

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

6:31 PM Adoption of Agenda: 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

Minutes: 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.

Commissioners' Questions/Comments: 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.

9/26/2024 7:10 PM Clegg Williams read the legal ad into the record.

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 www.smythcounty.org 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 <https://www.smythcounty.org>.

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 the regulations. 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 Campbell

a. Section 4-8 – Add Solid Waste 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.

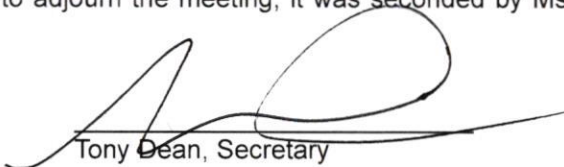
Vote: 6 yeas Davidson, Dean, Meadows, Shepherd, Spence, and Wagoner
1 absent Campbell

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 <u>\$50.00</u>
Zoning amendment (text change)	\$250.00 <u>\$500.00</u>
Rezoning (change to zoning map)	\$250.00 <u>\$500.00</u>
Special use permit	\$250.00 <u>\$500.00</u>
Variance	\$250.00 <u>\$500.00</u>
Appeal	\$250.00 <u>\$500.00</u>
<u>Agricultural</u>	<u>No Fee</u>

9/26/2024 7:30 PM Mr. Davidson made a motion to adjourn the meeting, it was seconded by Ms. Meadows, and it was followed by a unanimous vote.


Tony Dean, Secretary