

## Smyth County Planning Commission 121 Bagley Circle, Suite 120 Marion, Virginia 24354

Clerk's Direct Phone: (276) 706-8316 Fax: (276) 783-9314 Atkins District
Chilhowie District
North Fork District
Park District
Royal Oak District
Rye Valley District
Saltville District
Zoning Administrator, Clerk

Hazel L. Wagoner Graham S. Davidson Jr. Robert Campbell Lea Meadows Anthony "Tony" Ray Dean Paul D. Shepherd David L. Spence Becca Creasy

### AGENDA

Thursday, October 24, 2024 6:30 p.m.

- 1. Call Meeting to Order
- 2. Adoption of Agenda
- **3.** Adopt Minutes of September 26, 2024, meeting
- 4. Citizens Time
- **5.** Other Business, if any
- **6.** Zoning Administrator updates (September joint public hearing results)
  - Section 4-8 add Solid Waste and exempt from regulations
  - Section 8-6.2 adopt zoning fee, and increase SUP and amendment fees
- **7.** Questions/Comments from Commissioners
- **8.** Recess

# JOINT PUBLIC HEARING WITH THE BOARD OF SUPERVISORS 7:00 p.m.

- **9.** Chairman of the Board and Chairman of the Planning Commission call the joint public hearing to order.
- **10.** Virginia Outdoor Foundation: application for amendment to the Comprehensive Plan's Future Land Use Map
- **11.** Adjourn public hearing.
- **12.** Reconvene the Planning Commission meeting to deliberate the application.
- **13.** Adjournment.



Note from the Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.

## SMYTH COUNTY PLANNING COMMISSION Thursday, September 26, 2024

The Smyth County Planning Commission met in their regular meeting on Thursday, September 26, 2024, at 6:30 P.M. in the Smyth County Office Building.

**Commissioners Present:** Hazel Wagoner, Chairperson, Atkins District (arrived 6:40) Graham Davidson Jr, Vice-Chairman, Chilhowie District; Tony Dean, Royal Oak District; Lea Meadows, Park District; Paul Shepherd, Rye Valley District; and, David Spence, Saltville District. **Absent:** Robert Campbell, North Fork District

Staff Present: Becca Creasy

<u>6:31 PM Adoption of Agenda:</u> Graham Davidson Jr. called the meeting to order and opened the floor for a motion to adopt the agenda. David Spence made a motion to approve which was seconded by Tony Dean and unanimously passed.

Vote: 5 yeas Davidson Jr., Dean, Meadows, Shepherd, and Spence

2 absent Campbell and Wagoner

<u>Minutes:</u> David Spence made a motion to approve the minutes of the Thursday, July 25, 2024, meeting which was seconded by Lea Meadows and unanimously approved.

Vote: 5 yeas Davidson Jr., Dean, Meadows, Shepherd, and Spence

2 absent Campbell and Wagoner

Other Business: None.

Citizens Time: No citizens were present.

**Zoning Administrator Updates:** Becca Creasy shared the Board's affirmative votes on last month's *Campground or RV Park* special use permit request from William Varner (with conditions) and Myrtle Properties map amendment request to rezone 15 acres from Industrial to Commercial.

<u>Commissioners' Questions/Comments:</u> Ms. Meadows highlighted sections of the Zoning Ordinance pertaining to light and air and voiced her concerns regarding citizen comments made during Myrtle Properties map amendment request in July.

**6:55 PM** With no further discussion, Mr. Spence made a motion to recess the meeting for a joint public hearing with the Board of Supervisors which was seconded by Mr. Shepherd, and unanimously approved.

#### JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS

**Board Members Present:** Charles Atkins, Chairman, Atkins District; Mike Sturgill, Vice-Chairman, Chilhowie District; Rick Billings, North Fork District, Roscoe Call, Saltville District; Courtney Widener, Royal Oak District; and Jason Parris, Rye Valley District. **Absent:** Kris Ratliff, Park District

**Commissioners Present:** Hazel Wagoner, Chairperson, Atkins District; Graham Davidson Jr, Vice-Chairman, Chilhowie District; Tony Dean, Royal Oak District; Lea Meadows, Park District; Paul Shepherd, Rye Valley District; and, David Spence, Saltville District. **Absent:** Robert Campbell, North Fork District

**Staff Present:** Shawn Utt, County Administrator; Clegg Williams, Assistant County Administrator – Development; Lisa Richardson, Assistant County Administrator - Finance; Becca Creasy, Zoning Administrator, and Auna Louthian, Executive Administrative Assistant

Others: Representatives from the Smyth County Sheriff's Office and Smyth County News and Messenger

**9/26/2024 7:09 PM** Charlie Atkins, Chairman of the Board of Supervisors, and Hazel Wagoner, Chairperson of the Planning Commission called the joint public hearing to order.

#### NOTICE OF PUBLIC HEARING

In compliance with the Code of Virginia of 1950, and amendments thereto, the Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a public hearing to consider Amendments to the Smyth County Code of Ordinances as described below. The Board of Supervisors and the Smyth County Planning Commission shall hear comments from citizens concerning these amendments to the Smyth County Code of Ordinances:

To consider amendments to the Zoning Ordinance to add solid waste to *Section 4-8 Public* Utilities and exempting them from the regulations of the Ordinance; and amend *Section 8-6.2 Filing Fees* by adopting a zoning permit fee and increasing the fees for Special Use Permits and amendments to the Ordinance.

The public hearing shall be held on Thursday, September 26, 2024, beginning at 7:00 p.m., or as soon thereafter as may be heard, in the Board Room of the Smyth County Office Building, 121 Bagley Circle, Marion Virginia, to receive comments on the above-described amendments.

All interested persons may express their views by emailing bcreasy@smythcounty.org before the public hearing. Written comments may also be mailed or delivered to County Administrator, 121 Bagley Circle, Suite 100, Marion VA 24354, or faxed to (276) 783-9314. All emails, written comments and faxes must be received by 2:00pm on Thursday, September 26, 2024.

A copy of the proposed amendments being considered is on file in the County Administrator's and Zoning Administrator's offices located at 121 Bagley Circle, Marion Virginia or online at <a href="https://www.smythcounty.org">www.smythcounty.org</a> for public review.

In compliance with the provisions of the Americans with Disabilities Act, persons requiring special assistance to attend and participate in these public hearings should contact Clegg Williams, ADA Coordinator at (276) 706-8315, at least twenty-four (24) hours before the public hearings.

Smyth County fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information or to obtain a Title VI Discrimination Complaint Form, contact (276) 783-3298 or at <a href="https://www.smythcounty.org">https://www.smythcounty.org</a>.

BY ORDER OF THE
SMYTH COUNTY BOARD OF SUPERVISORS
AND THE
PLANNING COMMISSION
Shawn M. Utt, County Administrator
Hazel Wagoner, Chairperson of the Planning Commission

**9/26/2024 7:12 PM** Mr. Williams read the first proposed amendment to Section 4-8 of the Zoning Ordinance, by adding Solid Waste as an exemption in regulation. Mr. Williams's reasoning for the proposal is because several County owned convenience stations will need to be moved and those lots do not need to meet the minimum lot size requirements.

9/26/2024 4:14 PM Jason Parris asked if the wording needed to include "County Owned." Mr. Williams concurred.

**9/26/2024 7:14 PM** Becca Creasy asked for clarification of what they want to add. Mr. Williams clarified that it would start out, "Any County owned public facility, including *solid waste*, and any public utility used solely for distribution..." Mr. Atkins agreed with the wording. Mr. Williams concluded the first proposal and turned the meeting over to Ms. Creasy.

**9/26/2024 7:15 PM** Becca Creasy discussed the second proposed amendment to Section 8-6.2 of the Zoning Ordinance, which aims to establish a zoning fee and increase fees for special use permits and zoning amendments. Currently, the County does not charge for zoning permits, and the existing \$250 application fee only partially covers advertising costs, straining the department's budget.

In her first proposal, she suggested a \$50 fee for all zoning permits and raising the fees for special use permits and zoning amendments to \$500. In her second proposal, she recommended splitting the advertising costs between applicants, while

maintaining the \$250 fee for special use permits and zoning amendments, though this may pose challenges compared to the first option. Zoning permit fees for agricultural use would be waived, as they are exempt from the building code but must still comply with zoning setbacks.

**9/26/2024 7:24 PM** Mr. Widener inquired whether the ad would reflect two different fees or a flat fee. Ms. Creasy responded that she proposes a flat fee of \$500, which would cover both the advertising costs and the application fee, eliminating the need for multiple fees.

**9/26/2024 7:26 PM** With no citizens present, Mr. Atkins and Mrs. Wagoner closed the public hearing. Mrs. Wagoner then reconvened the Planning Commission's meeting to deliberate tonight's hearing.

**9/26/2024 7:26 PM** Section 4-8 – adopt Solid Waste exempt from regulations David Spence made a motion to recommend the Board of Supervisors approve the amendment to Section 4-8 as follows. The motion was seconded by Lea Meadows and unanimously passed.

Vote: 6 yeas Davidson, Dean, Meadows, Shepherd, Spence, and Wagoner

1 absent Campbel

## a. <u>Section 4-8 – Add Solid Waste</u> and exempt from regulations

Section 4-8. Public Utilities.

Any public utility County owned, public facilities, including solid waste, and any public utility used solely for local distribution such as water, sewer, cable TV, electric, telephone and natural gas lines shall not be subject to restrictions in this Ordinance. Major public utility installations such as electric generating and booster stations, high voltage electric towers, and communications towers are subject to compliance with Article III - District Regulations.

9/26/2024 7:26 PM Section 8-6.2 – adopt zoning fee and increase SUP and amendment fees recommendation Lea Meadows made a motion to recommend the Board of Supervisors approve the fees as presented in Option 1 as shown below. The motion was seconded by David Spence and unanimously passed.

Vote: 6 yeas Davidson, Dean, Meadows, Shepherd, Spence, and Wagoner

1 absent Campbell

### b. Section 8-6.2 - adopt zoning fee and increase SUP and amendment fees

**8-6.2. Filing Fees.** Filing fees for the above applications shall be based upon reasonable costs to pay for the expenses involved. The fees shall be as follows:

 Zoning permit
 No Fee \$50.00

 Zoning amendment (text change)
 \$250.00 500.00

 Rezoning (change to zoning map)
 \$250.00 500.00

 Special use permit
 \$250.00 500.00

 Variance
 \$250.00 500.00

 Appeal
 \$250.00 500.00

Agricultural No Fee

<b>9/26/2024 7:30 PM</b> Mr.	Davidson made	a motion to	adjourn the	meeting, it wa	as seconded	by Ms.	Meadows,	and it w	/as
followed by a unanimous	s vote.								

Tony Dean, Secretary	

## APPLICATION FOR AMENDMENT TO THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP

**Applicant:** Virginia Outdoor Foundation

Site: River Rd, Flatwood Acres Rd and Colecrest Dr, Chilhowie

Tax Map Nos.: 64-A-5A, 64-A-6, 64-A-7 and 64-A-20

### **Background Information**

Virginia Outdoor Foundation, on behalf of Greg and Kyli Waddle, are requesting the Comprehensive Plan's Future Land Use Map be amended to reclassify properties located in Chilhowie to *Agriculture* instead of *Village Residential* or *Commercial/Industrial*. The Waddle family has multiple farms and would like to place these properties in a Conservation Easement. Currently, the Future Land Use map does not support their Conservation Easement.

#### **Relevant Zoning Ordinance Sections**

Section 3-2 Agricultural/Rural District – Current Zoning Designation

Article IX Amendments

#### **Relevant Comprehensive Plan Sections**

- 1.1 Purpose and Use of the Comprehensive Plan
- 4.5 Land Use and Development
  - Future Land Use Categories
  - Future Land Use Map

**Adjoining Property Owners** 

64-A-5A	Gregory Waddle et al 14120 Friendship Road Chilhowie, Virginia 24319	Samuel Blevins et al 415 River Road Chilhowie, Virginia 24319	Harold D. Hawkins 256 Packing House Road Chilhowie, Virginia 24319
	Rebecca Jane Kress 35149 Fleet Road Glade Spring, Virginia 24340	Kevin Austin et al 550 Colecrest Drive Chilhowie, Virginia 24319	
64-A-6	Gregory Waddle et al 14120 Friendship Road Chilhowie, Virginia 24319	Sandra Chambers et al 532 Colecrest Drive Chilhowie, Virginia 24319	Cary Sexton-Gillespie et al 516 Colecrest Drive Chilhowie, Virginia 24319
	Michael S. Lomans P. O. Box 481 Chilhowie, Virginia 24319	William Lyman et al 494 Colecrest Drive Chilhowie, Virginia 24319	Kenneth Hawkins P. O. Box 647 Abingdon, Virginia 24212
	Gregory Waddle et al 14120 Friendship Road Chilhowie, Virginia 24319	Kenneth Hawkins P. O. Box 647 Abingdon, Virginia 24212	Henderson Hawkins Estate P. O Box 1686 Abingdon, Virginia 24212
64-A-7	Thomas Hill et al 271 Flatwood Acres Road Chilhowie, Virginia 24319	Richard Kegley et al 386 Flatwood Acres Road Chilhowie, Virginia 24319	Thomas Bishop et al P. O. Box 405 Chilhowie, Virginia 24319
	Robert Odum et al 765 Flatwood Acres Road Chilhowie, Virginia 24319	Harold D. Hawkins 256 Packing House Road Chilhowie, Virginia 24319	
64-A-20	Gregory Waddle et al 14120 Friendship Road Chilhowie, Virginia 24319	Samuel Blevins et al 415 River Road Chilhowie, Virginia 24319	Thomas Richard Palmer P. O. Box 851 Glade Spring, Virginia 24340



10/01/2024

Becca Creasy 121 Bagley Circle, Ste. 120 Marion, VA 24354

**RE:** Waddle Map Amendment Application

Dear Ms. Creasy:

The Virginia Outdoors Foundation (VOF) has been working with Greg and Kyli Waddle to place an open-space easement on their 850 +/- acre property in Smyth and Washington County. This property is part of the Waddles' 1,816-acre farm property. The Waddles run a cow-calf operation on the farm property and own other land in the region. According to the 2022 Census of Agriculture, there are 1,926 active farms in the Washington and Smyth Counties, and the Waddle property is one of the 50 farms larger than 1,000 acres. This makes the farm property one of the more significant farm operations in the two counties.

Currently, the Waddle's have three open-space easements held by the VOF in Washington County that are part of the farm, and they would like to place this 850 +/- acres of the property in an open-space easement as well to conservation their farm property for agricultural and forestall uses. Part of the due diligence process for developing an easement project is confirming the property is compliant with the current County Comprehensive Plan (Comp Plan). In the process, Washington County confirmed that the easement project was compliant with their Comp Plan, but as we know, the Smyth County portion was not compliant with the most recent update to the Comp Plan.

Since the property was determined to be noncompliant with the Smyth Comp Plan, the Waddles are requesting a Map Amendment (Rezoning) for the Comp Plan for their property. Enclosed with this letter are the Amendment Application, Owner's Consent Form, Property Map, and the list of adjacent landowners with mailing addresses. The fee for the application will be submitted through the county's online payment portal.

After reviewing the application, please let me know if more information is needed or if you have any questions. I can be reached at 540-750-6370 or toravetz@vof.org

Respectfully,

Tommy Oravetz

Conservation Specialist

**Enclosures: Amendment Application** 



## Smyth County Building and Zoning Department 121 Bagley Circle, Suite 120 Marion, Virginia 24354

Marion, Virginia 24354

Direct Phone: (276) 706-8317 buildingandzoning@smythcounty.org www.smythcounty.org Assistant County Administrator - Development Zoning Administrator Building Official ESC/SWM Administrator Code Enforcement Officer Administrative Assistant GIS Coordinator

Clegg Williams
Becca Creasy
Danny Wilson
Kenneth Pennington
Brian Thompson
Kelsey Marchant
Manuel Street

## APPLICATION TO AMEND ZONING ORDINANCE, ZONING MAP or FUTURE LAND USE MAP

**Article IX of Zoning Ordinance** 

		_		
	Date <u>: 9/26/2024</u>	Ap	plication Fee: \$	2250.00
Mailing A	pplicant : Tommy Oravetz, Conserddress: 39 Garrett St. Suite 200 W: (Cell): 540-750-6370	arrenton, VA		tdoor Foundation
Mailing A	Owner (if not applicant): Greg and ddress: 14120 FRIENDSHIP RD e: (Cell) 276-780-3331 (Email)	CHILHOWI	E VA 24319	
Preferred	Method of Contact (circle one):	Home	Cell	<b>Email</b>
911 Site A	ddress or Adjoining Address 525	Flatwood A	cres Rd Chilhowi	e, VA 24319
	cription of Property: Number: 64-A-7; 64-A-6; 64-A-20	); 64-A-5A <b>D</b>	eed Book <u>:</u> 1079	<b>Page</b> : 0139
64-A-7 64-A-6 64-A-20	Map Amendment or Future Land Existing Zoning District: Village Existing Zoning District: Village Existing Zoning District: Commo Existing Zoning District: Commo	e Residential e Residential ercial/Industr	Proposed Zon Proposed Zon Tial Proposed Zon	ning District: Agriculture ning District: Agriculture
_	Γext Amendment: ext:			
Proposed T	Text:			
	me or substantially same amendatite Plan showing the following into Shape and dimensions of lot	-	roposed previou	sly?
b.	Existing structures with distances Dimensions and locations of all alterations) with distances to lot I	proposed by	uildings or struc	tures (including additions or

Attach a list of names and addresses of all abutting property owners and property owners directly across the street.

e. Significant natural features, such as woods, streams, etc.

f. Existing and proposed roads and drivewaysg. Source of water and means of sewage disposal

h. Existing public water and sewer lines

Off-street parking spaces

d. Existing and intended uses of the land and of each building or part of a building

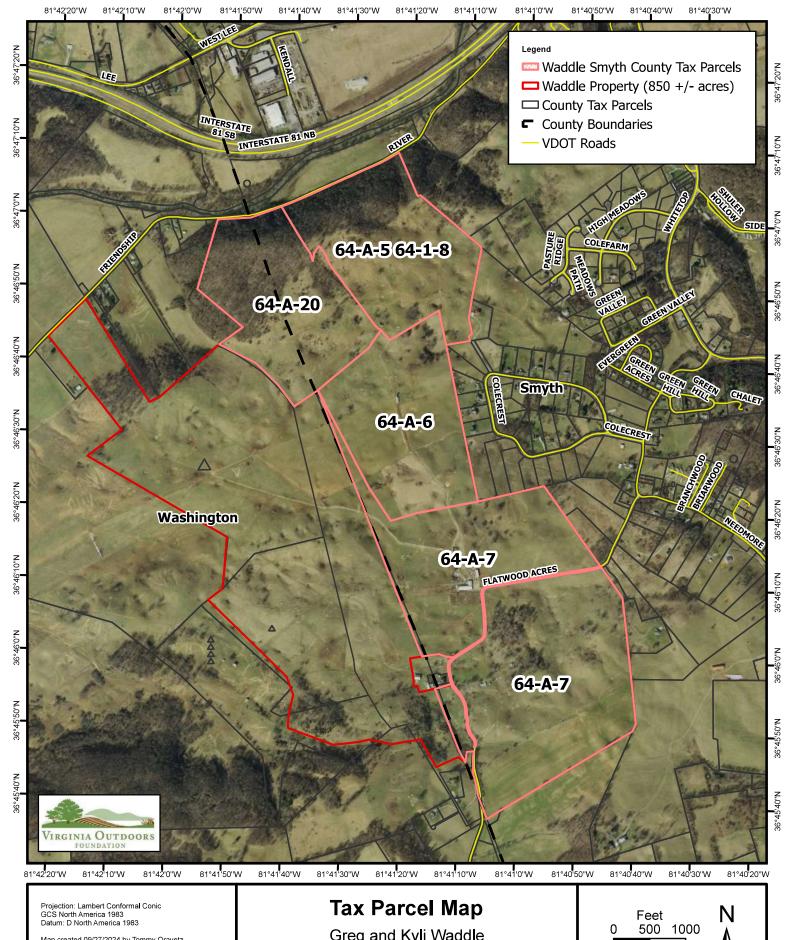
I swear that: (check one)
No member of the Smyth County Planning Commission or Smyth County Board of Supervisors or no member of the immediate household of any member of the Planning Commission or the Board of Supervisors has any interest in the property for which this Special Use Permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust;
Members of the Smyth County Planning Commission or Smyth County Board of Supervisors or members of the immediate household of members of the Planning Commission or the Board of Supervisors who have an interest in the property for which this Special use permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust are listed below.
Disclosure of Ownership of Property for which this Special Use Permit is requested:  Names of all owners of the property, including in the case of corporate ownership, the name of stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest. (Requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 sharcholders.)
9/36/24 Signature of Applicant
NOTARY PUBLIC  NOTARY PUBLIC  REG. #349092 MY COMMISSION
STATE/COMMONWEALTH OF Virginia  City/County of Mont gomer y
The foregoing signature(s) were subscribed and sworn before me this 30 day of september, 2024 by Thomas 5, Oravette and
<del></del>
Notary Public
My Commission Expires 2/30/2028 My Registration No. 349092

AFFIDAVIT:

## OWNER'S CONSENT FORM

	grant per	mission for Tommy Oravetz, Conservation Specialist Virginia Outdoors Foundation
to seek a:		Special Use Permit
	X	Map Amendment (Rezoning) for Comp Plan
		Variance to the Subdivision Ordinance
		Variance to the Zoning Ordinance
		Other:
	. 64-A-7	rn at 525 Flatwoods Acre Rd Chilhowie, VA 24319 7; 64-A-6; 64-A-20; 64-A-5A
Date		Owner's Signature  Gregory W Waddle 276-780-333   Print Name  Phone
9-30-X Date	4	Byli Waddle Owner's Signature
		Print Name Phone Phone
		NOTARY PUBLIC
STATE/COM City/County	MMONY of Sm	WEALTH OF Vicainia REG. #8091593: X = C: MY COMMISSION: X =
Septem Kyli Waa	ber	g signature(s) were subscribed and sworn before me this 30 11 1516TH OF 1111
		Notary Public
My Commiss	sion Exp	pires <u>09-30-202</u> My Registration No. <u>8091593</u>

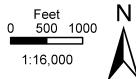
121 BAGLEY CIRCLE, SUITE 120, MARION, VA 24354 Telephone (276) 706-8316 or (276) 706-8317 Facsimile (276) 783-9314 buildingandzoning@smythcounty.org



Map created 09/27/2024 by Tommy Oravetz. Source data provided by VOF, VBMP, VDOT, VGIN Aerial Imagery Date: 2/19/2023 This map is for general reference and display purposes.

Greg and Kyli Waddle

County: Washington/ Acreage: 850 +/-Smyth



## **Future Land Use Categories**

Anniauthura				
Agriculture	Danaitu / Intanaitu	Developmental Character		
This land use category provides preservation and protection of large farms that fall within portions of the County traditionally used for farming, greenhouses, crop and timber production, and pastureland. These areas include low-density residential uses that are typically one or more single-family homes that are associated with agriculture. These areas may be served by public water, broadband, and electricity but are unlikely to be served by public sewers or water. Water & sewer extensions are not a priority in these areas.	Farms (Large Lots)     Minor Residential development and typically 6+ acre lots	Rural agricultural landscapes     Some public utilities are available, but not all, and public facilities may be some distance away     Residential development is associated with both larger and smaller farms and well as homesteads     Agribusiness Operations		
Village Residential (Medium Density) Description	Density/Intensity	Developmental Character		
Village Residential represents areas of the County that are serviced by some public utilities and are located in close proximity to important roadways. These areas are likely populated with public facilities and community services being close by. Typical residential development in this area includes single-family homes (attached and detached), duplexes, apartments, townhomes, and manufactured homes. These areas likely have access to public water, but not public sewers. Likely areas for water & sewer expansion if not already available	<ul> <li>Small to Medium Lots</li> <li>10 to 15K sq ft lots</li> <li>Single-family: 2-4 dwellings / acre</li> <li>Multi-Family: 6-12 dwellings / acre</li> </ul>	Residential neighborhoods or areas with easy access to the County's towns     Public Utilities & Services     Connected roads and possible sidewalks     Muli-Family dwelling dependent upon access to public water and sewer.		
Commercial / Industrial	Density/Intensity	Development of Character		
This land use category provides for business and industrial development along major transportation corridors such as I-81 and US-11. Examples of typical commercial land use may include highway-oriented businesses like fast-food and fast-casual restaurants, gas stations, lodging, automotive repair shops and stores, and charging stations. Examples of industrial-oriented land use may include manufacturing facilities, warehouses, distribution facilities, industrial parks, corporate offices, business parks, or other industries. Industrial facilities may be buffered for other adjacent land use	Coordinated nodes of development along corridors rather than strip development	Consolidated entrances     Screened operations areas, loading, employee parking, and storage lots     Business support services     Public utilities, roads, railway, public transit access		

depending upon compatibility

