AGENDA
Monday, October 3, 2022, 7 p.m.

I. DETERMINATION OF QUORUM AND CALL TO ORDER Mr. Walk
II. INVOCATION & PLEDGE OF ALLEGIANCE
III. INTRODUCTION OF NEW COUNTY PLANNER Mr. Hankins
IV. PUBLIC HEARINGS

Notice: The Wythe County Planning Commission will conduct the following public hearings Monday, October 3, 2022, at 7:00 p.m. Both hearings request variance from the Wythe County Subdivision Ordinance.

i. Moore & Umberger: The Commission requests public input on an application submitted by Jackie D. Umberger, Samuel T. Umberger and Susan Moore to subdivide a portion of Tax Map & Parcel Number 23=51A, requesting a variance to Section 5.3.1(5) of the Wythe County Subdivision Ordinance regarding the minimum lot size required to subdivide property. The applicants wish to subdivide 0.07 acres for use by an adjoining owner, leaving a remainder lot smaller than required by the Subdivision Ordinance. This matter has been heard by the Commission before, with a variance recorded in the Planning Commission minutes, but was not recorded with the Circuit Court Clerk’s Office prior to the death of the prior owner.

ii. Miller: The Commission requests public input on an application submitted by Shannon D. Miller for Tax Map & Parcel Number 50-77B, requesting a variance to Section 5.3.1(8) of the Wythe County Subdivision Ordinance regarding the minimum lot frontage required to subdivide property. The applicant wishes to subdivide property, but does not have adequate road frontage for the parcel to be subdivided.

Any person may appear and state their views thereon. The hearing is held in compliance with Section 3.1.2.1 of the Subdivision Ordinance of Wythe County.

Umberger/Moore

iii. Staff Report
iv. Public Comment
v. Planning Commission Discussion & Action

Miller

vi. Staff Report
vii. Public Comment
viii. Planning Commission Discussion & Action

V. CITIZENS TIME
VI. MINUTES OF PRIOR MEETING - September 6, 2022
VII. COMPREHENSIVE PLAN
   i. Hill Studio presentation on status, updates, timeline

VIII. SUBDIVISION ORDINANCE REPORT
   a. Major Subdivisions: None
   b. Minor Subdivisions: Recorded John D. Boone Estate, Speedwell; Spraker Estate, Speedwell. None pending.
   c. Lot Line Revisions: None recorded, none pending
   d. Adjoining Owner: Recorded: Meuten-Wandering Star. Pending: Kidd/Collins; Barber/Allen-Bottomley; Jordan/Lance.
   e. Family Subdivision: None recorded, none pending.

IX. COMING EVENTS
   a. Board of Supervisors 10/11 and 10/25, 6 p.m.
   b. Budget Committee 10/5, 3 p.m.
   c. Economic Development Committee 10/5, 4 p.m.
   d. Fire & Rescue Committee 10/17, 5 p.m.
   e. Buildings & Grounds Committee 10/18, 8 a.m.
   f. Water Committee 10/18, noon
   g. Holiday: Columbus Day 10/10, County Offices Closed
   h. Observances: Halloween 10/31
   i. Daylight Savings Time Ends 11/6

X. COUNTY ENGINEER REPORT

XI. ASSISTANT COUNTY ADMINISTRATOR’S REPORT
   a. Codification RFP
   b. Questions for attorney
   c. Meeting start time

XII. EX-OFFICIO REPORT

XIII. COMMISSIONER CONCERNS

XIV. ADJOURNMENT/RECESS
MEMORANDUM

To: Wythe County Board of Supervisors
   Stephen D. Bear, County Administrator

From: Matthew C. Hankins, Assistant County Administrator

Date: September 29, 2022

Re: Moore-Emberger Variance Request

Members of the Board:

This request should feel familiar to you, as it is a re-hearing of a matter you heard in July 2020.

Eric Umberger and Samuel and Jackie Umberger reached agreement to convey .07 acre as adjoining property owners, leaving a lot at the intersection of Stoney Fork and Blacklick with less acreage than required by the Subdivision Ordinance. Planning Commission approved the variance (shown in the attached minutes) with Mr. Wilson abstaining due to a personal conflict.

The surveyor contacted me in July 2022 for direction. The variance was approved but not platted prior to the passing of Eric Umberger. The property has changed hands and more than 12 months has passed without the plat being submitted or recorded, requiring a re-hearing.

Jackie D. Umberger, Samuel T. Umberger and Susan Moore seek to subdivide as an adjoining owner subdivision a portion of Tax Map & Parcel Number 23-51A, requesting a variance to Section 5.3.1(5) of the Wythe County Subdivision Ordinance regarding the minimum lot size required to subdivide property. The applicants wish to subdivide 0.07 acres for use by an adjoining owner, leaving a remainder lot smaller than required by the Subdivision Ordinance.

The proposed property conveyance method, sizes and lines remain the same as the prior variance request. The only material change is the change in ownership.

The public hearing has been property advertised and notices sent by mail to adjoining and adjacent property owners.

Unsing the Planning Commission’s prior action as a guide, staff recommends approval.
July 6, 2020

The Wythe County Planning Commission held its regular monthly meeting on Monday, July 6, 2020, in the Board Room of the County Administration Building, 340 South Sixth Street, Wytheville, Virginia beginning at 7:00 p.m.

MEMBERS PRESENT
Robert H. Walk, Chair
David P. Midkiff
Christopher C. King

Douglas E. Wilson
Garry Rusty Beamer
Robert A. Epperson

MEMBERS ABSENT
Heidi D. Lyall

OTHERS PRESENT
K. Michelle Cassell, Assistant Department Head
Johnny Kincer, County Engineer
Matt Hooper

Sam Umberger
Keith Niday

DETERMINATION OF QUORUM AND CALL TO ORDER
Vice Chair Walk determined that a quorum was present and called the meeting to order.

CITIZENS TIME
Chair Walk asked if anyone wished to address the Commission during citizen’s time.

Hearing no comments, Chair Walk proceeded with the agenda.

APPROVAL OF MINUTES
A motion was made by Mr. Midkiff to approve the June 1, 2020 minutes as corrected. The motion was seconded by Mr. King and passed.

SUBDIVISION ORDINANCE

1. Request for Variance – Public Hearing – Umberger – Chair Walk opened the public hearing for discussion on the request for variance to the Subdivision Ordinance submitted by Eric D. Umberger. Chair Walk asked Ms. Cassell to give a report on this variance request.

Ms. Cassell reported that Eric Umberger is proposing to subdivide his property of 0.50 acre located off of US Route 52, Stoney Fork Road, in the Black Lick Magisterial District and convey 0.07 acre to his adjoining owners, Samuel and Jackie Umberger.

At this time, Samuel and Jackie Umberger do not intend to combine the 0.07 acre with their existing property. No building may be erected on the 0.07 acre parcel with the exception of an accessory structure, unless, or until, the lot is brought into compliance with the full terms and conditions of the subdivision ordinance. This lot shall not be sold except (i) along with the tract to which it was conveyed under the adjoining owners provision or (ii) to the owner of an adjoining lot.

Ms. Cassell explained Eric Umberger intends to retain the residual property of 0.43 acre; however, because the proposed division creates a residual that does not conform to the ordinance; the landowner is requesting a variance to Section 5.3.1(5) of the ordinance regarding the lot size in order to proceed with the proposed division.

Mr. Niday appeared before the Commission explaining that the stream that goes through the property is a physical barrier and that the benefit of the .07 acre is for
Sam Umberger and has been for some time.

Mr. Midkiff stated that he visited the site and agrees that the branch does split the site and that the .07 acre benefits Mr. Sam Umberger more than Mr. Eric Umberger.

Mr. Wilson stated that he has a conflict of interest and cannot vote on this issue

After brief discussion, Chair Walk closed the public hearing.

A motion was made by Mr. Midkiff to approve the request for variance to Section 5.3.1(5) of the Subdivision Ordinance regarding the lot size requirement submitted by Eric D. Umberger for his property located along US Route 52, Stoney Fork Road, in the Black Lick Magisterial District. The motion was seconded by Mr. King and passed.


3. Minor Subdivisions - The Commission reviewed subdivision plats showing minor subdivisions approved by Ms. Cassell for the following:
   - David M. Lefler, Sr. and Gloria Fry Lefler
   - Norlen Yelton and Cheryl Watson

4. Adjoining Owner/Lot Line Revision - The Commission reviewed a subdivision plats showing an adjoining owner/lot line revision approved by Ms. Cassell for Sidney Stroupe and Bobby Stroupe.

5. Family Subdivision/Lot Line Revision – The Commission reviewed a subdivision plat showing a family subdivision/lot line revision approved by Ms. Cassell for Frank and Ruby Johnson.


PLANNING COMMISSION MONTHLY CALENDARS
The Commission reviewed and accepted the monthly calendars for July and August 2020.

COUNTY ENGINEER REPORT
The Commission reviewed the County Engineering report dated July 1st as follows:

APEX Center:
1. DEQ comments are being addressed. The Bio Basin has been expanded. Seeding and stabilizing the area is ongoing.
2. An idea is to convert the storm water manholes to DI-9 drop inlets and not install the French drain.
3. RGM still working on door locks and filter boxes for the infrared heating.
4. The Exit 77 Apex alternate access road to Chapman road project: PO has been issued to H&P. Working with them to finish the project.

APEX Center Utility Barn
1. The Barn is complete except for the punch list. Electrical and Garage Doors being installed. The site is finish graded. Seeding and straw being applied. Stone at the main doors will be installed as soon as it is dry.
2. Water Line and electrical conduit PO have been issued. Electrical conduit have been installed. Waiting on the Waterline.
3. Restroom bid package will be finalized soon and put out for bids.

Rickey Road Water Line Extension:
1. Construction Bids received and reviewed by staff and Peed and Bortz.
TO: Matt Hankins  
Wythe County Planning Commission  
340 South Sixth Street  
Wytheville, Virginia  24382-2598

DATE: 12 September  2022

RE: Application for a Variance  
Samuel Umberger and Susan Moore

Included herewith please find an application for a variance from the Wythe County Subdivision Ordinance Section 5.3.1 (5).

Susan Moore proposes to convey a 0.07 Ac. portion of her present 0.50 Ac. lot to Samuel Umberger. Mrs. Moore's property is currently served by a Septic Sewer System and a deeded easement to a water well as referenced in Deed Book 221, Page 1.

Enclosures:
1) Check for $65.00
2) Variance Application
3) Adjoining Property List
4) Plat showing proposed conveyance.
5) Sewer System Permit
6) Deed for Easement to Water Well.
Any property owner desiring to make application for a variance shall file a written application for variance with the Planning Commission. The application and accompanying maps, plans, or other information shall be acted upon by the Commission within sixty (60) days of date of filing. A notice of the application for variance shall be published in a newspaper having general circulation in Wythe County, which notice shall state the application requests, why it is requested, and shall give notice of a public hearing concerning said application. The applicant shall pay all costs associated with the request.

NAME OF APPLICANT (LANDOWNER): SAMUEL T. UMBERGER

E-911 ADDRESS: 4853 STONEY FORK ROAD

WYTHEVILLE, VIRGINIA 24382

MAILING ADDRESS: 2039 BLACK LICK ROAD

RURAL RETREAT, VA 24368

TELEPHONE: (DAYTIME) 776-420-5453 (CELL)

The following information must be enclosed with this application:

✓ 1. A copy of all preliminary maps, plans or other information related to the application.

✓ 2. A list of names and addresses of all of those owning property adjacent to the property for which a variance is being requested.

✓ 3. A filing fee (non-refundable) in the amount of $65.00 to cover the cost of advertising and administration.

Briefly explain below the nature of the variance and justification for the variance as set forth in Section 15 of the Subdivision Ordinance:

Susan Moore and Samuel UMBERGER own adjoining property. The majority of these properties is separated by a natural boundary named Poston Branch. A small portion of Susan’s property is located east of the said stream. It has been and is currently being used by Samuel UMBERGER. It is the desire of Susan Moore to convey to her uncle Samuel UMBERGER that small area. This will leave Susan Moore with a 0.43 Ac. lot.

A request for a Variance from Section 5.3.1 (5) Neither Public Water or Sewer service. The 0.43 Ac. residential lot has an existing Sewer System by a Permit dated 08/25/1972 and a deeded right to use water from a well described in Deed Book 221,Pg. 1.

Signature of Landowner: SAMUEL T. UMBERGER Date: 9-13-2022

Signature of Landowner: SUSAN MOORE Date: 9-13-2022

Samuel T. UMBERGER
2039 Black Lick Road
Rural Retreat, VA 24368
Telephone 276-620-5453

Susan Moore
248 Creek Side Drive
Rural Retreat, VA 24368
Telephone 276-620-9898
Adjoining Property Owner List

Tax Parcel Number 23A-1-1
Joseph E. Hale
121 Black Lick Road
Wytheville, Virginia  24382

Tax Parcel Number 23A-1A
Samuel Umberger
2039 Black Lick Road
Rural Retreat, Virginia  24368

Tax Parcel 23-51
Susan Moore
248 Creek Side Drive
Rural Retreat, Virginia  24368
A portion of Susan Moore Tax Parcel 23-51A
Proposed to be the residual of 0.50 Ac.
The 0.50 Ac. portion that is located west of the center of Poston Branch.

A portion of Susan Moore Tax Parcel 23-51A
Proposed to be conveyed to Jackie and Samuel Umbarger
The 0.07 Ac. portion that is located east of the center of Poston Branch.

Jackie D. Umbarger & Samuel T. Umbarger
U.S. 257, Page 124 and Inst.100090438
4.340 AC.

PLAT prepared for a Variance for Susan Moore showing 0.07 Ac. parcel
proposed to be convey to
Jackie D. Umbarger & Samuel T. Umbarger
Block 1, Magisterial District
Wythe County, Virginia

Scale: 1"=60'  12 September 2022

NOTES:
1) Owners of Susan Moore & Samuel Umbarger
2) Surveyor: N. Keith Niday (Lic. No. 1839)
3) Survey & plat includes all monuments which may or may not be of record.
4) The property is subject to all rights, noise of waves and is not warranted.
5) All property owners names and references were
6) USGS: Rockbridge Datum, Pictorial Map Set.
7) Address: 1000 Joe Moore, Land Surveyor
8) The approximate location of the Survey System Daniel
This plat was taken from the Survey System DB 08/25/1972
the survey did not verify to the surveyor.
that where septic tanks are to be installed, they must be approved on an individual lot basis by the Health Department. Septic systems shall be abandoned when public sewerage facilities are available. If a septic tank system cannot be approved, then an alternate on-site system approved by the Health Department may be allowed. Major subdivisions shall require signature of the Health Department. All other subdivisions shall not require the signature of the Health Department provided that the aforementioned statement from the Health Department is received. However, lots greater than five (5) acres subdivided in compliance with this ordinance are exempt from this requirement of the ordinance.

5.3 LOTS

5.3.1 Size and Area

Residential lot size shall be in accordance with the following:

1. **Lot Size - Public Water and Public Sewer.** Residential lots served by both public water and public sewer shall be one hundred (100) feet or more in width and shall contain an area of not less than ten thousand (10,000) square feet.

2. **Lot Size - Public Water and Public Sewer and Located on a Proposed New State-Maintained Road.** Residential lots served by both public water and public sewer with frontage on a proposed new state-maintained road shall be eighty-five (85) feet or more in width and shall contain an area of not less than ten thousand (10,000) square feet. The developer shall have an engineer or surveyor to certify that the lots are serviceable by public water and public sewer.

3. **Lot Size - Public Sewer.** Residential lots served by public sewer but not public water shall be one hundred (100) feet or more in width and shall contain an area of not less than twelve thousand (12,000) square feet.

4. **Lot Size - Public Water.** Residential lots served by public water but not public sewer shall be one hundred (100) feet or more in width and shall contain an area of not less than twenty thousand (20,000) square feet.

5. **Lot Size - Neither Public Water nor Sewer.** Residential lots served by neither public water nor public sewer shall be one hundred (100) feet or more in width and shall contain an area of not less than twenty-five thousand (25,000) square feet.

6. **Percolation Tests and Soil Studies.** Greater lot areas may be required where individual septic tanks or individual wells are factors of drainage, soil conditions, or other conditions to cause potential health problems. The Administrator shall require percolation tests for each lot to be submitted as a basis for passing upon residential and commercial subdivisions dependent upon septic tanks as a means of sewage disposal. These tests and soil studies shall be performed by or under the supervision of the Health Official.

7. **Submerged Land.** Satisfaction of lot dimension shall not be achieved by including land covered by water or flowing easements.
RECORD OF INSPECTION-SEWAGE DISPOSAL SYSTEM

Date: [Blank]  
Case No. [Blank]

Owner: Randall Pugh  
Address: Route 1, Wytheville, Va.  
Phone: [Blank]

Occupant: Randall Pugh  
Address: Route 1, Wytheville, Va.  
Phone: [Blank]

Exact Location of Premises #21, North, Intersection #680 on left.
(Subdivision, Street or Road Name, Section or Lot No.)

WATER SUPPLY INSPECTION

Installed according to Permit Design  
□ Yes  □ No. Distance to nearest House Sewer ______ feet. Distance to nearest Sewage Disposal System ______ feet. (Use Form LHS-143 for Detailed inspection of Water Supply Reference Materials.)

SEWAGE DISPOSAL SYSTEM INSPECTION

(1) LOCATION
Allotted Area adequate  
□ Yes  □ No. Distance from nearest lot lines ______ feet. 
Tress ______ feet. 
Water Supplies ______ feet. 
Buildings ______ feet.

(2) INSTALLATION AND DESIGN
 Installed according to Permit Design  
□ Yes  □ No. Have additional Household Appliances been added NOT on Permit:  
□ Automatic Washer  □ Garbage Disposal  
□ Other: ______ (Describe)

(3) SOIL CONDITION
Are there soil conditions now evident which indicate system may be unsatisfactory as designed: 
□ Yes  □ No. If Yes, show adjustments required under "Remarks" below.

(4) HOUSE SEWER LINE
Installed  
□ Yes  □ No. Type of material ______ Size ______ Inches.

(5) SEPTIC TANK
Constructed of ______ (Type of Material)
Inside Dimensions Length ______ feet. Width ______ feet. 
Liquid Depth ______ feet. Depth of Air Space ______ inches. 
Inside Fittings comply with requirements  
□ Yes  □ No.

(6) DISTRIBUTION BOX
Watertight and equal surcharge to each line by Water Test  
□ Yes  □ No. Distribution Box provided with ______ extra outlets for future use.

(7) SUBSURFACE ABSORPTION FIELD
Total Area in bottom of ditches ______ square feet. 
Number of ditches ______ feet long each. 
Grade of ditches Minimum ______ inches per 100 feet. 
Maximum ______ inches per 100 feet. Has system been checked by instruments (Level):  
□ Yes  □ No. 
Type aggregate used ______. 
Depth of aggregate under tile ______ inches. 
Total depth of aggregate ______ inches. 
Depth of backfill over aggregate ______ inches.

(8) SURFACE DRAINAGE
Storm Drains from House and Basement flowing away from Subsurface Drainage Field:  
□ Yes  □ No. Was Surface Drainage required  
□ Yes  □ No. If Yes, has this been provided  
□ Yes  □ No. Has area been drained by lowering Ground Water Table:  
□ Yes  □ No. (Not required)

(9) Are follow-up inspections necessary  
□ Yes  □ No.

Septic Tank Contractor: ______  
Address: ______  
Phone: ______

This Sewage Disposal System (is) (is not) Approved by ______  
Health Department.

date ______  
Signed ______ (Sanitation)  
Date ______ Approved ______ (Health Director)

Date ______ Approved ______ (Advisory Sanitarian)  
Date ______ Approved ______ (Reviewing Authority — Other Agency)

With proper maintenance, approved Sewage Disposal systems may be expected to function satisfactorily, provided no overloading or physical damage occurs to the system. Remarks: ______
(1) Void after (12) twelve months. (2) Automatically cancelled when site conditions are changed from those shown on permit. (3) Automatically cancelled should facts later become known that a potential hazard would be created by continuing installation.

FHA/VA [ ] Yes [ ] No Date ____________ Case No. ______

Owner [ ] Randolph [ ] Pugh Address N.E. Farnam Phone ____________

Occupant [ ] [ ] (Mailing Address) Phone ____________

Exact Location of premises _____ N 71° 13' 0" W Intersect. ____________

(Subdivision, Street or Road Name, Section or Lot No.)

[ ] INSTALL [ ] REPAIR [ ] WATER SUPPLY SYSTEM [ ] SEWAGE DISPOSAL SYSTEM

FOR Dwelling [ ] Other [ ] Actual or potential Bedrooms ____________

Automatic Washing Machine [ ] Yes [ ] No Garbage Disposal Unit [ ] Yes [ ] No

Actual or estimated Water Consumption ____________ gal. per day

Additional wastes ____________

Signature ____________

Owner or Representative

DETAILS OF SYSTEM

(1) WATER SUPPLY (Existing) Class ______ Approved [ ] [ ]

(Location & Class to be approved by Sanitarian.)

Class ______ Cased ______ ft. to be grouted ______ ft. (Unless supported by positive evidence, Class III is to be considered as to be installed.)

(2) SOIL STUDY Naturally drained, suitable by sight [ ] Yes [ ] No

Technical Classification

Rough Classification [ ] Sandy [ ] Medium [ ] Clay [ ] Pipe

Clay Percolation Test Required [ ] Yes [ ] No Rate _____

Minutes per inch. Depth of Water Table ______ feet (Estimated)

Surface drainage required [ ] Yes [ ] No Area Drainage by Lowering Ground Water Table required [ ] Yes [ ] No

HOUSE SEWER LINE Size ______ inches. Type of material ______ distance from Water Supply ______ feet.

(4) DETAILS OF CONSTRUCTION Watertight Septic Tank of

Inside Dimensions Length ______ feet.

Width ______ feet. Liquid Depth ______ feet. Depth of

Air Space ______ feet. Liquid Capacity ______ gallons.

(5) SUBSURFACE ABSORPTION FIELD Distribution Box required. Ditches of equals length required.

Number of square feet required ______ Type of aggregate required ______

Broken Stone [ ] Gravel [ ] Slag. Size range from ___ inches to ___ inches. Depth of aggregate from base of tile to bottom of ditches ______ inches. Allowable fall ______ to ___ inches. Total aggregate must equal minimum depth of ___ inches or more. Depth of drainfield shall not exceed ___ inches from surface of original ground. Distance from well to septic tank ______ feet; distance from well to drainfield ______ feet.

Rough Sketch of Property (including adjacent properties if pertinent. Showing Location of Lot Line, Buildings, Water Supplies, Sewage Disposal Systems, Trees, and Other Possible Sources of Contamination of Water Supplies, by indicating Distances and Slopes with regard to one another.

Note: Owner or his agent must notify Health Department, phone ________ 725-727, when installation is ready for inspection. If any Sewage Disposal System or part thereof, is covered before being inspected, the direction of the Health Director or his agent. CONDITIONS DISCOVERED DURING INSTALLATION MAY REQUIRE ADJUSTMENTS OF SYSTEM DESIGN.

Based on the above information, the undersigned recommends that this permit be issued. ______

Date ______ (Reviewing Authority) ______ (Sanitation or Health Director)

DUPLICATE
THIS DEED, made this the 21st day of August, 1972,
between William Carl Pugh and Jessie R. Pugh, his wife, parties
of the first part; and Randall W. Pugh and Lana H. Pugh, his
wife, parties of the second part:

WITNESSETH

That for and in consideration of the sum of One
Dollar ($1.00), cash in hand paid, receipt whereof is hereby
acknowledged, the said parties of the first part do grant and
convey, unto the said parties of the second part, an easement
for water pipe line one inch in diameter to extend from a well
located on the real estate which was conveyed to Jessie Lee
Pugh, wife of William Carl Pugh, by deed of date January 13,
1948, which is recorded in Wythe County Circuit Court Clerk's
Office in Deed Book 124, page 408, across the land conveyed
by said deed and also across tract of land conveyed to William
Carl Pugh and Jessie R. Pugh, his wife, by deed from Edmond B.
Fry and Lula W. Fry, his wife, of date October 20, 1967, which is
recorded in Wythe County Circuit Court Clerk's Office in Deed
Book 196, page 630, to a tract of land which was conveyed to
Randall W. Pugh and Lana H. Pugh, his wife, by deed from Joseph
G. Sexton and others of date March 16, 1972, which is recorded
in said Clerk's Office in Deed Book 218, page 320, the said
pipe line is to run from the well to a point in the line of land
between parties of the first part and the parties of the second
part which is approximately five feet southwest of the corner of
the lands of the parties hereto and land owned by Edmond C. Fry
together with the right of ingress and egress over the land
owned by the parties of the first part for the purpose of

Examin'd ____________________________
August 29, 1972

Delivered to me

Ms. Randall W. Pugh

Notary Public

County of Wythe, Virginia

Teste ____________________________
J. E. Carabine, Clerk

BOOK 221 PAGE 1
installing, constructing, replacing, maintaining and keeping in repair said water line. The said parties of the second part are to have the right to install a pump at said well at their expense, said pump and said water line is to be kept in repair by the parties of the second part and this easement shall be an appurtenance to the land owned by the parties of the second part.

WITNESS the following signatures and seals:

[Signature]
William Carl Pugh

[Signature]
Jessie R. Pugh

State of Virginia,
County of Wythe, to-wit:

I, Margaret W. Lambourger, a Notary Public in and for the county and state aforesaid, hereby certify that William Carl Pugh and Jessie R. Pugh, his wife, whose names are signed to the foregoing writing bearing date the 21st day of August, 1972, personally appeared before me in my said county and acknowledged the same.

Given under my hand this 24th day of August, 1972.


[Signature]
Margaret W. Lambourger
Notary Public, Wythe County, Virginia

Virginia: In the office of the Clerk of the Circuit Court of Wythe County, on August 24, 1972, at 11:30 AM. The foregoing writing was this day presented in the said office and, with certificate, admitted to record. After payment of 50 cents.

[Signature]
[Handwritten text]
Clerk
STAFF REPORT

To: Wythe County Planning Commission

From: Matthew C. Hankins, Assistant County Administrator

Date: September 29, 2022

Re: Miller-Dillow Variance Request

Commissioners:

The Request

You have before you a variance request filed by Shannon Dillow Miller. She wishes to subdivide the subject property, Tax Map and Parcel Number 50-77B, 11.8 acres. She wants two parcels, one with 4.54 acres and ~140 feet of frontage on Route 11. Doing so would create a 7.25-acre residual parcel on which she resides, with no road public frontage and only an access easement on the private, unimproved Oak Park Lane.

Ms. Miller requested this public hearing in August but missed the advertising deadline required for public hearings.

The requested subdivision cannot be approved without a variance from the road frontage requirement. Ms. Miller requests a variance to Section 5.3.1(8) of the Wythe County Subdivision Ordinance regarding minimum lot frontage on a public road. The applicant would subdivide property, sell the front parcel and continue to live on draft parcel B.

Background

The parent parcel has been subject to family subdivisions at least twice in the past 30 years, creating parcels for Thomas Miller along Lee Highway and Shannon Dillow Miller in the middle.

In staff’s view, it does not meet the requirements to be a family subdivision in Section 8, Family Subdivisions. Ms. Miller indicates she intends keep the proposed parcel B and sell A, which does not meet the five-year retention period in 8.1.1.

Mrs. Miller indicates her father divided the property between her and her brother prior to his death, but no such division is on record in plat books or recorded wills or deeds. Had that action been completed on record as a family subdivision, it would have been legal and the lots able to be sold without violating the retention clause.

Additionally, a portion of the property may have been subject to investigation and clean-up by local, state and federal agencies after paint, lacquer, varnish, paint thinner and other hazardous materials were buried on the site, creating a potential hazard to the water table in the area. Ms. Miller should answer that question as part of this discussion.
The private Oak Park Lane is deeded as a perpetual access easement through the entirety of the applicant’s property to serve parcels 50-77C and 50-77F, the property of Thomas Miller. The deeded easement and several plats showing the development of this property over time are included for your review.

It appears from the attached deed of correction that no right of way exists from the subject property along or connected to Estate Drive.

**Required Considerations**

You have a six-part test to determine whether to grant a variance:

1. Does the strict application of the ordinance cause undue hardship regarding the property and its use? *(Staff opinion: The primary hardship is that it forces the heirs to retain joint ownership and responsibility for the inherited properties.)*
2. The hardship isn’t generally shared by other properties. *(Staff opinion: It is not generally shared by other properties due to the multiple family subdivisions over the years. This is an opportunity to make this set of lots more regular and to clarify current and future ownership.)*
3. Granting the variance won’t be a substantial detriment to adjacent properties. *(Staff opinion: No detriment is apparent, but this is your judgment to make.)*
4. The purpose of the variance is not based exclusively upon financial consideration. *(Staff opinion: It is not based exclusively on financial consideration, but that is an important consideration to the applicant.)*
5. That the variance won’t be detrimental to public health, safety and welfare. *(Staff opinion: This is your judgment to make.)*
6. That the situation isn’t one that should be addressed by general law or regulation. *(Staff opinion: This is an unusual situation, with prior lawfully-made family subdivisions developing an extremely irregular remainder that has few use options remaining in its present condition.)*

**Staff Conclusions**

There are some benefits to subdividing the property. It currently has three addressed dwellings, so a subdivision would create greater clarity in record keeping and taxation; I am not certain that the county’s convenience is an important factor in your deliberation.

If you choose to grant the variance, staff suggests you impose following conditions:

- Once staff is certain of the location of the Require the surveyor to note which has been subject to hazardous materials cleanup, and that a potential buyer should require testing of ground water at the site prior to purchase.
- Lot B may not be sold for the five-year retention period expected of a family subdivision, except under the conditions noted in 8.1.1.
- Require the surveyor to make all other corrections as directed by staff. *(Draft plat has numerous inconsistencies and notes which must be added to make it comply with County ordinances.)*

The public hearing has been advertised in compliance with the Code of Virginia, with notices mailed to adjoining and adjacent property owners.
Shannon D. Miller
253 Oak Park Lane
Rural Retreat, VA 24368

To: Wythe County Planning Commission:

I would like to request a variance for the land that was gifted to me from my later father, Gerhard F. Miller. My father had the land divided between my brother and I right before he passed away. He did not ask the county to my knowledge. The land is hard for me as a single mother to keep up with and afford. I wish to divide and sell the lower half as the map provided shows. There is a right of way available that wasn’t recorded years ago according to the survey and records. I wish to keep my home that I live in and the lot with 197 Oak Park Lane.

Thank you for your consideration in this situation.

Sincerely,

[Signature]

Shannon D. Miller
Subdivision Plat Application

1. General Information

1. Name of Landowner: Shannon P Miller
   Mailing Address: 253 Oak Park Lane Rural Retreat VA 24368
   Phone Number: 276 123 4567
   Email: Shannon D Miller@comcast.com

2. Name of Landowner: Madison Dillon
   Mailing Address: 253 Oak Park Lane Rural Retreat VA 24368
   Phone Number: 276 239 0610
   Email: madriend@gmail.com

2. Property Information

Type of Subdivision: Full-Term. Adjoining Owner □ Lot Line Revision □ Family Division □ Townhouse

If you checked FAMILY DIVISION, please complete Section 4 – Family Affidavit.

Description and Purpose of Division: This land was left to me from my parents Gary Dee Miller and I want to be able to sell partial and keep my home as I am to be a caretaker and worker. I can't afford to keep it all, please allow.

Tax Map # (s): Total Acreage of Parent Tract(s):

Location of Property: Rural Retreat Route 2 West Lee Hwy 253 Oak Park Lane

Number of Lots Proposed: 1

3. Information to be submitted with application

☐ Deed for the property being subdivided
☐ Existing or proposed subdivision name

**A Subdivision Fees Invoice will be submitted to the surveyor for their client(s) once the plat is reviewed by staff.**
NOTES:
1. NO TITLE REPORT FURNISHED
2. PROPERTY SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY EXECUTED PRIOR TO THIS SURVEY
3. PROPERTY SURVEYED USING PHYSICAL EVIDENCE FOUND IN FIELD AND MAY NOT CONFORM TO PLAT OR PLATS OF RECORD
4. PROPERTY LOCATED IN FLOOD ZONE C
5. TAX MAP REFERENCE: 60-719
6. AREA OF LOT, 1.059 ACRES-MINIMUM, 5.168 ACRES-AVERAGE
7. MAGNITUDE DECLINATION IS APPROXIMATELY 8 DEGREES 33 MINUTES WEST FOR YEAR 2000
8. 100 FEET OF RIGHT OF WAY SURVEYED THROUGHOUT THIS SURVEY EXCEPT AS SHOWN
9. THERE WERE NO WATER, SEWER LINES, OR COLLECTED NOTES SURVEYED
10. THERE ARE NO RESTRICTIVE COVENANTS ON THIS PROPERTY
11. BUILDING RETARDED REQUIREMENTS ARE 55 FEET FRONT AND BACK
12. REZONED USE IS RESIDENTIAL. PROPOSED USE IS APARTMENT.
DEED OF EASEMENT

This deed is exempt from recordation taxes pursuant to §58.1-811D of the Code of Virginia, 1950, as amended.

No title search was requested or performed.

Tax Map No.

THIS DEED OF EASEMENT, made and entered into this 24th day of March, 2017, by and between, DORINE P. MILLER and GERHARD FRIEDRICH MILLER, husband and wife, Grantors, parties of the first part; and THOMAS GARY MILLER, Grantee, party of the second part.

WITNESSETH:

That for and in consideration of the sum of One Dollar ($1.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged by the Grantors, the Grantors do hereby grant and convey unto Thomas Gary Miller, his successors and assigns, the following described easement, to wit:

A non-exclusive perpetual easement over an existing twenty foot (20') right of way from Virginia State Route 11 as shown in a survey by Douglas T. Casey, Land Surveyor, Lic. No. 001862 on a map entitled “Miller Subdivision” as recorded in the records of the Office of the Clerk of the Circuit Court of Wythe County, Virginia in Plat Book 11 Page 990, to the land of the grantee as shown in a survey by Douglas T. Casey, Land Surveyor, Lic. No. 001862, on a map entitled “Adjoining Owner Subdivision”, as found in the records of the Clerk of the Circuit Court of Wythe County, Virginia in Plat Book 11 Page 983. Said easement shall be for the purposes

Signed: DORINE P. MILLER

Exhibit: Dep. Clerk

[Signature]

Examined April 25, 2017
of ingress to and egress from the lands of the Grantee, deed to which is found in the records of the Clerk of Circuit Court of Wythe County, Virginia as Instrument No. 060004670.

As evidenced by his execution of the deed, the Grantee herein hereby agrees for himself and his successors in title to contribute equally in the maintenance and upkeep of the right-of-way in its present condition.

WITNESS THE FOLLOWING SIGNATURE AND SEALS:

[Signature]
DORINE P. MILLER (SEAL)

STATE OF VIRGINIA,
COUNTY OF WYTHE, to-wit:

I, Deborah F. Grawley, a Notary Public in and for the State and County aforesaid, do hereby certify that Dorine P. Miller has personally appeared before me in my State and County aforesaid and acknowledge the same.

Given under my hand this 27th day of March, 2017.

My commission expires: May 31, 2018

Notary registration number: B21291

[Notary Seal]
Notary Public
STATE OF VIRGINIA,
COUNTY OF WYTHE, to-wit:

I, Rachel H. Copley, a Notary Public in and for the State and County aforesaid, do hereby certify that Gerhard Friedrich Miller has personally appeared before me in my State and County aforesaid and acknowledge the same.

Given under my hand this 3rd day of April, 2017.
My commission expires: 2/18/2019
Notary registration number: 7438450

RACHEL HOPE COPLEY
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEB. 18, 2019
COMMISSION # 7438450

GERHARD FRIEDRICH MILLER
(SEAL)

STATE OF VIRGINIA,
COUNTY OF WYTHE, to-wit:

I, Rachel H. Copley, a Notary Public in and for the State and County aforesaid, do hereby certify that Thomas Gary Miller has personally appeared before me in my State and County aforesaid and acknowledge the same.

Given under my hand this 3rd day of April, 2017.
My commission expires: 2/18/2019
Notary registration number: 7438450

RACHEL HOPE COPLEY
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEB. 18, 2019
COMMISSION # 7438450

THOMAS GARY MILLER
(SEAL)

Randy Jones, Esq.
350 South 4th Street
Suite C
Wytheville, VA 24382
VA State Bar# 29693

THIS DOCUMENT PREPARED BY:
THIS CORRECTION DEED OF GIFT, made and entered into this the 1st day of August, 2001, by and between VERGIE L. REEDY, widow, hereinafter referred to as "GRANTOR"; and DORINE P. MILLER, hereinafter referred to as "GRANTEE".

- WITNESSETH -

WHEREAS, by deed of gift dated April 20, 1998, recorded in the Wythe County Clerk's Office as Instrument No. 980002051, the Grantor, Vergie L. Reedy, conveyed the hereinafter described real property to the Grantee, Dorine P. Miller, however, there was an error in the description to said property in that the parties did not desire for there to be a right of way between Tract Number 1 and Tract Number 2 extending in a southerly direction from Route 11; and,

WHEREAS, the plat dated March 23, 1998, referred to in said deed also erroneously described a certain right of way existing between Tract Number 1, containing 15.29 acres, and Tract Number 2, containing 16.06 acres extending in a southerly direction from Route 11; and,

WHEREAS, the parties wish to correct said errors and to properly describe the real estate conveyed.

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00), cash in hand paid, the receipt of which is hereby acknowledged, the Grantor does hereby give, grant and convey with general warranty and English covenants of title unto Dorine P. Miller, Grantee, in fee simple, all of those two certain tracts or parcels of land, together with the improvements thereon and the privileges and appurtenances thereto belonging situated in the Black Lick Magisterial District of Wythe County, Virginia, and being more particularly described as follows:

Being Tract Number 1 containing 15.29 acres and Tract Number 3 containing 11.80 acres respectively and being as shown on that certain plat bearing the following legend:

"WYTHE COUNTY, VIRGINIA
BLACK LICK MAGISTERIAL DISTRICT
PROPERTY OF

Examined

[Signature]

Tested

[Signature]
Together with a 30 foot right of way, as shown on the referenced plat, extending from the 50 foot right of way adjacent to Mt. Airy Estates to Tract Number 1 and Tract Number 3 and located near the southern end of Tract Number 1.

The above referenced plat is recorded in the Wythe County Clerk's Office as a part of Instrument No. 980002051.

The parties acknowledge and confirm that there shall be no right of way running along the eastern boundary of Tract Number 1 extending in a southerly direction from Route 11 and furthermore that the parties shall not have a common entrance or driveway. The parties furthermore do, by this correction deed of gift, vacate and terminate any and all references to a right of way existing between Tract Number 1 and Tract Number 2 extending in a southerly direction from Route 11 as may be indicated upon the above referenced plat dated March 23, 1998, revised April 7, 1998. The only right of way shall be the 30 foot right of way described above and also shown on the referenced plat.

The source of title for the property conveyed herein is the same as described in the above referenced deed of gift dated April 20, 1998, recorded as Instrument No. 980002051.

WITNESS the following signatures and seals:

Vergie L. Reedy

Dorine F. Miller

STATE OF VIRGINIA
COUNTY OF WYTHE, To-Wit:

The foregoing instrument was acknowledged before me this the 8th day of August, 2001, by Vergie L. Reedy, widow.

My commission expires: June 30, 2002

Notary Public
STATE OF VIRGINIA  
COUNTY OF WYTHE, To-Wit:  
The foregoing instrument was acknowledged before me this the  
8th day of August, 2001, by Dorine P. Miller.  
My commission expires: June 30, 2002  
[Signature]  
Notary Public

INSTRUMENT #010003186  
RECORDED IN THE CLERK’S OFFICE OF  
WYTHE ON  
AUGUST 8, 2001 AT 12:25PM  
HAYDEN H. HOREN, CLERK  
BY: [Signature] (DC)
Wythe County Planning Commission held its regular meeting Tuesday, September 6, 2022, at 7 p.m. Chair Robert Walk called the meeting to order at 7:04 p.m. The Commission opened its meeting with the Pledge of Allegiance. All members were present, as were with ex-officio member Jesse Burnett, Assistant County Administrator Matthew Hankins and County Engineer Johnny Kincer.

No citizens attended to speak.

Commissioners reviewed the minutes of the August meeting and work session, noting a minor revision. Mr. King moved approval of the revised minutes, with second from Vice-Chair Midkiff.

Mr. Walk asked Mr. Hankins to read the motion to enter closed session. Mr. Hankins read the required motion to enter closed session under Code of Virginia Section 2.2-3711-A1 (Personnel – Planner) and 2.2-3711-A4 (personal information protection).

Mr. King moved to enter closed session as cited, seconded by Mr. Epperly and unanimously approved.

Commissioners entered closed session at 7:13 p.m. and remained in closed session until 7:30 p.m.

Mr. Hankins read the required certification that the Commissioners lawfully only discussed the cited business matters. Mr. Beamer moved to come out of closed session, seconded by Mr. Wilson and unanimously approved.

Mr. Hankins reviewed the subdivision report included in the meeting packet, highlighted by the Valley Property, Inc., subdivision on Route 52. After questions about the availability of utilities, commissioners noted this may be a residential development site in the future.

Staff reviewed the September Calendar.

Mr. Kincer offered his County Engineer’s report, with a slideshow showing development of the force main to serve Blue Star NBR. Planning Commissioners reiterated their request that the County purchase a drone for the engineer to document projects.

Mr. Hankins reviewed the Assistant County Administrator Report in the packet, including an update that Orion Drive, Penwood and Bentwood are eligible for Revenue Sharing road projects through VDOT.

Mr. Burnett asked if the Planning Commissioners want to speak with the County Attorney as part of their review of the Comprehensive Plan draft and contemplation of solar projects. Commissioners indicated they believe that would be helpful, and Mr. Burnett will make the request for the next meeting.

Commissioners reviewed next steps on the Comprehensive Plan. Hill Studio is working on revisions, and should be able to meet with Commissioners in October to review next steps.

With no further business to transact, the Commission adjourned its meeting at 8:39 p.m.
The estate of John D. Boone, for which we have recently received several subdivisions and lot line revisions, requested a minor subdivision/lot line adjustment for property at the intersection of Grayson Turnpike and Lanter Road in the Speedwell District.

Revised Lot 1 contains 5.001 acres and Lot 2 has 5.473 acres, leaving a remainder of approximately 44.13 acres. Both Lot 1 and Lot 2 are intended for residential use, and both are served by public water and private sewer. All three properties have adequate road frontage.

The subdivision was recorded September 29.

Staff will answer any questions that the Commission may have regarding this division.
The estate of Betty Joan Spraker has created through minor subdivision a new lot on Spraker Road, a 0.575 acre parcel, part of Tax Map and Parcel Number 68-39.

The new parcel is a residential lot with a one-story house and accessory buildings on Spraker Road, and its creation leaves 16.4 acres in the parent parcel. The parcel has private water and private sewer. This parcel will continue to be utilized for residential purposes. The property has 122 feet of road frontage.

The subdivision was recorded September 29.
Subdivision Report

To: Planning Commission
From: Matthew C. Hankins, Assistant County Administrator
Date: 9/30/2022
Re: Adjoining Owner Division – Meuten/Wandering Star

Donald and Virginia Meuten and Wandering Star LLC submitted an adjoining property owner division off Francis Mill Road in the Speedwell District.

Revised Parcel A will expand Tax Map and Parcel Number 83A-2-1C to comprise 2.612 acres, taking in a portion of Tax Map and Parcel Number 83-33A, which will be reduced to 20.83 acres. The existing home on Revised Parcel A is served by private water and sewer, and will continue as residential-agricultural. The residual parcel will remain agricultural. Revised Parcel A has adequate state road frontage, and the residual has a 50’ ingress/egress easement.

The plat was recorded September 9.

Staff will answer any questions that the Commission may have regarding this division.
Lead Mines Rescue Squad:
1. Pad has been poured.
2. Building addition is complete. Inside work; framing, electrical, HVAC started.
3. Fire wall being discussed.
4. Working with contractor for options.
6. Still have plumbing issues but sheet rock is being hung.
7. Bunk House and common area are done. Washer/Dryer, Toilet, Shower in back room being installed.
8. Concrete is estimated to be 20 inches thick.
10. HVAC issues.

Franklin Street Building
1. Developing drawings, scope, estimate, advertisement and bid documents for roofing retrofit.
2. Drawings approved by Stephen. Bid documents, Contract, and Advertisement with plans to be advertised soon.
3. Bids are in. Colt Simmons is the apparent low bidder with $98,025 Bid.
4. Redesigned and Rebid with slightly different scope and material specifications. Bids Due Sept 14th.
5. Bid came in Mark Umberger is apparent low bidder.

MM Rescue, Ivanhoe Fire, Apple house, Speedwell, LMRS
1. Paving plans being developed for B&G dept. for all 5 sites.

Klockner Pentaplast:
1. Grading complete. Footings are being poured. Soil stockpile is not being stabilized. Town of Rural Retreat may use some of the stockpile for their Farmers Market Project.
2. Stockpile has been stabilized but more grading is ongoing on the stockpile as per inspection 9-21-21
3. Finishing up the building. Grading and Stabilization needed.
4. Kyle is still inspecting and Erosion items are still pending.

Town of Rural Retreat – Farmers Market Project:
1. E&S permit was issued.
2. Work has begun.
3. Materials being delivered.
4. Erosion issues noted and inspection report sent to Town of RR.
5. Hay bales have been installed.

Town of Rural Retreat – Sewer Line:
1. Plans being reviewed.
2. E&S Permit NO application fill out.
3. Permit application completed.
4. Work has begun near RRHS football field.

Town of Rural Retreat - Sidewalk
1. Plans being reviewed for Sidewalk improvements on Main Street and Baumgardner.
2. Sidewalk work has begun.
3. Still trying to get the town to get a permit.
4. Contractor continues to work.
5. Work continues.

Smoking Guns:
1. New Plans have been submitted. Review is ongoing.
2. Revised Plans approved.
3. Another revision requested but no plan have been submitted.
4. Revision approved. Plat received. Working with AARON.
5. Plat reviewed at the site. Arron agrees that the Overhead utility line is the approximate property line.

Wytheville Solar – Lovers Lane:
1. Inspected with DEQ. Enforcement and fines levied.
2. Solar panel being installed.
3. Inspection reports sent to Mr. Crowgey.
5. Site is functioning. Grass is being planted to stabilize the site for Erosion Control.
6. DEQ fined Caden Energix. Kanawah Contractors back on site seeding and repairing washouts.

Savion Solar – Foster Falls:
1. No plans have been submitted. Meeting requested. NO movement on this project.
2. Matt Hankins has produced a Siting Agreement to present to Savion.
3. Plan are being compiled.
4. Savion sold project to ConEdison. Plans (62 Sheets) submitted and being reviewed. Waiting on Calculations. DEQ has already approved.
5. Calculation received. Review on-going.

Abilene Trucking:
1. 2nd set of plans have been reviewed and comments submitted.
2. A lot of comments by DEQ. They want to truncate plans for 30 stalls or find local firm to complete DEQ requirements.
3. I recommended they utilize the existing SWM structure.
4. DEQ reviewing the site. Peed & Bortz asking for Flooding information. I have not received updated plans.
5. I received plans on April 4th. Comments on plans sent out April 19th.
6. Working with Peed & Bortz and Abilene Engineers and Contractors.
7. Plans approved by DEQ and WC.
8. Permits being assembled by Rhonda. Work to start soon
9. Pre-Construction meeting scheduled July 5th.
11. DEQ sent warning letter. Engineering Dept. met with XLT contracting, Inspection, and subcontractors.

Coffee Shop in Fort Chiswell:
1. New lot at Exit 77 is being reviewed by the company now.
2. Pre design meeting with Kyle Taylor, Myself and Engineers.
3. No Movement to my knowledge.

Blue Star NBR
1. Railroad project has been bid and awarded.
2. Working on Exemptions for Stormwater and E&S permits from DEQ.
3. Clearing of brush required for existing sewer line.
4. Area cleared to help position new pump station revised location.
5. Pump Station moved out of wetlands.
6. Peed & Bortz working on DEQ comments.
7. Working with M&H and T-Diamond Bar to retrofit the existing ponds with dewatering devices as per DEQ.
8. Working with M&H and T-Diamond Bar to get the paperwork and the erosion control up to specification.
9. Working with Peed & Bortz to get Erosion and Sediment Control plans approved for Rail, Pump station and Force Main.
10. Site work continues. Rail, Force Main and Pump station to start soon.
11. Steel being set for sand blasting area and painting area.
12. Heavy steel being set for 1st Production building.
13. FM, PS, Rail all have approved DEQ Plans. NTP issued. Work to begin soon.
14. FM and PS underway. Pump Station concrete sump set with 300 ton crane. FM almost complete.
15. DEQ inspection went well. Have to repair a few areas from heavy rain but Letter of Coverage, Registration Statement and Permit were onsite (all checkmarks on DEQ level 1 inspection, first page).
17. Engineering Department getting SWM docs together to be posted at the site.
18. FM is finished.
19. Pump station needs a lot of work yet.

Lots Gap Water Tank:
1. Working with Thrasher Engineers and coordinating with the Town of Wytheville.
2. Walked proposed alignment with Engineers. Proposed alternated alignment. Thrasher comparing alignments and getting a contractor to estimate cost differences.
3. Plans to be finished by August 2022.
5. Right of Way being cleared.
6. Plans reviewed August 11th at the FC WWTP.

Inflow/Infiltration for FC Reed Creek Sewer lines.
1. Working with Thrasher Engineers.
2. Plans almost complete. Project will be bid soon.
3. Plans sent to DEQ.
4. DEQ has reviewed plans and comments are being addressed.
5. DEQ approved the plans. Thrasher advertised for bidding.

FC Waste Water Treatment Plant Expansion:
1. Working with Thrasher Engineers.
2. Plans to be finished August 2022.
3. Plans Reviewed by Staff August 11th
4. Wythe County Engineering Department send email to DEQ. DEQ agrees that no SWM is required.

Barrett Mill Road Water Line
1. Development Project.
2. Rural Development to fund the part of the project. Closing soon on loans.
3. Scott Bortz of Peed & Bortz sending letter to Hilt regarding permits.

FC Sewer extension down Hwy 52
1. Project being developed

Dixon Camp Ground
1. Site reviewed. Owners did not comply with RV ordinance, E&S ordinance, and building code.
2. Letters issued by Engineering Department, Planning Department, and Building Official.
3. Second notice letter sent from Engineering Department.
4. Email from Mr. Dixon states that an Engineer has been hired.
5. No plans received.
6. Letter drafted to send to Dixon regarding fines.
7. Lawyer reviewing letter.

JC Weaver- Parking lot excavated across from Haunted Mansion
1. No plans received.
2. Letter drafted to send to Dixon regarding fines.
3. Lawyer reviewing letter.

Musser Lumber
1. Phase 2 Expansion plans received. Review on going.
2. Phase 3 log yard is being designed. Working with Mick Musser.
3. Another building going up.
4. No plans on Log yard yet. Existing site plan revised again.
5. Next phase approved. New Permits will be issued as soon as the owner applies.
6. Another Expansion underway on property to the South. Construction added to existing plans and permit for now. New Plans promised in 2 weeks.
VDOT:

1. **STARS Study for I-81 Exits 77 and 80** – No movement- New meeting to be scheduled in October.
   b. Survey was issued. No word on the results.
   c. Work session with Wythe County on Feb. 10th.
   d. Smart scale pre application submitted. Need Resolution of support from the County and the project needs to be a part of the Comprehensive Plan. Deadline is August 2022.
   e. County to meet one more time with VDOT before drafting a Resolution of Support and inserting the project into the Comprehensive Plan
   f. Smart Scale Application updated with Comp Plan and Resolution of Support.

2. **Revenue Sharing Projects- Pre-Applications Submitted.** Full applications being worked on.
   New Revenue Sharing Projects:
   1. **Griffith Knob Lane** – Working with Kirk Chamberlain and VDOT.
   2. **Ghent Lane** – No Right of Way found for existing road yet.

   Approved 2021:
   a. **Muskrat** – VDOT approved, but part of the road is too steep for VDOT standards.
   b. **Southcrest** – VDOT approved. Needs Cul-De-Sac R/W/Subdivision- Letters emailed, memos snail mailed, spreadsheets complete; meeting scheduled.

   Approved 2019:
   a. **Bentwood Drive 0.80 miles, Cost Est. $149,815**
   b. **Orion Drive 0.14 Miles, Cost Est $34,952** At 10-19-21 B&G Meeting, the county will add $7500 because of the importance of the road to the water department. Calculations revised. Tax District created.
   c. **Penwood Lane 300 Feet $35,000**
   d. **Staff Street** – Lead Mines Estates is moving forward with construction on their own. Letter to VDOT. Done. Tax District created.

   NOT Approved or Cancelled:
   a. **Calico rejected** – Entrance Site Distance.
   b. **Peacehaven** – VDOT-does not meet VDOT standards at this time (Note on Plat)
   c. **Dyer** – Residents not willing to invest.
   d. **Newground** – VDOT cannot approve, too steep. Only one house could be served.
   e. **Beetle Spinner** - Residents not willing to invest.
   f. **Pine Brook and Timberland**-VDOT approved - Cancelled

3. **Econ Development Access Program for Walton Furnace (Salem Stone).** Submitted preliminary application cover sheet to Pam Heath. Pam submitted to Richmond Central Office. No comments yet.

APEC:

1. **Ready Mix Road Deed of Release recorded; working with Pam at VDOT to finish the revenue sharing project for Ready Mix Road.**
2. **R/W plat produced. Comments from Planning Department being addressed.**
3. **Subdivision created to show the conservation easement, and keep the stormwater ponds on the site with the building and the barn. Comments from the Planning Department being addressed.**
4. **Termination of SWM Permit application submitted waiting for DEQ.**
5. **DEQ inspection. Paperwork has to be updated. Permit has to be updated. Topsoil delivered to site to repair washouts from motorcycle race, bio basin and hillside near the truck stop.**

Austinville WWTP and Conveyance System:

1. **Schedule 1 for DEQ/VRA disbursement submitted.**
2. **More, Closeout document being compiled now.**
3. **Project PER has been revised. DEQ will help fund main trunk line and South Side of Staff Street.**
4. **Camera to be run through main trunk Line and project to be designed soon by Mattern and Craig.**
5. **Revised PER dues next week.**
6. **Line-item transfer of fund required and letter of Self Certification required to DEQ**
7. **DEQ last inspection. Paperwork and accounting have to be updated.**
8. **Phase 2 project has been tentatively approved by DEQ.**
9. **Still working on close out documents.**
DEQ:
1. Finished the Certification for Erosion and Sediment Control Inspector
2. Testing on Sept. 28, 2021
3. Passed the test.
4. Have to start preparing for Program Administrator Testing next.
5. Passed the Combined Administrator Test (The County is legal now as far as DEQ requirements).

Applied to renew Certified Energy Manager with existing Continuing Education documentation. CEU approved, CEM until 2024.

UVA Continuing Education Class for Roundabouts taken and passed. 8 CEU’s received.

Interviewed 7 candidates for Building Inspector. We have 4 very good interviews. 3 interviews were excellent. Kyle will have to choose 1 of the 3.
Assistant County Administrator Report  
September 27, 2022

1. **Action Items**
   a. **Wythe-Bland Foundation Grant.** Consider acceptance of a $50,000 award from the Wythe-Bland Foundation in support of playground re-development at Ager Park.

2. **Updates**
   a. **Personnel.**
      i. The new personnel manual/handbook review is nearly complete.
      iii. Animal Control. Arlan Dunford has announced his retirement, effective October 31. The revised job description is attached.
      iv. Dispatch. One dispatcher is leaving full-time service this week, one is on medical leave, and three trainees are still in their training.
   b. **Orion Drive.** Staff has met with property owners, has received interest from four and is working to define the district, draft an ordinance and work on details.
   c. **Public Safety Radios.** After our last meeting, one of the fire chiefs raised the question of pagers. This has complicated our change order. We have requested equipment counts and rosters from all departments and expect to finalize a budget recommendation this week for consideration in early October.

3. **Planning**
   a. **Comprehensive Plan.** The Planning Commission is still in the draft stage. The contractor will be at the Commission meeting October 3.
   b. **Solar.** We’re working on several solar project proposals. More details later.

4. **Dispatch**
   a. **Emergency notifications.** Staff has renewed the Everbridge system contract as budgeted and is working with VDEM on training required for preemption.

5. **Recreation.**
   a. **Lake Cleanup.** The Rural Retreat Lake Cleanup 9/17 was a success, organized by Adam Lawson. The event did not generate a large amount of trash and debris, to the credit of the summer maintenance crew.
   b. **Pool Resurfacing RFP.** The request for proposals is out to resurface the 25-year-old surface at the pool. We’ll review the recommended selection in October.

6. **Regional Improvement Commission:** Met in Marion Thursday, approved by-laws, set officers and took care of administrative items. I was elected Commission Secretary, with Dr. Eric Workman as treasurer. Jason Berry of Washington County was elected chair, which is a one-year term. Chair will rotate annually between the three PDCs.

7. **Procurement**
   a. Staff is working to procure codification services (organizing, publish and maintain our county code of ordinances) and currently budgeted vehicles.