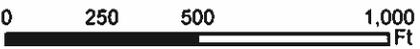
Franklin Co GIS



- Legend**
- Subject Parcel
 - Parcels
 - Special Use Permit
 - Smith Mtn Lake

- Zoning Classifications**
- A1 - Agricultural
 - R1 - Residential Suburban Subdivision
 - RPD - Residential Planned Unit Development

Tax Map # 0320005800
 SPEC-02-20-16509
 Boyd & LeAnn Temple



Date: 2/27/2020



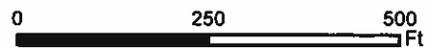


Legend

-  Subject Parcel
-  Tax Parcels

2017 Pictometry Imagery

Tax Map # 0320005800
 SPEC-02-20-16509
 Boyd & LeAnn Temple



Date: 2/27/2020



Franklin Co GIS

Powell, Hannah

From: Dave Elwell <dselwell78@gmail.com>
Sent: Wednesday, March 11, 2020 10:56 AM
To: Powell, Hannah
Cc: Sandy, Steve; Whitlow, Christopher; Smith, Lorie; Clark Childers
Subject: Planning Commission Meeting/Discussion - March 10

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Ms. Powell,

I apologize but the Commissioners have no publicly provided email contact information; can you forward this email to the Commissioners? Thank you in advance; have a great day!

Cheers,

Dave Elwell

Ladies & Gentlemen,

I attended last night's meeting in order to learn the Commission & Staff's intended direction regarding Short Term Rentals (STR) in the County. I was certainly pleased by the Commission's stated intent to drive the STR issue with the Board of Supervisors as well as the Staffs/Steve Sandy's Six Point Platform from which to drive the program, particularly its suggested 3rd Party Vendor outreach & collaboration.

What I found most satisfying however was the Commission's hearing and deliberation regarding the SUP petitions for the 3 properties seeking approval for STRs in the County, and in particular, the Property Owner and Public Comments. As you are aware, since properties zoned RPD/PCD have STRs as a "Permitted Use," these comment opportunities are not available to taxpayers in these communities. I would suggest that last night's SUP exercise represents the *BEST* opportunity for decision makers (Commission/Board of Supervisors) to obtain the most comprehensive impact of an STR consideration as well as the *BEST* argument in support of the Water's Edge Homeowners' Association (WEHOA) proposal to eliminate the "Permitted Use" provision and replace it with the SUP process.

"Land Use" decisions (the technical action term quoted several times by Commissioners last night) have implications; they do not exist in a vacuum. They have implications for the immediate neighbors, proximate neighbors, and the communities as a whole, ranging from the impact to an individual property owner's right to the uncompromised enjoyment of his/her property, through the potential impact to property values in a community.

I would strongly caution against describing the public comments provided by property owners, potentially impacted neighbors, and community members as a "popularity contest" as was made during the Temple Property STR SUP discussion. In each instance, the citizen/neighbor was describing the impact to themselves or their community that the Commission's "Land Use" decision would have to them and/or their communities. This represents the very core of the Public Comment period!

At the conclusion of the public comments, the Commission deliberated and, taking into account the property specifics (lot size, proximities, landscaping, natural buffering etc.) and the comments made by the property owner, neighbors, and neighboring POAs, rendered a split vote (6-1) approval of the SUP request.

What better example of a deliberative approach (staff presentation of property specifics/code compliance requirements, property owner appeal, public comment for consent/dissent, Commission deliberation of the above, and Commission vote) for a "Land Use" question can be demonstrated? More importantly, why would you continue to exclude/deny a similar deliberative process for those taxpaying property owners residing in areas zoned RPD and PCD? I can think of no valid or logical reason and I would greatly appreciate hearing any argument in defense of the status quo.

Thank you for the opportunity to observe the Commission's deliberative process and to offer an observation of its impact on the County.

Regards,

David W. Elwell

Montego Bay Property Owners' Association, Inc.

PO Box 914

Hardy, VA 24101-0914

March 9, 2020

Franklin County Department of Planning and Community Development
1255 Franklin Street
Suite 103
Rocky Mount, VA 24151

RE: Application for Special Use Permit at 601 Strawberry Banks Drive, Moneta,
VA 24121

The Montego Bay POA Board of Directors strongly recommends disapproval of this application.

601 Strawberry Banks Drive lies directly across a cove from six residential lots in the Montego Bay Subdivision as well as a community dock whose ten slips are owned by ten owners of Montego Bay Grand Villa properties. The six lots and the dock have clear line of sight to 601 Strawberry Banks Drive and are directly affected by this issue.

We are very concerned about the safety aspect of allowing short term rentals at this property. This cove is a busy place for water sports. The presence of renters who may have no training or expertise in responsible on-water behavior poses a possible serious risk to Montego Bay residents. In addition to safety, the potential for noise pollution is a real risk from renters who have no vested interest in maintaining the peace and orderliness of the cove.

The Montego Bay POA Board of Directors supports the positions stated in the March 5, 2020 Spinnaker Run Property Owners Association letter to your department.

Sincerely,

Chuck Hitzemann, President

Linda Hajj, Treasurer

Wayne Maiers, Secretary

Roger Firestone

Bill Glidden

Franklin County Department of Planning and Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151
March 5, 2020

Dear Staff of Franklin County Department of Planning and Community Development;

This letter is in response to the Application for a Special Use Permit by Boyd and Le Ann Temple, to allow for short term tourist rental of their dwelling at 601 Strawberry Banks Drive, Moneta.

This letter is presented by the Board of Directors of the Spinnaker Run Property Owners Association. (POA). While the subject property lies outside of the Spinnaker Run (SR) subdivision, it is the Board's responsibility to preserve the property values and character of our neighborhood. We feel this proposal will have a negative impact on those values.

BACKGROUND:

The Spinnaker Run Subdivision consists of 27 lots, all zoned R-1 (which preclude short term rental). Only three lots are undeveloped. Four developed Spinnaker Run lots essentially surround two sides of the Temple property. These four lots are within 200 feet of the drive way that serves the Temple dwelling.

Upon the posting of the notice of the Special Use Permit Application, several SR residents expressed their concerns over the proposal and suggested that the Board take some action to oppose the permit. The Board decided to seek the opinion of the residents. Emails describing the application were prepared and sent to home owners requesting their opinions. Twenty homeowners responded that they OPPOSED the permit. Only one was in favor of the permit and that was the Temple's next door neighbor who had been approached by the Temples weeks ago and told Mr. Temple that they would not object as neighbors but that the POA may oppose the request.

Most home owners opinions were based on fears of some short-term renters propensity to misbehave, to include loud and late music often influenced by alcohol. Based on a recent Laker Weekly feature, we are sure Franklin County is aware of this potential and the difficulties of rules enforcement.

ANALYSIS:

THE EFFECT OF THE PROPOSED USE ON ADJACENT PROPERTY

The SR Board recognizes that actions and activity in ONE small dwelling would not seem to impact its surroundings. That may seem reasonable but ask yourself.....if you were buying a lake front home, would you want to know if a driveway 200 feet from your house served a lake front short term rental.

However, a larger fear is that granting this particular single special use permit will set a PRECEDENT. It is concern to us that the property towards Scruggs Road from the Temple property consists of some ten subdivided lots, all still zoned A-1. Many of these lots are lake front and represent an excellent potential for short term rental. We do NOT want this to happen but the argument by future special use permit applicants could surely include a position that "the guy down the street has permission".

THE EFFECT OF THE PROPOSED USE ON THE CHARACTER OF THE EXISTING ZONING DISTRICT

The character of the involved zoning district (area) is involved. Along a mile of state maintained roadway (Strawberry Banks Drive) you have a residential (R-1) area with homes valued from \$500,000 to over \$1,000,000, bordered by the Temple lot, zoned A-1 with a dwelling assessed at \$135,000, bordered by a Trailer Park of some 20 trailers, , zoned Special Use, bordered by a group of some ten residential lots zoned A-1. None of the A-1 land in question has been used for agriculture for over 20 years. Yet that land has been subdivided into residual lots (some lakefront) and developed with R-1 quality type houses worth well over a half million dollars. With that said, it seems to make sense that the A-1 land that has been subdivided should now be zoned R-1. If that was the case, the Spinnaker Run Board would not have the huge concern for many more potential short-term rentals along Strawberry Banks Drive.

THE AGREEMENT OF THE PROPOSED USE WITH THE PURPOSE AND INTENT OF THE ZONING ORDINANCE AND OTHER USES PERMITTED BY RIGHT IN THE DISTRICT

Outside of the Spinnaker Run subdivision most of the land along Strawberry Banks Drive is zoned A-1. This zoning classification does not seem to match the intent of the current land character in the area as nearly all of the land has been subdivided for residential dwellings. In fact, since the Temple property is actually a residential lot, not used for agriculture, nor has it been for many years, it seems disingenuous to allow an activity (short-term rental) that is restricted to residential real estate.

THE EFFECT OF THE PROPOSED USE ON PUBLIC HEALTH, SAFETY AND WELFARE

Public Health: As has been stated before: the short-term rental of one dwelling will not have a great effect. But consider that the Temples stated in their application that they want to rent as they are no longer spending much time at the lake. So the two of them are away and replaced with two renting couples with two kids for a one week stay. Every rental will result in additional water consumption and sewage generation. And again, if this practice becomes more prevalent on Strawberry Banks Drive, it could make a difference. All of the homes there draw well water from the local aquifer and each home has a drain field.

Safety: Renters of this lake side house with a boat ramp will surely be tempted to bring their water toys. This may include boats and PWC's on trailers. Strawberry Banks Drive has several blind curves that often result in trailers traveling off the paved area. We do not wish to increase the vehicle and trailer traffic on Strawberry Banks Drive. Boat traffic is also a huge concern. The Temple dock lies in a cove off of the Roanoke River main channel. That area is already designated and marked "Congested Area". To avoid the main channel, boaters that live in the area (from Spinnaker Run, The Boardwalk, Emerald Bay, Montego Bay, Park Place, and two campgrounds) frequently use the cove between the Temple dock and Montego Bay for water skiing, tubing, wake boarding and wakesurfing. We oppose the short-term rental as it will increase boat traffic.

Welfare: Increased vehicle traffic, boat traffic and potential nuisance behavior all have potential for negative impact on the welfare of residents of Strawberry Banks Drive and to some extent, the residents of surrounding areas. All lake residents are aware of how sound travels over water and late evening loud boats, music and revelry are not appreciated by most residents.

SPECIAL CONSIDERATIONS

As stated, numerous times in this letter, the single special use permit is not a big deal. But if it sets a PRECEDENCE it becomes a big deal to nearby residence.

Responding to an email survey, twenty-one home owners in Spinnaker Run expressed their opinion regarding this proposal. Twenty opposed the action and one had no objection.

The Temples have implied in their application that they will NOT be on the property during the rentals. The SR Board feels that un-managed short-term lake renters can get rowdy. The 26 February Laker magazine tells that story.

The Temples have stated that they want this permit to generate income for a few years as they may retire there in several years. This makes sense. But it is our understanding that these special use permits are PERPETUAL and even follow the land rather than the owners. Granting a perpetual permit for a use of several years seems ill advised. If the permit is approved, could it have time limits?

The only upside to this request seems to be income for the Temples (maybe just for a few years), tax income for the County and generation of revenue to the stores and service providers with whom the renters will trade. Neighborhood resident we spoke with don't think that justifies granting the permit.

Bernard's Landing, some 6 miles down Scruggs Road from the Temple property, has over 50 short term rentals available as that property is zoned RPD.

CONCLUSION

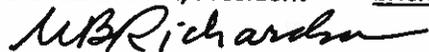
The Spinnaker Run Board of Directors, speaking for a large majority of our homeowners, oppose granting of this special use permit. And, if it is granted, we would request conditions limiting the duration of the permit to no more than three years. Please also the supplemental comment following this section.

The Board also feels that upscale residential real estate and lots waiting for new residential construction should not be zoned agricultural and thus allowed to apply for permission to operate short term rentals.

Thank you for your attention,

For the Spinnaker Run Board of Directors

Bill Richardson, President brichardson222@aol.com 540-354-1030



SUPPLEMENTAL COMMENT: It is our understanding that the Franklin County Special Use Permit allowing short term rentals on A-1 properties is perpetual and conveys with the property. Some SR residents suggested that the Special Use Permits NOT convey AND, that Short Term Rental permits be limited to 1 to 2 years with renewal contingent on good management and new fees paid for the upcoming years. Metrics would have to be created to define good management but would surely include compliance with current standards. The Board supports this suggestion.

February 14, 2020

Franklin County Planning Commission and Franklin County Board of Supervisors

1255 Franklin Street

Rocky Mount, VA 24151

Regarding Special Use Permit for Temple property at 601 Strawberry Banks Dr. Moneta, VA 24121

To whom it may concern,

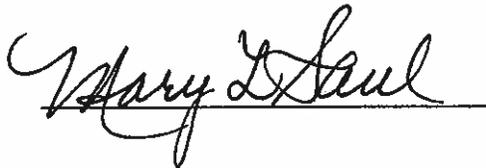
We live at 631 Strawberry Banks Dr., adjacent and to the east of the above-mentioned Temple property.
We have no objection to that property being used for short term rentals.

Sincerely,

Gary E. Saul

A handwritten signature in cursive script, appearing to read "Gary E. Saul", is written over a horizontal line.

Mary L. Saul

A handwritten signature in cursive script, appearing to read "Mary L. Saul", is written over a horizontal line.

Boyd and LeAnn Temple
132 Ferrum Dr.
Salem, VA 24018

February 2, 2020

Re: Short Term Rental for the property at 601 Strawberry Banks Dr., Moneta, VA 24121

Franklin County Department of Planning and Community Development
1255 Franklin St, Suite 103
Rocky Mt., VA 24151

Dear Planning Department and planning Commission,

The proposed use of the property would be for short term residential rentals for vacationers and visitors to the Franklin County and Smith Mountain Lake area.

The reason for the request is that we would like to generate some income from the property and also provide a place for visitors to enjoy. Our kids are grown and gone and we do not use the property as much as in the past, but we do not want to sell it, as we may retire there in several years.

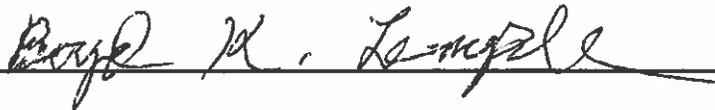
The effect on the surrounding area would be minimal to none, as the property is heavily wooded, is a large tract with the home and dock in the middle of it, with large buffered area between all neighbors. The neighbor to the east has stated that he has no objection to short term rental of the property.

The property would be rented/used as existing, with no additions. The detached garage would not be part of the short term rental use of the property.

Thank you for your kind consideration of this matter. We hope this request will be granted.

Sincerely,

Boyd K. Temple



LeAnn L. Temple



**FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, Boyd K. and LeAnn L. Temple, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

Petitioner's Name: Boyd K. Temple and LeAnn L. Temple

Petitioner's Address: Primary home - 132 Ferrum Dr. Salem, VA 24153

Petitioner's Phone Number: 540-797-3646 or 540-797-0639

Petitioner's E-mail: boydtemple@me.com

Property Owner's Name: Boyd K. Temple and LeAnn L. Temple

Property Owner's Address: Subject Property - 601 Strawberry Banks Dr. Moneta, VA 24121

Property Owner's Phone Number: 540-797-3646 or 540-797-0639

Property Owner's E-mail: boydtemple@me.com

Directions to Property from Rocky Mount: Go W. on Rt. 40 to Left - N. on Rt 122 to Westlake. go R. on Scruggs Rd. to left on Strawberry Banks Dr. to home on Left.

Tax Map and Parcel Number: 032-058

Magisterial District: Gills Creek

Property Information:

A. Size _____ of _____ Property:
Land - 3.285 Acres. Home - 1536 sq. ft. on two levels of 768 sq. ft. each, plus deck and dock

B. Existing Zoning: A1 Agricultural

C. Existing _____ Land _____ Use:

D. Is property located within any of the following overlay zoning districts:
 Corridor District Westlake Overlay District Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes No If yes, explain.

Proposed Special Use Permit Information:

A. Proposed _____ Land _____ Use:
Short and long term residential rental, one day or more.

- B. Size of Proposed Use: Land - 3.285 Acres. Home - 1536 sq. ft. on two levels of 768 sq. ft. each
- C. Other Details of Proposed Use: Short term rentals of one day or more for individuals and families wanting to visit Smith Mountain Lake and Franklin County area.
Home, land and dock, only, to be for rental use. The detached garage will NOT be part of rental use.
Rental use will be professionally managed and renters will be screened and pre-qualified. Due to size of land and being heavily wooded, home and dock are well buffered from adjoining neighbors.

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): Boyd K. Temple and LeAnn L. Temple

Signature of Petitioner: _____

Date: _____

Mailing Address: 132 Ferrum Dr. Salem, VA 24153

Telephone: 540-797-3646 or 540-797-0639

Email Address: boydtemple@me.com

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): Boyd K. Temple and LeAnn L. Temple

Signature of Owner: Boyd K. Temple
LeAnn L. Temple

Date: 2-3-2020

Date Received by Planning Staff _____

Clerk's Initials: _____

CHECK #: _____

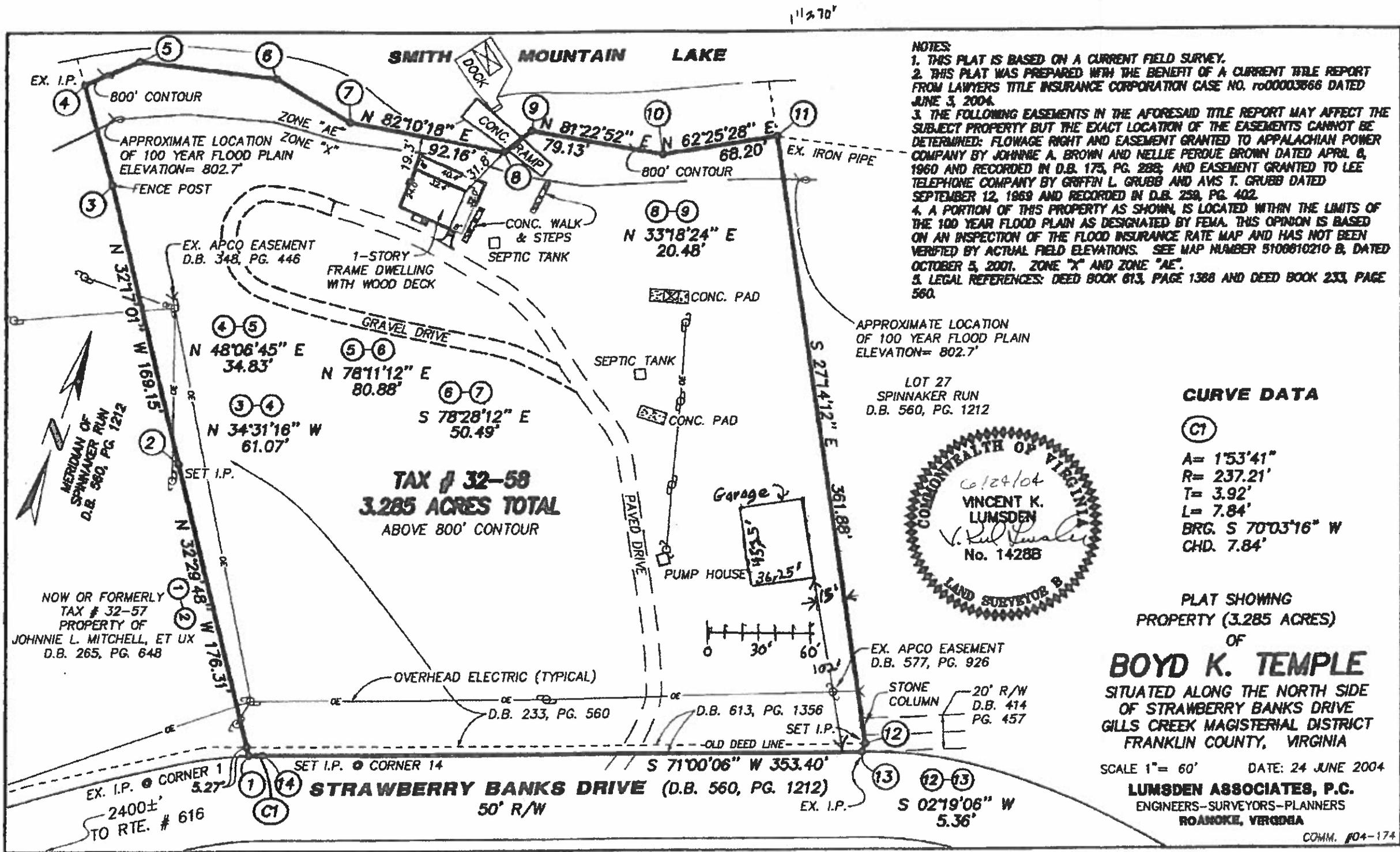
RECPT. #: _____

AMOUNT: _____

Boyd K & LeAnn L Temple

Strawberry Banks Drive





NOTES:
 1. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.
 2. THIS PLAT WAS PREPARED WITH THE BENEFIT OF A CURRENT TITLE REPORT FROM LAWYERS TITLE INSURANCE CORPORATION CASE NO. 7000003866 DATED JUNE 3, 2004.
 3. THE FOLLOWING EASEMENTS IN THE AFORESAID TITLE REPORT MAY AFFECT THE SUBJECT PROPERTY BUT THE EXACT LOCATION OF THE EASEMENTS CANNOT BE DETERMINED: FLOWAGE RIGHT AND EASEMENT GRANTED TO APPALACHIAN POWER COMPANY BY JOHNNIE A. BROWN AND NELLIE PERDUE BROWN DATED APRIL 8, 1960 AND RECORDED IN D.B. 175, PG. 288; AND EASEMENT GRANTED TO LEE TELEPHONE COMPANY BY GRIFFIN L. GRUBB AND AVIS T. GRUBB DATED SEPTEMBER 12, 1969 AND RECORDED IN D.B. 250, PG. 402.
 4. A PORTION OF THIS PROPERTY AS SHOWN, IS LOCATED WITHIN THE LIMITS OF THE 100 YEAR FLOOD PLAIN AS DESIGNATED BY FEMA. THIS OPINION IS BASED ON AN INSPECTION OF THE FLOOD INSURANCE RATE MAP AND HAS NOT BEEN VERIFIED BY ACTUAL FIELD ELEVATIONS. SEE MAP NUMBER 5106810210 B, DATED OCTOBER 5, 2001. ZONE "X" AND ZONE "AE".
 5. LEGAL REFERENCES: DEED BOOK 613, PAGE 1388 AND DEED BOOK 233, PAGE 560.

CURVE DATA

(C1)
 A= 1'53'41"
 R= 237.21'
 T= 3.92'
 L= 7.84'
 BRG. S 70°03'16" W
 CHD. 7.84'

PLAT SHOWING
 PROPERTY (3.285 ACRES)
 OF
BOYD K. TEMPLE
 SITUATED ALONG THE NORTH SIDE
 OF STRAWBERRY BANKS DRIVE
 GILLS CREEK MAGISTERIAL DISTRICT
 FRANKLIN COUNTY, VIRGINIA

SCALE 1"= 60' DATE: 24 JUNE 2004
LUMSDEN ASSOCIATES, P.C.
 ENGINEERS-SURVEYORS-PLANNERS
 ROANOKE, VIRGINIA

Department of Planning & Community Development



Transmittal of Planning Commission Action

Date: May 13, 2020

Item: Bowman Excavating, Inc., Applicants, and Brent and Cora Bowman Owners, to rezone approximately 9.65 acres from A-1, Agricultural, to B-2, General Business (Case # SPEC-02-20-16528).

Prepared by: Steven M. Sandy, Director of Planning & Community Development

Date of Commission Action: Public Hearing, May 12, 2020

SUMMARY OF REQUEST

Bowman Excavating Inc. owns and operates an excavating company on property owned by the Bowman family on Ikenberry Road. The property is zoned A-1 Agriculture. The company has been operating from this location for many years and now has a need to expand and improve their facilities. Contractor's offices and facilities are not a permitted use in A-1 zoning districts but are permitted by right in B-2 districts. This rezoning request has been submitted to rezone 9.65 acres to B-2. Initial (Phase 1) improvements to the property will be a new office structure and parking area. Phase II improvement will include an expanded shop facility and minor increases in the gravel parking areas.

Commission's Recommendation: The Planning Commission finds that the proposed A-1 to B-2 rezoning of Franklin County tax parcel #0430002401D located in the Blackwater District is consistent with the purpose and intent of the County's comprehensive plan and good zoning practice and will not be a substantial detriment to the community. I therefore recommend approval of this 9.65 acre rezoning with one (1) proffered condition:

- 1) Use of Tax Parcel 0430002401D, consisting of 9.65 acres, shall be limited to contractors' offices and facilities and shall generally be developed as shown on the Concept Drawing for Bowman Excavating- New Office, drawn by Devon Bowman and dated 2/21/20.

Roll Call Vote: Motion to Approve : McGhee Seconded : Clements

AYES: Doss, Crawford, McGhee, Clements, Colby, Webb

NAYES: None

ABSENT: Mitchell

ABSTAIN: None

The Planning Commission's motion to recommend approval of the requested rezone was approved by a vote of 6-0-1-0.

ORDINANCE # _____

APPLICATION OF BOWMAN EXCAVATING INC., APPLICANTS, AND BRENT AND CORA BOWMAN, OWNERS, REQUESTING TO REZONE PROPERTY FROM A-1, AGRICULTURAL , TO B-2, GENERAL BUSINESS, ON AN APPROXIMATE 9.65 ACRE PARCEL, LOCATED AT 522 IKENBERRY ROAD IN THE BLACKWATER DISTRICT OF FRANKLIN COUNTY AND FURTHER IDENTIFIED AS TAX MAP/PARCEL # 0430002401D (CASE # 02-20-16528)

WHEREAS, Bowman Excavating Inc. did file an application requesting to rezone tax parcel #430002401D from A-1, Agricultural, to B-2, General Business, and

WHEREAS, the subject parcel consists of 9.65 acres identified in the Franklin County Real Estate Records as Tax Map # 0430002401D, and located at 522 Ikenberry Road in the Blackwater District, and

WHEREAS, the property owners have offered proffered conditions to limit the use of the property to contractor's facilities, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Planning Commission and Board of Supervisors did hold public hearings on May 12, 2020 and May 19, 2020, respectively, at which time all parties in interest were given an opportunity to be heard, and

WHEREAS, after holding the public hearing the Planning Commission has recommended APPROVAL of the rezoning request, and

WHEREAS, the Board of Supervisors finds that the request is consistent with the purpose and intent of the Franklin County Comprehensive Plan and good zoning practice and will not be a substantial detriment to the community.

NOW, THEREFORE BE IT ORDAINED, by the Board of Supervisors of Franklin County, Virginia that it hereby APPROVES the rezoning of 9.65 acres identified as tax parcel # 0430002401D from A-1, Agricultural, to B-2, General Business, with the following proffered condition as offered by the property owners:

- 1) Use of Tax Parcel 0430002401D, consisting of 9.65 acres, shall be limited to contractors' offices and facilities and shall generally be developed as shown on the Concept Drawing for Bowman Excavating- New Office, drawn by Devon Bowman and dated 2/21/20.

BE IT FURTHER ORDAINED, that a copy of this ordinance be transmitted to the Zoning Administrator to reflect this change on the official zoning map of Franklin County and to the Commissioner of the Revenue to reflect this change in the real estate records of Franklin County.

This ordinance shall take effect upon adoption.

ADOPTED, on the motion of _____ and seconded by _____, upon the following recorded vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

Madeline Sefcik, Clerk

Date

REZONING STAFF REPORT

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP
Senior Planner

Date: May 4, 2020

Tax Parcel # 0430002401D

District: Blackwater District

Applicant/
Owner: Bowman Excavating Inc/Brent E. and Cora M. Bowman

Case No: REZO – 02-20-16528

RE: Petition of Bowman Excavating Inc. to rezone approximately 9.65 Acres from A-1 Agriculture to B-2 General Business; located at 522 Ikenberry Rd. in the Blackwater District. (Tax Parcel #0430002401D)

BACKGROUND

Bowman Excavating Inc. owns and operates an excavating company on property owned by the Bowman family on Ikenberry Road. The property is zoned A-1 Agriculture. The company has been operating from this location for many years and now has a need to expand and improve their facilities. Contractor's offices and facilities are not a permitted use in A-1 zoning districts but are permitted by right in B-2 districts. This rezoning request has been submitted to rezone 9.65 acres to B-2. Initial (Phase 1) improvements to the property will be a new office structure and parking area. Phase II improvement will include an expanded shop facility and minor increases in the gravel parking areas. See attached concept plan.

PROPERTY CHARACTERISTICS

The existing and proposed facilities are concentrated on a small portion of the Bowman property. Most of the property is currently undeveloped. Hay is occasionally cut from the remainder of the 9.65 acre tract. Mr. Bowman has no current plans to expand his facilities into other portions of the lot. Staff has contacted Mr. Bowman to inquire whether he would consider proffering limitations on the future use of the undeveloped portions of the 9.65 acre parcel.

SURROUNDING ZONING AND LAND USES

All the surrounding properties are zoned A-1 and are vacant or are used as large lot single family development.

PROPERTY ACCESS

VDOT has reviewed this proposal and has no comments. Ikenberry Road (SR 855) provides access to the Bowman home, and to the facilities of Bowman Excavating. A single driveway connects Ikenberry Road to the Bowman Excavating facilities. This driveway will be used to connect the new office space to Ikenberry Rd. No new driveway connections to Ikenberry are proposed.

PUBLIC HEALTH AND SAFETY

The property is outside of the service area of the Western Virginia Water Authority. The property owner uses a well and septic for water and wastewater needs. The Virginia Department of Health has approved a septic permit for this property.

The Fire Marshall has reviewed this request and has no comments.

COMPREHENSIVE PLAN

The Future Land Use designates the property located at 522 Ikenberry Road as Low Density Residential and Agricultural, Forestry, and Rural Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. When evaluating the comprehensive plan recommendation for the Bowman Excavating, which has been in this location since 1998 as a small business in the Franklin County community and surrounding area; the comprehensive plan supports small business. In chapter 11 of the Comprehensive Plan, the Economic Development section states a goal to promote the County's economy that is expanding, diverse, environmentally sensitive, and that creates more and better jobs and business opportunities for local residents with objectives to increase the capacity of the County to attract and retain businesses and create employment opportunities and foster Small Business Development within Franklin County. Although Low Density Residential and Agricultural, Forestry, and Rural Residential may not appear to support this small business at this location; the Plan does show support for small business to expand, grow, and create job opportunities for the community. Therefore, the rezoning of this particular property would be consistent with the purpose and intent of the comprehensive plan and would not be substantial detriment to the surrounding properties or community.

PUBLIC COMMENTS

No public comments have been received on this request.

STAFF ANALYSIS AND RECOMMENDATION

POTENTIAL IMPACTS

Phase I improvements (office building for three existing employees and small parking lot) will not have any impacts on adjacent or surrounding properties. The location and size of the Phase II shop expansion similarly should not have an impact on the area. Potential impacts may arise in the future if the remaining portions of the 9.65 acre parcel are developed in a manner, or with a use, that is incompatible with the adjacent or surrounding properties. Potential future impacts can be mitigated by one or more proffers offered by the owner. Mr. Bowman has been contacted regarding his willingness to voluntarily offer proffers that would limit future uses or site designs.

Subject to the receipt of a proffer that addresses potential impacts on the remaining portions of the 9.65 acre tract, the staff recommends approval of this A-1 to B-2 rezoning request. The request generally conforms to the policies contained in the County's adopted comprehensive plan and is compatible with the relatively small scale of the existing Bowman Excavating facilities. The County's zoning ordinance will guide the specific aspects of the required site design for the proposed office and parking area including such design items as parking location, landscaping, screening, building setbacks and signage.

SUGGESTED MOTIONS

The following suggested motions are sample motions that may be used.

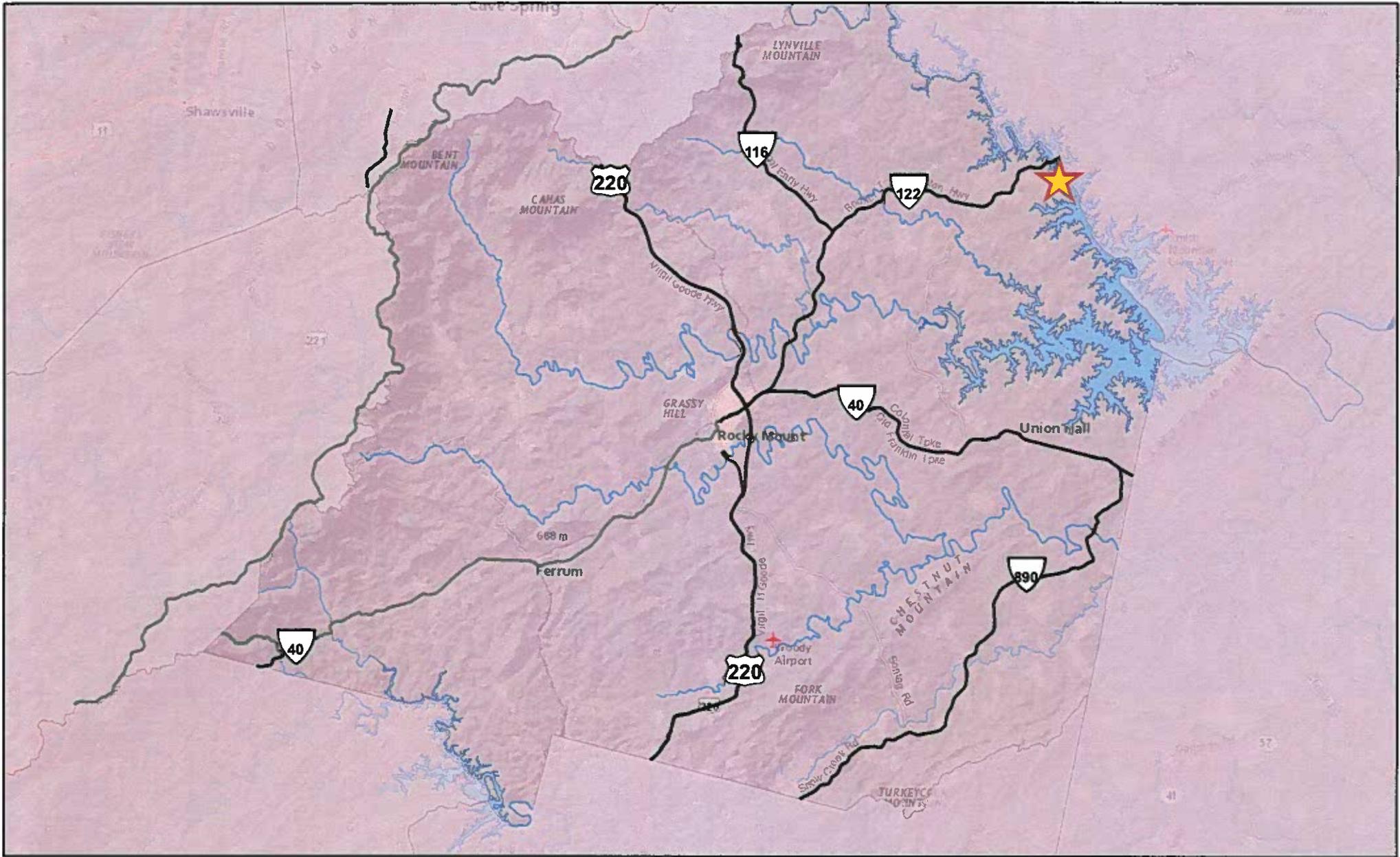
(APPROVE) I find that the proposed A-1 to B-2 rezoning of Franklin County tax parcel # 0430002401D located in the Blackwater District is consistent with the purpose and intent of the County's comprehensive plan and good zoning practice and will not be a substantial detriment to the community. I therefore recommend approval of this 9.65 acre rezoning.

OR

(DENY) I find that the proposed A-1 to B-2 rezoning is inconsistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will result in substantial detriment to the community. I therefore recommend denial of the rezoning request.

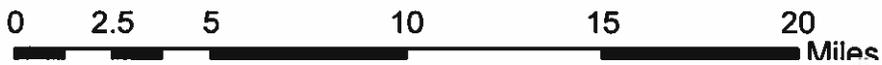
OR

(DELAY ACTION) I find that the required information for the submitted proposal is incomplete. Therefore, I move to delay action until additional necessary materials are submitted to the Planning Commission.



Tax Map #0430002401D
REZO-02-20-16528
Bowman Excavating

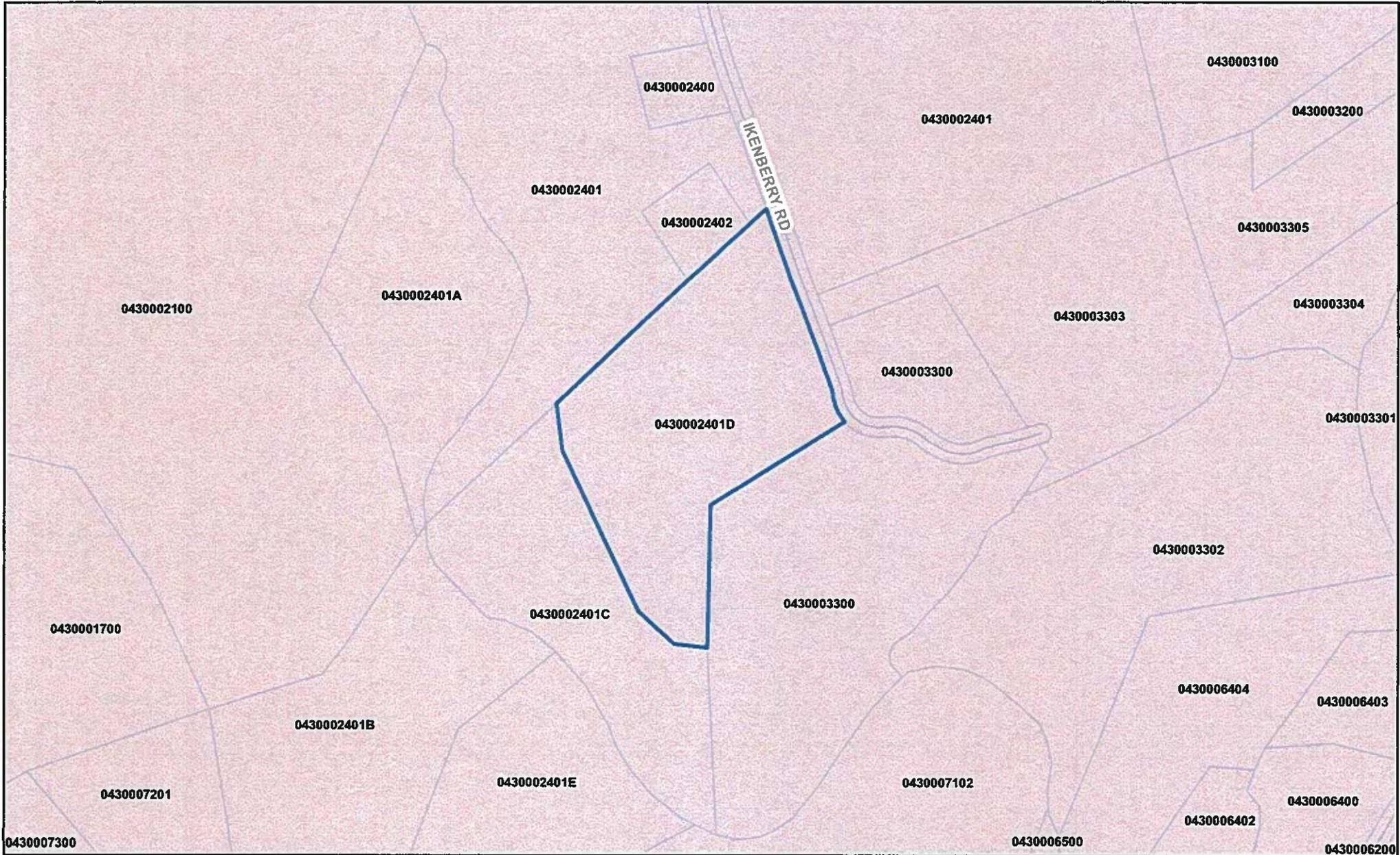
 Subject Property Location



Date: 3/16/2020



Franklin Co GIS



Tax Map #0430002401D
 REZO-02-20-16528
 Bowman Excavating

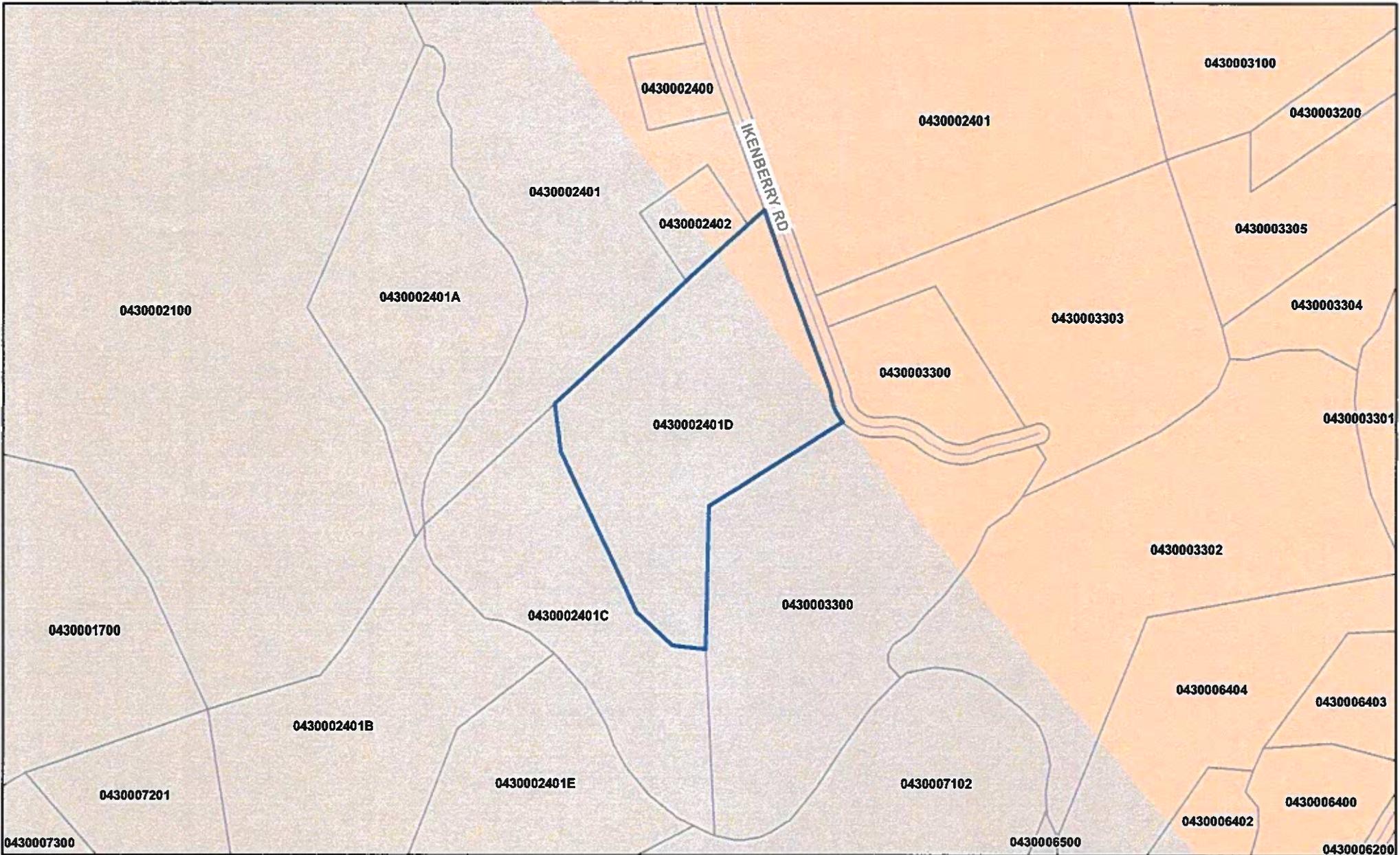
 Parcels
 Special Use Permit
Zoning Classifications
 A1 - Agricultural



Date: 3/16/2020



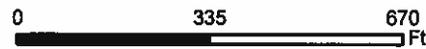
Franklin Co GIS



Legend

- Subject Parcel
- Low Density Residential
- Agriculture Forestry/Rural Residential

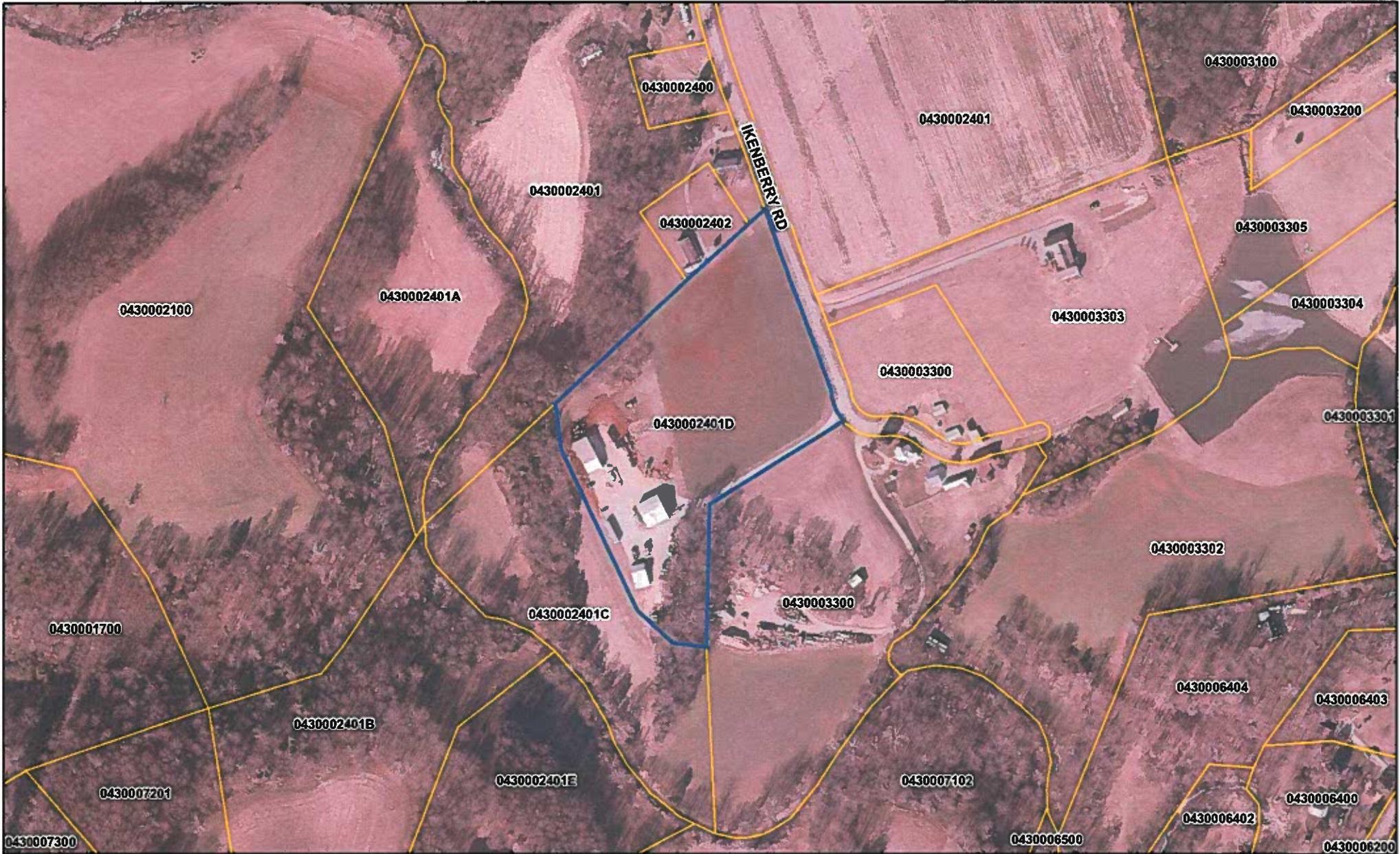
Tax Map #0430002401D
 REZO-02-20-16528
 Bowman Excavating



Date: 3/16/2020



Franklin Co GIS



Legend

-  Subject Parcel
-  Parcels

2017 Pictometry Imagery

Tax Map #0430002401D
 REZO-02-20-16528
 Bowman Excavating



Date: 3/16/2020



Franklin Co GIS

May 7, 2020

Mr. Steven Sandy, AICP, CZA, CTM
Director of Planning and Community Development
Franklin County Virginia
1255 Franklin Street Suite 103
Rocky Mount, VA 24151

RE: Proffer of Condition: Rezoning Request of Bowman Excavating Inc.
(REZO-02-20-16528) Tax Parcel # 0430002401D

Dear Mr. Sandy:

Please accept this communication as our proffer of condition associated with our A-1 Agriculture to B-2 General Business rezoning request currently being considered by the Planning Commission and Board of Supervisors.

As owners of the above referenced property, we wish to proffer the following:

“Use of Tax Parcel 0430002401D, consisting of 9.65 acres, shall be limited to contractors’ offices and facilities and continue to be used for agriculture in the production of hay or other crops and shall generally be developed as shown on the Concept Drawing for Bowman Excavating -New Office , Drawn by Devin Bowman and dated 2/21/20. If this proffer is accepted, we expect no requirement from Franklin County that will affect the existing use or appearance of this property.”

Brent E. Bowman, Owner

Cora M. Bowman, Owner

Brent E. Bowman

Cora M. Bowman

Date 5/12/20

Date 5-12-20



BOWMAN

EXCAVATING, INC

540 Ikenberry Rd. ~ Boones Mill, Va 24065 ~ (540) 334-2341

Date: February 21, 2020

To whom it may concern:

Bowman Excavating, Inc. is proposing to use tax parcel "0430002401D" for an office and shop for their business to operate from. This business would not have any retail sales or walk in customers associated with it.

Bowman Excavating has been in business since 1990 and operated out of this location in Franklin County since 1998. Bowman Excavating currently employees 14 residents of Franklin County in its business.

Bowman Excavating would like to stay in Franklin County and continue to partner with Franklin County to improve our local communities for future generations.

We need to construct an office of approximately 2,500 square feet as phase 1 with a future shop addition of approximately 5,000 square feet as phase 2.

The effect of these changes to the property would be very minimal; there will be three office staff in the new office, and little to no change in traffic patterns. It is located at the end of Ikenberry Road and there are existing buildings on the parcel at this time.

Respectfully,

Brent E. Bowman Pres.

**FRANKLIN COUNTY
ZONING MAP AMENDMENT APPLICATION**

(Type or Print)

I/We, Brent E. Bowman, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a zoning map amendment on the property as described below:

Petitioner's Name: Bowman Excavating, Inc

Petitioner's Address: 540 Ikenberry Road, Boones Mill, VA 24065

Petitioner's Phone Number: 540-334-2341

Petitioner's E-mail: brent.bei@privategarden.org

Property Owner's Name: Brent E. and Cora M. Bowman

Property Owner's Address: 540 Ikenberry Road, Boones Mill, VA 24065

Property Owner's Phone Number: 540-334-5512

Property Owner's E-mail brent.bei@privategarden.org

Directions to Property from Rocky Mount: Grassy Hill Road to left on Ikenberry Road, property at end of road on the right.

4. Tax Map and Parcel Number: 043.00 0430002401D Parcel #024.01D

5. Blackwater Magisterial District:

6. Property Information:

A. Size of Property: 9.64 acres

B. Existing Zoning: A1

C. Existing Land Use: Agriculture, shop, storage and office of Bowman Excavating, Inc.

D. Is property located within any of the following overlay zoning districts: No
 Corridor District Westlake Overlay District Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes No If yes, explain.

7. Proposed Zoning Map Amendment Information:

A. Proposed Land Use: Agriculture, shop, storage and office of Bowman Excavating, Inc.
Business use - B2

- B. Size of Proposed Use: Approximately 2500 sq. ft. office and future 5000 sq. ft. shop expansion
- C. Other Details of Proposed Use: 2500 sq. ft. office to be constructed as Phase 1 starting this year.
5000 sq. ft. shop expansion to be constructed later as phase 2.
- _____
- _____
- _____

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

****I certify that this application for a zoning map amendment and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): Bowman Excavating, Inc

Signature of Petitioner: Brent E. Bowman, Pres

Date: 2/24/20

Mailing Address: 540 Ikenberry Road, Boones Mill, VA 24065

Telephone: 540-334-2341

Email Address: brent.bei@privategarden.org

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): Brent E. Bowman

Signature of Owner: Brent E. Bowman

Date: 2/24/20

Date Received by Planning Staff _____

Clerk's Initials: _____

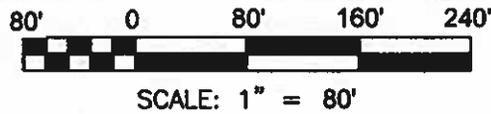
CHECK #: _____

RECPT. #: _____



**Concept Drawing for
 Bowman Excavating - New Office**

- General Notes**
1. Owner/Developer: Brent Bowman
540 Ikenberry Rd
Boones Mill Va, 24065
 2. Proposed use: Office and Shop for Excavating Company
 3. Site acreage: 9.65 acres
 4. Topography is based on aerial mapping by Bowman Excavating
 5. There is no proposed site lighting
 6. There is no proposed signage
 7. The new office will be accessed from an existing driveway



Drawn By:
Devin Bowman

Date: 2/21/20

Scale: 1" = 80'

Sheet: EX-A

Department of Planning & Community Development



Transmittal of Planning Commission Action

Date: May 13, 2020

Item: Smith Mountain Lake Volunteer Fire & Rescue Department, Applicants and Owners, requesting to amend condition #1 attached to an existing Special Use Permit, on an approximate 6.13-acre parcel, currently zoned R-1, Residential Suburban Subdivision District. (Case # SPEC-02-20-16543).

Prepared by: Steven M. Sandy, Director of Planning & Community Development

Date of Commission Action: Public Hearing, May 12, 2020

SUMMARY OF REQUEST

On May 16, 2017 the Board of Supervisors approved a special use permit request submitted on behalf of the SMLVFR. The approved permit authorized the development of an emergency services facility on a 6.134 acre parcel of land located off Oak Grove Drive in the Gills Creek district. (See Exhibit A of application package) The proposed buildings in the approved emergency services facility consist of a main building on the eastern portion of the property near the lake, and a smaller storage building on the western side of the property.

Five conditions were attached to the SUP approval granted in May of 2017. These five conditions are contained in the BOS resolution approving the SUP on May 17, 2017. (See attached BOS resolution).

Subsequent to the approval of the SUP, the staff and applicant discerned that there was an inconsistency between the approving resolution which limited the size of the smaller storage building to 2500 sq. ft. and the approved Exhibit A which limited the size of the smaller building to 4000 sq. ft.. Steven Sandy, in his capacity as zoning administrator, issued an opinion that the approved resolution took precedence over the information shown on Exhibit A, thus the size of the smaller storage building, as approved by the BOS on May 16, 2017 is currently limited to 2500 sq. ft.

Based upon the most current facility needs assessment, as undertaken by the SMLVFR, the applicant is requesting that the conditions attached to the SUP for this emergency facility be modified to allow this storage building to contain up to 5,000 sq. ft of storage space (See Exhibit

B of application package). No other modifications of the previously approved conditions or master plan are requested.

Commission's Recommendation: The Planning Commission finds that the proposed amendment to allow a proposed storage building of up to 5000 sq. ft. as shown on the Proposed Master Plan for Smith Mountain Lake Volunteer Fire and Rescue (County Tax Parcel # 0150007301) in the Gills Creek district consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to the community. I therefore recommend approval of the SUP request with the following conditions:

1. Substantial Conformity. The SUP authorizes the use of the property for an emergency services facility. The property shall be developed in substantial conformity with the Smith Mountain Lake Volunteer Fire and Rescue Proposed Master Plan, dated November 8, 2016, and schematic layout dated April 11, 2017 prepared by Craighead and Associates, Architects. However, the maximum size of the proposed main building and the proposed storage building shall each not exceed 5,000 sq. ft
2. Buffering. The use of Emergency Services Facility shall require the maintenance of an existing wooded buffer along the lake boundary as shown on the Master Plan referenced in Condition #1. In addition, two acres of the property are to remain undeveloped and maintained with existing vegetation.
3. Compliance with State Regulations
 - a. The existing entrance on Oak Grove Drive (Rt 1230) shall be improved to meet VDOT standards and requirements prior to any use authorized by this SUP in accordance with VDOT's letter of December 22, 2016.
 - b. No gasoline or oil products shall be stored on the subject property without the approval of Virginia DEQ, Fire Marshall or Franklin County Building Official.
 - c. Each phase of development shall have an approved development plan detailing all land disturbing activities and storm water management
4. No RV or tent camping shall be allowed on the subject property.
5. The property shall contain no land based fire suppression services provided by SMLVFR unless approved by the Franklin County Director of Public Safety.

Roll Call Vote: Motion to Approve: Colby Seconded : Clements

AYES: Doss, Crawford, McGhee, Clements, Colby, Webb
NAYES: None
ABSENT: Mitchell
ABSTAIN: None

The Planning Commission's motion to recommend approval of the requested amendment to condition #1 of an existing special use permit, was approved by a vote of 6-0-1-0.

RESOLUTION # _____

APPLICATION OF SMITH MOUNTAIN LAKE FIRE AND RESCUE DEPARTMENT, APPLICANTS AND OWNERS, REQUESTING TO AMEND CONDITION #1 OF AN EXISTING SPECIAL USE PERMIT, ON AN APPROXIMATE 6.13 ACRE PARCEL, CURRENTLY ZONED R-1, RESIDENTIAL SUBURBAN SUBDIVISION, LOCATED AT THE END OF OAK GROVE DRIVE IN THE GILLS CREEK DISTRICT OF FRANKLIN COUNTY AND FURTHER IDENTIFIED AS TAX MAP/PARCEL # 0150007301 (CASE # 02-20-16543).

WHEREAS, Smith Mountain Lake Fire and Rescue Department did file an application requesting to amend condition #1 of an existing special use permit on an approximate 6.13 acre parcel, and

WHEREAS, the property is currently zoned R-1, Residential Suburban Subdivision, and located in the Gills Creek District of Franklin County, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Planning Commission and Board of Supervisors did hold public hearings on May 12, 2020 and May 19, 2020, respectively, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration the Franklin County Planning Commission recommended APPROVAL of the amendment to condition #1 of the existing special use permit with the following five (5) conditions:

1. **Substantial Conformity.** The SUP authorizes the use of the property for an emergency services facility. The property shall be developed in substantial conformity with the Smith Mountain Lake Volunteer Fire and Rescue Proposed Master Plan, dated November 8, 2016, and schematic layout dated April 11, 2017 prepared by Craighead and Associates, Architects. However, the maximum size of the proposed main building and the proposed storage building shall each not exceed 5,000 sq. ft.
2. **Buffering.** The use of Emergency Services Facility shall require the maintenance of an existing wooded buffer along the lake boundary as shown on the Master Plan referenced in Condition #1. In addition, two acres of the property are to remain undeveloped and maintained with existing vegetation.

3. Compliance with State Regulations

- a. The existing entrance on Oak Grove Drive (Rt 1230) shall be improved to meet VDOT standards and requirements prior to any use authorized by this SUP in accordance with VDOT's letter of December 22, 2016.
- b. No gasoline or oil products shall be stored on the subject property without the approval of Virginia DEQ, Fire Marshall or Franklin County Building Official.
- c. Each phase of development shall have an approved development plan detailing all land disturbing activities and storm water management

4. No RV or tent camping shall be allowed on the subject property.

5. The property shall contain no land based fire suppression services provided by SMLVFR unless approved by the Franklin County Director of Public Safety.

WHEREAS, after full consideration the Franklin County Board of Supervisors determined that the requested amendment is consistent with the purpose and intent of the County's Comprehensive Plan and good zoning practice and will not be a substantial detriment to the community and APPROVED the request with the five (5) conditions recommended by the Planning Commission as contained in this Resolution.

THEREFORE, BE IT RESOLVED, that a copy of this Resolution be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue and the Franklin County Zoning Administrator and that the Clerk be directed to reflect this action to APPROVE the amendment in the records of Franklin County.

On the motion by _____ to APPROVE the request and seconded by _____, said motion was approved by the following recorded vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

Madeline Sefcik, Clerk

Date

SPECIAL USE PERMIT STAFF REPORT

May 4, 2020

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP TH
Senior Planner

Tax Parcel # 0150007301

District: Gills Creek

Applicant/Owners: Neil Harrington/ Smith Mountain Lake Volunteer Fire and Rescue

Case #: SPEC 02-20-16543

Re: Request to amend Special Use Permit 12-16-15496 to clarify and establish the allowable size of a proposed storage building associated with a master plan for Smith Mountain Lake Volunteer Fire and Rescue. (SMLVFR)

BACKGROUND

On May 16, 2017 the Board of Supervisors approved a special use permit request submitted on behalf of the SMLVFR. The approved permit authorized the development of an emergency services facility on a 6.134 acre parcel of land located off Oak Grove Drive in the Gills Creek district. (See Exhibit A of application package) The proposed buildings in the approved emergency services facility consist of a main building on the eastern portion of the property near the lake, and a smaller storage building on the western side of the property.

Five conditions were attached to the SUP approval granted in May of 2017. These five conditions are contained in the BOS resolution approving the SUP on May 17, 2017. (See attached BOS resolution).

Subsequent to the approval of the SUP, the staff and applicant discerned that there was an inconsistency between the approving resolution which limited the size of the smaller storage building to 2500 sq. ft. and the approved Exhibit A which limited the size of the smaller building to 4000 sq. ft.. Steven Sandy, in his capacity as zoning administrator, issued an opinion that the approved resolution took precedence over the information shown on Exhibit A, thus the size of the smaller storage building, as approved by the BOS on May 16, 2017 is currently limited to 2500 sq. ft.

CURRENT REQUEST

Based upon the most current facility needs assessment, as undertaken by the SMLVFR, the applicant is requesting that the conditions attached to the SUP for this emergency facility be modified to allow this storage building to contain up to 5,000 sq. ft of storage space (See Exhibit B of application package). No other modifications of the previously approved conditions or master plan are requested.

COMMUNITY IMPACTS

This change is not expected to generate any significant impacts except increase the allowable size of the storage building.

STAFF RECOMMENDATION

The staff recommends that the Planning Commission recommend approval of modifying Condition # 1 as contained in the resolution approving the SUP for the SMLVFR emergency services facility. Condition #1 shall be modified as follows:

Substantial Conformity. The SUP authorizes the use of the property for an Emergency Services Facility. The property shall be developed in substantial conformity with the conceptual plan entitled Smith Mountain Lake Volunteer Fire and Rescue, Proposed Master Plan, dated November 8, 2016, and schematic layout dated April 11, 2017 prepared by Craighead and Associates, Architects. However, ~~the size of the station structure and the storage building depicted on the conceptual plan shall not exceed 5,000 sq. ft. and 2,500 sq. ft. respectively in total area.~~ maximum size of the proposed main building and the proposed storage building shall each not exceed 5,000 sq. ft.

SAMPLE MOTIONS

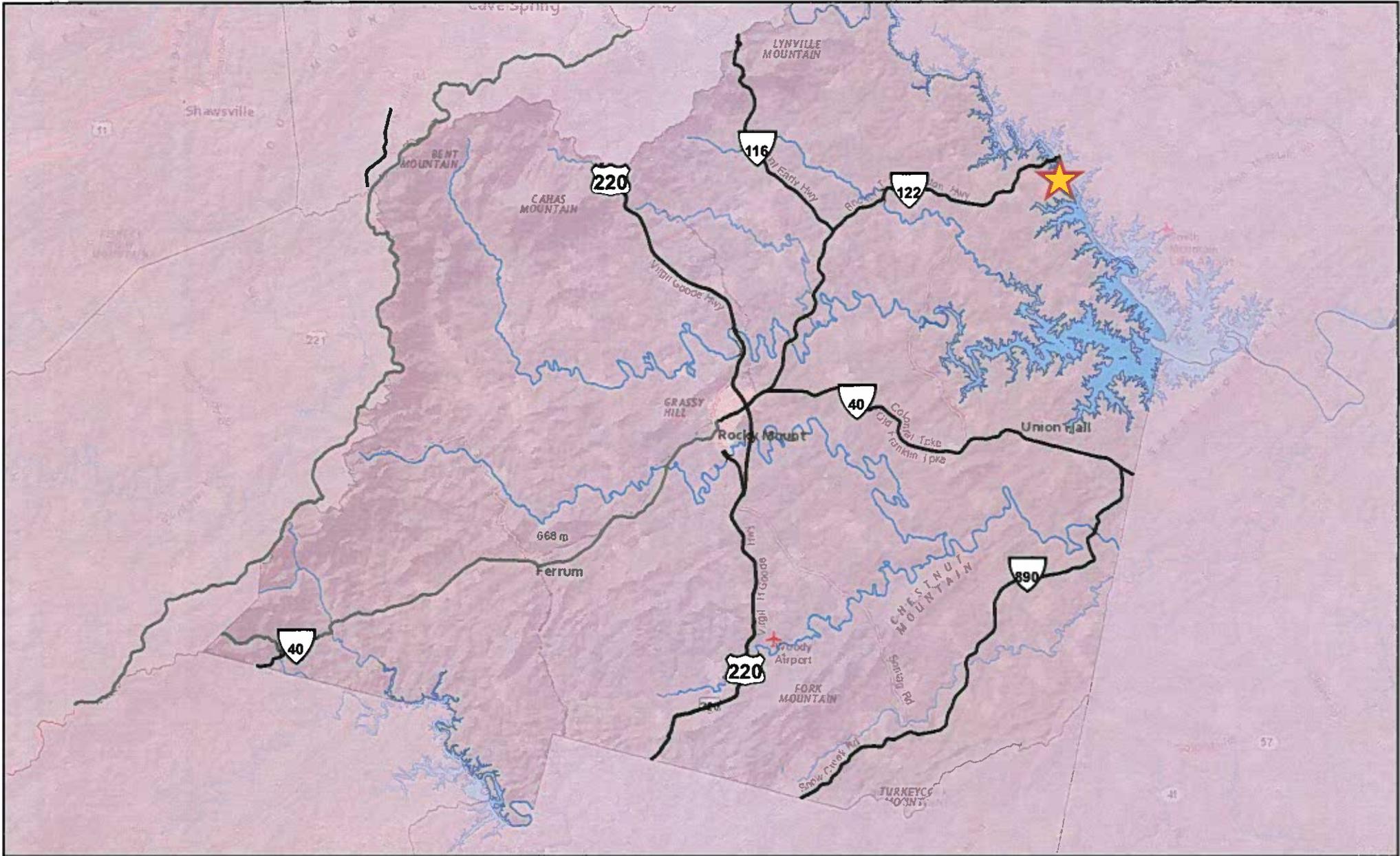
(Approve) I find that the proposed amendment to allow a proposed storage building of up to 5000 sq. ft. as shown on the Proposed Master Plan for Smith Mountain Lake Volunteer Fire and Rescue (County Tax Parcel # 0150007301) in the Gills Creek district consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to the community. I therefore recommend approval of the SUP request with the following conditions:

1. Substantial Conformity. The SUP authorizes the use of the property for an emergency services facility. The property shall be developed in substantial conformity with the Smith Mountain Lake Volunteer Fire and Rescue Proposed Master Plan, dated November 8, 2016, and schematic layout dated April 11, 2017 prepared by Craighead and Associates, Architects. However, the maximum size of the proposed main building and the proposed storage building shall each not exceed 5,000 sq. ft

2. **Buffering.** The use of Emergency Services Facility shall require the maintenance of an existing wooded buffer along the lake boundary as shown on the Master Plan referenced in Condition #1. In addition, two acres of the property are to remain undeveloped and maintained with existing vegetation.
3. **Compliance with State Regulations**
 - a. The existing entrance on Oak Grove Drive (Rt 1230) shall be improved to meet VDOT standards and requirements prior to any use authorized by this SUP in accordance with VDOT's letter of December 22, 2016.
 - b. No gasoline or oil products shall be stored on the subject property without the approval of Virginia DEQ, Fire Marshall or Franklin County Building Official.
 - c. Each phase of development shall have an approved development plan detailing all land disturbing activities and storm water management
4. No RV or tent camping shall be allowed on the subject property.
5. The property shall contain no land based fire suppression services provided by SMLVFR unless approved by the Franklin County Director of Public Safety.

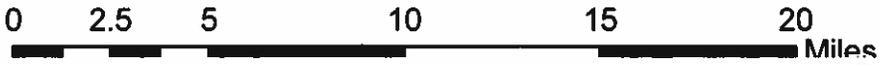
(Deny) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. I therefore move to deny the request to modify SUP-02-20-16543.

(Delay) I find that the required information for the submitted petition is incomplete. I therefore move to delay action until all necessary materials are submitted to the Planning Commission.



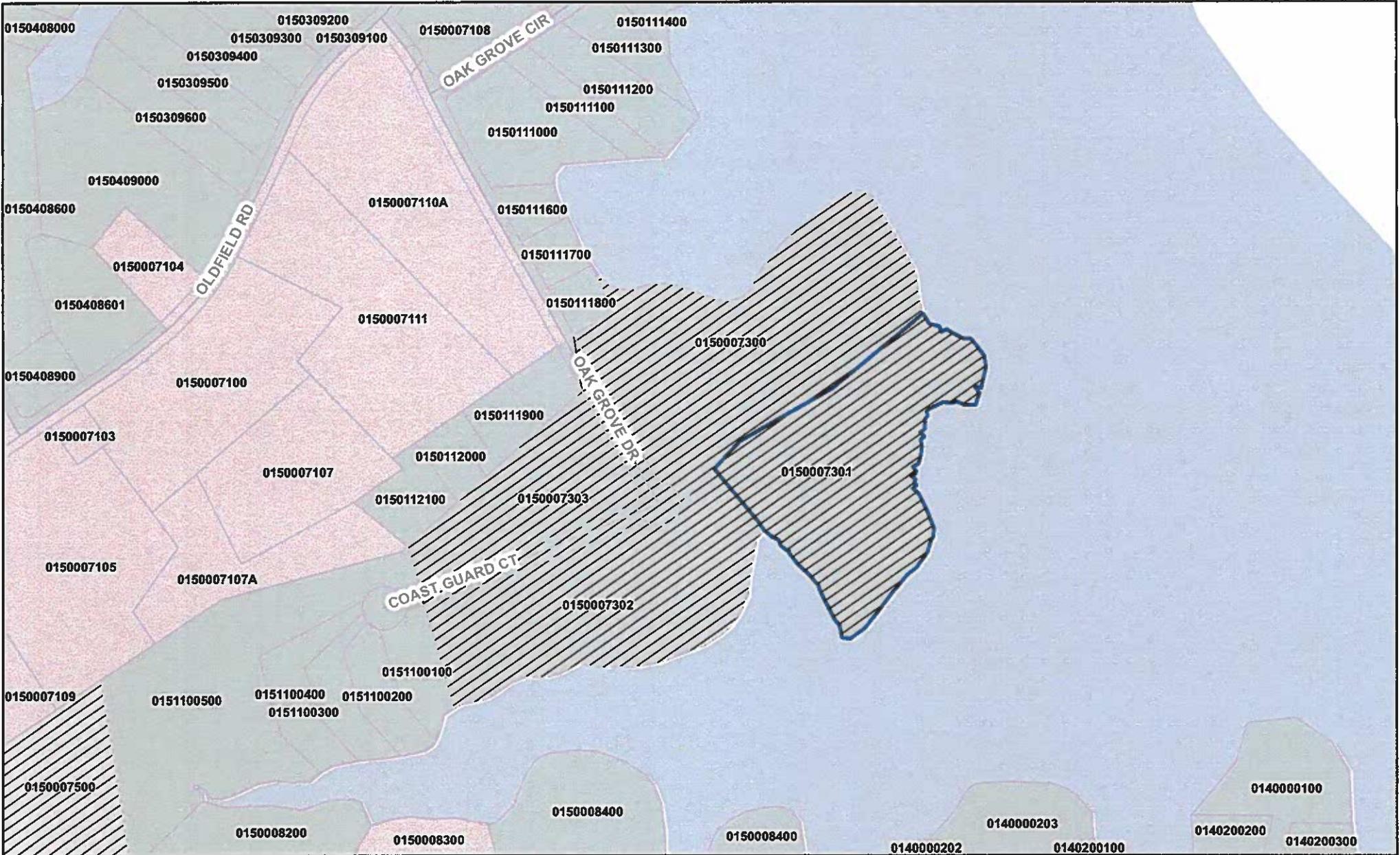
Tax Map # 0150007301
 SPEC-02-20-16543
 SML Volunteer Fire & Rescue

 Subject Property Location




 Date: 3/16/2020





- | | | |
|---|--------------------|---|
|  | Parcels | Zoning Classifications |
|  | Special Use Permit |  A1 - Agricultural |
| | |  R1 - Residential Suburban Subdivision |
| | |  Smith Mountain Lake |

Tax Map # 0150007301
SPEC-02-20-16543
SML Volunteer Fire & Rescue



Date: 3/16/2020



Franklin Co GIS



Legend

-  Subject Parcel
-  Low Density Residential
-  Smith Mountain Lake

Tax Map # 0150007301
 SPEC-02-20-16543
 SML Volunteer Fire & Rescue



Date: 3/16/2020



Franklin Co GIS



Legend

- Subject Parcel
- Parcels

2017 Pictometry Imagery

Tax Map # 0150007301
 SPEC-02-20-16543
 SML Volunteer Fire & Rescue



Date: 3/16/2020



Franklin Co GIS

TAX MAP: 015.00-073.01, PARCEL No:0150007301

SPECIAL USE PERMIT NARRATIVE

CURRENT USE OF THE PROPERTY

The property is currently a vacant 6.134 acre tract of land located at the end of Oak Grove Drive.

INTENT OF SPECIAL USE PERMIT REQUEST

The intent of this Special Use Permit request is to amend existing Special Use Permit SPEC 12-161-15496 (attached) that was approved on June 1, 2017 by the Franklin County Board of Supervisors.

The Concept Plan referenced in the approved SUP Permit shows a 4,000 sf optional future building. The approved proffered size for this building in SPEC 12-161-15496 is 2,500 sf. The owner would like to increase the size of the building from 2,500 sf to up to 5,000 sf. The larger building will better fix their needs and budget. All other Proffered Conditions are to remain as approved in SPEC 12-161-15496.

The owner requests the following changes be made to Proffered Condition No. 1 so it reads:

1. ***Substantial conformity.** The special use permit authorizes use of the property for an "Emergency Services Facility". The property shall be developed in substantial conformity with the conceptual plan, entitled "Smith Mountain Lake Volunteer Fire and Rescue, proposed Master Plan" dated November 8, 2016 and "Schematic Layout" dated April 11, 2017, prepared by Craighead & Associates, Architects. However, the size of the station structure and the optional future building depicted on the conceptual plan shall not exceed 5,000 sf and 5,000 sf, respectively, in total area.*

EFFECT OF THE CHANGES ON THE SURROUNDING AREA

Effects on the surrounding areas should be minimal. The property is bound by an existing gravel road & U.S. Coast Guard Auxiliary to the north, Smith Mountain Lake to the east and south and AEP's public boat ramp facility to the west. To minimize effects on the surrounding areas, proffered condition 2 requires an existing wooded buffer along the lake boundary be maintained and that 2 acres of the 6.134 acre tract remain undeveloped. Additionally, existing proffered conditions 4 and 5 will prohibit RV or tent camping and the use of the property for land based fire suppression services without the approval of the Franklin County Director of Public Safety.

**FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, Smith Mountain Lake Volunteer Fire and Rescue Department Inc., as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

Petitioner's Name: Smith Mountain Lake Volunteer Fire and Rescue Department

Petitioner's Address: PO Box 899 Hardy, VA 24101

Petitioner's Phone Number: 703-568-7956 Att: Neil Harrington, President

Petitioner's E-mail: nharrington@smfireboats.com

Property Owner's Name: Smith Mountain Lake Volunteer Fire and Rescue Department

Property Owner's Address: PO Box 899 Hardy, VA 24101

Property Owner's Phone Number: 703-568-7956 Att: Neil Harrington, President

Property Owner's E-mail: nharrington@smfireboats.com

Directions to Property from Rocky Mount: Take Rte 122 N for 28 miles to right on Merriman Way Rd, Follow Merriman Way Rd. to left on Oldfield Rd to right on Oak Grove Dr. (approx. 3 miles)

Tax Map and Parcel Number: TM# 015.00-073.01 / Parcel ID# 0150007301

Magisterial District: Gills Creek

Property Information:

A. Size 6.1 acres of _____ Property: _____

B. Existing Zoning: R-1

C. Existing Vacant Land Land Use: _____

D. Is property located within any of the following overlay zoning districts:

 Corridor District Westlake Overlay District X Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes (No) If yes, explain.

Proposed Special Use Permit Information:

A. Proposed Emergency Services Facility Land Use: _____

B. Size of Proposed Use: 4 acres

C. Other Details of Proposed Use: See Special Use Permit Narrative.

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee (Not required for Fire & Rescue Company)

****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): Neil R Harrington

Signature of Petitioner: 

Date: 2/26/2020

Mailing Address: PO Box 899
Hardy, VA 24101

Telephone: 703 568 7956

Email Address: nharrington@SMLFireboats.com

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): _____

Signature of Owner: _____

Date: _____

Date Received by Planning Staff _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

STATE OF VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

)
A Special Use Permit Petition of Ray Craighead,)
Petitioner, and Smith Mountain Lake Marine)
Volunteer Fire & Rescue, Owners, to allow for an)
emergency services facility, on a 6.134 acre parcel,)
currently zoned R-1, Residential Suburban District.)
Tax Parcel # 0150007301)
(CASE # SPEC 12-16-15496))

WHEREAS, Ray Craighead did file a petition requesting a Special Use Permit for an emergency services facility, on a 4 acre portion of a 6.134 acre parcel, location in the Gills Creek District, and

WHEREAS, the 6.134 acre property is zoned R-1, Residential Suburban and emergency services facilities are a permitted use by special use permit in R-1 districts, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia in 1950, as amended, the Planning Commission and Board of Supervisors, did hold public hearings on January 10, 2017 and May 16, 2017, respectively, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration, the Franklin County Planning Commission recommended **APPROVAL** of the Special Use Permit with the following five (5) conditions:

1. **Substantial conformity.** The Special Use Permit authorizes use of the property for an "Emergency Services Facility". The property shall be developed in substantial conformity with the conceptual plan, entitled "Smith Mountain Lake Volunteer Fire and Rescue, Proposed Master Plan" dated November 8, 2016 and "Schematic Layout" dated April 11, 2017, prepared by Craighead & Associates, Architects. However, the size of the station structure and the storage building depicted on the conceptual plan shall not exceed 5,000 SF and 2,500 SF, respectively, in total area.
2. **Buffering.** The use of "Emergency Services Facility" shall require the maintenance of an existing wooded buffer along the lake boundary as shown on master plan referenced in condition #1. In addition, two acres of the property to remain undeveloped and maintained with existing vegetation.
3. **Compliance with State Regulations:**

- a. The existing entrance on Oak Grove Drive (Rte 1230) shall be improved to meet VDOT standards and requirements prior to any use authorized by this special use permit in accordance with VDOT's letter of December 22, 2016.
 - b. No gasoline or oil products shall be stored on the subject property without the approval of VA Department of Environmental Quality, Fire Marshal and/or Franklin Building Official.
 - c. Each phase of development shall have an approved development plan detailing all land disturbing activities and storm water management.
4. No RV or tent camping shall be allowed on the subject property.
 5. The property shall contain no land based fire suppression services provided by Smith Mountain Lake Volunteer Fire/Rescue Department, Inc. unless approved by the Franklin County Director of Public Safety.

WHEREAS, after full consideration, the Franklin County Board of Supervisors determined that the requested Special Use Permit be **GRANTED** with the five (5) conditions recommended by the Planning Commission as contained in this Final Order.

THEREFORE, BE IT ORDERED, that a copy of this order be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue and the Franklin County Zoning Administrator and that the Clerk be directed to reflect this action to **APPROVE** the Special Use Permit in the records of Franklin County.

On the motion by Bob Camicia and seconded by Leland Mitchell to approve the requested Special Use Permit, said motion was **APPROVED** by the following recorded vote:

AYES: Mitchell, Thompson, Wagner, Cundiff, Camicia, Tatum & Brubaker

NAYES: NONE

ABSENT: NONE

ABSTAIN: NONE



Sharon K. Tudor, MMC, Clerk
Franklin County Board of Supervisors

6.1.2017
Date



Department of Planning & Community Development



Transmittal of Planning Commission Action

Date: May 13, 2020

Item: Mohammad Alkhawaja, Applicant, and Kawaja Corporation, Owners, requesting a Special Use Permit to allow for the rental of moving equipment, on an approximate 1.68 acre parcel, currently zoned B-1, Limited Business District (Case # SPEC-02-20-16529).

Prepared by: Steven M. Sandy, Director of Planning & Community Development

Date of Commission Action: Public Hearing, May 12, 2020

SUMMARY OF REQUEST

The property is currently used as a convenience store with gas sales with an apartment on the lower level of the convenience store. Access to the site is from existing curb cuts on Doe Run Road (SR 674) and Tripple Creek Road (SR 1019).

In December of 2019, this property was previously considered for a SUP that would allow the sale of used vehicles on the property. Several people spoke at the public hearing for this SUP request. Speakers opposed to the SUP request cited concerns of traffic, trash and noise. The Commission recommended approval of the request to the BOS. The Board denied the request for used vehicle sales at their meeting on December 17, 2019 by a vote of 7-0.

Land uses in the general area are primarily residential with several small commercial businesses located near this intersection. Except for the convenience store, most of the other properties north of Doe Run Road are zoned A-1 Agriculture, with the exception of a large M-1 property that has recently been used as a storage yard associated with the Mountain Valley Pipeline project. Properties south of Doe Run Road are non-zoned.

Commission's Recommendation: The Planning Commission finds that the requested Special Use Permit is consistent with the purpose and intent of the County's comprehensive plan and good zoning practice and will not be a substantial detriment to the community and recommends APPROVAL subject to the following six (6) conditions:

- 1 Uses authorized by this SUP shall be limited to the rental of moving trucks and trailers.
- 2 No vehicle repairs shall be allowed on the property.

- 3 All vehicles on this property shall be in operable condition. No vehicles or equipment shall be stored within the grass area behind the convenience store.
- 4 All moving trucks and trailers shall be located along the Tripple Creek Road side of the building as proposed on the submitted concept plan.
- 5 Any freestanding signage proposed shall comply with the county sign regulations, shall be of a monument design and shall not be more than eight (8) feet in height. A sign permit, approved by the county, shall be required.
- 6 A minor site plan shall be submitted within sixty (60) days of SUP approval and approved by the zoning administrator, showing all required parking areas for store customers and moving truck and trailer display areas, landscaping and other site features as required by the Franklin County zoning ordinance.

Roll Call Vote: Motion to Approve: Doss Seconded : Crawford

AYES: Doss, Clements, Crawford, McGhee, Colby, Webb
NAYES: None
ABSENT: Mitchell
ABSTAIN: None

The Planning Commission's motion to recommend approval of the requested Special Use Permit was approved by a vote of 6-0-1-0 with the six (6) conditions listed above.

RESOLUTION # _____

APPLICATION OF MOHAMMAD ALKHAWAJA, APPLICANT, AND KAWAJA CORPORATION, OWNERS, REQUESTING A SPECIAL USE PERMIT TO ALLOW FOR THE RENTAL OF MOVING EQUIPMENT, ON AN APPROXIMATE 1.68 ACRE PARCEL, CURRENTLY ZONED B-1, LIMITED BUSINESS, LOCATED AT 445 DOE RUN ROAD IN THE SNOW CREEK DISTRICT OF FRANKLIN COUNTY AND FURTHER IDENTIFIED AS TAX MAP/PARCEL # 0720034301 (CASE # 02-20-16529).

WHEREAS, Mohammad Alkhawaja did file an application requesting a special use permit to allow for the rental of moving equipment on an approximate 1.68 acre parcel, and

WHEREAS, the property is currently zoned B-1, Limited Business District, and located in the Snow Creek District of Franklin County, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Planning Commission and Board of Supervisors did hold public hearings on May 12, 2020 and May 19, 2020, respectively, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration the Franklin County Planning Commission recommended APPROVAL of the special use permit request with the following six (6) conditions:

- 1 Uses authorized by this SUP shall be limited to the rental of moving trucks and trailers.
- 2 No vehicle repairs shall be allowed on the property.
- 3 All vehicles on this property shall be in operable condition. No vehicles or equipment shall be stored within the grass area behind the convenience store.
- 4 All moving trucks and trailers shall be located along the Tripple Creek Road side of the building as proposed on the submitted concept plan.
- 5 Any freestanding signage proposed shall comply with the county sign regulations, shall be of a monument design and shall not be more than eight (8) feet in height. A sign permit, approved by the county, shall be required.
- 6 A minor site plan shall be submitted within sixty (60) days of SUP approval and approved by the zoning administrator, showing all required parking areas for store customers and moving truck and trailer display areas, landscaping and other site features as required by the Franklin County zoning ordinance.

WHEREAS, after full consideration the Franklin County Board of Supervisors determined that the requested amendment is consistent with the purpose and intent of the County's Comprehensive Plan and good zoning practice and will not be a substantial detriment to the community and APPROVED the request with the six (6) conditions recommended by the Planning Commission as contained in this Resolution.

THEREFORE, BE IT RESOLVED, that a copy of this Resolution be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue and the Franklin County Zoning Administrator and that the Clerk be directed to reflect this action to APPROVE the amendment in the records of Franklin County.

On the motion by _____ to APPROVE the request and seconded by _____, said motion was approved by the following recorded vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

Madeline Sefcik, Clerk

Date

Department of Planning & Community Development



April 30, 2020

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP TH

Tax Parcel # 0720034301

District: Snow Creek

Applicant/Owners: Mohammad Alkhawaja / Alkhawaja Corporation

Case #: SPEC 02-20-16529

Re: Special Use Permit (SUP) petition of Mohammad Alkhawaja to permit the rental of moving trucks and trailers on a portion of a 1.68 acre parcel located at 445 Doe Run Road (Intersection of Tripple Creek Road). The property is zoned B- 1 Limited Business.

EXISTING LAND USE

The property is currently used as a convenience store with gas sales with an apartment on the lower level of the convenience store. Access to the site is from existing curb cuts on Doe Run Road (SR 674) and Tripple Creek Road (SR 1019)

SURROUNDING ZONING AND LAND USES

Land uses in the general area are primarily residential with several small commercial businesses located near this intersection. Except for the convenience store, most of the other properties north of Doe Run Road are zoned A-1 Agriculture, with the exception of a large M-1 property that has recently been used as a storage yard associated with the Mountain Valley Pipeline project. Properties south of Doe Run Road are non-zoned.

In December of 2019, this property was previously considered for a SUP that would allow the sale of used vehicles on the property. Several people spoke at the public hearing for this SUP request. Speakers opposed to the SUP request cited concerns of traffic, trash and noise. The Commission recommended approval of the request to the BOS. The Board denied the request for used vehicle sales at their meeting on December 17, 2019 by a vote of 7-0.

COMPLIANCE WITH DEVELOPMENT REGULATIONS

SETBACKS AND LANDSCAPE BUFFERS

The applicant is proposing to display all the rental trucks and trailers on the paved portion of the lot along the Tripple Creek Road side of the property. Grass buffer strips exist along the Doe Run and Tripple Creek sides of the property. These buffer strips are partially within the public R/W and partially within the convenience store property. All vehicles to be displayed must be parked outside of the public R/W.

NOISE

No significant noise impacts are expected as a result of locating the truck and trailer rental business at this location. Current noise levels at this location are primarily from vehicles passing thru this intersection. Staff expects traffic volumes resulting from the approval of this request will be significantly lower than existing traffic at this intersection.

LIGHTING

No new lighting is proposed for this site. If lighting is proposed in the future, the lighting fixtures must be down cast with a shielded light source with a maximum intensity of .5 foot candles at any property line.

PARKING LOCATION, ACCESS AND SITE DESIGN

VDOT has evaluated this proposal and has determined that a commercial entrance permit will not be required based upon the existing use of the property and the relatively minor increase in traffic resulting from the proposed truck and trailer rental operation. Access to the site will continue to be from Doe Run Road and Tripple Creek Rd. The County code does not require any parking for vehicle rental businesses.

Convenience store customers park in front of the store and at the gasoline pumps. The submitted concept plan shows eight spaces in front of the store and a gas island that can accommodate four additional vehicles. Current county parking standards would require 17 spaces for the convenience store. If this request is approved by the Board, staff will work with the applicant to identify areas on the site that are suitable for parking and will accurately calculate the number of spaces that will be required based upon the size of the convenience store.

PROCESS AND CRITERIA FOR EVALUATING SPECIAL USE PERMITS

The Board of Supervisors has reserved the right to issue or deny any special use permit requested for any use permitted as a special use by Article III of the District Regulations contained in the Franklin County Zoning Ordinance. Special use permits may be issued upon a finding by the Board that (1) such use will not be of substantial detriment to adjacent property, that (2) the

character of the zoning district will not be changed and that (3) such use will be in harmony with the purpose and intent of the B-1 zoning district, with the uses permitted by right in the B-1 district, and with the public health, safety and general welfare of the Franklin County community.

B-1 districts were established in those portions of the County that (1) are suitable for the conduct of general business where the public requires direct and frequent access to the property, where (2) heavy trucks are not a significant component of the traffic in the area (3) and where nuisance factors are not a significant factor.

COMPREHENSIVE PLAN

The 2025 Comprehensive Plan has a future land use designation of Low Density Residential for this property. The property is zoned B-1 with an existing business on the property. Although low density residential is intended to allow primarily residential development, neighborhoods benefit from (and the comprehensive plan supports) small scale commercial uses that provide services used by neighborhood residents.

DEVELOPMENT IMPACTS

The staff does not anticipate any significant development impacts resulting from the approval of this SUP request with the recommended conditions.

STAFF RECOMMENDATION

It is the staff's opinion that the rental of moving trucks and trailers from this location (1) will not be a detriment to surrounding properties and (2) that the character of the B-1 zoning district will not change with the approval of this request.

The staff recommends approval of this SUP request for a moving truck and trailer rental business with the following conditions:

- 1 Uses authorized by this SUP shall be limited to the rental of moving trucks and trailers.
- 2 No vehicle repairs shall be allowed on the property.
- 3 All vehicles on this property shall be in operable condition. No vehicles or equipment shall be stored within the grass area behind the convenience store.
- 4 All moving trucks and trailers shall be located along the Tripple Creek Road side of the property as proposed on the submitted concept plan.

- 5 Any freestanding signage proposed shall comply with the county sign regulations, shall be of a monument design and shall not be more than eight (8) feet in height. A sign permit, approved by the county, shall be required.
- 6 A minor site plan shall be submitted within sixty (60) days of SUP approval and approved by the zoning administrator, showing all required parking areas for store customers and moving truck and trailer display areas, landscaping and other site features as required by the Franklin County zoning ordinance.

SAMPLE MOTIONS

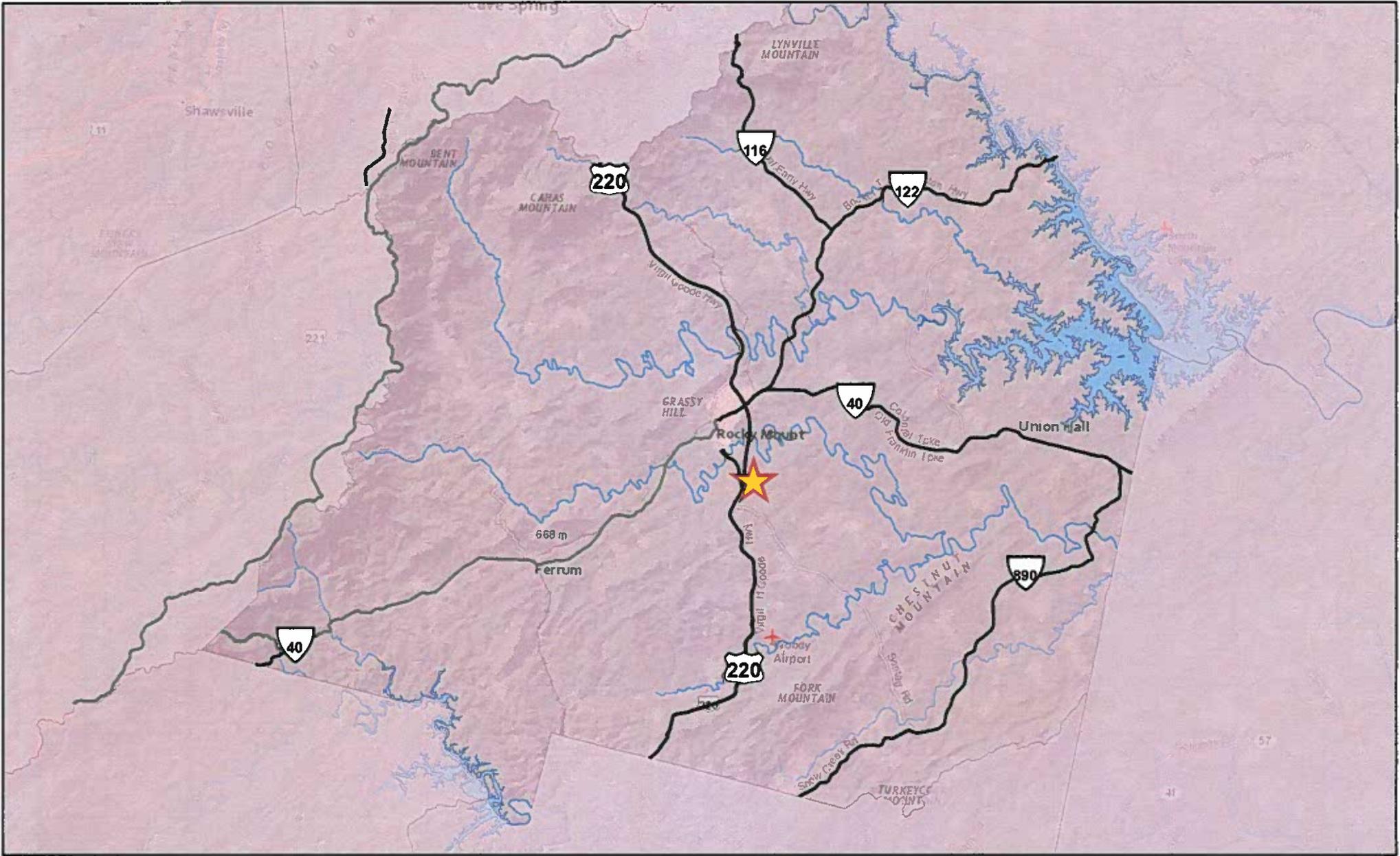
The following sample motions may be used by the Planning Commission:

(Approve) I find that the proposed SUP for a moving truck and trailer rental business on Franklin County Tax Parcel # 0720034301 in the Snow Creek District is consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to adjacent properties or the community. I therefore recommend approval of the SUP request with the following conditions.

- 1 Uses authorized by this SUP shall be limited to the rental of moving trucks and trailers.
- 2 No vehicle repairs shall be allowed on the property.
- 3 All vehicles on this property shall be in operable condition.
- 4 All moving trucks and trailers for rent shall be located along the Tripple Creek Road side of the property as proposed on the submitted concept plan.
- 5 Any freestanding signage proposed shall comply with the county sign regulations, shall be of a monument design and shall not be more than eight (8) feet in height.
6. A minor site plan shall be submitted within sixty (60) days of SUP approval and approved by the zoning administrator, showing all required parking areas for store customers and moving truck and trailer display areas, landscaping and other site features as required by the Franklin County zoning ordinance.

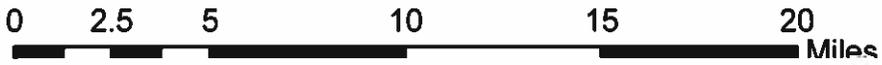
(Deny) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. I therefore move to deny the request for a special use permit.

(Delay) I find that the required information for the submitted petition is incomplete. I therefore move to delay action until all necessary materials are submitted to the Planning Commission.



 Subject Property Location

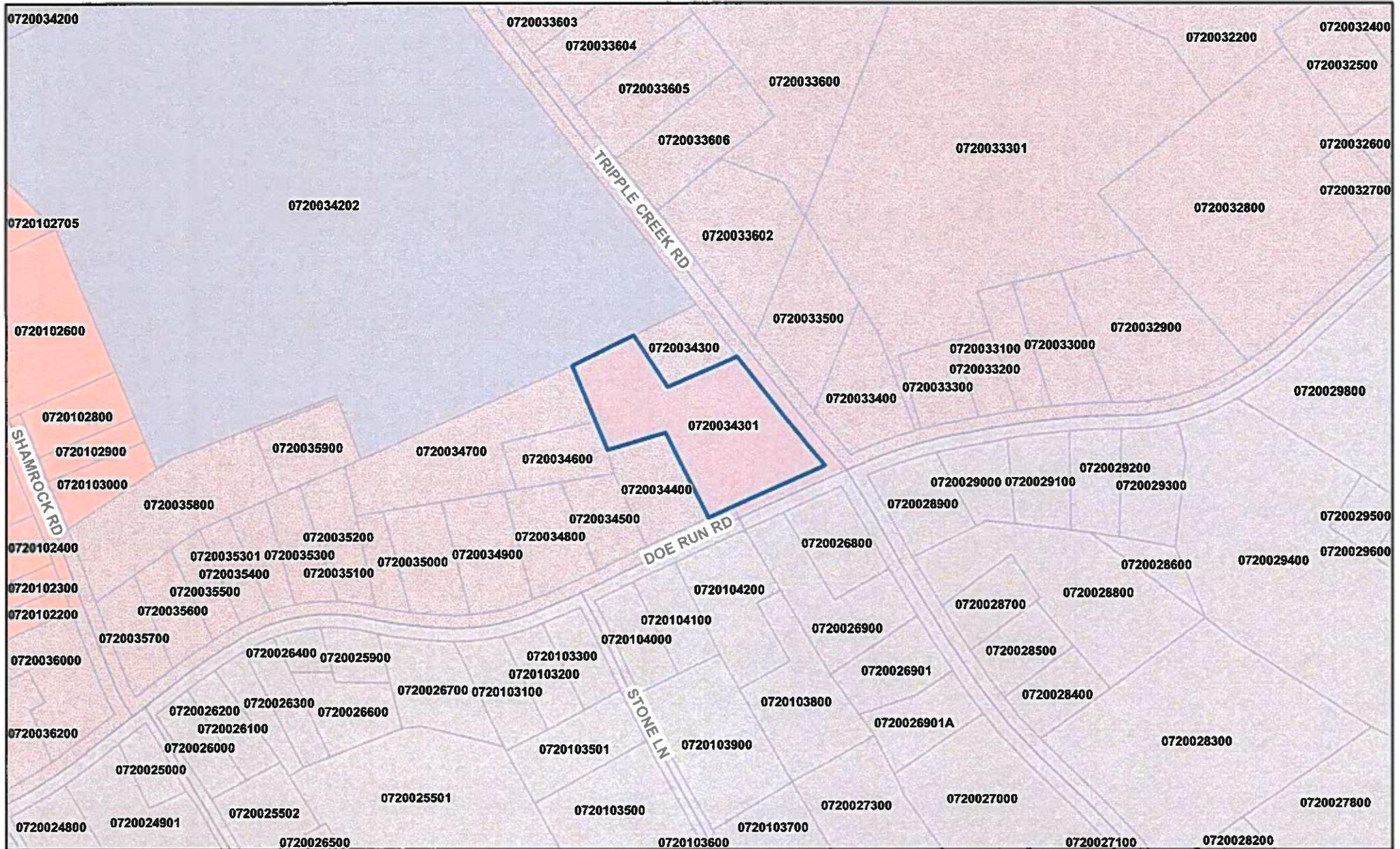
Tax Map # 0720034301
 SPEC-02-20-16529
 Mohammad Alkhawaja



Date: 3/16/2020



Franklin Co GIS



- | | |
|--|--|
|  Parcels |  B1 - General Business District |
|  Special Use Permit |  M1 - Light Industry |
| Zoning Classifications |  NZ - Non Zoned |
|  A1 - Agricultural |  RC1 - Residential Combined Subdivision |

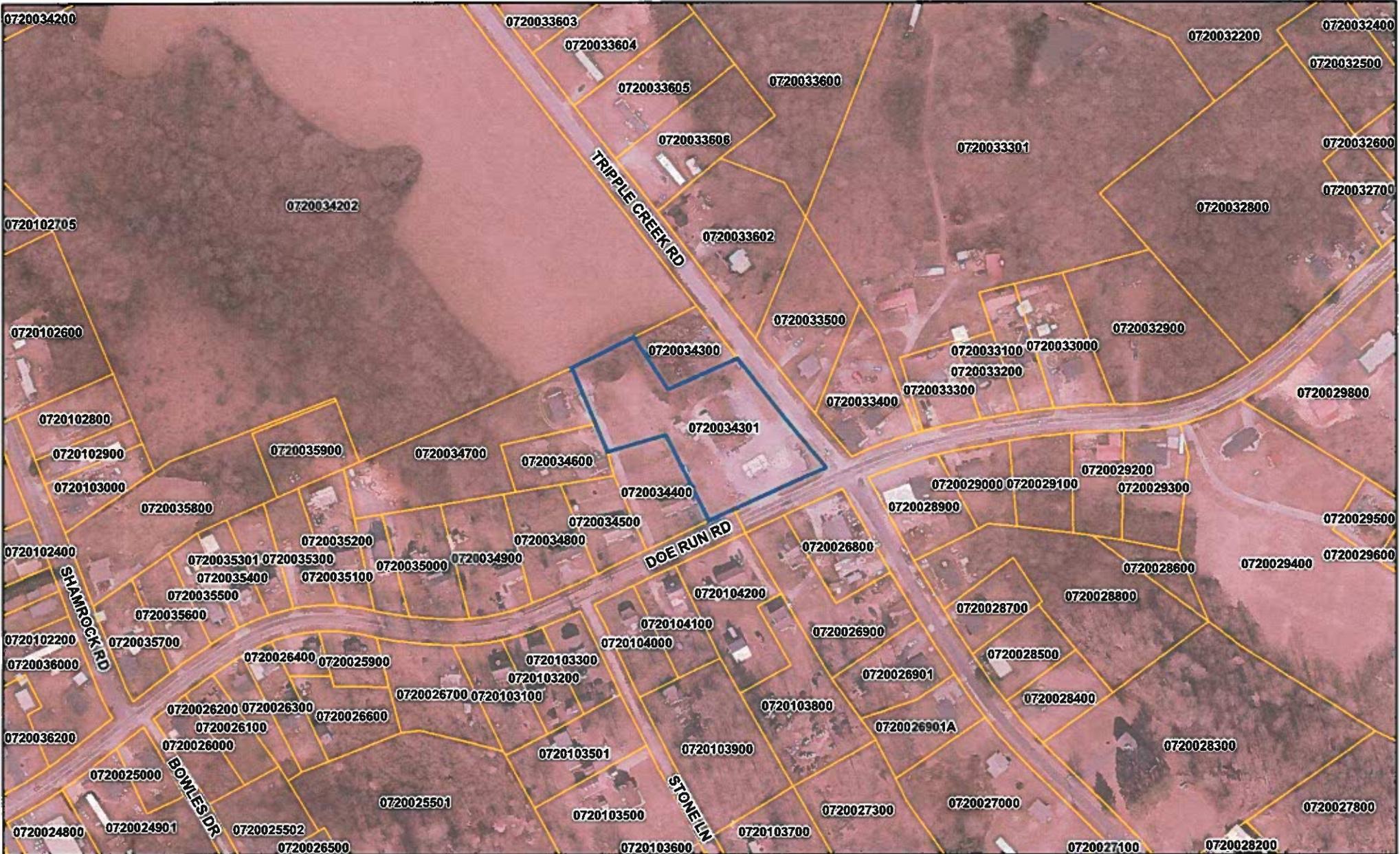
Tax Map # 0720034301
 SPEC-02-20-16529
 Mohammad Alkhawaja



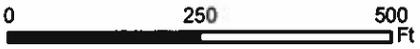
Date: 3/16/2020



Franklin Co GIS



Tax Map # 0720034301
 SPEC-02-20-16529
 Mohammad Alkhawaja



Date: 3/16/2020



Franklin Co GIS

Legend

- Subject Parcel
- Parcels

2017 Pictometry Imagery

Alkhawaja Corporation
Mohammad Alkhawaja
445 Doe Run Road
Rocky Mount, VA 24151

Franklin County Planning Commission

2/26/2020

RE: Letter of Application for Special Use Permit

- A. **The Proposed Use of the Property:** To park U-Haul trucks and trailers available for rent upon customer's request, they will be parked on the vacant side of the parking lot that is not being used for any other purpose.
- B. **The Reason for the Request:** To acquire a permit to be able to offer a service to customers, this service is not available in the area or anywhere nearby.
- C. **The Effect of the Changes on the Surrounding Area:** I don't feel that this service is going to have much of an effect on the surrounding area if any; the equipment will be parked out of the way and there wouldn't be much of an increase to traffic since rentals would very minimal.

**FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, Mohammad Alkharaji, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

Petitioner's Name: Mohammad Alkharaji

Petitioner's Address: 445 Doe Run Rd

Petitioner's Phone Number: 540 427 8083

Petitioner's E-mail: M Alkharaji @ Yahoo.com

Property Owner's Name: Saeef Kharaji

Property Owner's Address: 4924 Renee Lane, Gaanoke, VA, 24018

Property Owner's Phone Number: 540 915 1242

Property Owner's E-mail: Saeefkharaji @ Yahoo.com

Directions to Property from Rocky Mount: 220 South, 3rd exit of Rocky Mount, take a left.

Tax Map and Parcel Number: 0720034301

Magisterial District: _____

Property Information:

A. Size _____ of _____ Property:
1.68 Acres

B. Existing Zoning: B1 - Limited Business District

C. Existing Land Use: Convenience Store / Gas Station

D. Is property located within any of the following overlay zoning districts:
___ Corridor District ___ Westlake Overlay District ___ Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes No If yes, explain.

Proposed Special Use Permit Information:

A. Proposed U-Haul Truck Rental ^{Land} in addition to Current C-store / Gas Station ^{Use:}

B. Size of Proposed Use: Parking Lot on side of Building. Approx. 3,000 sqft.

C. Other Details of Proposed Use: _____

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): Mohammad AlKhawaja

Signature of Petitioner: 

Date: 2/26/20

Mailing Address: 445 Doe Run Road
Rocky Mount, VA 24151

Telephone: 540-427-8083

Email Address: maikhawaja05@yahoo.com

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): Saef Khawaja

Signature of Owner: 

Date: 2/26/20

Date Received by Planning Staff _____

Clerk's Initials: _____

CHECK #: _____
RECPT. #: _____
AMOUNT: _____

Empty Grass Land

C-Store

Empty paved Lot

proposed U-Haul overflow parking

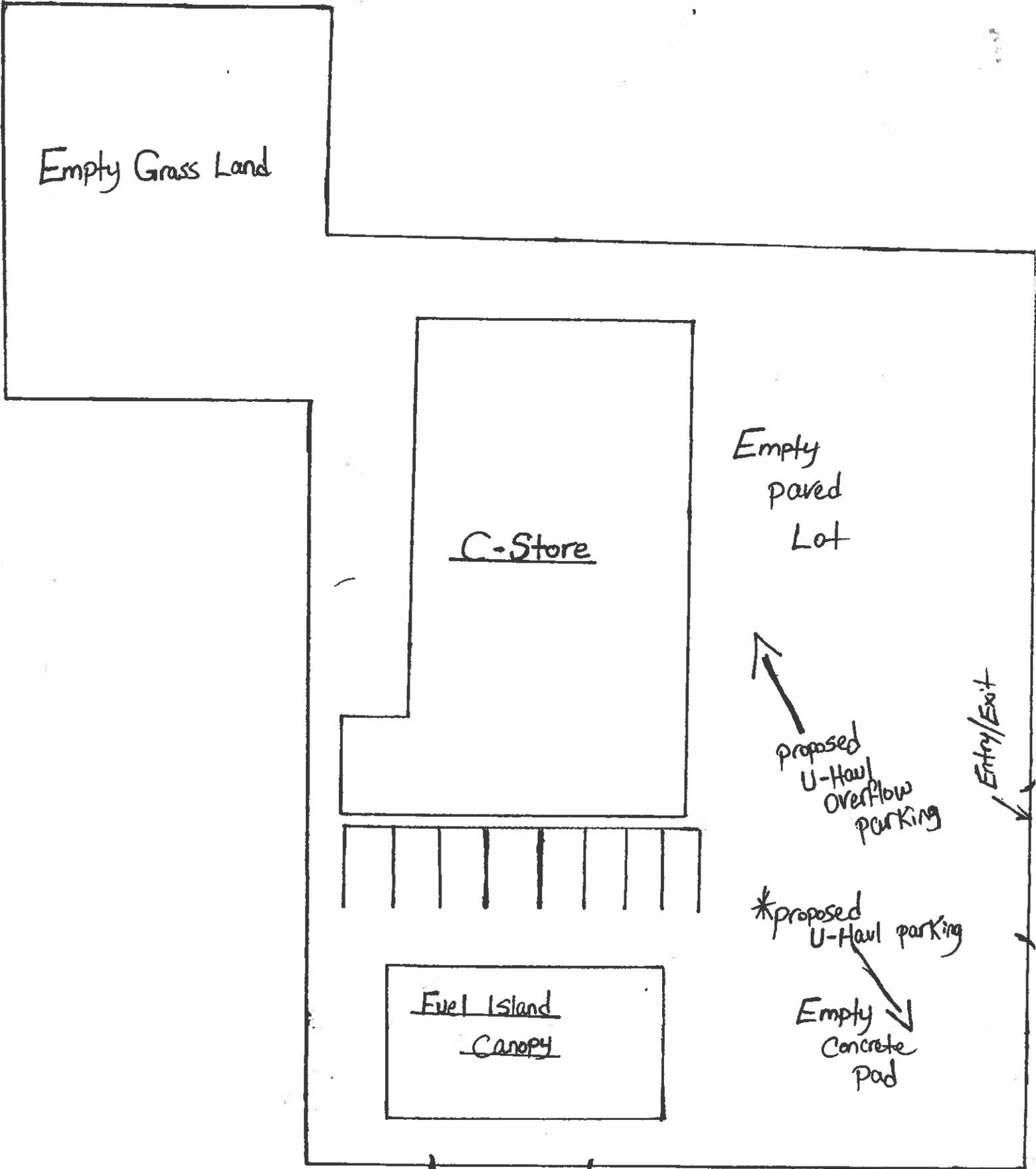
*proposed U-Haul parking

Empty Concrete pad

Fuel Island
Canopy

Entry/Exit

Entry/Exit



Department of Planning & Community Development



Transmittal of Planning Commission Action

Date: April 5, 2020

Item: Edward T. Carter, Jr. and Heather E. Carter, Applicants and Owners, requesting a Special Use Permit to allow for short term tourist rental of a dwelling, on an approximate 5.00 acre parcel, currently zoned A-1, Agricultural District. (Case # SPEC-02-20-16500).

Prepared by: Steven M. Sandy, Director of Planning & Community Development

Date of Commission Action: Public Hearing, March 10, 2020

SUMMARY OF REQUEST

The Carters are the owners of a 5.01 acre lot near the terminus of Ridgeway Road in the Boone District. Ridgeway Road is a private road with a variable right-of way. There is one single family home on this parcel. County tax records list the home as a one bedroom 1008 square foot two story home with basement. The Carters purchased this property in 2014 and undertook extensive renovations to the house on the property which had been vacant for eight years. In addition to the single family home on the property there is also a tobacco barn that the Carters renovated and converted into a carport. The Carter's principal residence is on an adjacent property (0050007902) and is accessed by an easement that runs through the property that is the subject of this short term rental request.

The site is heavily wooded with mature poplar, oak and pine trees.

There were two (2) public comments received at the advertised public hearing.

Commission's Recommendation: The Planning Commission finds that the requested Special Use Permit is consistent with the purpose and intent of the County's comprehensive plan and good zoning practice and will not be a substantial detriment to the community and recommends APPROVAL subject to the following conditions:

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0050007901 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code.
3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Roll Call Vote: Motion to Approve with Conditions: McGhee Seconded : Crawford

AYES: Doss, Crawford, McGhee, Clements, Mitchell, Colby, Webb
NAYES: None
ABSENT: None
ABSTAIN: None

The Planning Commission's motion to recommend approval of the requested Special Use Permit was approved by a vote of 7-0-0-0 with the four (4) conditions listed above.

RESOLUTION # _____

APPLICATION OF EDWARD T. CARTER JR. AND HEATHER E. CARTER, APPLICANTS AND OWNERS, REQUESTING A SPECIAL USE PERMIT WITH POSSIBLE CONDITIONS, TO ALLOW FOR THE SHORT TERM TOURIST RENTAL OF A DWELLING, LOCATED ON AN APPROXIMATE 5.00 ACRE PROPERTY. THE PROPERTY, CURRENTLY ZONED A-1, AGRICULTURE, IS LOCATED AT 220 RIDGEWAY ROAD IN THE BOONE DISTRICT OF FRANKLIN COUNTY AND IS FURTHER IDENTIFIED BY FRANKLIN COUNTY REAL ESTATE RECORDS AS TAX MAP/PARCEL # 0050007901. SHORT TERM TOURIST RENTAL OF A DWELLING IS A PERMITTED USE BY SPECIAL USE PERMIT IN A-1 AGRICULTURE ZONING DISTRICTS AND SUBJECT TO THE SUPPLEMENTAL REGULATIONS FOUND IN SECTION 25-138 OF THE FRANKLIN COUNTY CODE. THE PROPERTY HAS A FUTURE LAND USE DESIGNATION OF AGRICULTURE FORESTRY/RURAL RESIDENTIAL.

WHEREAS, Edward T. Carter and Heather E. Carter did file an application requesting a Special Use Permit to allow for the short term tourist rental of a dwelling on an approximate 5.00 acre parcel, located in the Boone District, and

WHEREAS, the 5.00 acre property is zoned A-1, Agricultural and short term tourist rental of a dwelling is a permitted use by special use permit in A-1 districts, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Planning Commission and Board of Supervisors did hold public hearings on March 10, 2020 and April 21, 2020, respectively, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration, the Franklin County Planning Commission recommended APPROVAL of the Special Use Permit with the following four (4) conditions:

- 1. This special use permit authorizing the short term rental dwelling on tax parcel # 320005800 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.**
- 2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code**
- 3. The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take**

place, and the property is found to be compliant with the applicable county building and fire codes.

4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

WHEREAS, after full consideration, the Franklin County Board of Supervisors determined that the requested Special Use Permit is consistent with the purpose and intent of the County's Comprehensive Plan and good zoning practice and will not be a substantial detriment to the community and **APPROVED** the request with the four (4) conditions recommended by the Planning Commission as contained in this Resolution.

THEREFORE, BE IT RESOLVED, that a copy of this resolution be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue and the Franklin County Zoning Administrator and that the Clerk be directed to reflect this action to **APPROVE** the Special Use Permit in the records of Franklin County.

On the motion by _____ to approve the requested Special Use Permit, and seconded by _____, said motion was **APPROVED** by the following recorded vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

Madeline Sefcik, Clerk
Franklin County Board of Supervisors

Date

SPECIAL USE PERMIT STAFF REPORT

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP
Senior Planner

Date: February 28, 2020

Tax Parcel # 0050007901

District: Boone

Applicants/
Owners: Edward T. Carter and Heather E. Carter

Case No: SPEC-02-20-16500

RE: Petition of Edward T. Carter and Heather E. Carter requesting a special use permit authorizing the use of an existing residential structure located at 220 Ridgeway Road for short term rental.

BACKGROUND

Short Term Rentals are defined as the rental of a dwelling for a period of 30 days or less. The Carter property is zoned A-1 Agricultural. Per Section 25-179 of the County Code, short term rentals are permitted in A-1 zoning districts provided the Board of Supervisors issues a special use permit for the use.

STAFF ANALYSIS OF CURRENT REQUEST

SITE CHARACTERISTICS

The Carters are the owners of a 5.01 acre lot near the terminus of Ridgeway Road in the Boone District. Ridgeway Road is a private road with a variable right-of way. There is one single family home on this parcel. County tax records list the home as a one bedroom 1008 square foot two story home with basement. The Carters purchased this property in 2014 and undertook extensive renovations to the house on the property which had been vacant for eight years. In

addition to the single family home on the property there is also a tobacco barn that the Carters renovated and converted into a carport. The Carter's principal residence is on an adjacent property (0050007902) and is accessed by an easement that runs through the property that is the subject of this short term rental request.

The site is heavily wooded with mature poplar, oak and pine trees.

VEHICLE ACCESS AND TRAFFIC

Access to the property is from Ridgeway Road via Chestnut Forest Drive. Both roads are private R/W's. A looped driveway on the property provides two points of access to the house. This short term rental driveway incorporates a gravel parking area that can accommodate two cars.

VDOT reviewed this request and had no comments based upon the nature of the request, and the location of the proposed short term rental on a private R/W.

SURROUNDING ZONING AND LAND USES

The attached map shows that property in the immediate area is a mixture A-1 Agriculture and RE Residential Estates zoning districts. Most of the A-1 zoned areas are either very large vacant parcels, or used for very large lot single family development. RE properties in the general area are generally developed for single family homes within the Chestnut Forest subdivision. Short term rentals are not permitted in RE Districts.

PUBLIC HEALTH AND SAFETY

The Health Department has reviewed this request and has advised that each structure that is to be devoted to short term rental must be served by a septic system that has the capacity to accommodate expected demand. The Health Department did not have any records to document the rated capacity of the system, nor information when the system was installed. The applicants have been advised that information to document the capacity and effectiveness of the system must be provided prior to the property being used as a short term rental.

The Fire Marshal reviewed this request and has advised that smoke detectors must be installed in the bedroom, outside each sleeping area and one in the vicinity of the bedroom. Detectors must also be installed on each additional story such as a basement or habitable loft or attic. A carbon monoxide detector must be installed if any gas fueled appliances are installed in the dwelling and a fire extinguisher must be in the dwelling.

Upon approval of the requested SUP, the Building Officials office and the Fire Marshal will inspect the structure proposed for short term rental use to ensure that the structure complies with building and fire code requirements for short term rental use.

COMPREHENSIVE PLAN

The Future Land Use map designates the property located at 220 Ridgeway Road as Agricultural/Forestry and Rural Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. The Comprehensive plan would support this property as a short term rental dwelling due to the fact the property would not adversely impact surrounding properties. The property is heavily wooded, and the surrounding properties are a good distance from the home that will be used as a short term rental dwelling.

PUBLIC COMMENTS AND INQUIRIES

Then staff has received one telephone inquiry from a citizen who saw the public hearing signs posted on/near the property. No concerns were expressed by this citizen.

COMMUNITY IMPACTS

The staff expects minimal community impacts from the use of this house for short term rental. The one bedroom design of this house will limit the legal short term occupancy of the house to two adults. The five (5) acre lot size and the wooded setting of the house will minimize noise impacts on adjacent properties. The closest residence on adjacent property is approximately 350 feet from the proposed short term rental.

The staff recommends that the Planning Commission consider and recommend approval of this special use permit request for a short term rental of the existing dwelling on the property. Our recommendation of approval is with the following conditions:

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0050007901 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code
3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report

that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

The following suggested motions are sample motions that may be used.

(APPROVE) I find that the approval of SPEC-02-20-16500 authorizing the short term rental of a structure located at 220 Ridgeway Road in the Boone District with the conditions recommended by the staff, is consistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will not result in substantial detriment to the community. I therefore recommend approval of this SUP with the following conditions:

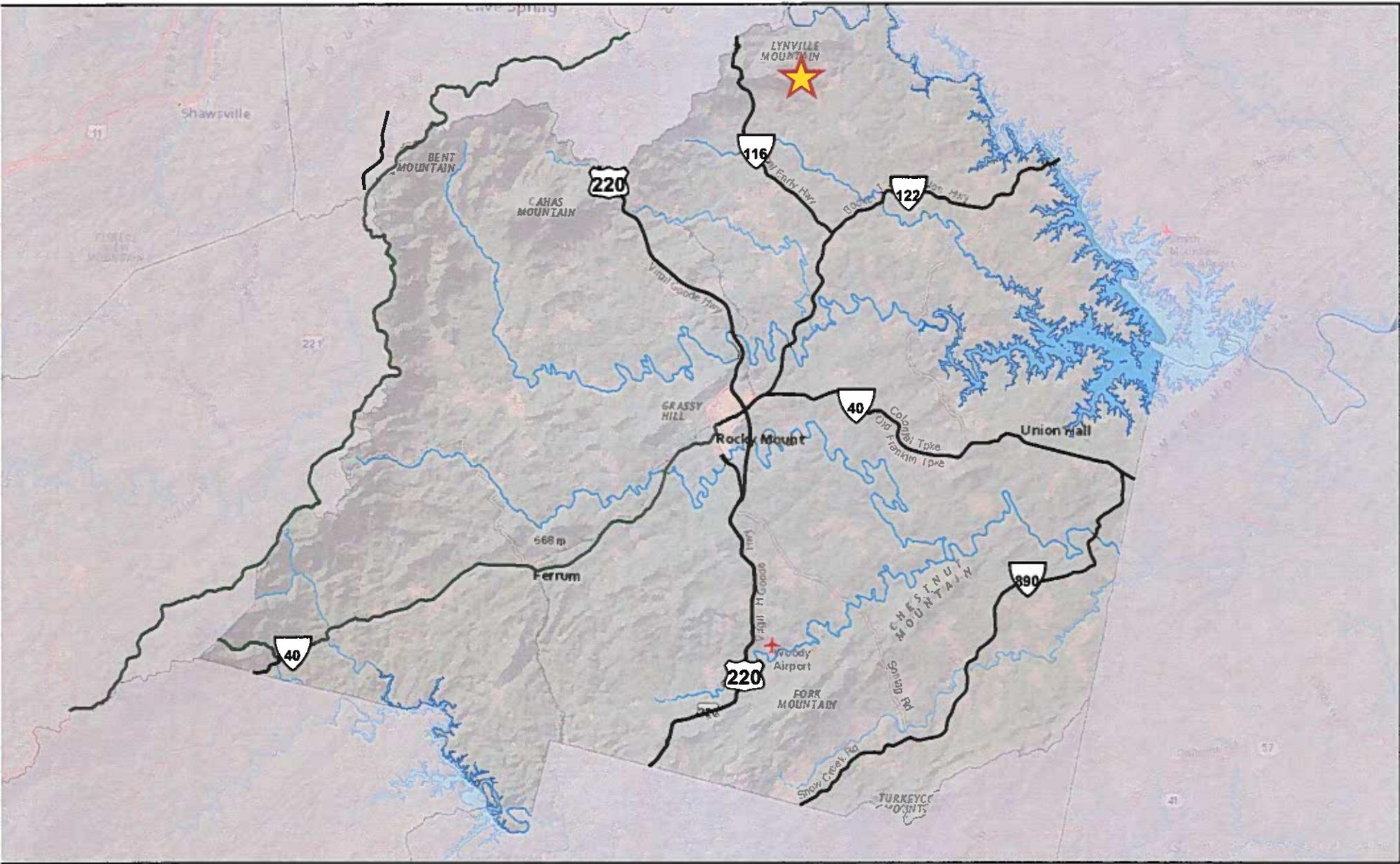
1. This special use permit authorizing the short term rental dwelling on tax parcel # 0050007901 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code.
3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

OR

(DENY) I find that the approval of SPEC-02-20-16500 is inconsistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will result in substantial detriment to the community. I therefore recommend denial of the special use permit.

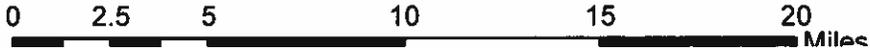
OR

(DELAY ACTION) I find that the required information for the submitted proposal is incomplete. Therefore, I move to delay action until additional necessary materials are submitted to the Planning Commission.



Tax Map # 0050007901
 SPEC-02-20-16500
 Edward & Heather Carter

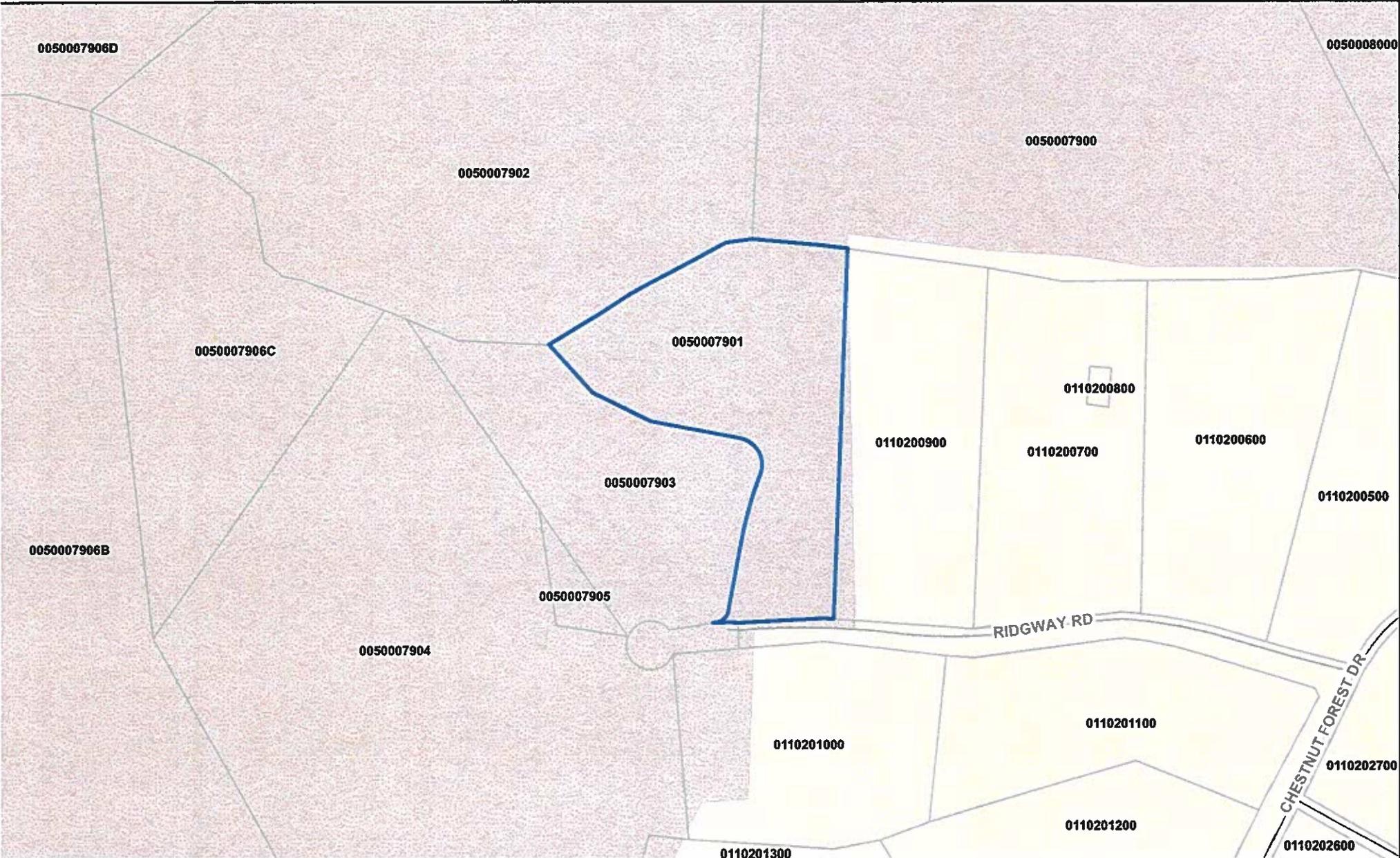
 Subject Property Location



Date: 2/27/2020



Franklin Co GIS



Legend

- Subject Parcel
- Parcels
- Special Use Permit
- Smith Mtn Lake

Zoning Classifications

- A1 - Agricultural
- RE - Residential Estates

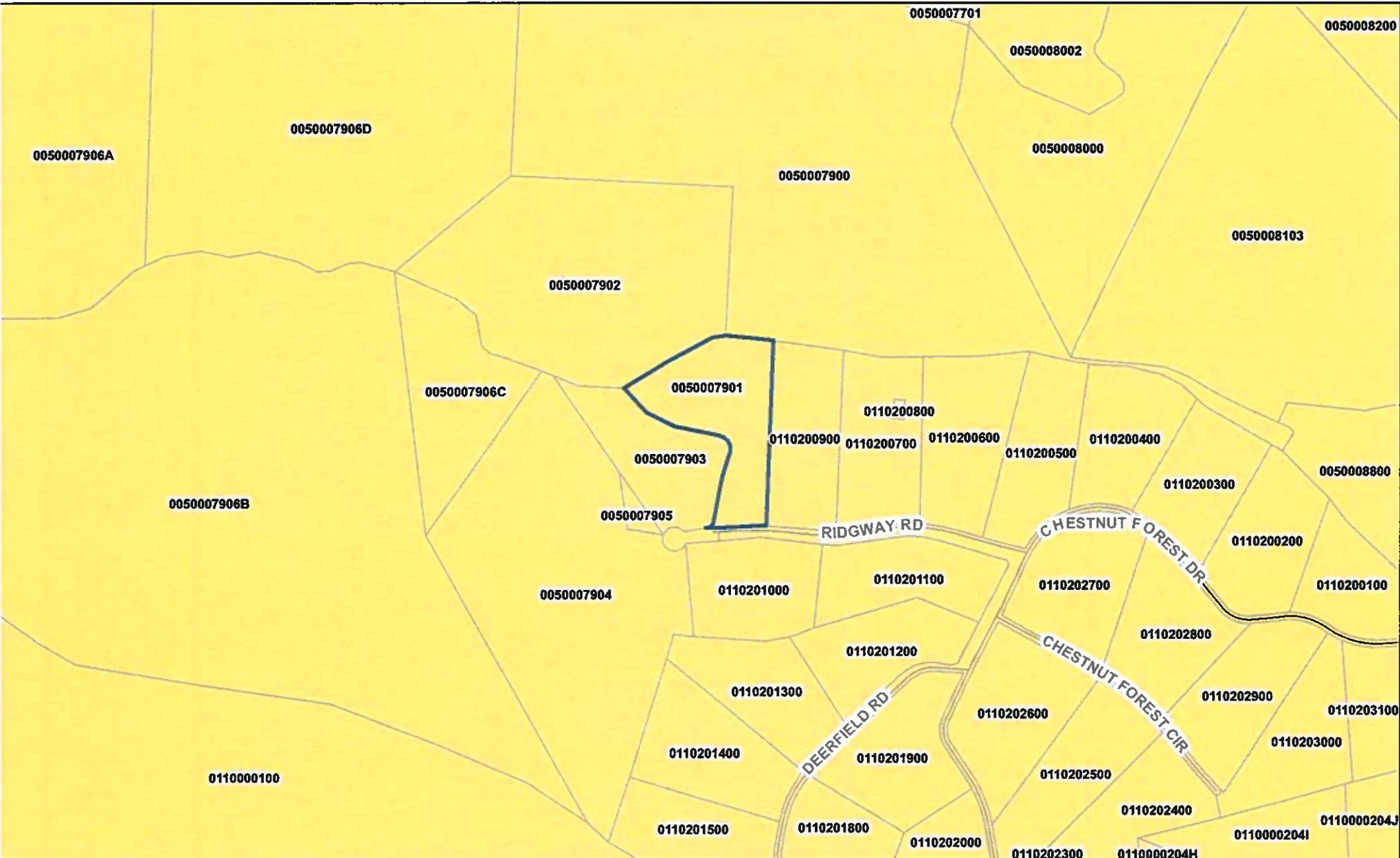
Tax Map # 0050007901
SPEC-02-20-16500
Edward & Heather Carter



Date: 2/27/2020



Franklin Co GIS



- Legend**
-  Subject Property
 -  Tax Parcels
 -  Low Density Residential

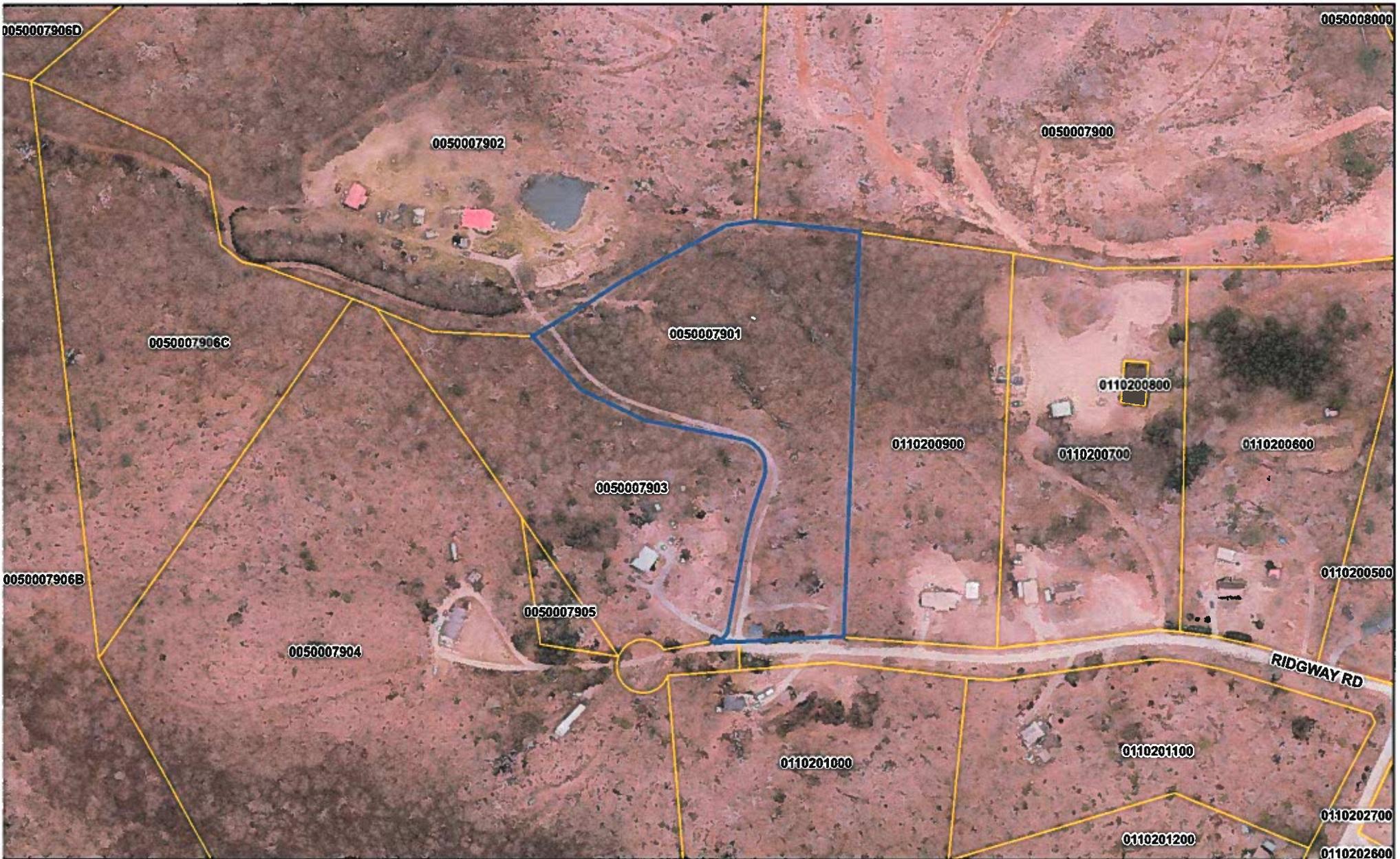
Tax Map # 0050007901
 SPEC-02-20-16500
 Edward & Heather Carter



Date: 2/27/2020



Franklin Co GIS



Legend

-  Subject Parcel
-  Tax Parcels

2017 Pictometry Imagery

Tax Map # 0050007901
SPEC-02-20-16500
Edward & Heather Carter



Date: 2/27/2020



Franklin Co GIS

Heather and Tommy Carter
250 Ridgeway Road
Hardy, VA 24101

January 22, 2020

Ms. Tina H. Franklin, CZA
Department of Planning and Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151

Dear Ms. Franklin,

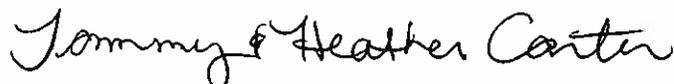
This letter serves as part of the application process for a special use permit for 220 Ridgeway Road in Hardy. We listed this property on Airbnb in May of 2018 without the knowledge that short-term rentals required a special use permit. We apologize for not understanding the laws in Franklin County and hope to follow all procedures correctly going forward. Presently, we are up-to-date on our local taxes.. We hope that you grant us our request for a special use permit as we believe it benefits our family and businesses in and around Franklin County.

We chose to list our property with Airbnb because they have good standards in place for qualifying guests and allow hosts to advertise specific house rules. With respect to our neighbors, our listing specifically states that our house is in a residential neighborhood and that "no parties are allowed on the property". In an event of noncompliance, we can ask guests to leave the property, cancel their reservation, and report them for unacceptable behavior. Since our primary home is adjacent to the property, we can monitor our guests closely and can quickly handle any issues that may arise. Hosting our home for short-term rentals does not change its original use as a residential property and no added construction has occurred.

Overall, we have had a positive experience hosting individuals and families from many different states and countries, as well as those from Virginia looking for a quiet mountain escape. We have recommended that our guests patronize many local shops, restaurants, and attractions in the area. Without a doubt, our guests have contributed to the financial success of various businesses in the Westlake Shopping Plaza and Bridgewater Plaza. Our family is a single income family and has benefited from the additional income as well.

In closing, we believe that using our property to host tourists for short-term rentals benefits our family and the county. Because this property is next to our own neighborhood, we desire to use our property in a way that enhances our community. Thank you for your time and attention.

Sincerely,



Tommy and Heather Carter

Enclosures: Application form and Concept Plan

**FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, Edward T. Jr and Heather E. Carter as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

Petitioner's Name: Edward T. Carter, Jr and Heather E. Carter

Petitioner's Address: 250 Ridgeway Rd Hardy, VA 24101

Petitioner's Phone Number: 540-798-9397 (Heather's cell)

Petitioner's E-mail: quiverfullwith8@gmail.com

Property Owner's Name: Same as above

Property Owner's Address: _____

Property Owner's Phone Number: _____

Property Owner's E-mail: _____

Directions to Property from Rocky Mount: Take Old Franklin Turnpike and make left onto VA 122 N, turn left onto VA-116 N, turn right onto State Rte 972, turn right onto State Rte 688, then sharp right onto State Rte 679. Make a slight left onto Rt 680, Tax Map and Parcel Number: _____ Tax Map and Parcel ID: 0050007901

Magisterial District: Boone

Property Information:

A. Size 5.0 acre tract of _____ Property: 220 Ridgeway Rd Hardy, VA 24101

B. Existing Zoning: A1 (Agricultural)

C. Existing Residential Land Use: _____

D. Is property located within any of the following overlay zoning districts: NA
____ Corridor District ____ Westlake Overlay District ____ Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes No If yes, explain.

Proposed Special Use Permit Information:

A. Proposed Short-term[^] tourist rental of dwelling Land Use: (Sec. 25-40)

B. Size of Proposed Use: 5 acre
C. Other Details of Proposed Use: List property on Airbnb.com for short-term rentals.

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): Edward T Carter, Jr and Heather E Carter

Signature of Petitioner: [Handwritten Signature]

Date: 1/19/20

Mailing Address: 250 Ridgeway Rd
Hurdy, VA 24101

Telephone: 540-798-9397

Email Address: quiverfullwith8@gmail.com

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): Same as above

Signature of Owner: _____

Date: _____

Date Received by Planning Staff _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____



*First American
Title Insurance Company*

**EXHIBIT A
LEGAL DESCRIPTION**

Agent's File No.: ST-115637-14

Policy No.: 5006400-0193730e

BEGINNING AT AN OLD IRON PIN ON THE NORTHERLY SIDE OF RIDGEWAY ROAD AT THE SOUTHWESTERLY CORNER OF LOT 4, BLOCK 2, SECTION 2, CHESTNUT FOREST (PLAT BOOK 5, PAGE 213), AND AT THE SOUTHEASTERLY CORNER OF THE PROPERTY HEREIN DESCRIBED, THENCE WITH RIDGEWAY ROAD N. 80 DEGREES 43' 34" W 21.94 FT. TO A POINT; THENCE S. 89 DEGREES 05' 50" W. 160.22 FT. TO A POINT; THENCE WITH A CURVE TO THE RIGHT AN ARC DISTANCE OF 28.69 FT., WHOSE CHORD BEARING IS N. 36 DEGREES 00' 35" W. 24.51 FT.; THENCE WITH THE LINE OF 50 FT. RIGHT OF WAY, N. 18 DEGREES 41' E. 139.31 FT. TO A POINT; THENCE WITH A CURVE TO THE RIGHT AN ARC DISTANCE OF 95.68 FT., WHOSE CHORD BEARING IS N. 23 DEGREES 22' 25" E. 95.58 FT., TO A POINT; THENCE N. 28 DEGREES 03' 50" E. 32.07 FT. TO A POINT; THENCE WITH A CURVE TO THE LEFT, AN ARC DISTANCE 184.06 FT., WHOSE CHORD BEARING IS N. 21 DEGREES 22' 22" W. 162.06 FT. THENCE N. 70 DEGREES 48' 35" W. 181.08 FT. TO A POINT; THENCE N. 55 DEGREES 11' 20" W. 119.27 FT. TO A POINT THENCE N. 34 DEGREES 18' 50" W. 197.01 FT. TO AN OLD IRON PIN, THENCE WITH THE DIVISION LINE BETWEEN THE PROPERTY HEREIN DESCRIBED AND THE EDWARD T. CARTER PROPERTY (D.B. 347, PAGE 430) N. 79 DEGREES 12" E. 260.19 FT. TO AN OLD IRON PIN; THENCE N. 83 DEGREES 40' E. 196.34 FT. TO AN OLD IRON PIN; THENCE WITH THE LINE OF EDWARD S. FERGUSON D.B. 358. PAGE 778) S. 80 DEGREES 53' 15" E. 141.38 FT. TO AN OLD IRON PIN THENCE WITH THE DIVISION LINE BETWEEN THE PROPERTY HEREIN DESCRIBED AND LOT 4, BLOCK 2, SECTION 2, CHESTNUT FOREST, S. 3 DEGREES 56' W. 759.08 FT. TO THE PLACE OF BEGINNING, AND BEING 5.0 ACRE TRACT SITUATE ON RIDGEWAY ROAD AND ADJOINING BLOCK 2, OF SECTION 2, CHESTNUT FOREST, BOONE MAGISTERIAL DISTRICT, COUNTY OF FRANKLIN, ACCORDING TO PLAT OF SURVEY MADE BY JACK G. BESS, DATED OCTOBER 17, 1986.

PARCEL ID: 0050007901

Residential Concept Plan

For 220 Ridgeway Road, Hardy VA 24101

February 1, 2020

220 Ridgeway Road, parcel no. 0050007901, is 5.01 acres with a 1,008 sq ft home. The house is 30ft x 30 ft and about 19ft high. The home is SE on the property and was built in 1980. It is a two story home with one bedroom and one bathroom. There are two entrances to the property that constitute a wrap-around driveway, one off of Ridgeway Road and one off of the right-a-way road that accesses our property and others on the mountain around us. The driveway is about 12ft wide and extends toward the back of the house to allow parking near the basement entrance of the home (about a total of 180ft driveway length). There is an additional cleared area off of the driveway on the SW side of the home that allows parking for two vehicles (25ft x 20ft).

The property is heavily wooded with trees such as poplar, oak, and pine. A creek runs from NW to NE across the northern property border. There was an old tobacco barn (20ft x 23ft x 17ft) on the SW corner of the property that was dilapidated; we preserved that feature and rebuilt the barn with the original logs and added a metal roof. That structure is open on one side like a carport for cars and/or our tractor to park under. There is a hunting deer stand on the northern section of the property. Our home is adjacent to the property (parcel no. 0050007902).

Below is the relative distance of the home from all other bordering properties:

48.4 ft from parcel no. 0110200900

86.3 ft from Ridgeway Road

136.9 ft from parcel no. 0110201000

128.3 ft from parcel no. 0050007903

661.3 ft from parcel no. 0050007900

It is not our intention at this time to construct or propose changes to this property. We bought the property in 2014 when it was in foreclosure and had been vacant for approximately eight years. The deck and the barn were decomposing and the house had mold issues. Our desire was to improve the condition of the home and property to enhance the value of our neighborhood, and because the property was adjacent to ours and the usage of the property would affect the aesthetics and peace of our own home. We desire that it be maintained as a wooded, residential property whether that be for long term or short term occupancy. We have used our home for two long-term rentals, one being our son and his wife and the other for a mother of a resident in Chestnut Forest; friends and family have been able to stay there when visiting from out of town as well. Several properties have been in foreclosure and are not being maintained well in the Chestnut Forest community. We believe that this property is one of the best maintained properties and we plan to keep it that way as long as we own it.

Respectfully submitted,

Heather and Edward Carter

**Franklin County, VA
Property Information**



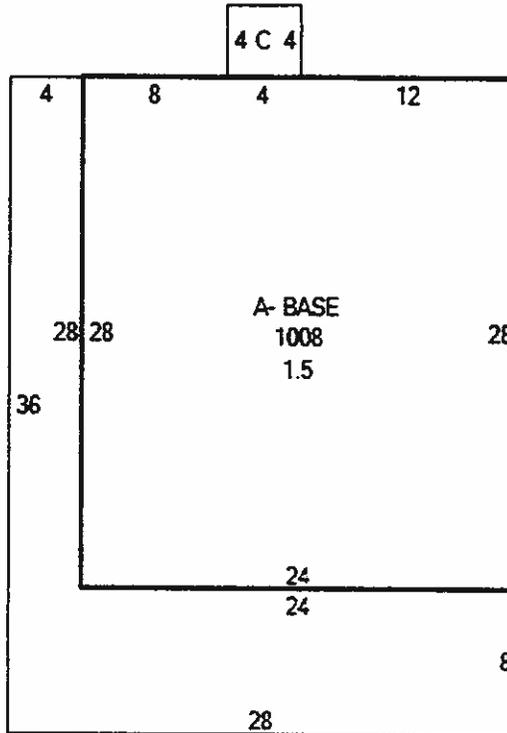
DISCLAIMER: While every effort has been made to ensure the accuracy of the information presented, Franklin County is not responsible for the accuracy of the content contained herein and will not be liable for its mis-use or any decisions based on this report's contents.

Property Owner: CARTER EDWARD THOMAS JR & HEATHER
E
Owner Address:
250 RIDGWAY ROAD

Tax Map #: 0050007901

HARDY VA 24101

Map: 005.00 **Parcel:** 079.01
Record #: 583
Legal Desc 1: RIDGWAY ROAD
Legal Desc 2:
Legal Desc 3:



Assessed Values

Acreage: 5.01
Land Value: \$ 41,100.00 **Bldg Value:** \$ 62,300.00
Total Assessed Value: \$ 103,400.00
Land Use Program Value: \$.00

Zoning Information

Zoning Classification:
A1

Transfer History

Most Recent Transfer

Deed Bk: 1046 **Deed Pg:** 1489 **Instrument Type:** DB **Instrument Yr:** 2014 **Instrument #:** 1542
Plat Bk: **Plat Pg:** 0 **Date:** 03/31/2014 **Price:** \$ 90,000.00
Grantor: FEDERAL HOME LOAN MORTGAGE

Most Recent Transfer 1

Deed Book: 1042 **Deed Page:** 825 **Instrument Type:** DF **Instrument Yr:** 2013 **Instrument #:** 8985
Grantor: SWITZER G EDWARD & HURST M **Price:** \$ 90,182.00 **Date:** 25/11/2013

Most Recent Transfer 2

Deed Book: 696 **Deed Page:** 1201 **Instrument Type:** **Instrument Yr:** 0 **Instrument #:** 0
Grantor: WICKHAM ROYCE D & KATHY M **Price:** \$ 75,000.00 **Date:** 29/3/2001

Most Recent Transfer 3

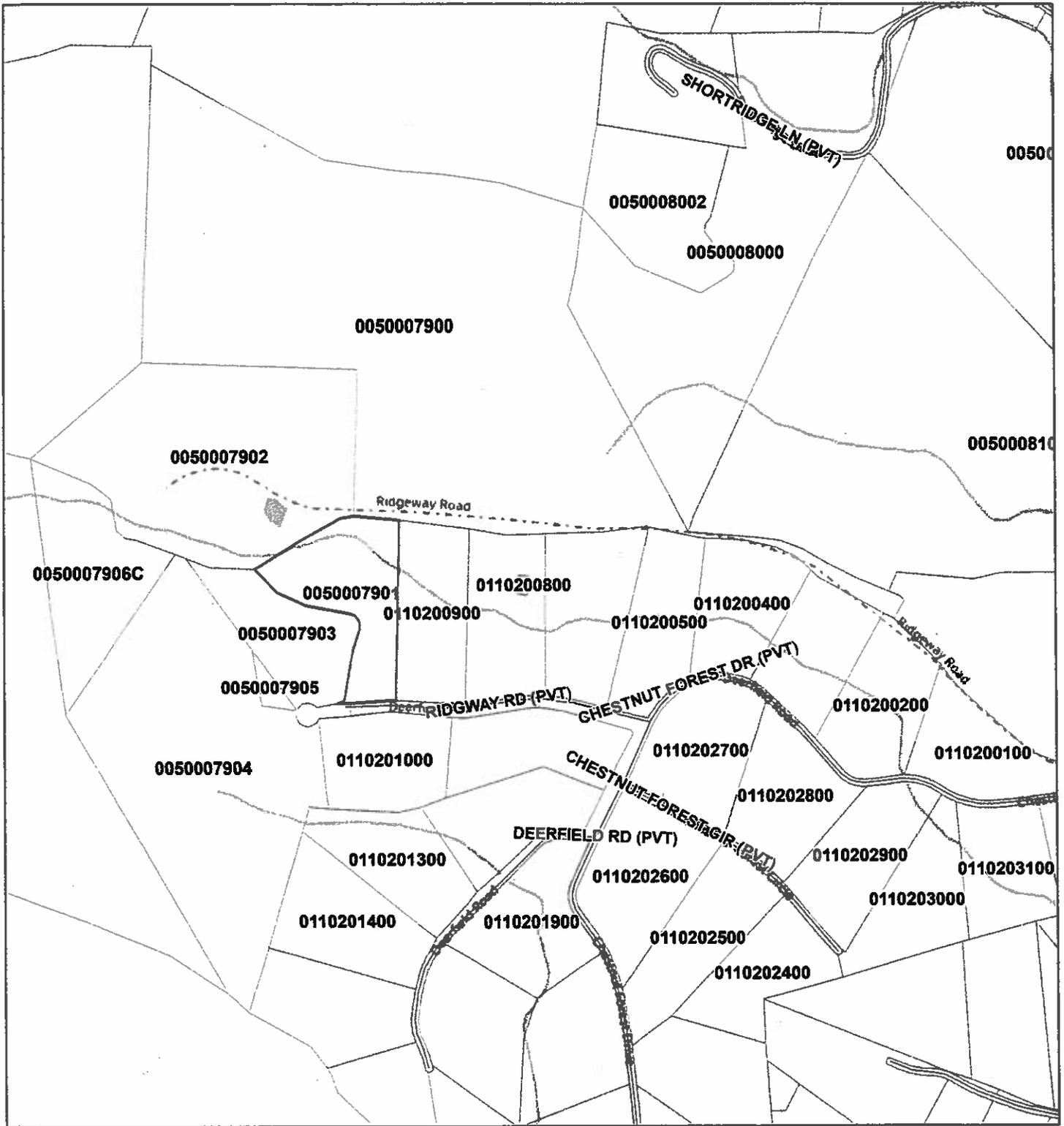
Deed Book: 402 **Deed Page:** 1293 **Instrument Type:** **Instrument Yr:** 0 **Instrument #:** 0
Grantor: **Price:** \$ 49,950.00 **Date:** 22/10/1986

Improvement Details:

Exterior
Year Built: 1980 **Foundation:** CINDERBLOCK **Garage:** NONE
Occupancy Type: DWELLING **Ext. Walls:** FRAME **No. of Cars:** 0
Condition: AVERAGE **Roofing:** COMPOSITION SHINGLE **Carpport:** NONE
Roof Type: GABLE **No. of Cars:** 0

Interior
Stories: 2 **Heating:** HEAT PUMP **Base Living Sq Ft:** 672
Total Rooms: 4 **A/C:** YES **Finished Sq Ft:** 1,008
Bedrooms: 1 **Fireplaces:** 0 **Finished Bsmt Sq Ft:** 120
Full Baths: 1 **Flues:** 0 **Total Bsmt Sq Ft:** 672
Half Baths: 0 **Unfinished Bsmt Sq Ft:** 552
Interior Walls: DRYWALL
Floor Covering: WOOD FLOORING

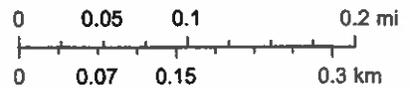
Franklin County, VA



2/1/2020, 9:44:52 AM

1:9,028

- Local Roads
- Tax ID #s (PIN)
- ▭ Parcels



© OpenStreetMap (and) contributors, CC-BY-SA

220 Ridgeway Road



220 Rideway Rd Full Property View



Department of Planning & Community Development



Transmittal of Planning Commission Action

Date: April 6, 2020

Item: Bradley Ty Walker, Applicant, and William J. Walker Jr. and Bonnie Peters Walker, Owners, requesting a Special Use Permit to allow for short term tourist rental of a dwelling, on an approximate 131 acre parcel, currently zoned A-1, Agricultural District. (Case # SPEC-02-20-16504).

Prepared by: Steven M. Sandy, Director of Planning & Community Development

Date of Commission Action: Public Hearing, March 10, 2020

SUMMARY OF REQUEST

The proposed short term rental is located on a 131 acre parcel that is a component of a 300 acre farm owned by the Walkers. The proposed short term rental structure is a small one room dwelling with attached bathroom and is approximately 247 square feet in size.

Short term rentals are defined as the rental of a dwelling for a period of 30 days or less. The Walker property is zoned A-1 Agricultural. Per Section 25-179 of the County Code, short term rentals are permitted in A-1 zoning districts provided the Board of Supervisors issues a special use permit for the use.

There were two (2) public comments received at the advertised public hearing.

Commission's Recommendation: The Planning Commission finds that the requested Special Use Permit is consistent with the purpose and intent of the County's comprehensive plan and good zoning practice and will not be a substantial detriment to the community and recommends APPROVAL subject to the following four (4) conditions:

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0710005300 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code

3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a one bedroom home.

Roll Call Vote: Motion to Approve with Conditions: Crawford Seconded : Doss

AYES: Doss, Crawford, McGhee, Clements, Mitchell, Colby, Webb
NAYES: None
ABSENT: None
ABSTAIN: None

The Planning Commission's motion to recommend approval of the requested Special Use Permit was approved by a vote of 7-0-0-0 with the four (4) conditions listed above.

RESOLUTION # _____

APPLICATION OF BRADLEY TY WALKER, APPLICANT, AND WILLIAM J. WALKER JR. AND BONNIE PETERS WALKER, OWNERS, REQUESTING A SPECIAL USE PERMIT WITH POSSIBLE CONDITIONS, TO ALLOW FOR THE SHORT TERM TOURIST RENTAL OF A DWELLING, LOCATED ON AN APPROXIMATE 131 ACRE PROPERTY. THE PROPERTY, CURRENTLY ZONED A-1, AGRICULTURE, IS LOCATED AT 1027 TY VALLEY LANE IN THE UNION HALL DISTRICT OF FRANKLIN COUNTY AND IS FURTHER IDENTIFIED BY FRANKLIN COUNTY REAL ESTATE RECORDS AS TAX MAP/PARCEL # 0710005300. SHORT TERM TOURIST RENTALS OF A DWELLING IS A PERMITTED USE BY SPECIAL USE PERMIT IN A-1 AGRICULTURE ZONING DISTRICTS AND SUBJECT TO THE SUPPLEMENTAL REGULATIONS FOUND IN SECTION 25-138 OF THE FRANKLIN COUNTY CODE. THE PROPERTY HAS A FUTURE LAND USE DESIGNATION OF AGRICULTURE FORESTRY/RURAL RESIDENTIAL.

WHEREAS, Bradley Ty Walker did file an application requesting a Special Use Permit to allow for the short term tourist rental of a dwelling on an approximate 131 acre parcel, located in the Union Hall District, and

WHEREAS, the 131 acre property is zoned A-1, Agricultural and short term tourist rental of a dwelling is a permitted use by special use permit in A-1 districts, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia of 1950, as amended, the Planning Commission and Board of Supervisors did hold public hearings on March 10, 2020 and April 21, 2020, respectively, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration, the Franklin County Planning Commission recommended APPROVAL of the Special Use Permit with the following four (4) conditions:

- 1. This special use permit authorizing the short term rental dwelling on tax parcel # 0710005300 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.**
- 2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code**
- 3. The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take**

place, and the property is found to be compliant with the applicable county building and fire codes.

4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a one bedroom home.

WHEREAS, after full consideration, the Franklin County Board of Supervisors determined that the requested Special Use Permit is consistent with the purpose and intent of the County's Comprehensive Plan and good zoning practice and will not be a substantial detriment to the community and **APPROVED** the request with the four (4) conditions recommended by the Planning Commission as contained in this Resolution.

THEREFORE, BE IT RESOLVED, that a copy of this resolution be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue and the Franklin County Zoning Administrator and that the Clerk be directed to reflect this action to **APPROVE** the Special Use Permit in the records of Franklin County.

On the motion by _____ to approve the requested Special Use Permit, and seconded by _____, said motion was **APPROVED** by the following recorded vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

Madeline Sefcik, Clerk
Franklin County Board of Supervisors

Date

SPECIAL USE PERMIT STAFF REPORT

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP
Senior Planner

Date: February 28, 2020

Tax Parcel # 0710005300

District: Glade Hill

Applicants/
Owners: Bradley Ty Walker/ Bill & Bonnie Walker

Case No: SPEC-02-20-16504

RE: Petition of Bradley Ty Walker requesting a special use permit authorizing the use of an existing residential structure located at 1027 TY Valley Lane for short term rental.

BACKGROUND

Short term rentals are defined as the rental of a dwelling for a period of 30 days or less. The Walker property is zoned A-1 Agricultural. Per Section 25-179 of the County Code, short term rentals are permitted in A-1 zoning districts provided the Board of Supervisors issues a special use permit for the use.

STAFF ANALYSIS OF CURRENT REQUEST

SITE CHARACTERISTICS

The proposed short term rental is located on a 131 acre parcel that it a component of a 300 acre farm owned by the Walkers. The proposed short term rental structure is a small one room dwelling with attached bathroom and is approximately 247 square feet in size.

VEHICLE ACCESS AND TRAFFIC

The proposed short term rental is accessed via Ty Valley Lane and Byrds Mill Lane. Ty Valley Lane is a private R/W located off Byrds Mill Lane in the Glade Hill District. Byrds Mill Lane is a public R/W maintained by VDOT.

VDOT reviewed this request and had no comments based upon the nature of the request, and the location of the proposed short term rental on a private R/W.

SURROUNDING ZONING AND LAND USES

The attached map shows that property in the immediate area is zoned A-1 Agriculture and is wooded or used for active farming operations.

PUBLIC HEALTH AND SAFETY

The Health Department has reviewed this request and has advised that any structure that is to be devoted to short term rental must be served by a septic system that has the capacity to accommodate expected demand. The Health Department did not have any records to document the existence or capacity of the system, nor information when the system serving the proposed short term rental was installed. The applicants have been advised that information to document the capacity and effectiveness of the system must be provided prior to the property being used as a short term rental.

The Fire Marshal reviewed this request and has advised that smoke detectors must be installed in this one room structure including the attached bathroom. A carbon monoxide detector must be installed if any gas fueled appliances are installed in the dwelling and a fire extinguisher must be in the dwelling.

Upon approval of the requested SUP, the Building Officials office and the Fire Marshal will inspect the structure proposed for short term rental use to ensure that the structure complies with building and fire code requirements for short term rental use.

COMPREHENSIVE PLAN

The Future Land Use designation for the property located at 1027 Ty Valley Lane is Agricultural/Forestry and Rural Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. The Comprehensive plan would support the special use permit for this property to be used as a short term rental dwelling unit due to the fact the property would not adversely impact surrounding properties. In addition, the dwelling being used for short term rentals sets on 131 acres surrounded by wooded areas. The

owner's residence is on a property adjacent to the proposed short term rental and is the closest residence to the proposed short term rental dwelling.

PUBLIC COMMENTS AND INQUIRIES

Then staff has received one telephone inquiry from a citizen who saw the public hearing signs posted on/near the property. No concerns were expressed by this citizen.

COMMUNITY IMPACTS

The staff expects minimal community impacts from the use of this house for short term rental. The one room/bedroom design of this house will limit the legal short term occupancy of the house to two adults. The 131 acre lot size and the wooded setting of the house will minimize noise impacts on adjacent properties.

STAFF RECOMMENDATION

The staff recommends that the Planning Commission consider and recommend approval of this special use permit request for a short term rental of the existing dwelling on the property. Our recommendation of approval is with the following conditions:

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0710005300 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code
3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a one bedroom home.

The following suggested motions are sample motions that may be used.

(APPROVE) I find that the approval of SPEC-02-20-16504 authorizing the short term rental of a structure located at 1027 Ty Valley Lane in the Glade Hill District with the conditions recommended by the staff, is consistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will not result in substantial detriment to the community. I therefore recommend approval of this SUP with the following conditions:

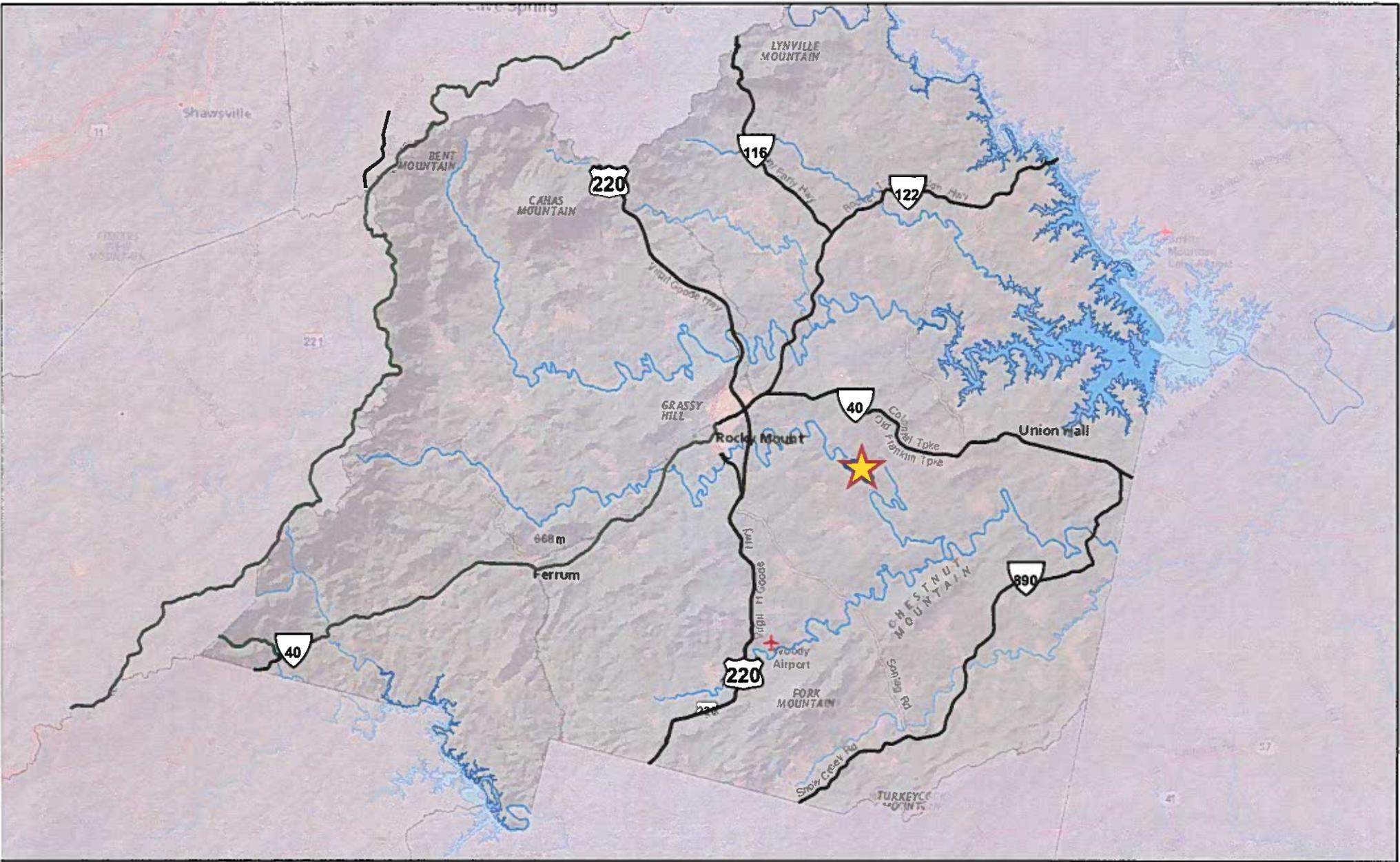
1. This special use permit authorizing the short term rental dwelling on tax parcel # 0710005300 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code.
3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

OR

(DENY) I find that the approval of SPEC-02-20-16504 is inconsistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will result in substantial detriment to the community. I therefore recommend denial of the special use permit.

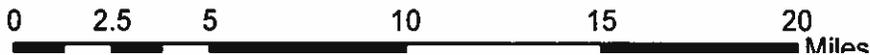
OR

(DELAY ACTION) I find that the required information for the submitted proposal is incomplete. Therefore, I move to delay action until additional necessary materials are submitted to the Planning Commission.



Tax Map # 0710005300
SPEC-01-20-16504
Bradley Walker

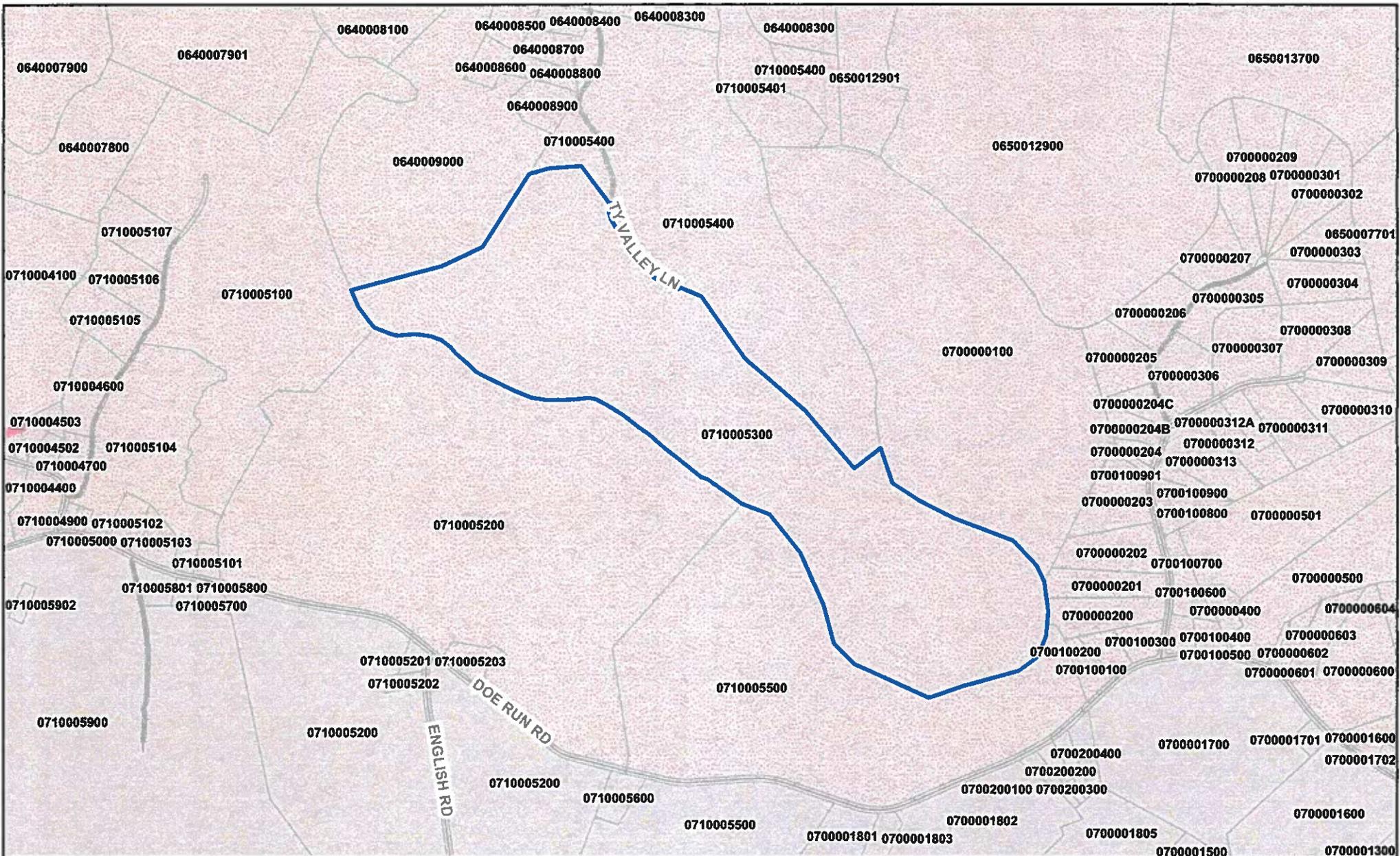
 Subject Property Location



Date: 2/27/2020



Franklin Co GIS



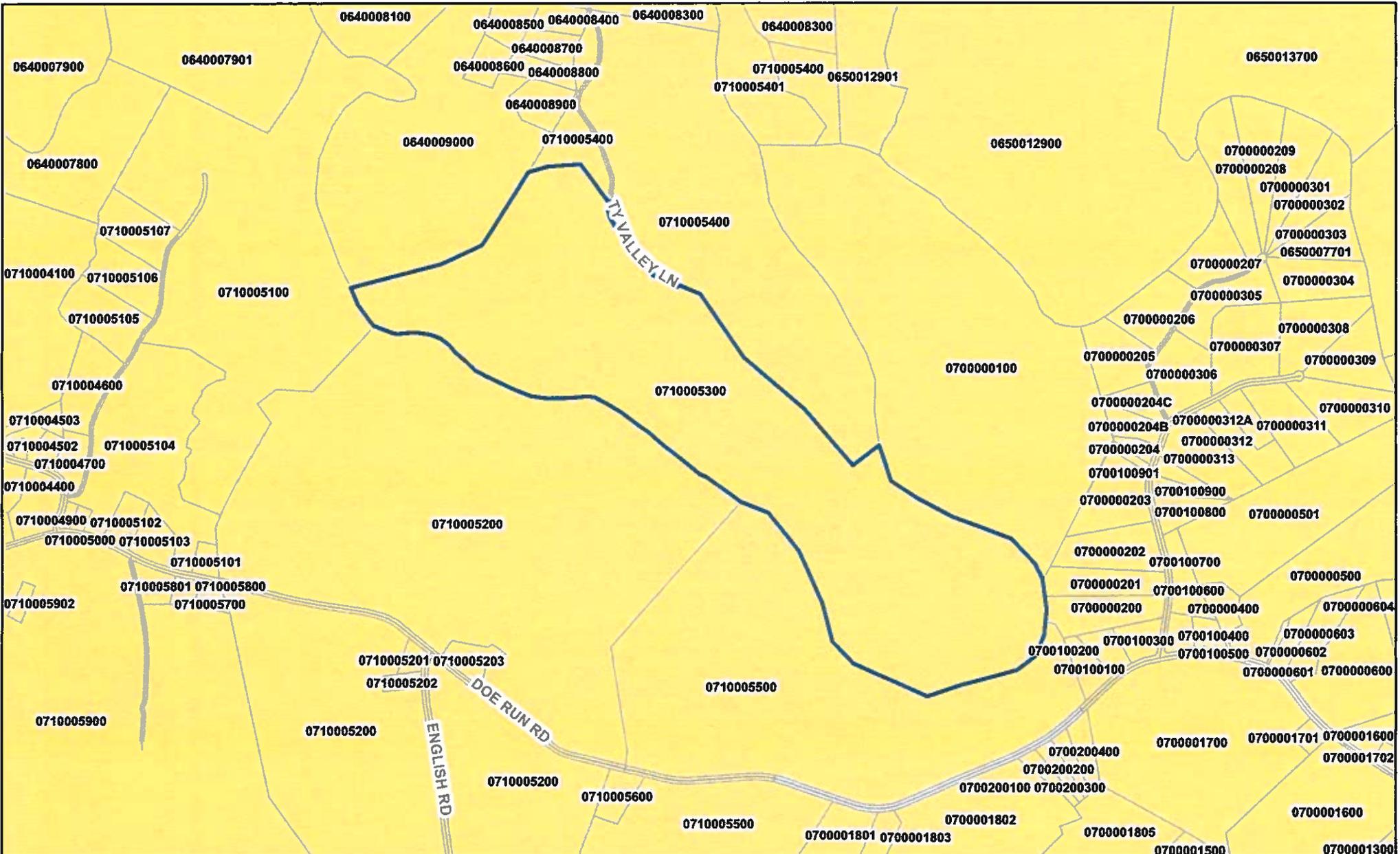
- Legend**
- Subject Parcel
 - Parcels
 - Special Use Permit
 - Smith Mtn Lake
 - Zoning Classifications**
 - A1 - Agricultural
 - B2 - Limited Business District
 - NZ - Non Zoned

Tax Map # 0710005300
 SPEC-01-20-16504
 Bradley Walker



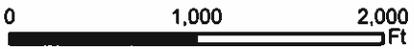
Date: 2/27/2020





- Legend**
- Subject Property
 - Tax Parcels
 - Low Density Residential

Tax Map # 0710005300
SPEC-01-20-16504
Bradley Walker



Date: 2/27/2020



Franklin Co GIS

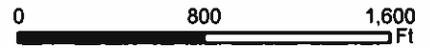


Legend

- Subject Parcel
- Tax Parcels

2017 Pictometry Imagery

Tax Map # 0710005300
SPEC-01-20-16504
Bradley Walker



Date: 2/27/2020



Franklin Co GIS

Walker Farm Short Term Rental Application

To Whom It May Concern,

Thank you for your time in reviewing this request. We are requesting a special use permit on our farm in Glade Hill at 1027 Ty Valley Lane, Glade Hill, VA 24092. This property is a 300 acre farm with a large garden and pasture and wooded lots where we are currently raising beef cattle and pigs. The proposed use of the property would be to allow short term renting of a small one room building with a bathroom for agritourism and travelers visiting the surrounding area. The structure is 13x19 for an approximate square footage of 247 sq/ft.

The reason for our request is because the current zoning of that part of the property is A1 which does not allow for short term rentals. We would like to request a special use permit to be allowed to continue short term rentals where it is zoned A1. The entire parcel is 131.00 acres. We are requesting that the immediate area around the structure be approved so that we can continue allowing visitors to come and enjoy our property.

The effects on the surrounding area have all been positive thus far and we believe it will continue to be so. The small stay-building with a built on bathroom has attracted people from neighboring cities and states to visit the area and enjoy dining and activities in Rocky Mount, around Smith Mountain Lake, and at Homestead Creamery. We believe this special permit will bring more money and activity to these areas, adding to the business and economy.

We really believe in growing agritourism and the positive effects it will have on Franklin County and hope to be able to play a part in that via this special use permit for our property. Thank you so much for your time and consideration.

Shannon & Ty Walker

FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION

(Type or Print)

I/We, Bradley Ty Walker, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

Petitioner's Name: Bradley Ty Walker

Petitioner's Address: PO Box 47 Glade Hill VA 24092

Petitioner's Phone Number: 540.798.2762

Petitioner's E-mail: ty@walker-inc.com

Property Owner's Name: Bill + Bonnie Walker

Property Owner's Address: 1027 Ty Valley Ln. Glade Hill, VA 24092

Property Owner's Phone Number: 540.483.9644

Property Owner's E-mail: _____

Directions to Property from Rocky Mount: Rt. 40 east through Redwood, turn right on Byrds Mill Rd., go about 1 mile and turn right on Ty Valley Ln., stay on gravel until the end

Tax Map and Parcel Number: Map # 071.00 Parcel # 053.00 Parcel ID # 0710005300

Magisterial District: Glade Hill

Property Information:

A. Size 131 acres of _____ Property:

B. Existing Zoning: A1

C. Existing Yes/farm Land Use:

D. Is property located within any of the following overlay zoning districts:

No Corridor District No Westlake Overlay District No Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes No If yes, explain.

Proposed Special Use Permit Information:

A. Proposed R1/ short term rental unit Land Use:

B. Size of Proposed Use: 1 acre
C. Other Details of Proposed Use: _____

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): Bradley Ty Walker

Signature of Petitioner: *ty walker*

Date: 1/22/20

Mailing Address: PO Box 47
Glade Hill, VA 24092

Telephone: 540-798-2762

Email Address: ty@walker-inc.com

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): WILLIAM J. WALKER JR

Signature of Owner: *William J. Walker, Jr.*

Date: 1/26/20

Date Received by Planning Staff _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

Ty Valley Lane

Walker Farm Short Term Rental

1/14/20

Existing Dwelling

Well

Short Term Rental



20x18

Septic





Franklin County

A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> Short Term Rental Registry and General Regulations</p> <p><u>SUBJECT/PROPOSAL/REQUEST</u> Amendment to Chapter 5.5 of the Franklin County Code to create a short term rental registry and add general regulations governing short-term rentals</p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><input checked="" type="checkbox"/> <i>Economic Development</i> <input checked="" type="checkbox"/> <i>Financial Stability</i></p> <p><input type="checkbox"/> <i>Infrastructure</i> <input type="checkbox"/> <i>Lifelong Learning</i></p> <p><input checked="" type="checkbox"/> <i>Managed Growth</i> <input checked="" type="checkbox"/> <i>Public Safety</i></p> <p><input type="checkbox"/> <i>Operational Effectiveness</i></p>	<p><u>AGENDA DATE:</u> May 19, 2020</p> <p><u>ACTION:</u> Yes</p> <p><u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> Yes</p> <p><u>CONSENT AGENDA:</u> No</p> <p><u>STAFF CONTACT(S):</u> Steven Sandy</p> <p><u>REVIEWED BY:</u> Chris Whitlow, County Administrator</p> <div style="text-align: right; margin-top: 10px;"> </div>
--	---

BACKGROUND:

On February 18, 2020, the Planning Commission and Board of Supervisors held a joint work session to discuss issues related to short-term rentals. Concerns that were raised included safety, enforcement, compliance, taxation, and zoning regulations. At the following meetings in March and April the Board discussed possible changes further.

The Board of Supervisors' took the following actions on April 21, 2020.

- Developing a short-term rental registry with annual application fee.
 - Public Hearing to amend County Code scheduled for evening session of May 19th meeting.
- Methods to improve safety in structures currently used as short-term rentals.
 - Public Hearing to amend County Code scheduled for evening session of May 19th meeting.
- Acquiring services of a 3rd party vendor to monitor and track short term rentals.
 - Annual contract with Host Compliance approved subject to approval of registry.
- Increased fines for non-compliance
 - Public hearings proposed for Planning Commission and Board
- Uniform regulations for short term rentals in the zoned and non-zoned areas.
 - Public Hearing to amend County Code scheduled for evening session of May 19th meeting.

- Lobbying the Virginia General Assembly to allow Franklin County to access an additional 2% transient occupancy tax.
 - Future public hearing required to raise tax rate

DISCUSSION:

Section 15.2-983 of the Code of Virginia, authorizes localities to establish a short-term rental registry. See attached regulations. In order to assist the County with determining where these rentals are occurring, staff has proposed that this new registry requirement be added to the Franklin County Code. It is proposed to be added to Chapter 5.5, Community Development. The registry will be managed by the Department of Planning & Community Development to ensure properties register and are conducting the use in accordance with zoning regulations and other governing regulations for short term rentals.

The registry is proposed to include the following:

- providers to register annually by July 1st
- \$200 annual registration fee per site
- \$500 fine for providers who fail to register their short-term rental

The annual registration fee will be used to offset costs of hiring a 3rd party to assist the County in monitoring, compliance, enforcement and providing electronic platform for registry and fee collection. The Board has authorized an annual contract with Host Compliance to provide these services.

There has also been discussion about implementing additional safety considerations to govern short term rentals countywide. Currently, Section 25-138 contains some supplementary regulations for short-term rentals. For instance, this section currently requires that each unit have a smoke detector and fire extinguisher.

Staff currently recommends that these requirements be enhanced and added to Section 5.5-72 of the County Code as well. The proposed additional requirements include:

- Change age to be considered adult for purposes of occupancy from five years old to three years old.
- Require a smoke detector in each living and sleeping area of the home
- Require a type 2A-10BC fire extinguisher be mounted on the wall
- Require an evacuation plan and approved occupancy to be posted in the dwelling
- Annual inspection be performed on each short-term rental on an annual basis by a representative of the county Public Safety or Building Inspections.

The proposed amendments to Chapter 5.5, Community Development, are outlined below.

Chapter 5.5 - Community Development

Article IV – SHORT TERM RENTALS

Sec. 5.5-70. Short-Term Rental Registry.

Operator The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

Short-term rental The provisions of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

- a) **This division shall establish a Short-Term Rental Registry and require operators within Franklin County to register their rental annually. The registration shall require the operator to complete a Short-Term Rental Application through electronic means or on forms provided by Franklin County that entails the following:**
 1. **Provide the name of the operator for the address**
 2. **Provide the property owner name and physical address(es) of the property being rented.**
 3. **The initial registration is due on or before July 1, 2020. Renew registration on or before July 1st of each calendar year thereafter.**
 4. **Provide registration fee annually of \$200.00 on or before July 1st each year.**

- b) **To qualify as exempt from registering under this ordinance, an operator must be:**
 1. **Licensed by the Real Estate Board or be a property owner who is represented by a real estate licensee;**
 2. **Registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.);**
 3. **Licensed or registered with the Department of Health, related to the provision of room or space for lodging; or**
 4. **Licensed or registered with Franklin County, related to the rental or management of real property.**

- c) **Operator shall present evidence of such other licensing or registration to the Office of Planning and Community Development to qualify for exemption.**

- d) **Should such registration or licensing cease, the operator shall forthwith submit an application and register on the County's Short-Term Rental Registry.**

- e) **If an operator who is required to register under this ordinance fails to do so while offering such lodging for rent, or rents such lodging:**
 1. **S/he shall be subject to a fine of \$500 per violation; or**
 2. **S/he shall be prohibited from continuing to offer any property for short-term rental, unless and until the operator pays the fine(s) and registers subject property.**

- f) Upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental on a specific property, an operator may be prohibited from registering and offering that property for a period of two (2) years.
- g) The requirements of this division do not supersede the requirements found in Chapter 25, Zoning or other requirements of the Franklin County Code or Code of Virginia, as amended.

State Law reference — Enabling legislation, Code of Virginia, § 15.2-983

Sec. 5.5-72. Short Term Rentals

The following general regulations apply to all short-term tourist rental of residential dwellings:

- (a) The use of the dwelling unit for short-term rentals shall be primarily for residential purposes related to tourism or vacationing.
- (b) There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such short-term rentals.
- (c) There shall be no more than two (2) adults per bedroom occupying the dwelling at any one time. An adult, for the purpose of this regulation, is any person over the age of three (3). The number of bedrooms in dwellings relying upon septic tanks and drainfields for sewage disposal shall be determined by reference to health department permits specifying the number of bedrooms for which the supporting system was designed. A notice shall be clearly posted in the dwelling indicating approved occupancy of the dwelling.
- (d) All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multifamily dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented.
- (e) All boats of tenants shall be parked on the lot on which the dwelling is located. In the case of multifamily dwellings boats must be parked in areas specifically reserved for the dwelling unit being rented.
- (f) Noise generated off the lot or off the premises shall be in no greater volume or pitch than normally expected in a residential neighborhood.
- (g) A type 2A-10BC fire extinguisher shall be mounted on the wall in common area or kitchen. Smoke detectors must be installed and functioning properly in every living area and bedroom within the dwelling. Each bedroom shall comply with building code requirements for egress. An evacuation plan shall be provided in the home and clearly visible to renters.
- (h) The owner of a dwelling used for short term rental shall give the county written consent to inspect any dwelling used for short-term rental to ascertain compliance with all the above performance standards. An annual inspection shall be performed by the County.

RECOMMENDATION:

Planning staff respectively requests that the Board of Supervisors conduct a public hearing and approve the proposed amendments to Chapter 5.5 of the Franklin County Code.

supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).

2017, c. 741.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 15.2-983. (Effective October 1, 2019) Creation of registry for short-term rental of property

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited

from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

D. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

2017, c. 741.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.