

Board of Supervisors



SMYTH
COUNTY, VA

Thursday, June 25, 2026

#SMYTHSTRONG



*Atkins District
Chilhowie District
North Fork District
Park District
Royal Oak District
Rye Valley District
Saltville District*

*County Administrator
Asst. County Administrator – Operations
Asst. County Administrator – Development*

*Charles E. Atkins
Michael L. Sturgill
Rick A. Billings
Kristopher S. Ratliff, DPh
S. Courtney Widener
W. Jason Parris
Roscoe D. Call*

*Shawn M. Utt
Lisa Richardson
Clegg Williams*

JOINT PUBLIC HEARING AGENDA SMYTH COUNTY BOARD OF SUPERVISORS

Thursday, June 25, 2026
7:00 PM

- | | | |
|----|---|---------------|
| 1) | CALL TO ORDER
<i>Pledge of Allegiance and Invocation</i> | Board Chair |
| 2) | JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION
a. Proposed Zoning Amendment for Data Centers | Board Members |



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June 22, 2026

To: Members, Smyth County Board of Supervisors

CC: Smyth County Leadership Team

From: Shawn Utt, County Administrator

RE: Packet summary – June 25, 2026 Board meeting

Below are summaries related to specific agenda items. Should additional information become available, we will provide as quickly as possible:

1. **Call to Order, Pledge of Allegiance & Invocation:** The pledge of allegiance will be led by GIS Coordinator Manuel Street. The invocation will be provided by Stephanie Porter-Nichols.
2. **Joint Public Hearing with the Planning Commission:**
 - a. **Proposed Zoning Amendments regarding Data Centers:** A copy of the proposed amendments is **enclosed** (**Att. 1, pg. 1-11**) for the Board's review.



FOR IMMEDIATE RELEASE

SMYTH COUNTY TO HOLD PUBLIC HEARING ON PROPOSED DATA CENTER
ORDINANCE AMENDMENTS

MARION, VA – The Smyth County Board of Supervisors will hold a public hearing on June 25, 2026, to consider proposed amendments to the County's zoning ordinance related to data centers.

County staff has received questions from residents regarding the purpose of the hearing and would like to clarify that the proposed ordinance amendment does not approve any specific data center project.

Currently, Smyth County's zoning ordinance allows a "Call Center and/or Data Processing Facility" as a permitted use by right within certain zoning districts. While County staff does not believe modern large-scale data centers clearly fit within that definition, questions have been raised regarding how the ordinance could be interpreted.

The proposed amendment is intended to remove that uncertainty by creating a specific definition for data centers and establishing a process for how such facilities would be reviewed should one ever be proposed.

If adopted, the amendment would:

- Remove data processing facilities as a by-right use in Commercial and Industrial districts.
- Create a new definition for "Data Center."
- Require all data centers to obtain a Special Use Permit before they could be established.
- Establish operational, environmental, and site development standards specific to data centers.

Importantly, adoption of the ordinance would not approve any specific project. Any future data center proposal would still require a separate public hearing, public notice, and approval by the Smyth County Board of Supervisors before development could occur.

The proposed ordinance does not designate any specific property for a data center, nor is there currently a data center application pending before Smyth County.

The proposed regulations are intended to address issues commonly associated with data centers, including noise, visual impacts, environmental considerations, emergency preparedness, and long-term accountability should a facility cease operations.

County officials encourage residents to review the proposed ordinance and participate in the public hearing process. Public input may result in additional revisions to the proposal before any final decision is made.

A complete copy of the proposed ordinance and an accompanying fact sheet are available at:
[Proposed text amendment to the Zoning Ordinance, June 25th BOS Meeting @7pm](#)

Questions may be directed to Smyth County Administration at (276) 783-3298 Ext. 4 or by email at publichearing@smythcounty.org

[Data Center Zoning Amendment Public Information - Fact Sheet & FAQ.pdf](#)

AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Anjana Bhadoriya, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Smyth County News & Messenger, a newspaper printed and published in the City of Marion, County of Smyth, State of Virginia, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

Jun. 13, 2026, Jun. 20, 2026

NOTICE ID: bLDGRjJehg6oIMG3y5ph

PUBLISHER ID: COL-2600411

NOTICE NAME: Data Center Regs

Publication Fee: 422.21

Ad Size: 2 X 39 L

Category: General Legal Notice

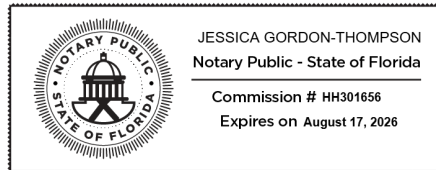
Under penalty of perjury, I, the undersigned affiant swear or affirm that the statements above are true and accurate to the best of my knowledge and belief.

Anjana Bhadoriya

(Signed) _____

VERIFICATION

State of Florida
County of Orange



Subscribed in my presence and sworn to before me on this: **06/22/2026**

J. Thompson

Notary Public

Notarized remotely online using communication technology via Proof.

Notice of Joint Public Hearing

BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND
SMYTH COUNTY PLANNING COMMISSION
ON AMENDMENTS TO THE SMYTH COUNTY ZONING ORDINANCE

The Smyth County Board of Supervisors and Planning Commission will hold a joint public hearing on Thursday, June 25, 2026, at 7:00 P.M. (or as soon thereafter as the matter may be heard) in the Marion Senior High School Auditorium, 848 Stage Street, Marion, Virginia, for the Planning Commission to consider whether to recommend the approval of the following amendments, and the Board of Supervisors to consider whether to accept the Planning Commission recommendations on the following amendments to the Zoning Ordinance of Smyth County, Virginia:

- a. Repeal *data processing facility* from sections 3-4(z), 3-5(u), 4-10.6 and Article X
- b. Adopt *Section 4-19 Data Center* regulations
- c. Define *Data Center* in Article X: A facility or portion thereof used for the storage, processing, management, or distribution of digital data through computer systems, servers, telecommunications equipment, and related infrastructure.

Any person may appear and be heard on this matter, subject to the rules of the Smyth County Board of Supervisors and Planning Commission. Amendment materials are available for public review in the offices of the Zoning Administrator and County Administrator, 121 Bagley Circle, Marion, Virginia, during regular business hours. Persons requiring special assistance under the Americans with Disabilities Act should contact (276) 706-8315 at least 48 hours before the hearing. Smyth County complies with Title VI of the Civil Rights Act. For information, call (276) 783-3298 or visit 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
COL-2600411



Planning Commission
121 Bagley Circle, Suite 120
Marion, Virginia 24354

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
Administrative Assistant, Clerk*

*Hazel L. Wagoner
Graham S. Davidson Jr.
Robert Campbell
Lea Meadows
Anthony "Tony" Ray Dean
Paul D. Shepherd
David C. Buchanan Jr.
Becca Creasy
Kelsey Marchant*

AGENDA

Thursday, June 25, 2026

6:30 p.m.

1. Call Meeting to Order
2. Adoption of Agenda
3. Adopt May 28, 2026, meeting minutes
4. Citizens Time
5. Zoning Administrator Report
 - a. *Brian Karriker – Retail Store*
6. Other Business; if any
7. Questions/Comments from Commissioners
8. Recess.

JOINT PUBLIC HEARING WITH 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. Proposed Text Amendment:
 - a. Repeal "*data processing facility*" from sections 3-4(z), 3-5(u), 4-10.6 and Article X
 - b. Add *Section 4-19 Data Center*
 - c. Define *Data Center* in Article X
11. Adjourn public hearing.
12. Reconvene Planning Commission meeting to deliberate.
13. Adjournment.



The proposed amendment would allow data centers to be considered within the Industrial, Commercial, Agricultural/Rural, and Agricultural zoning districts through the Special Use Permit process. This would be accomplished by adding the following provision to the regulations governing each district:

Industrial – 3-5.2 (hh) Data Center

Commercial – 3-4.2 (oo) Data Center

Agricultural – 3-1.2 (bbb) Data Center

Agricultural/Rural – 3-2.2 (iii) Data Center

Section 3-4. Commercial District (C).

3-4.1. Uses Permitted by Right in the C District. Uses permitted by right in the Commercial District shall be established in compliance with this article, Article IV, supplementary regulations, and other applicable Smyth County Ordinances. Uses permitted by right are limited to one or more of the following uses:

- (z) Call center ~~and/or data processing facility.~~

Section 3-5. Industrial District (I).

3-5.1. Uses Permitted by Right in the Industrial District. Uses permitted by right in the Industrial District shall be established in compliance with this article, Article IV, supplementary regulations, and other applicable Smyth County Ordinances. Uses permitted by right are limited to one or more of the following uses:

- (u) Call center ~~and/or data processing facility~~

4-10.6. Manufacturing, Wholesale Distribution, or Call Center ~~/Data Processing Facility~~: One space for every employee, with modifications allowed for shift employment.

Section 4-19. Data Centers

Purpose and intent. The purpose of this article is to provide for and regulate the siting, construction, operation, and decommissioning of data center facilities in a manner that promotes economic development while protecting the public health, safety, welfare, natural resources, agricultural lands, historic resources, and neighboring properties. The article is intended to ensure that data center facilities are compatible with surrounding land uses, adequately buffered, properly serviced by infrastructure, and compliant with all applicable local, state, and federal laws and regulations. Nothing herein shall supersede or nullify any provision of local, state, or federal law that applies to data center facilities.

- (a) **Application.** Each application for a Special Use Permit for a data center facility shall include the following general information:

- (1) **Decommissioning plan.** As part of the project application, the applicant shall submit a decommissioning plan, which shall include the following:
 - a. The anticipated life of the project;
 - b. Contact information for the party responsible for site decommissioning;
 - c. Timeline for, and written description of, decommissioning procedures which shall include, but not limited to, removal of any above and below ground tanks, cables, fencing, debris, buildings, structures or equipment, to include foundations and pads, related to the facility and restoration

land and related disturbed areas to a natural condition or other approved state. At time of approval, the Board of Supervisors may approve and condition a request by an applicant to have certain items intended to be utilized to serve a permitted use on the site to remain, provided site plan approval is obtained;

- d. "Natural condition" shall be taken to mean the stabilization of soil and restoration of site vegetation and topography to its pre-existing condition to prevent erosion, provided that the exact method and final site restoration plan shall be subject to site plan review giving, among other things, consideration to impacts upon future site use, environmental and adjacent property impacts. The Zoning Administrator or their designee may approve a request by the landowner for alternatives to site restoration to allow roads, pads or other items which will serve a future permitted site use to remain. Where applicable, if the Zoning Administrator or their designee determines that a restoration plan significantly deviates from the description and conditions approved by the Board of Supervisors such plan shall require amendment of the conditions by Board of Supervisors.
- (2) *Project narrative.* A narrative identifying the applicant, facility owner, site owner, and operator, if known, and describing the proposed data center facility, including the project location, site and project area size, current land use, construction timeline, proposed operational date, generating capacity, general description of equipment and ancillary facilities, and the proposed method and location of electrical interconnection; and analysis of the beneficial and adverse impacts of the proposed project on natural and historic resource, prime agricultural soils, or forest lands..
- (3) *Site plan.* The site plan shall conform to the preparation and submittal requirements of the County site plan review process, including supplemental plans and submissions, and shall include the following information:
- a. Existing and proposed buildings, including preliminary location(s) of all proposed equipment;
 - b. Existing and proposed access roads, drives, turnout locations, and parking;
 - c. Location of any substations, electrical cabling, ancillary equipment, buildings, and structures (including those within any applicable setbacks);
 - d. Appropriate access and water supply as required by the authority having jurisdiction of the County of Smyth; and
 - e. Fencing or other methods of ensuring public safety. The project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anticlimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be always maintained while the facility is in operation.
 - f. Documentation demonstrating adequate electrical service availability, including projected power demand, proposed energy sources, and the location of substations and utility connections. Applicants shall coordinate with the utility provider to confirm service availability and infrastructure requirements.
 - g. Documentation describing the proposed heating and cooling systems, including the type of industrial cooling technology to be utilized and any energy efficiency or heat recovery measures proposed for the facility.
 - h. Property lines, minimum required setback lines under this article, and any proposed setback lines that exceed the minimum requirements; and
 - i. The applicant must submit a landscaping and screening plan that addresses the vegetative buffering required in this article, including the use of existing and newly installed vegetation to

screen the facility. The plan also must address the use of pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers in the project area and in the setbacks as required by the zoning administrator under this article.

- j. A report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System must be submitted to identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.

Additional information may be required, as determined by the zoning administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed data center project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, aerial image or map of the site, and additional information that may be necessary for a technical review of the proposal.

The planning commission or board of supervisors may require other relevant information deemed to be necessary to evaluate the application.

(b) Special requirements.

- (1) Installation and maintenance of any electrical storage system (ESS) shall comply with all applicable provisions of the Virginia Building Codes and the Virginia Statewide Fire Prevention Codes.
- (2) When the owner or other responsible party decommissions a data center facility, they shall handle and dispose of the equipment and other project components in conformance with federal, state, and local requirements.
- (3) At such a time that a data center facility is scheduled to be abandoned, the owner or operator shall notify the Building and Zoning Department or designee.
- (4) Within 365 days of the date of abandonment, the owner or operator shall complete the physical removal of the data center facility. This period may be extended at the request of the owner or operator, upon approval of the Board of Supervisors.
- (5) A 60-foot setback for buildings shall be required along all lot lines. Exceptions may be made for adjoining parcels that are owned by the applicant, and all interior lot lines within the project area. Increased setbacks and additional buffering may be included in the conditions for a particular permit. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.
- (6) An emergency action plan as required by the authority having jurisdiction of the County of Smyth; and
- (7) *Vegetative buffer.* A vegetated buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least 15 feet wide, shall be located within the setbacks required under subsection (b.5), and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a special use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight feet within three years. The planning commission or board of supervisors may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs and wildflowers or any reasonable alternatives proposed by the owner and approved by the County must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. Until the vegetative buffer completely screens the facility from the view of adjacent property owners, the owner and/or operator shall use green privacy slats in the required fencing. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the planning commission when the applicant proposes to use existing

- wetlands or woodlands, if the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.
- (8) *Noise.* Mechanical equipment, generators, substations, and similar utility infrastructure shall be enclosed or screened to minimize visual and noise impacts, unless the Zoning Administrator determines full enclosure is not feasible due to manufacturer specifications. Ground-mounted equipment and substations shall be screened from adjacent properties and public rights-of-way by fencing, walls, landscaping, or buildings.
- a. Noise generated by the facility shall not exceed 55 dB(A) at the property line, or 52 dB(A) where a prominent tonal noise is present. A prominent tone shall exist where a one-third octave band exceeds the average of adjacent bands by 5 dB at frequencies of 500 Hz and above, 8 dB at frequencies between 160 Hz and 400 Hz, or 15 dB at frequencies of 125 Hz or less. These limits shall not apply to temporary construction activities or emergency operations.
 - b. All ground-mounted and rooftop mechanical equipment shall utilize reasonable sound mitigation measures, including enclosures, barriers, insulation, noise diffusers, or similar materials.
 - c. A site-specific noise study prepared by a qualified acoustical engineer in accordance with ISO 9613 standards or equivalent shall be submitted prior to final site plan approval and shall evaluate existing and projected post-development noise levels, including dB(A) and dB(C) measurements. Any required mitigation measures shall be identified on the site plan and building permits, as applicable. Post-construction noise testing may be required within 90 days of occupancy and periodically thereafter to verify compliance with County noise standards, with all associated costs paid by the applicant.
 - (i) A certification from a qualified acoustical engineer shall be submitted identifying any mitigation measures necessary to comply with County noise standards. Required mitigation measures shall be shown on applicable site plans and building permit applications. Each plan shall contain a note stating whether there are noise mitigation measures being implemented and if so, such measures shall be labeled, and the sound study must be referenced. Mitigation measures shall also be identified on the building permit applications, if applicable.
 - (ii) Post-construction noise levels shall be evaluated within 90 days of each phase's occupancy permit issuance and annually thereafter for ten (10) years. Evaluations shall be conducted by County staff or a qualified third-party during peak cooling operations (June–August). If noise exceeds applicable limits, the County may pursue all available enforcement actions to obtain compliance.
- (9) *Visual Impact.* The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the project minimizes impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance.
- (10) *Primary Energy & Backup Power Supply.* Data centers shall utilize Tier IV–compliant backup power systems and meet a total usage efficiency (TUE) of 1.15 or less. Projects using renewable energy, enhancing energy security, or achieving carbon-neutral or net-zero operations shall be favored.
- (11) *Building Height.* Building height may not exceed sixty (60) feet.
- (12) *Lighting.* Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize and mitigate off-site effects.

- (13) **Density and Location.** Data centers shall not be located within one-half (1/2) mile of an airport unless the applicant provides written FAA certification confirming no safety or operational impacts. In addition, no more than five percent (5%) of land within a five-mile radius of an existing data center may be approved for additional data center use.
- (14) **Inspection.** The owner or operator shall grant County officials reasonable access to the facility for inspection, subject to applicable safety and security protocols.
- (15) **Additional Information.** The Zoning Administrator, Planning Commission, or Board of Supervisors may require supplemental materials necessary to evaluate the application or establish permit conditions, including but not limited to: a construction plan (with schedule and hours of operation), identification of nearby data center facilities within five miles, third-party analyses of property value and economic impacts, noise analysis, cultural resource documentation, and assessments of potential impacts to wildlife and habitats within a two-mile radius.
- (c) **Review Fees.** The County may retain qualified third-party reviewers for technical aspects of an application outside its expertise, with all associated costs paid by the applicant. Alternatively, the applicant may provide qualified third-party reviews subject to County acceptance.
- (d) **Community Meeting.** Prior to the Joint Public Hearing with the Planning Commission and Board of Supervisors, the applicant shall hold a community public meeting within the County with at least 7–14 days’ notice in writing, including the date, time and location of the meeting, to the Zoning Administrator and adjoining property owners. Furthermore, the applicant shall post the property with a sign, not less than 32 square feet, that is visible from all adjoining state rights of ways, listing details of said community public meeting. In addition, the applicant shall advertise the details of the community public meeting in the local newspaper at least seven but not more than 14 days in advance of the meeting. The meeting shall provide public access to application materials and allow questions and comments. Summary of the public input shall be provided to the Zoning Administrator no later than 7 days after the community meeting.
- (e) **Post-application documentation and approvals.** All documentation required to be submitted, and approvals required from the county after the issuance of the permit shall, unless otherwise stated in the conditions attached to the special use permit, be submitted, or obtained no later than the date of any application for a building permit for the facility. The failure or refusal to submit required documentation or obtain required approvals following the issuance of a special use permit shall result in the revocation of the special use permit and the denial of the building permit.
- (f) **Factors relating to approval.** Before issuing any Special Use Permit for a data center facility, the Board of Supervisors shall give due consideration to the following factors, among others:
 - (1) The visual impact of the project, in conjunction with landscaping and screening plans;
 - (2) Impacts to protected environmental features; and
 - (3) An onsite fire monitoring system or fire watch prevention plan as required by the authority having jurisdiction of the County of Smyth.
 - (4) Plans submitted mitigating impacts to surrounding community including utility usage, energy consumption, and noise.
- (g) **Bonding requirements.** The Board of Supervisors may require a bond or letter of credit in an amount and with surety satisfactory to the Building and Zoning Department, securing the County of Smyth compliance with the conditions and limitations set forth in the Special Use Permit.
- (h) **Federal, state, and local requirements.** All data center facilities shall be constructed and operated in compliance with all applicable local, state, and federal laws, rules, regulations, permit requirements, and ordinances.

~~Large Scale Facilities by SUP in I, C, A, A/R~~

~~Small Scale Facilities by SUP in A, A/R, C~~

~~Small Scale by Right in I~~

ARTICLE X. DEFINITIONS

Call Center and/or Data Processing Facility. An establishment in which office space is used for in-bound and out-bound telephone calls and/or computer data records related to sales or customer service information for private business or government operations.

Data Center. A facility or portion thereof used for the storage, processing, management, or distribution of digital data through computer systems, servers, telecommunications equipment, and related infrastructure.

Large Scale Data Center. A data center facility exceeding 40,000 square feet in gross floor area or requiring greater than 10 megawatts (MW) of electrical demand.

Small Scale Data Center. A data center facility containing less than 40,000 square feet of gross floor area and requiring less than 10 megawatts (MW) of electrical demand.

Applicant. The person or entity applying for approval under this article.

Facility owner. The person or entity that owns all or a portion of the data center facility.

Operator. The person or entity responsible for the overall operation and management of the facility.

Project area. The portion of the site occupied by the facility and associated infrastructure.